

CODE OF ORDINANCES

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Chapter 1 - GENERAL PROVISIONS

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

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

State law reference— For duty of city to codify and index its ordinances, see Code 1976, § 5-7-290.

Sec. 1-2. - Rules of construction.

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

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

City. The words "the city" or "this city" shall mean the City of North Augusta in the County of Aiken and State of South Carolina, except as otherwise provided.

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

State law reference— Computation of time, Code 1976, § 15-1-20; legal holidays, § 53-5-10.

Corporate limits, corporation limits, city limits. Wherever the terms "corporate limits", "corporation limits" or "city limits" are used they shall mean the legal boundary of the City of North Augusta.

Council, city council, governing body. The terms "the council", "the city council," or "governing body" shall mean the mayor and council members, in council assembled, of North Augusta, South Carolina.

County. The terms "the county" or "this county" shall mean the County of Aiken in the State of South Carolina.

Delegation of authority. Wherever a provision appears requiring any official or officer of the city to do some act, it is to be construed to authorize the official or officer to designate, delegate and authorize subordinates to perform the required act unless the terms of the provision designate otherwise; and when so authorized, reference herein to the official or officer shall include such subordinates.

Gender. A word importing one gender only shall extend and be applied to the other genders, where the context will so admit.

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

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and proprietor. The words "keeper" and "proprietor" shall include such keepers or proprietors and their servants, agents and employees.

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

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

Municipality, municipal. The terms "municipality" and "municipal" are interchangeable with the terms "city".

State law reference— "Municipality" defined, Code 1976, § 5-3-290.

Nontechnical and technical 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. Words used in the singular include the plural and words used in the plural shall include the singular.

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

Officers, agents, etc. All officers, agents, employees and other persons, together with all things and places therein referred to, shall, unless a contrary intention appears, be construed to mean the officers, agents, employees and other persons, things and places situate in the city or employed by or appertaining to the city.

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

State law reference— "Owner" defined, Code 1976, §§ 38-15-710, 49-19-30.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, trustees, receivers, and bodies politic and corporate as well as to individuals.

State law reference— Definition of "person," Code 1976, § 11-1-70.

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

State law reference— Definitions of "personal property," Code 1976, §§ 14-1-30, 15-1-40, 18-1-20.

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

Premises. Whenever the word "premises" is used it shall mean place or places.

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

State law reference— "Property" defined Code 1976, §§ 14-1-10, 15-1-50, 18-1-20.

Punishable acts. All acts prohibited or punishable under this Code or under any particular ordinance shall, unless a contrary intent appears, be construed to refer to such acts when committed or occurring within the limits of the city or in other places over which the municipal court and city police have authority or jurisdiction under the laws of the state, even though the Code or the particular ordinance

only provides that such acts shall be prohibited or punishable and shall not specifically designate the jurisdiction or scope thereof.

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

State law reference— "Real property" defined, Code 1976, §§ 14-1-20, 15-1-30, 18-1-160.

Residence. The term "residence" shall be construed to mean the place adopted by a person as such person's place of habitation, and to which, whenever absent, such person has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed such person's residence.

Seal. Whenever the word "seal" is used it shall mean the town or corporate seal.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The "signature" or "subscription" of a person shall include a mark when the person cannot write.

State. The terms "the state" or "this state" shall mean the State of South Carolina.

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

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

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

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

Year. The word "year" shall mean a calendar year.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec. 1-4. - Effect of repeal or expiration of ordinance.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

When an ordinance which repeals another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

State law reference— Similar provisions with respect to repeal of statute, Code 1976, § 2-7-20.

Sec. 1-5. - Severability of parts of Code.

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

Sec. 1-6. - Amendments to Code.

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

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 the following language:

"That Section _____ of the Code of Ordinances, City of North Augusta, South Carolina, is hereby amended to read as follows: ." The new provisions shall then be set out in full as enacted.

In the event a new section not heretofore existing in the Code is to be added, the following language may be used:

"That the Code of Ordinances, City of North Augusta, South Carolina, is hereby amended by adding a section, to be numbered _____, which section reads as follows: ." The new section shall then be set out in full as enacted.

In lieu of the foregoing paragraph, when the council desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, but which said governing authority desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the Mayor and Council, in council duly assembled, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of North Augusta, South Carolina, and the sections of this ordinance may be renumbered to accomplish such intention."

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

Sec. 1-7. - Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where

necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into an unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing sections or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-8. - General penalty; continuing violations.

Wherever in this Code, or in any ordinance or resolution of the council, or rule, regulation, notice or order promulgated or given by any officer or agency of the city under authority duly vested in such officer or agency, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regula-

tion, notice or order shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or both, or as otherwise limited by state law. Each day any violation of this Code or any such ordinance, resolution, rule, regulation, notice or order shall continue shall constitute, except where otherwise provided, a separate offense.

(Ord. No. 93-20, § I, 8-16-93)

State law reference— Limit on penalty which may be imposed, Code 1976, § 5-7-30; see also §§ 14-25-10, 14-25-970, 22-3-550; jurisdiction of municipal court over traffic violations, § 56-5-6150.

Sec. 1-9. - Prosecution where different sections prohibit same offense.

In all cases where the same offense may be made punishable, or shall be created by different clauses

or sections of the Code or other ordinance, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

Sec. 1-10. - Ordinance summons.

(a) An "ordinance summons" is hereby adopted in accordance with Act 328 of 1992.

(b) The city administrator, all department directors, and any person designated by the city administrator or any department director as a code enforcement officer shall be empowered to use the ordinance summons.

(Ord. No. 92-13, §§ I, II, 11-2-92)

Sec. 1-11. - Altering Code.

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

Editor's note— Ordinance No. 92-13, §§ I, II, adopted November 2, 1992, added provisions which, at the city's request, were codified as § 1-10. Subsequently, former §§ 1-10 and 1-11 were renumbered as §§ 1-11 and 1-12 at the city's request.

Sec. 1-12. - Tampering with ordinance books, minute books.

It shall be unlawful for any person, without authority from the governing body, to make any alterations, erasures, changes or interlineations in the ordinance books or minute books, or to remove therefrom any page or pages or sheet or sheets, or to insert therein any writing, printing, figures, drawings or marks of any kind, or to injure, deface, disfigure or mar any of said books in any manner whatsoever, or to remove said book or books from the town hall.

(Code 1967, § 2-3)

Editor's note— See editor's note, § 1-11

Chapter 2 - ADMINISTRATION

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ARTICLE I.1. - FINANCIAL AND GROWTH POLICIES

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ARTICLE I. - IN GENERAL

[Sec. 2-1. - Form of government.](#)

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[Secs. 2-4—2-7. - Reserved.](#)

Sec. 2-1. - Form of government.

The mayor-council form of municipal government, with a mayor and six (6) council members, with election at large, for four (4) year staggered terms as provided in section 5-15-40 of the Code of Laws of South Carolina, 1976, and partisan elections as provided in sections 5-9-10 through 5-9-40 of the Code of Laws of South Carolina, 1976, is hereby adopted for the city to be effective on the seventh day of September, 1976, or as soon thereafter as prescribed by state law.

(Code 1970, §§ 2-17 , 2-18 ; Ords. (3) of 9-7-76)

Cross reference— Elections, Ch. 10

Sec. 2-2. - Departmental organization (administrative).

The administrative service of the city shall be divided into the following departments:

Department of finance

Department of public safety

Department of public works

Department of public utilities

Department of parks and recreation

(Code 1970, § 2-1 ; Ord. of 9-17-74)

Sec. 2-3. - Boards, committees and commissions generally.

In addition to the boards, committees and commissions of the city provided for in this Code, there shall be such other boards, committees and commissions as the council may authorize or designate.

(Code 1970, § 2-2)

Cross reference— As to the operational disaster preparedness organization, see § 9-1 et seq.; as to the board of examiners of electricians, see § 6-35 et seq.; as to the board of health, see § 12-1 et seq.; as to board of plumbing examiners, see § 6-110 et seq.; as to planning commission, see § 18-1 et seq.

Secs. 2-4—2-7. - Reserved.

ARTICLE I.1. - FINANCIAL AND GROWTH POLICIES

DIVISION 1. - GENERALLY

DIVISION 2. - STATEMENT OF FINANCIAL POLICIES

DIVISION 3. - STATEMENT OF GROWTH POLICIES

DIVISION 1. - GENERALLY

[Secs. 2-8, 2-9. - Reserved.](#)

Secs. 2-8, 2-9. - Reserved.

DIVISION 2. - STATEMENT OF FINANCIAL POLICIES ^[1]

⁽¹⁾ **Editor's note**— Resolution No. 87-14, adopted July 6, 1987, amended Div. 2 in its entirety to read as set out herein. Prior to amendment, Div. 2 contained §§ 2-10—2-14, which pertained to similar provisions and derived from Res. No. R-81-02, adopted Jan. 20, 1981.

[Sec. 2-10. - Revenue policy.](#)

[Sec. 2-11. - Operating budget policy.](#)

[Sec. 2-12. - Investment policy.](#)

[Sec. 2-13. - Accounting, financial reporting and reserve policy.](#)

[Sec. 2-14. - Capital projects fund policy.](#)

Sec. 2-10. - Revenue policy.

The City of North Augusta will try to maintain a diversified and stable revenue system to shelter it from short-run fluctuations in any one revenue source.

The city will project revenues for the next three (3) years and will update the projection annually, examining each existing and potential revenue source.

The city will set user fees and user charges for water, sewer, sanitation, and outside fire protection at a level that fully supports the total direct cost including equipment replacement and indirect cost (except depreciation) of the activity.

The city will set fees for other user activities, including recreational programs, at a level to support the direct cost of the activity.

Nonresidents who use city facilities or participate in programs offered by the city, such as recreational programs, may pay for these services at a higher rate than city residents. This increased rate is to partially offset taxes paid by City residents that are used to support the indirect costs of these programs.

(Res. No. 87-14, 7-6-87)

Sec. 2-11. - Operating budget policy.

The City of North Augusta will adopt a budget each year for the general fund and the enterprise fund on a basis consistent with generally accepted accounting principles except that depreciation in the enterprise fund is not required to be budgeted. The city will adopt a budget each year for the special revenue funds and capital projects fund on a project or activity basis which may exclude prior fiscal year appropriations flowing through as current year expenditures.

The city will pay for all current expenditures or expenses with current revenues. The audited unreserved fund balance in the general fund at year-end shall be transferred to the capital projects fund on an annual basis to be used in accordance with the adopted capital projects fund policy.

The transfer of budgeted amounts between functional areas of expenditures or expenses shall be approved by city council; however, transfers of budgeted line items within the functional areas of expenditures or expenses not to exceed five thousand dollars (\$5,000.00) may be approved by the city administrator as long as total expenditures or expenses do not exceed appropriations in the functional area. Functional areas are: general government; public safety; public works; recreation and parks; and public utilities.

Unexpended appropriations lapse at year-end except that whole or part of appropriations provided in the budget for capital or betterment outlays of the special revenue funds or capital projects fund remaining unexpended at the close of the fiscal year are held available for the following year.

The city will avoid budgetary procedures that balance current expenditures or expenses at the expense of meeting future years' expenditures or expenses, such as postponing expenditures or expenses or accruing future years' revenues.

The budget will provide for adequate maintenance of capital plant and equipment. The budget will include estimated operating costs of future capital improvements that are anticipated to be operational during the budget year.

In an effort to maintain a budgetary control system to help adherence to the budget, the city administrator will provide monthly financial reports to city council.

Each year the city will update operating expenditure or expense projections for the next three (3) years. Projections will include estimated operating costs of future capital improvements that are included in the capital budget.

Where possible, the city will integrate performance measurement and productivity indicators.

(Res. No. 87-14, 7-6-87)

Cross reference— Budget, § 2-90 et seq.

Sec. 2-12. - Investment policy.

The City of North Augusta, through the city administrator or his designee, will project funds available for investment on a regular basis. Disbursement, collection, and deposit of all funds will be scheduled to insure maximum cash utilization.

The city will analyze market conditions and, when practical, obtain bids on cash available for investment. In an effort to keep investments in our community, the city will require that nonresident bidders offer a yield of twenty-five one hundredths (0.25) per cent higher to receive the investment.

The city will invest as much of its idle cash as practicable on a continuous basis.

The city will pool cash from several different funds for investment purposes, provided that the interest earned shall be prorated based on principal invested back to the respective fund.

All investments made by the city will be selected and properly secured in accordance with State law.

The accounting system will provide regular information concerning cash position and investment performance.

(Res. No. 87-14, 7-6-87)

Sec. 2-13. - Accounting, financial reporting and reserve policy.

The city will establish and maintain its accounting records to conform to generally accepted accounting principles and standards.

Monthly financial reports summarizing financial activities by major fund types will be prepared and submitted to city council. In addition, the city will prepare and publish a comprehensive annual financial report for distribution to city council and other interested parties. This report will conform to the standards outlined in the government finance officer's association certificate of achievement for excellence in financial reporting program.

Where possible, the reporting system of the city will provide information on the total cost of specific services by type of expenditure or expense and, if necessary, by project or fund.

Reserves are recorded to signify that a portion of the fund equity is separated for future use and is not available for appropriation or normal expenditure or expense.

(1) *General fund.* The city shall maintain a reserve for the general government function of eight hundred twenty-five thousand dollars (\$825,000.00) or fifteen (15) per cent of the then current general fund budget to the nearest twenty-five thousand dollars (\$25,000.00), whichever is greater, and it shall be entitled, "reserve designated for contingencies." Beginning with fiscal year 2004, this reserve shall be increased by one (1) per cent each year of the then current general fund budget to the nearest twenty-five thousand dollars (\$25,000.00) whichever is greater, until the total per cent is fifteen (15) per cent of the then current general fund budget.

(2) *Stormwater utility fund.* The city shall maintain a reserve for the stormwater utility function of twenty (20) percent to the nearest twenty-five thousand dollars (\$25,000) of the then current stormwater utility fund budget and it shall be titled "reserves designated for emergency

repairs/improvements.

(3) *Sanitation services fund.* The City shall maintain a reserve for the sanitation services function of twenty (20) per cent to the nearest twenty-five thousand dollars (\$25,000.00) of the then current Sanitation Services Fund budget and it shall be entitled, "reserve designated for emergency repairs/improvements.

(4) *Street improvements fund.* The city shall maintain a reserve for the street improvements function of one hundred thousand dollars (\$100,000.00) and it shall be entitled, "reserve designated for emergency repairs/improvements.

(5) *Gross revenue fund.* The city shall maintain a reserve for the utilities function of twenty (20) per cent to the nearest twenty-five thousand dollars (\$25,000.00) of the then current gross revenue fund budget and it shall be entitled, "reserve for designated emergency repairs/improvements.

(Res. No. 87-14, 7-6-87; Ord. No. 93-13, § I, 6-21-93; Ord. No. 96-14, § 1, 11-18-96; Ord. No. 04-25, § I, 11-15-04)

Sec. 2-14. - Capital projects fund policy.

The City of North Augusta will make all capital improvements in accordance with an adopted capital projects fund program.

The city will develop a multi-year plan for the capital projects fund and update it annually.

The city will enact an annual capital projects fund budget based on the multi-year capital projects fund plan. Future capital expenditures necessitated by changes in population, changes in real estate development, or changes in economic base will be calculated and included in capital budget projections.

Revenue sources to fund the capital improvements program may include the following:

- (1) The audited general fund unreserved fund balance.
- (2) A designated tax millage for the capital projects fund program.
- (3) Intergovernmental assistance.
- (4) Interest earnings of the capital projects fund.

The city will coordinate development of the capital projects fund budget with the development of the operating budget. Future operating costs associated with new capital projects will be projected and included in the operating budget forecasts.

The city will maintain all its assets at a level adequate to protect the city's capital investment and to minimize future maintenance and replacement costs.

The city administrator will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted to city council for approval. The city will determine the least costly financing method for all new projects.

The city will use intergovernmental assistance to finance only those capital projects that are consistent

with the capital projects fund program and city priorities.

(Res. No. 87-14, 7-6-87)

⁽¹⁾ **Cross reference**— Finances, purchases, § 2-130 et seq. (Back)

DIVISION 3. - STATEMENT OF GROWTH POLICIES [2]

⁽²⁾ **Editor's note**— Resolution No. 87-32, adopted Nov. 2, 1987, amended Div. 3 in its entirety to read as set out herein. Prior to amendment, Div. 3 contained § 2-15—2-19, pertaining to similar provisions and deriving from Res. No. R-81-03, adopted Jan. 20, 1981.

[Sec. 2-15. - Purposes.](#)

[Sec. 2-16. - Water and sewer extension policy.](#)

[Sec. 2-17. - Code enforcement policy.](#)

[Sec. 2-18. - Planning and zoning policy.](#)

[Sec. 2-19. - Reserved.](#)

Sec. 2-15. - Purposes.

The City of North Augusta hereby adopts the following policies for purposes of encouraging quality development within its corporate limits and orderly growth resulting from the extension of its corporate limits.

(Res. No. 87-32, 11-2-87)

Sec. 2-16. - Water and sewer extension policy.

The water and sewer extension policy shall begin with adopted master plans (updated periodically) for the water and sewer systems. The master plans must include specific line location and specific sizes to maintain good system integrity. When a request for water or sewer service is received from a potential developer, the master plans as adopted by the mayor and council become the first instrument used by staff to evaluate the request.

If the requested extension is a part of the master plans, the decision for extension is made based on the funds available for implementation of the master plans. In setting priorities for allocating money for this implementation, the realities of development will play an important role. Tap fees and user surcharges may be used to calculate a pay-back on the investment.

If the requested extension is not a part of the water or sewer master plans, the city's engineering division shall review the request to determine the effect of the extension on the water distribution or sewer collection systems and ultimately on the master plans. If it is determined that the proposed line would serve a greater purpose than simply serving the proposed development, the master plans may be amended to include proposed extension. Implementation would then follow as previously presented.

Should the extension be determined to have no effect on the master plans, the responsibility for the extension could rest primarily with the developer. However, various pay-back methods which would include financing, special tap fees, user surcharges, and annexation efforts would be more available to encourage the development.

The ability and willingness to annex will be an important factor when discussing water or sewer extension with a developer. In return for city services, the following conditions shall apply:

(1) For property with annexation legally possible, annexation shall be immediate with development to comply with city requirements such as planning commission review and building permits.

(2) For property with annexation not legally possible, city subdivision regulations, building codes, and permits shall apply with enforcement privileges by contractual agreement with the county. During the period of time prior to annexation, all outside rates shall apply.

(Res. No. 87-32, 11-2-87)

Cross reference— Water, § 14-20 et seq.; sewers and sewage disposal, § 14-40 et seq.

Sec. 2-17. - Code enforcement policy.

The City of North Augusta shall continually monitor the various codes and enforcement thereof within the city. It shall be the desire of the city to adopt and enforce these codes necessitated by the health, safety, and well being of its present and future citizens. Enforcement of these codes shall be evenhanded and with a goal of working with and not against those parties involved.

(Res. No. 87-32, 11-2-87)

Cross reference— Building code, § 6-17; housing code, § 6-23 ; swimming pool code, § 6-26 ; electrical code, § 6-29 ; gas code, § 6-52; plumbing code, § 6-55; mechanical code, § 6-66; unsafe building abatement code, § 6-70; fire prevention code, § 11-21

Sec. 2-18. - Planning and zoning policy.

The city, working in conjunction with the planning commission, shall continually monitor the subdivision standards and zoning requirements to ensure that all standards and requirements are logical and are consistent with this overall growth policy and that the requirements are in no way punitive but are necessitated by the future health, safety, financial protection, and well being of the citizens of the city.

(Res. No. 87-32, 11-2-87)

Cross reference— Planning, Ch. 18 ; subdivision regulations, Ch. 20 ; zoning, Ch. 24

Sec. 2-19. - Reserved.

ARTICLE II. - MAYOR AND COUNCIL ^[3]

⁽³⁾ **State Law reference**— Powers of council, Code 1976, § 5-7-30; section 5-31-230 provides in part as follows: "Municipalities in which there are no board of commissioners of public works. In the cities and towns of North Augusta there shall be no board of commissioners of public works but in these cities and towns the duties, powers and responsibilities vested in such boards in other cities and towns shall be vested in the respective city or town councils of such cities or towns, ."

DIVISION 1. - GENERALLY
DIVISION 2. - RULES OF ORDER
DIVISION 3. - BUDGET

DIVISION 1. - GENERALLY

[Sec. 2-20. - Qualifications.](#)
[Sec. 2-21. - Qualifying and taking office by newly elected officers.](#)
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Sec. 2-20. - Qualifications.

The mayor and council members shall be qualified electors of the state, county and city. Should the mayor or any member of the council no longer be a qualified elector in the city, such person shall thereby vacate such office.

(Code 1970, § 2-19 ; Ord. of 9-7-76)

Cross reference— Election and terms, §§ 2-1 , 10-1 et seq.

State law reference— Council the judge of election and qualifications of its members, Code 1976, § 5-7-210.

Sec. 2-21. - Qualifying and taking office by newly elected officers.

(a) Newly elected officers shall not be qualified pursuant to section 5-15-120 of the Code of Laws of South Carolina, 1976, until at least forty-eight (48) hours after the closing of the polls.

- (b) The newly elected officers shall take office at the next regularly scheduled meeting of the council.
- (c) In case the results of the election are contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(Code 1970, § 2-19.1; Ord. No. 9-7-76)

Sec. 2-22. - Oath of office—Required.

The mayor and council members, before entering upon the duties of their respective offices, shall take the oath prescribed by the Constitution of the state for such officers.

(Code 1970, § 2-20)

Cross reference— Oath of officers, § 2-110

State law reference— For such provision, see Const. Art. VI, § 4; see also Code 1976, § 8-3-10.

Sec. 2-23. - Same—Violating.

It shall be unlawful for any mayor or council member wilfully to violate the oath of office, neglect his duties, or practice abuse or oppression in office. Upon conviction of any person of a violation of this section, it shall be the duty of the council to dismiss such offender forthwith and declare such office vacant.

(Code 1970, § 2-23)

State law reference— Grounds for forfeiture of office, Code 1976, § 5-7-200.

Sec. 2-24. - Financial accounting.

The members of each council shall, at the expiration of their terms of office and at the time of the qualifying of their successors, make and deliver to the members succeeding them a full and accurate account of their official receipts and expenditures during the term of office which they have just completed. They shall likewise publish, at the end of each year, a full statement of their official expenditures during the preceding year.

(Code 1970, § 2-27)

State law reference— Independent annual audit required, Code 1976, § 5-7-240.

Sec. 2-25. - Delivery of books, etc., to successors.

At the expiration of the term of office of any council member it shall be the duty of the member to pay over to such member's successor any money in such member's hands, or under such member's control, belonging to the city, and likewise to deliver promptly to the successor all books, records or other property incident to the office.

(Code 1970, § 2-28)

Sec. 2-26. - Salaries—Fixed.

The base salary of the mayor and council members shall be as follows: The monthly base salary of the mayor shall be two hundred fifty dollars (\$250.00), and the monthly base salary of each of the council

members shall be one hundred dollars (\$100.00).

(Code 1970, §§ 2-21 , 2-21.1; Ord. of 9-7-76; Ord. of 4-19-77; Ord. No. 85-15, § 1, 8-19-85)

State law reference— Fixing salaries and expenses, Code 1976, § 5-7-170.

Sec. 2-27. - Same—Changing.

(a) No ordinance changing such salaries shall become effective until the date of the commencement of the terms of council members elected at the next general election following the change.

(b) Commencing with the first pay period after each general election for the position of mayor and/or members of city council, salaries for mayor and council shall be adjusted by adding to the base salary a per centage amount equal to the simple addition of the cost of living adjustments granted to city employees during the prior twenty-four (24) months. The resulting salary shall become the new base salary and shall be in effect until the first pay period following the next general election.

(c) The mayor and council members may also receive payment for actual expenses incurred in the performance of their official duties.

(Code 1970, §§ 2-21 , 2-21.1; Ord. of 9-7-76; Ord. of 4-19-77; Ord. No. 85-15, § 2, 8-19-85)

State law reference— See Code 1976, § 5-7-170.

Sec. 2-28. - Mayor—Presiding officer and head of government.

The mayor shall preside at all meetings of the council and shall be the recognized head of the municipal government.

(Code 1970, § 2-79; Ord. of 10-1-74)

Sec. 2-29. - Same—Powers and duties generally.

The mayor shall have the following powers and duties:

- (1) To appoint and, when deemed necessary for the good of the municipality, suspend or remove all municipal employees and appointed administrative officers provided for by or under this Code, except as otherwise provided by law, or personnel rules adopted pursuant to this Code. The mayor may authorize an administrative officer who is subject to the mayor's direction and supervision to exercise these powers with respective subordinates in that officer's department, office or agency;
- (2) To direct and supervise the administration of all departments, officers and agencies of the municipality, except as otherwise provided by this Code;
- (3) To preside at meetings of the council and vote as other council members;
- (4) To act to ensure that all laws, provisions of this Code, and ordinances of the council, subject to enforcement by the mayor or by officers subject to the mayor's direction and supervision, are faithfully executed;
- (5) To prepare and submit the annual budget and capital program to the council;

(6) To submit to the council and make available to the public a complete report on the finances and administrative activities of the municipality as of the end of each fiscal year; and

(7) To make such other reports as the council may require concerning the operations of municipal departments, offices and agencies subject to the mayor's direction and supervision.

(8) To sign all deeds to real property sold by the city, including lots in the city cemeteries, and any other obligations issued or authorized by the council.

Cross reference— See also § 2-179

(9) To execute all formal contracts on behalf of the city, which shall be attested by the city clerk after an approval resolution of the council.

(10) To have such powers and perform such duties, in addition to those provided for in this section, as may be conferred and imposed upon the mayor by the council or by the laws of the state.

(Code 1970, §§ 2-80—2-84; Ord. of 10-1-74; Ord. of 1-18-77)

State law reference— Responsibilities and powers of mayor, Code 1976, § 5-9-30.

Sec. 2-30. - Same—Absence from city.

The mayor shall not be absent from the city for more than twenty-four (24) hours at any one time without notifying the council of such intention to leave.

(Code 1970, § 2-85)

Sec. 2-31. - Mayor pro tempore.

(a) The council shall at the first meeting of the newly constituted council after any general election for municipal council, elect one of its members as mayor pro tempore for a term of two (2) years.

(b) It shall be the duty of the mayor pro tempore to act as mayor during the absence or disability of the mayor, or in case of a vacancy in the office of mayor.

(Code 1970, § 2-86; Ord. of 9-7-76)

State law reference— Similar provisions, Code 1976, § 5-7-190.

Sec. 2-32. - Duties of council members generally.

The council members shall attend all regular and special meetings of the council except when excused from so doing by the council itself, and hold themselves at all times in readiness to perform any duty entrusted to them by the council. The council members shall serve upon such committees as may from time to time be designated for them by the mayor. The council members shall perform the duties thus imposed upon them with dispatch and to the best of their abilities.

(Code 1970, § 2-22)

State law reference— Duties of council, Code 1976, § 5-7-250; quorum, § 5-7-160.

Sec. 2-33. - Ordinances, resolutions, motions and contracts—Procedure.

(a) *Preparation of ordinances.* All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council, or requested in writing by the mayor or the city administrator or prepared by the city attorney on such attorney's own initiative.

(b) *Prior approval by administrative staff.* All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or such attorney's authorized representative, and shall have been examined and approved for administration by the city administrator. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve and be approved by the department head; provided, that if approval is not given, then the instrument shall be returned to the city administrator with a written memorandum of the reasons such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head's objection, or objection is not withdrawn and approval in writing given, then the city administrator shall so advise the council and give the reasons advanced by the department head for withholding approval.

(c) *Introducing for passage or approval.*

(1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption.

(2) All ordinances shall have three (3) separate readings. First and second readings of an ordinance may be held on the same day unless two (2) or more members of council present and voting object. Second and third readings shall be held on two (2) separate days with at least six (6) days between.

(3) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof; provided, however, this subsection shall not prevent the adoption by ordinance of a Code of Ordinances or other code by reference, without enumerating the detailed subjects in the title.

(d) *Emergency legislation.* Notwithstanding any provision of subsections (a), (b) or (c) of this section to the contrary, any ordinance designed to meet the requirements of an emergency situation in which time is of the essence may be introduced and passed on the same day, with or without three (3) readings in full and with or without approval of any department head; provided, that such ordinance shall contain a concise statement of the conditions which constitute the emergency and a concise statement of the purposes of such ordinance; and provided further, that any such ordinance shall require, for passage, the affirmative vote of two-thirds (2/3) of the members of council present, and all votes shall be upon roll call and entered in the journal or minutes of the council. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.

(Code 1970, § 2-25 ; Ord. of 9-17-74)

State law reference— Acts required to be done by ordinance, Code 1976, § 5-7-260; adoption of codes by ordinance, § 5-7-280; establishment of ordinance procedure by ordinance, § 5-7-270; codification of ordinances by ordinance, § 5-7-290; selling, etc., of real or mixed property by ordinance, § 5-7-40; zoning regulations by ordinance, § 5-23-10; providing for civil service commission by ordinance, § 5-19-110; ordinances required as to elections, § 5-15-70;

providing upkeep of property by ordinance, § 5-7-80; expiration of emergency ordinances, § 5-7-250(d); quorum, § 5-7-160; proof of ordinance of municipality, § 19-3-10.

Sec. 2-34. - Committees—Appointment, etc.

(a) There shall be such committees of the council as may be established from time to time by the council.

(b) The committees of the council shall be appointed by the mayor and the first member named shall be the presiding member.

(c) The committees shall make their reports in writing, and shall return petitions, resolutions, accounts and other papers submitted for consideration.

(Code 1970, §§ 2-29 , 2-30 , 2-31

Sec. 2-35. - Same—Action by majority.

A majority of any committee shall be sufficient to act upon any matter within its jurisdiction.

(Code 1970, § 2-32

Sec. 2-36. - Regular meeting days.

The council shall meet regularly twice each month for the transaction of business. The first regular meeting shall be held on the first Monday of each month. The second regular meeting in each month shall be held two (2) weeks after the first regular meeting in that month; provided, that when any such first or third Monday of a month is a holiday, the regularly scheduled meeting shall not be held.

(Code 1970, § 2-33 ; Ord. No. 82-18, § 1, 11-23-82; Ord. No. 95-14, § I, 10-2-95)

State law reference— Council meetings, Code 1976, § 5-7-250; annual notice of time, date and place required, § 30-4-80.

Sec. 2-37. - Calling special meetings.

The mayor shall call special meetings of the council whenever in the mayor's opinion the public business may require it, or at the express written request of a majority of the members of the council. Whenever a special meeting shall be called, a summons or a notice in writing signed by the mayor shall be served upon each member of the council either in person or by notice left at such member's place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice.

(Code 1970, § 2-35

State law reference— Meetings to be open, Code 1976, § 30-4-60; meetings which may be closed, § 30-4-70.

Sec. 2-38. - Agenda.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the council shall, at least forty-eight (48) hours prior to each council meeting, be delivered to the city clerk, whereupon the city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the council, the mayor and the city attorney with a copy thereof prior to the council meeting and as far in advance of the meeting as time for preparation

will permit.

(Code 1970, § 2-36

State law reference— Posting of agenda required, Code 1976, § 30-4-80(a).

Secs. 2-39—2-49. - Reserved.

DIVISION 2. - RULES OF ORDER

[Sec. 2-50. - Order of business.](#)

[Sec. 2-51. - Call to order.](#)

[Sec. 2-52. - Roll call.](#)

[Sec. 2-53. - Quorum.](#)

[Sec. 2-54. - Reading of minutes.](#)

[Sec. 2-55. - Duties of presiding officer.](#)

[Sec. 2-56. - Who may take part in deliberations.](#)

[Sec. 2-57. - Order and decorum generally.](#)

[Sec. 2-58. - Sergeant-at-arms.](#)

[Sec. 2-59. - Decision as to which council member to speak first.](#)

[Sec. 2-60. - Permission for member to speak more than twice.](#)

[Sec. 2-61. - Permission for member to speak more than five minutes.](#)

[Sec. 2-62. - Addressing council—Permission required; exceptions.](#)

[Sec. 2-63. - Same—Procedure.](#)

[Sec. 2-64. - Persons authorized to be within rail.](#)

[Sec. 2-65. - Rules of debate.](#)

[Sec. 2-66. - Motions generally.](#)

[Sec. 2-67. - Addressing council after motion made.](#)

[Sec. 2-68. - Motions to adjourn and motions to lay on the table.](#)

[Sec. 2-69. - Previous question.](#)

[Sec. 2-70. - Division of question.](#)

[Sec. 2-71. - Taking "ayes" and "noes".](#)

[Sec. 2-72. - Procedure as to amendments.](#)

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[Sec. 2-74. - Protests may be entered in minutes.](#)

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[Sec. 2-77. - Censure for violation of division.](#)

[Sec. 2-78. - Reports, etc., to be filed with clerk.](#)

[Secs. 2-79—2-89. - Reserved.](#)

Sec. 2-50. - Order of business.

Promptly at the hour set by council on the date of each regular meeting, the mayor and members of the council, the city administrator and the city attorney shall convene, and the business of the council shall be taken up for consideration and disposition in the following order:

- (1) Call to order.
- (2) Invocation.

- (3) Roll call.
- (4) Approval of minutes.
- (5) Unfinished business.
- (6) New business.
- (7) Administrative reports.
- (8) Presentations/communications/recognition of visitors.
- (9) Adjournment.

(Code 1970, § 2-39; Ord. No. 80-07, 6-17-80)

Sec. 2-51. - Call to order.

The mayor, or in the mayor's absence, the mayor pro tempore, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor and mayor pro tempore, the city clerk or the city administrator shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or mayor pro tempore, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

(Code 1970, § 2-40)

Sec. 2-52. - Roll call.

Before proceeding with the business of the council, the presiding officer shall determine the members present, and the names of those present shall be entered in the minutes.

(Code 1970, § 2-41)

Sec. 2-53. - Quorum.

A simple majority of members of the council, including the mayor, shall constitute a quorum for the transaction of business. No business shall be transacted at any meeting of the council unless a quorum is present. In the absence of a quorum, the mayor shall, at the instance of any two (2) members present, compel the attendance of absent members by imposing fines.

(Code 1970, § 2-42)

State law reference— Quorum, Code 1976, § 5-7-160.

Sec. 2-54. - Reading of minutes.

Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if the city clerk has previously furnished each member with a synopsis thereof.

(Code 1970, § 2-43)

State law reference— Minutes required, Code 1976, §§ 5-7-250(b), 30-4-90.

Sec. 2-55. - Duties of presiding officer.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the council. The presiding officer shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. The presiding officer shall vote on all questions, such officer's name being called last. The presiding officer shall sign all ordinances and resolutions adopted by the council during such officer's presence. In the event of the absence of the mayor, the acting mayor shall sign ordinances or resolutions as then adopted.

(Code 1970, § 2-44)

Sec. 2-56. - Who may take part in deliberations.

In the meetings of the council, no person, other than regular officers and council members, shall take part in the deliberations except by special invitation from the council.

(Code 1970, § 2-45)

Sec. 2-57. - Order and decorum generally.

(a) *By council members.* While the council is in session, the members must preserve order and decorum, and a member shall not, by conservation or otherwise, delay or interrupt the proceedings or the peace of the council, or disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(b) *By other persons.* Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.

(Code 1970, § 2-46)

Sec. 2-58. - Sergeant-at-arms.

The public safety director or such members of the public safety department as the director may designate, shall be sergeant-at-arms of the council meetings. They shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, to place any person who violates the order and decorum of the meeting under arrest, and cause such to be prosecuted under the provisions of this Code, the complaint to be signed by the presiding officer.

(Code 1970, § 2-47)

Sec. 2-59. - Decision as to which council member to speak first.

When two (2) or more council members shall indicate a desire at the same time to speak, the presiding officer shall decide who is entitled to speak first.

(Code 1970, § 2-49)

Sec. 2-60. - Permission for member to speak more than twice.

No council member shall speak more than twice on the same subject without permission from the council.

(Code 1970, § 2-50)

Sec. 2-61. - Permission for member to speak more than five minutes.

No council member shall speak more than five (5) minutes in making any remarks or address unless further extension be granted by the council.

(Code 1970, § 2-51)

Sec. 2-62. - Addressing council—Permission required; exceptions.

Any person desiring to address the council shall first secure the permission of the presiding officer so to do.

(Code 1970, § 2-52)

Sec. 2-63. - Same—Procedure.

Each person addressing the council shall step up in front of the rail, shall give such person's name and address in an audible tone of voice for the records, and unless further time is granted by the council, shall limit the address to five (5) minutes. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a council member except through the presiding officer.

(Code 1970, § 2-53)

Sec. 2-64. - Persons authorized to be within rail.

No person, except city officials or their representatives shall be permitted within the rail in front of the council chamber without the express consent of the council.

(Code 1970, § 2-69)

Sec. 2-65. - Rules of debate.

(a) *Presiding officer may debate and vote, etc.* The mayor, or such other member of the council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer.

(b) *Getting the floor; improper references to be avoided.* Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine such speaking to the question under debate, avoiding all personalities and indecorous language.

(c) *Interruptions.* A member, once recognized, shall not be interrupted when speaking unless it be to call such member to order, or as herein otherwise provided. If a member, while speaking, be called to

order, such member shall cease speaking until the question of order be determined, and, if in order, such member shall be permitted to proceed.

(d) *Privilege of closing debate.* The council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) *Motion to reconsider.* A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions. Nothing herein shall be construed to prevent any member of the council from making or remarking the same or any other motion at a subsequent meeting of the council.

(f) *Remarks of council member; when entered in minutes.* A council member may request, through the presiding officer, the privilege of having an abstract of his statement of any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered in the minutes.

(g) *Synopsis of debate; when entered in minutes.* The clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

(Code 1970, § 2-54

Sec. 2-66. - Motions generally.

When a motion is made, if it has a second, it shall be stated by the presiding officer, if verbal, and if in writing it shall be read by the presiding officer. At the request of the presiding officer or any council member, any motion shall be put in writing.

(Code 1970, § 2-56

Sec. 2-67. - Addressing council after motion made.

After a motion is made by the council, no person shall address the council without first securing the permission of the council so to do.

(Code 1970, § 2-58

Sec. 2-68. - Motions to adjourn and motions to lay on the table.

A motion to adjourn or a motion to lay on the table shall always be in order and shall be decided without debate.

(Code 1970, §§ 2-57 , 2-68

Sec. 2-69. - Previous question.

The previous question shall have precedence over all other motions, except a motion to adjourn or a motion to lay on the table, and shall, if the sustained, preclude all debate and all amendments, and the same shall be put in this form: "Shall the main question be now put?"

(Code 1970, § 2-61

Sec. 2-70. - Division of question.

Any council member may call for a division of the question when it will admit of a division.

(Code 1970, § 2-62)

Sec. 2-71. - Taking "ayes" and "noes".

In all cases, the "ayes" and "noes" shall be taken when called for by the mayor or any council member. The city clerk shall record the ayes and noes whenever taken.

(Code 1970, § 2-63)

Sec. 2-72. - Procedure as to amendments.

In all cases where an amendment shall be offered the question shall be first put: "Shall the amendment be accepted", and if so accepted then the vote shall be taken upon the motion, resolution or ordinance as amended. If the amendment be lost, then the original motion, resolution or ordinance shall be put upon its passage.

(Code 1970, § 2-59)

Sec. 2-73. - Limitation on number of amendments, etc.

All motions, resolutions and ordinances shall be open to as many as three (3) amendments and no more.

(Code 1970, § 2-60)

Sec. 2-74. - Protests may be entered in minutes.

The mayor, or any other member of the council, shall have the right to have such person's protest against the passage of any measure entered on the minutes if such protest is in respectful language, of which the council shall judge.

(Code 1970, § 2-64)

Sec. 2-75. - Riders.

No measure shall be introduced as a rider.

(Code 1970, § 2-65)

Sec. 2-76. - Rescission of standing order.

No standing order shall be rescinded without one day's notice thereof being given in writing.

(Code 1970, § 2-66)

Sec. 2-77. - Censure for violation of division.

If the mayor or any council member wilfully violates any of the rules of order contained in this division, or contained in any resolution of the council adopted pursuant to this division, such person shall suffer such censure as the council may direct.

(Code 1970, § 2-67

Sec. 2-78. - Reports, etc., to be filed with clerk.

All reports, ordinances and resolutions shall be filed with the city clerk and entered on the minutes.

(Code 1970, § 2-55

Secs. 2-79—2-89. - Reserved.

DIVISION 3. - BUDGET

[Sec. 2-90. - Budget year.](#)

[Sec. 2-91. - Working programs.](#)

[Sec. 2-92. - Preparation and submission; budget message; hearings; revisions.](#)

[Sec. 2-93. - Setting hearing on budget; notice.](#)

[Sec. 2-94. - Additions to or deletions of items of the budget.](#)

[Sec. 2-95. - Final adoption.](#)

[Sec. 2-96. - Duration; disposition; availability for inspection.](#)

[Sec. 2-97. - Funds committed.](#)

[Secs. 2-98, 2-99. - Reserved.](#)

Sec. 2-90. - Budget year.

The budget year shall coincide with the calendar year. The budget year for the city is defined as the year for which appropriations and expenditures are authorized and shall have no reference to the fiscal year.

(Code 1970, § 2-71

Sec. 2-91. - Working programs.

Before the beginning of the budget year, the head of each office, department and agency shall submit to the city administrator, when requested by such officer, a working program for the year.

(Code 1970, § 2-72 ; Ord. of 10-1-74)

Sec. 2-92. - Preparation and submission; budget message; hearings; revisions.

The city administrator, not later than October first of each budget year, shall submit to the council a balanced budget and an explanatory budget message for the next budget year. For such purpose and at such date as the city administrator shall determine, the city administrator shall obtain from the head of each office, department, or agency, and in such detail as such administrator may require, estimates of expenditures and such other supporting data as such administrator may request, together with an estimate of all capital projects pending or which such department head believes should be undertaken: (a) within the first year; and (b) within the next five (5) succeeding years. In receiving the proposed budget, the council shall review the estimates, shall hold hearings thereon, and may revise the estimates as it may deem advisable.

(Code 1970, § 2-73 ; Ord. of 10-1-74)

Sec. 2-93. - Setting hearing on budget; notice.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than ten (10) days after the date of publication, at which time the council will hold a public hearing.

(Code 1970, § 2-74

Sec. 2-94. - Additions to or deletions of items of the budget.

After the conclusion of such public hearing the council may insert new items, or may increase, decrease or delete items of the budget.

(Code 1970, § 2-75

Sec. 2-95. - Final adoption.

The budget shall be finally adopted no later than December thirty-first. Should the council take no final action on or prior to such day, the budget as submitted by the city administrator shall be effective until a budget is finally adopted by the council.

(Code 1970, § 2-76

Sec. 2-96. - Duration; disposition; availability for inspection.

Upon final adoption the budget shall be in effect for the budget year. A copy of the budget as finally adopted shall be certified by the city clerk and filed in the office of the city clerk. The budget so certified shall be available for inspection by all offices, departments and agencies and for inspection by the general public.

The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk to be open for public inspection.

(Code 1970, § 2-77

Sec. 2-97. - Funds committed.

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.

(Code 1970, § 2-78

Secs. 2-98, 2-99. - Reserved.

ARTICLE III. - CITY ADMINISTRATOR

[Sec. 2-100. - Establishment of office; appointment.](#)

[Sec. 2-101. - Qualifications.](#)

[Sec. 2-102. - Term; removal; suspension.](#)

[Sec. 2-103. - Acting administrator.](#)

[Sec. 2-104. - General powers and duties.](#)

[Sec. 2-105. - Council members to deal with administrative service through city administrator.](#)

[Secs. 2-106—2-108. - Reserved.](#)

Sec. 2-100. - Establishment of office; appointment.

There shall be an officer of the city known as the city administrator, who shall be appointed by the mayor as authorized by the council. No council member shall receive such appointment during the term for which such member shall have been elected, nor within two (2) years after the expiration of such member's term.

(Code 1970, §§ 2-153, 2-160; Ord. of 1-18-77)

State law reference— Authority to employ, Code 1976, § 5-9-40.

Sec. 2-101. - Qualifications.

The city administrator shall be chosen by the mayor solely on the basis of administrative qualifications and experience in respect to the duties of such office as set forth in this article. At the time of appointment, the city administrator need not be a resident of the city or state, but during such tenure of office, shall reside within the city.

(Code 1970, §§ 2-154, 2-161; Ord. of 1-18-77)

Sec. 2-102. - Term; removal; suspension.

The mayor shall appoint the city administrator for an indefinite term. If the mayor determines to remove the city administrator, such officer shall be given a written statement of the reasons alleged for the proposed removal and the date that said removal becomes effective. In all cases, the city administrator shall receive ninety (90) days notice of removal or severance pay for ninety (90) days where such removal is made effective immediately by the decision of the mayor.

(Code 1970, §§ 2-155, 2-162; Ord. of 1-18-77)

Sec. 2-103. - Acting administrator.

To perform the city administrator's duties during temporary absence or disability, the city administrator may appoint, by and with the consent of the mayor, by letter filed with the city clerk, a qualified administrative officer of the city to act in such city administrator's absence. In the event of failure of the city administrator to make designation, the mayor may appoint an officer of the city to perform the duties of the city administrator until the city administrator shall return or disability shall cease.

(Code 1970, §§ 2-156, 2-163; Ord. of 1-18-77)

Sec. 2-104. - General powers and duties.

The city administrator shall be responsible to the mayor for the proper administration of all affairs placed in such officer's charge by the mayor and to that end subject to the provisions of this article, the

city administrator shall:

- (1) Recommend to the mayor, the appointment, suspension and removal of any employee of the city, except as otherwise provided for by the state law or city ordinance. Be responsible for the administration of the city personnel rules and regulations and the position classification and pay plan of the city.
- (2) Before the beginning of the budget year, the head of each office, department and agency shall submit to the city administrator an estimate of revenues and expenditures where appropriate and a working program for the upcoming fiscal year.
- (3) Keep the mayor and council advised of the financial condition of the city and be responsible for the day to day administrative management of the municipal budget and to make such other reports as the mayor or council may require concerning the operation of the municipal departments, offices and agencies.
- (4) Attend all meetings of the council unless excused therefrom and take part in the discussion of all matters pertinent to the city administrator's office coming before the council.
- (5) Perform such other duties as may be required by the mayor not inconsistent with the state law or ordinances of the city.

(Code 1970, §§ 2-157, 2-164; Ord. of 1-18-77)

Sec. 2-105. - Council members to deal with administrative service through city administrator.

Except for the purposes of inquiry and investigation, the council members, except for the mayor, shall deal with the administrative service through the city administrator. The members of council shall not give orders to any officer or employee within the administrative service.

(Code 1970, §§ 2-158, 2-165; Ord. of 1-18-77)

Secs. 2-106—2-108. - Reserved.

ARTICLE IV. - OFFICERS AND EMPLOYEES GENERALLY ^[4]

⁽⁴⁾ **State Law reference**— Creation of officers, Code 1976, § 5-9-40.

[Sec. 2-109. - Employment at-will.](#)

[Sec. 2-110. - Oath of office.](#)

[Sec. 2-111. - Official bonds.](#)

[Sec. 2-112. - Compensation.](#)

[Sec. 2-113. - Public official, public member, or public employee contracting with city.](#)

[Sec. 2-114. - Duties of officers generally.](#)

[Sec. 2-115. - Intoxication, etc., of officers or employees.](#)

[Sec. 2-116. - Right of entry of officers and employees for purposes of inspection.](#)

[Secs. 2-117—2-119. - Reserved.](#)

Sec. 2-109. - Employment at-will.

It is hereby declared to be the policy of the city that, notwithstanding any policies, memoranda, or handbooks promulgated by the city or any employment practices of the city:

- (1) All employees of the city are employed at-will and may resign or be discharged from employment at any time.
- (2) Only the city council shall have the right to enter into contracts for other than at-will employment on the city's behalf. Any contract for other than at-will employment must:
 - a. Be in writing;
 - b. Be authorized and executed by the city council;
 - c. Specify the duration of the employment;
 - d. Specifically state that the contract is being created pursuant to the city's authority under this section.

(Ord. No. 03-12, 6-16-03)

Sec. 2-110. - Oath of office.

(a) *Persons required to take oath.* Each of the following officers and employees in the administrative service shall be required to take an oath of office before entering upon the discharge of official duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the city clerk:

- (1) *Officers.* The head of each department and each officer.
- (2) *Public safety officers.* Every public safety officer (including any private, special, temporary or substitute police officers which the city might find it necessary to appoint).

(b) *Form of oath for the department heads and officers.*

"State of South Carolina	
County of Aiken	
City of North Augusta	

ss. _____

"I, _____, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of South Carolina, and the Ordinances of the City of North Augusta; that I will faithfully, honestly and impartially discharge my duties as _____ during my continuance therein; that I am not directly or indirectly pecuniarily interested in any public service corporation engaged in business in the City of North Augusta, or in or with any person or corporation having contracts with said City, so help me God.

"Subscribed and sworn to before me this _____ day of _____ / _____ / _____ 19_____.

.....
"City clerk"

(Code 1970, § 2-7)

Cross reference— Oath of mayor and council members, § 2-22

State law reference— Oath required, Const. Art. VI, § 4; Code 1976, § 8-3-10.

Sec. 2-111. - Official bonds.

(a) Each officer, employee and agent of the city who, in the course of official duties, handles or has possession or custody of money, notes or securities belonging or payable to the city to the value of one hundred dollars (\$100.00) or more at any time shall, before entering upon the discharge of official duties, give bond to the city, in such amount as may be fixed by the council, with corporate surety, conditioned upon the faithful performance of such duties, and payment to the city of all such money, notes and securities and to render a true accounting thereof to the city.

(b) Each officer, employee and agent of the city who, in the course of official duties, is authorized to carry any firearm shall, before entering upon the discharge of such duties, give bond to the city, in such amount as may be fixed by the council, with corporate surety, conditioned upon the faithful discharge of such duties and to save the city harmless from all claims, demands, judgments and decrees resulting from the negligent or unlawful handling or use of such firearm by such person or by another with such person's knowledge and consent.

(c) The council may require other officers, employees and agents of the city to give bond, in such amount and with such conditions as may be specified by the council, and with such surety as may be approved by the council.

(d) The city attorney shall approve, as to form, all bonds within the purview of this section, and the council shall approve all such bonds as to substance; and the premiums therefor shall be paid by the city.

(e) In case any person elected or appointed to any office or position for which the person holding office or position is required to give bond shall fail to give such bond, with the required surety and in the required amount and with the required conditions, within ten (10) days after notice to such person from the council, such election or appointment shall be declared null and void and another election ordered or appointment made.

(Code 1970, § 2-6)

Sec. 2-112. - Compensation.

(a) Except as otherwise provided, the compensation of each officer and employee of the city shall be fixed for each calendar year at the time the annual appropriations are approved by the council.

(b) The salary or compensation of heads of departments and other administrative employees shall be

fixed by ordinance or resolution of the council upon the recommendation of the city administrator, such ordinance or resolution to provide uniform compensation for like services, except that an increase in compensation of any department head or employee may be granted upon the basis of seniority, or ability and efficiency.

(Code 1970, § 2-10 ; Ord. of 9-17-74)

Cross reference— Crime of deriding, etc., city officer, § 16-73

Sec. 2-113. - Public official, public member, or public employee contracting with city.

(a) *Definitions:* The definitions of terms contained in this section shall be as set forth in Title 8-13-100 of the South Carolina Code of Laws, of 1976 as amended.

(b) *Use of office for economic interest prohibited:* No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated.

(c) *Sealed bids required:* No public official, public member, public employee, family member, individual with whom he is associated, or a business with which he is associated 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 interest in any land, material, supplies, or services except under circumstances where such interest is awarded upon the basis of competitive sealed bids, regardless of the monetary value of the contract, materials, or services, and in strict conformance with all purchasing procedures of the city.

(d) *Public official, city council approval required:* No public official shall take a contract to perform work or furnish material for the city, and no such official shall receive any compensation on any such contract except as follows: Any public official may enter into such a contract whenever the contract is awarded to him as low bidder pursuant to the purchasing policies of the city and after a public call for bids and such contract be allowed by the unanimous vote of the city council upon each particular contract, such vote to be taken by yeas and nays and entered upon the council's minutes.

(S.C. Code, Sec. 5-21-30)

(e) *Violation; penalty:* Any willful violation of this section shall constitute malfeasance in office, and any public official, public member, or public employee of the city found guilty thereof shall thereby forfeit his office or position and make restitution. Any violation of this section with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract voidable at the option of the city.

(Code 1970, § 2-11 ; Ord. No. 96-04, § 1, 4-15-96)

State law reference— Conflict of interests, Code 1976, § 5-7-130.

Sec. 2-114. - Duties of officers generally.

(a) *Officers:* Each officer shall perform all duties required of the office by state law, this Code and ordinances of the city, and such other duties not in conflict therewith as may be required by the city administrator.

(b) *Department heads:*

(1) Responsibility to city administrator. Be immediately responsible to the city administrator for the effective administration of their respective departments and all activities assigned thereto.

(2) Inaugurate sound practices. Keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the city administrator, such new practices as appear to be of benefit to the service and to the public.

(3) Report to city administrator. Submit quarterly and annual reports of the activities of their departments to the city administrator.

(4) Maintain records. Establish and maintain a system of filing and indexing records in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the city administrator.

(5) Authority over employees. Have power, when authorized by the city administrator to appoint and remove, subject to any personnel system regulations for personnel, all subordinates under them.

(6) Maintain equipment. Be responsible for the proper maintenance of all city property and equipment used in their departments.

(c) *Departments:* Furnish upon the direction of the city administrator, any other department such service, labor, and materials as may be requisitioned by the head of such department, and as its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred.

(d) *Operation of administrative services:*

(1) Make daily deposit. Make a daily deposit with the city treasurer of any money received directly from the public.

(2) Payment of money. Pay out money belonging to the city only in the manner prescribed in this Code.

(Code 1970, § 2-8; Ord. of 9-17-74)

Cross reference— Purchasing procedure, § 2-150 et seq.

Sec. 2-115. - Intoxication, etc., of officers or employees.

It shall be unlawful for any officer or employee of the city or any other person holding any office or position of trust or profit under the city government to be under the influence of any alcoholic beverage or any narcotic while on duty.

(Code 1970, § 2-15)

Sec. 2-116. - Right of entry of officers and employees for purposes of inspection.

Whenever any officer or employee of the city is required or authorized by statute, the provisions of this Code or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out such officer's or employee's duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable

time in pursuance of such duties.

(Code 1970, § 2-16

Cross reference— As to the right of entry to abate nuisance, see § 12-2 (3).

Secs. 2-117—2-119. - Reserved.

ARTICLE V. - CITY ATTORNEY ^[5]

⁽⁵⁾ **Cross reference—** Municipal court, § 8-1 et seq.

[Sec. 2-120. - Establishment of office; appointment.](#)

[Sec. 2-121. - Enforcing laws.](#)

[Sec. 2-122. - Duties generally.](#)

[Secs. 2-123—2-129. - Reserved.](#)

Sec. 2-120. - Establishment of office; appointment.

There shall be an officer of the city known as the city attorney, who shall be appointed by the council. The city attorney shall be a reputable practicing member of the county bar.

(Code 1970, § 2-87)

State law reference— Appointment authorized, Code 1976, § 5-7-230.

Sec. 2-121. - Enforcing laws.

The city attorney shall enforce all laws and act to protect the interests of the city.

(Code 1970, § 2-88)

Sec. 2-122. - Duties generally.

The general duties of the city attorney shall be as follows:

- (1) *Advise council.* Advise the council or its committees or any city officer, when requested, upon all legal questions arising in the conduct of city business.
- (2) *Prepare ordinances.* Prepare or revise ordinances when so requested by the mayor or council or any committee thereof.
- (3) *Give opinions.* Give an opinion upon any legal matter or question submitted to such attorney by the mayor or council.

(4) *Attend council meetings.* Attend all council meetings, upon request by the mayor or council, for the purpose of giving the council any legal advice requested by its members.

(5) *Prepare legal instruments.* Prepare for execution all contracts and instruments to which the city is a party and shall approve, as to form, all bonds required to be submitted to the city.

(6) *Prosecute offenders and defend officials.* Prepare, when authorized by the mayor or council, all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a city ordinance or with the commission of a misdemeanor as declared by this Code or by virtue of its authority. In any prosecution for violation of any regulation adopted by any board or commission created under authority of the council, the city attorney shall act under the directions of such board or commission, subject to such paramount control as is given to the council by this Code or state law.

(7) *Settlement of claims.* Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the city or in which the city is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed one hundred dollars (\$100.00) and with the permission of the mayor may do likewise in matters not involving or requiring payment to exceed five hundred dollars (\$500.00), provided that the money to settle claims generally has been appropriated and is available therefor.

(8) *Make reports.*

(a) Immediate report of decision. Immediately report the outcome of any litigation in which the city has an interest to the mayor and council.

(b) Annual report of pending litigation. Make an annual report to the mayor and council, as of the first day of February, of all pending litigation in which the city has an interest and the condition thereof.

(9) *Control legal services incidental to council action.* Have charge of all legal services auxiliary to council action in connection with the appropriating of property to public use and in the levying of assessments.

(10) *Workmen's compensation.* Investigate all cases in which workmen's compensation is involved and be available to assist in the filing of all documents and papers required by the workmen's compensation act of the state.

(11) *Keep records.*

(a) Suits. Keep a complete record of all suits in which the city had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.

(b) Opinions and titles. Keep a complete record of all written opinions furnished by such attorney and of all certificates or abstracts of titles furnished by such attorney to the city or to any department or official thereof.

(12) *Deliver records to successor.* Deliver all records, documents and property of every description in such attorney's possession, belonging to such office or to the city, to the successor in office, who shall give duplicate receipts therefor, one of which shall be filed with the city clerk.

(Code 1970, § 2-89)

Secs. 2-123—2-129. - Reserved.

ARTICLE VI. - FINANCE DEPARTMENT; CITY TREASURER

DIVISION 1. - GENERALLY

DIVISION 2. - RESERVED

DIVISION 1. - GENERALLY

[Sec. 2-130. - Establishment of office of city treasurer; appointment.](#)

[Sec. 2-131. - Head of department of finance.](#)

[Sec. 2-132. - Duties of city treasurer generally.](#)

[Sec. 2-133. - Collection of revenue.](#)

[Sec. 2-134. - Responsibility of city treasurer for money collected; deposits and depositories.](#)

[Sec. 2-135. - Disbursements generally.](#)

[Sec. 2-136. - Approval of payment of bills.](#)

[Sec. 2-137. - Record of checks.](#)

[Sec. 2-138. - Books for recordation of financial transactions.](#)

[Sec. 2-139. - Submission of financial statement to council.](#)

[Sec. 2-140. - Certificate of taxes due.](#)

[Sec. 2-141. - Returned check charge policy.](#)

[Secs. 2-142—2-149. - Reserved.](#)

Sec. 2-130. - Establishment of office of city treasurer; appointment.

There shall be an officer of the city known as the city treasurer, who shall be appointed by the mayor upon the recommendation of the city administrator.

(Code 1970, § 2-90 ; Ord. of 1-18-77)

Sec. 2-131. - Head of department of finance.

The city treasurer shall be the head of the department of finance and shall perform such duties as may be required for such department.

(Code 1970, § 2-91)

Sec. 2-132. - Duties of city treasurer generally.

The general duties of the city treasurer shall be as follows:

(1) *Fiscal supervision over officers.* Exercise general supervision over all officers of the city regarding the proper management of the fiscal concerns of their respective offices.

(a) Examine the books of each department from time to time, and see that they are kept in proper form.

(b) See that officers receiving money pay it into the city treasury, when required, and that all necessary financial reports are made by officers, and report all delinquents in such payments or reports to the mayor and council.

(2) *Duty upon default of officer.* Report the default of any officer of the city to the mayor who shall direct the city attorney to take immediate legal measures for the recovery of the amount for which such officer may be in default.

(3) *Responsibility for proceeds of bonds.* Deposit the proceeds of all sales of bonds immediately after such proceeds shall have been received, and, until such deposit, be responsible for the amount thereof.

(4) *Cancellation of evidences of debt.* Cancel all warrants and other evidences of debt against the city, whenever paid such treasurer, by writing or stamping across the face thereof the words, "Paid by the City Treasurer," with the date of payment written or stamped thereon.

(5) *Pay city employees.* Pay city employees upon presentation of the properly certified payroll.

(6) *Monthly report to city administrator.* Make a detailed report to the mayor and council through the city administrator on the first day of each month as to the business of the treasurer's office during the month preceding, showing the balance on hand to the credit of the different funds at the time of the treasurer's last report, the amounts received during the month, and on what account, together with such other items and facts as the city administrator may require.

(7) *Audit accounts.* Examine and audit the accounts of all officers and departments subject to the approval of the city administrator.

(8) *Prescribe form.* Prescribe the form of accounts and reports to be rendered to such treasurer.

(9) *Certify contracts.* Certify according to law all contracts, agreements or other obligations for the expenditure of public funds entered into by any official of the city government, and no such contract, agreement or other obligation shall be valid until so certified by such treasurer.

(10) *Budget duties.* Prepare estimates of revenue, and shall give such other assistance in the preparation of the budget as may be required of the treasurer by the city administrator.

(11) *Financial statements.* Transmit to the mayor and council through the city administrator at least monthly statements of cash on hand and of classified unencumbered appropriation balances for the city as a whole, and such other financial statements as the city administrator may from time to time require. The treasurer shall keep all departments, boards, commissions or institutions currently informed of their classified unencumbered appropriation balances.

(12) *Keep accounts.* Keep all general accounts of the city government and of the respective departments, offices, boards, commissions and institutions thereof.

(Code 1970, § 2-92 (a)—(l); Ord. of 11-19-74)

Cross reference— Clerk as custodian of bonds, etc., § 2-173

Sec. 2-133. - Collection of revenue.

It shall be the duty of the city treasurer to collect taxes levied by the council according to the ordinances thereof for the support of the city government, all sums charged for licenses imposed by the council for the privilege of conducting business within the city or otherwise, all sums realized under assessments levied by the council for defraying the expenses of paving or otherwise improving the streets or sidewalks of the city. In general, and except as may be provided otherwise by state law, this Code or other ordinance, the treasurer shall collect and receive the entire revenue of the city derived from all sources.

(Code 1970, § 9-93)

Cross reference— City license inspector, § 15-5

Sec. 2-134. - Responsibility of city treasurer for money collected; deposits and depositories.

After collection of money as provided in this article, the city treasurer shall be responsible to the city for all sums so coming into such officer's possession. The city treasurer shall deposit to the credit of the city in the bank designated by the council as a city depository, all money received by such officer and belonging to the city on the same day such money is received, or on the following day, unless such following day be a Sunday or a legal holiday, in which event such money shall be deposited upon the first day thereafter which is not a Sunday or a legal holiday. The city treasurer shall keep official bank books wherein shall be entered, by the proper officers of the bank in which such deposits shall be made, acknowledgments of such deposits with the dates thereof. Such bank books shall be balanced at least once each month, and shall always be open to the inspection of the mayor or council members.

(Code 1970, § 2-94)

Sec. 2-135. - Disbursements generally.

All checks or drafts upon the funds of the city, deposited in banks to its credit, must be signed as follows:

- (1) Each such draft or check must bear two (2) signatures;
- (2) One of the required two (2) signatures must be that of the mayor, city treasurer, or city administrator;
- (3) The second signature must be that of the mayor, city treasurer, city administrator, or a council member.

It shall be the duty of the city treasurer to prepare checks or drafts upon the funds of the city. However, checks or drafts drawn at the direction of the mayor or city administrator, if properly signed, are valid even though not drawn by the city treasurer.

(Code 1970, § 2-95 ; Ord. of 11-19-74)

Sec. 2-136. - Approval of payment of bills.

It shall be unlawful to pay any bill or claim whatsoever against the city before the same shall have been approved by the city administrator or by majority vote of the council. This restriction does not apply to

budgeted salaries of employees of the city.

(Code 1970, § 2-95.1; Ord. of 12-3-74)

Sec. 2-137. - Record of checks.

The check forms of the city treasurer shall show the dates, numbers and amounts of all checks drawn by such officer on funds on deposit to the credit of the city in the city depository, with the names of the persons in whose favor checks are drawn and for what purpose and to which department such checks shall respectively be chargeable.

(Code 1970, § 2-96)

Sec. 2-138. - Books for recordation of financial transactions.

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

(Code 1970, § 2-97)

Sec. 2-139. - Submission of financial statement to council.

The city treasurer shall prepare in such form as the council may require and submit to the council at each first and regular meeting of the council a financial statement of its transactions for the preceding month together with such data as the council may require. The statement filed for the month of December shall also contain a summary of the financial transactions of the past year.

(Code 1970, § 2-98)

Sec. 2-140. - Certificate of taxes due.

The city treasurer shall, upon the demand of any person, issue free of charge a certificate showing the amount of taxes charged by the city against any person, together with a description of the property covered thereby.

(Code 1970, § 2-99)

Sec. 2-141. - Returned check charge policy.

There shall be a returned check charge of fifteen dollars (\$15.00) for a check or bank draft presented to the city when the check or bank draft is not accepted by the institution on which it is written. The returned check charge will not be made in the event that a check or bank draft is not honored due to a bank error. The returned check charge is in addition to any disconnect charge, late payment charge or any other charges incurred during the delivery of municipal services.

(Ord. No. 87-12, § 1, 7-20-87)

Secs. 2-142—2-149. - Reserved.

DIVISION 2. - RESERVED ^[6]

⁽⁶⁾ **Editor's note**— Section 1 of Ord. No. 89-02, adopted April 17, 1989, repealed former Div. 2, which contained §§ 2-150—2-164, pertaining to purchasing procedures and deriving from Code 1970, §§ 2-138—2-152, and an ordinance of Nov. 5, 1974. Provisions relative to purchasing are currently included in Art. XI of this chapter.

[Secs. 2-150—2-169. - Reserved.](#)

Secs. 2-150—2-169. - Reserved.

ARTICLE VII. - CITY CLERK

[Sec. 2-170. - Establishment of office; appointment.](#)
[Sec. 2-171. - Duties generally.](#)
[Sec. 2-172. - Minutes of council proceedings.](#)
[Sec. 2-173. - Custodian of bonds, contracts, etc.](#)
[Sec. 2-174. - Custodian of records.](#)
[Sec. 2-175. - City records, taking without competent authority.](#)
[Sec. 2-176. - Removal of city papers.](#)
[Sec. 2-177. - Preserving, etc., of city bonds and coupons.](#)
[Sec. 2-178. - Issuance of notices.](#)
[Sec. 2-179. - Attestation of deeds, etc., generally.](#)
[Sec. 2-180. - Attestation of executions.](#)
[Sec. 2-181. - Additional duties of city clerk.](#)
[Secs. 2-182—2-189. - Reserved.](#)

Sec. 2-170. - Establishment of office; appointment.

There shall be an officer of the city known as the city clerk, who shall be appointed by the council, upon recommendation of the city administrator.

(Code 1970, § 2-100 ; Ord. of 11-19-74; Ord. of 1-18-77)

State law reference— Appointment of city clerk, Code 1976, § 5-7-220.

Sec. 2-171. - Duties generally.

The general duties of the city clerk shall be as follows:

- (1) *Clerk of council.* Serve as clerk of the council and perform such other duties of a like nature as shall be required by that body.
- (2) *Keep records of council.* Be responsible for the recording, filing, indexing and safekeeping of all proceedings of the council.
- (3) *Record ordinances and resolutions.* Record in full, uniformly and permanently, all ordinances and resolutions, and authenticate them.
- (4) *Publish council action.* Publish all adopted ordinances and resolutions of the council, and all legal notices required by law or ordinance.
- (5) *Keep election records.* Keep and maintain all election records and have custody of all property used in connection with elections.
- (6) *Notice of expiration of term.* Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, such notice to be given at least thirty (30) days before such expiration.
- (7) *Keep official seal.* Be the custodian of the official seal of the city.

(Code 1970, § 2-102)

Sec. 2-172. - Minutes of council proceedings.

- (a) The city clerk shall keep the minutes of the proceedings of the council and record them in suitable books.
- (b) The city clerk shall keep, in connection with the book recording the proceedings of the council, an index book in which shall be indexed the subject matter of the important proceedings of the council, with reference to the pages of the record book where such matters appear.
- (c) The city clerk shall preserve the original memoranda thereof for reference.

(Code 1970, § 2-103)

Sec. 2-173. - Custodian of bonds, contracts, etc.

The city clerk shall be charged with the custody of the official bonds of city employees, except the bond of the treasurer, which shall be in the custody of the mayor, and with the custody of all deeds, mortgages, contracts, judgments, notes, debts and choses in action. The clerk shall keep and administer all securities, bonds or other forms of negotiable instruments owned by or belonging to the city.

(Code 1970, § 2-92 (m); Ord. of 11-19-74)

Sec. 2-174. - Custodian of records.

Except as otherwise provided, the city clerk shall have charge of, and be responsible for, the preservation of all papers, records and documents of every description belonging to the city, and shall arrange and file all such papers in such a manner as will facilitate access to them, arranging and filing the same according to their subject matter in chronological order, numbering all files or cases in consecutive order. The city clerk shall also keep an index book, in which shall be entered alphabetically

the names, or subject matter of such papers and documents and the number of the files or cases in which the same are to be found.

(Code 1970, § 2-105)

Sec. 2-175. - City records, taking without competent authority.

It shall be unlawful for any person to remove or receive any record from any municipal office of the city without the consent of the officer having custody of such records, except by order of the council or the mayor, or except in compliance with a subpoena duces tecum issued by a court of competent jurisdiction.

(Code 1970, § 2-4)

Sec. 2-176. - Removal of city papers.

No original paper or document belonging to, or in possession of, the city shall be taken out of the custody of the city clerk except upon the written order of the mayor or a court of competent jurisdiction.

(Code 1970, § 2-110)

Sec. 2-177. - Preserving, etc., of city bonds and coupons.

The city clerk shall preserve all bonds and coupons, and cancel all bonds and coupons which have been paid, and shall file, arrange, classify and index them in such manner as to render them readily available for future reference.

(Code 1970, § 2-106)

Sec. 2-178. - Issuance of notices.

Except as may be provided otherwise by state law, this Code or other ordinance, the city clerk shall issue all notices, personal and general, which the laws, orders and interest of the city require in the administration of its government.

(Code 1970, § 2-107)

Sec. 2-179. - Attestation of deeds, etc., generally.

The city clerk shall attest all deeds to real property sold by the city, including lots in the city cemeteries, and all agreements and other obligations issued or authorized by the council.

(Code 1970, § 2-108)

Cross reference— See also § 2-29 (8).

Sec. 2-180. - Attestation of executions.

The city clerk shall attest all executions issued by authority of the council.

(Code 1970, § 2-109)

Sec. 2-181. - Additional duties of city clerk.

The city clerk shall perform all other duties which are now or may hereafter be imposed upon the city clerk by the laws, ordinances or resolutions of the city or by the direction of the mayor or council or the city administrator.

(Code 1970, § 2-111)

Secs. 2-182—2-189. - Reserved.

ARTICLE VIII. - DEPARTMENT OF PUBLIC SAFETY; DIRECTOR OF PUBLIC SAFETY

[Sec. 2-190. - Establishment of office of director of public safety; appointment.](#)

[Sec. 2-191. - Head of department of public safety.](#)

[Sec. 2-192. - Composition of department; appointment of officers.](#)

[Sec. 2-193. - Control and management of department.](#)

[Sec. 2-194. - Divisions of department; supervisors and duties.](#)

[Sec. 2-195. - Powers and duties of director generally.](#)

[Sec. 2-196. - Powers and duties of members of department.](#)

[Sec. 2-197. - Authority at scene of fire, disorder or other locations where life or property may be lost.](#)

[Sec. 2-198. - Authority to cut wires.](#)

[Sec. 2-199. - Rules and regulations.](#)

[Sec. 2-200. - Uniforms and arms.](#)

[Sec. 2-201. - Emergency call.](#)

[Sec. 2-202. - Payments by city treasurer into firemen's pension fund.](#)

[Sec. 2-203. - City clerk to provide, annually, certificate of existence of public safety department, etc.](#)

[Sec. 2-204. - Interest of members and employees in establishments selling beer, wine, etc., prohibited.](#)

[Secs. 2-205—2-209. - Reserved.](#)

Sec. 2-190. - Establishment of office of director of public safety; appointment.

There shall be an office of the city known as the director of public safety, hereinafter referred to as "director", who shall be appointed by the mayor, upon recommendation of the city administrator.

(Code 1970, § 2-153; Ord. of 9-5-72; Ord. of 1-18-78)

Sec. 2-191. - Head of department of public safety.

The director of public safety shall be the head of the department of public safety, hereinafter referred to as "department", and shall perform such duties as may be required to properly direct such department.

(Code 1970, § 2-154; Ord. of 9-5-72)

Sec. 2-192. - Composition of department; appointment of officers.

The department shall be composed of such number of police officers as the council may determine. Officers and noncommissioned officers shall be appointed by the director in accordance with the ordinances and resolutions of the council.

(Code 1970, § 24-1; Ord. of 8-17-76)

Sec. 2-193. - Control and management of department.

The director shall be responsible for the administration and management of the department and shall report directly to the city administrator in connection with such administrative duties.

(Code 1970, § 24-2; Ord. of 8-17-76)

Sec. 2-194. - Divisions of department; supervisors and duties.

The department shall be divided into the following divisions with their respective supervisors thereof:

(1) *Special services division.* Supervised by a police officer who shall have charge of: (a) citizen complaints and maintenance of police records; (b) the identification and custody of property; (c) personnel administration; and (d) administrative activities to include training, research, and community relations.

(2) *Operations division.* Supervised by a police officer who shall have charge of: (a) motorized and foot patrol units; (b) routine investigation not assigned to the investigation division; (c) the control of traffic and coordination of traffic violations prosecutions; (d) the removal of crime hazards; (e) the suppression of fires in the community until relieved by a superior officer; (f) maintenance of equipment and facilities as designated by the director; and (g) communications and operation of detention facilities.

(3) *Investigative division.* Supervised by a police officer who shall have charge of: (a) the investigation of reported incidents and crimes; (b) the preparation of evidence for the prosecution of criminal cases; (c) the prevention and control of juvenile delinquency; (d) the gathering of information to suppress vice, narcotics and illegal liquor and firearm activities in the community; and (e) the provision of investigative personnel for firefighting activities and training.

(4) *Fire division.* Supervised by a police officer who shall have charge of: (a) the suppression of fires and the saving of life and property from fire; (b) the inspection and abatement of existing fire hazards; (c) maintenance of fire apparatus, fire equipment and firefighting facilities as designated by the director, (d) the conducting of fire prevention programs; (e) coordination of fire training programs for public safety officers and volunteer firefighters; (f) crime prevention program; (g) police training program; and (h) school crossing guards.

(Code 1970, § 24-4; Ord. of 8-17-76)

Sec. 2-195. - Powers and duties of director generally.

(a) The director shall be a police officer and the commanding officer of the department, and shall be responsible for its administration and the training, discipline, and morale of the members thereof, and for the effective employment of such members and the property of the department in the preservation of peace and the maintenance of law and order therein, and the enforcement within the city of all state laws and city ordinances not within the primary enforcement jurisdiction of another department or agency of government. The director shall be responsible for the suppression of fires, the prevention of fires and explosions, and the abatement of fire hazards within the city.

(b) The director shall make or cause to be made all inspections, investigations, and reports required of such officer by state law, this Code or other ordinances or resolutions of the council or by directive of

the city administrator, the same as would be required by a municipal police chief or fire chief.

(c) The director shall be responsible for the property of the department and the maintenance thereof in good working order at all times.

(d) The director shall administer and enforce all rules and regulations promulgated pursuant to the provisions of this article.

(e) The director shall have such other powers and perform such other duties as may be prescribed for such officer in this Code or other ordinances or resolutions adopted by the council.

(Code 1970, § 24-5; Ord. of 8-17-76)

Cross reference— Monitoring of alarm systems, § 16-4

Sec. 2-196. - Powers and duties of members of department.

The members of the department, in addition to the powers and duties specifically set forth in this Code and other ordinances and resolutions of the council, shall have and exercise all such powers bestowed upon police officers and firemen by the laws of the state.

(Code 1970, § 24-3; Ord. of 8-17-76)

Sec. 2-197. - Authority at scene of fire, disorder or other locations where life or property may be lost.

During the progress of any fire or disorder where life or property may be lost within the city limits, and while the department is going to the place of such fire or disorder, and until it shall have returned from such place, the director, or in case of the director's absence or disability, the captain of the fire division or other person in command of such department, shall have complete control of the scene and of the vicinity thereof, to such distance in every direction as shall be necessary to enable such person to effectively fight such fire or control such disorder. Such person in command may disperse crowds, rope off streets, buildings or other property and take any other steps which may appear needful in extinguishing a fire, controlling a disorder and preventing looting or rioting.

(Code 1970, § 24-6; Ord. of 8-17-76)

Cross reference— Compliance with orders by citizens, § 11-2

Sec. 2-198. - Authority to cut wires.

In case of fire, the director, or any other person with authority from the director, is hereby authorized to cut any telegraph, telephone, power or other wires within the city limits without liability of the city for so doing. Nothing in this section shall be construed to imply that the city authorizes any person to undertake the personal risk of cutting any of such wires or to render it liable for any injury to the person so doing.

(Code 1970, § 24-7; Ord. of 8-17-76)

Sec. 2-199. - Rules and regulations.

The city administrator, in consultation with the director, shall prepare rules and regulations for the government of the department; and such rules and regulations shall be in effect when approved by

resolution of the council and a copy thereof placed on file in the office of the director for the information of all members of the department, and the public within the guidelines of law; no member of the department shall violate or fail to comply with any such rule or regulation.

(Code 1970, § 24-8; Ord. of 8-17-76)

Sec. 2-200. - Uniforms and arms.

Out of the appropriations made annually for the department, the council shall equip the members of the department with uniforms and shall furnish them with such arms as may be necessary for the preservation of peace and good order. Such uniforms and arms so furnished shall remain the property of the city.

(Code 1970, § 24-9; Ord. of 8-17-76)

Sec. 2-201. - Emergency call.

All members of the department shall hold themselves ready at all times to answer emergency calls, and shall, in case of emergency, remain on duty for such other and additional time as the emergencies of the situation may demand. Public safety officers shall, as required by the director, attend municipal court sessions and training programs and may be compensated for such time as provided for by ordinance, resolution, or policy of the council.

(Code 1970, § 24-10; Ord. of 8-17-76)

Sec. 2-202. - Payments by city treasurer into firemen's pension fund.

The city treasurer shall pay into the firemen's pension fund, semiannually at such dates as may be adopted by resolution on the council, the amounts as levied for such fund, and the treasurer shall report them to the secretary of the board of trustees of the firemen's pension fund to be entered on the records of the board at the next meeting.

(Code 1970, § 24-11; Ord. of 8-17-76)

State law reference— For such requirement, see Code 1976, § 9-13-70.

Sec. 2-203. - City clerk to provide, annually, certificate of existence of public safety department, etc.

The city clerk, shall on or before the thirty-first day of October of each year, make and file with the chief insurance commissioner of the state, on a blank to be furnished by the commissioner, a certificate stating the existence of the city public safety department which is responsible for fire protection in the city, the number of engines, hook and ladder trucks, and hose carts in actual use, the number of companies of persons organized to fight fires and the system of water supply for the public safety department, together with such other facts as the commission may require.

(Code 1970, § 24-12; Ord. of 8-17-76)

Sec. 2-204. - Interest of members and employees in establishments selling beer, wine, etc., prohibited.

It shall be unlawful for any member or employee of the department to own and operate or have an interest in, either directly or indirectly, an establishment engaged in the sale of beer, wine, liquor and

intoxicating beverages while in the employment of the city.

(Code 1970, § 24-13; Ord. of 8-17-76)

Secs. 2-205—2-209. - Reserved.

ARTICLE IX. - DEPARTMENT OF PUBLIC WORKS; PUBLIC WORKS ENGINEER ^[7]

⁽⁷⁾ **State Law reference**— Section 5-31-230 of the Code of Laws of South Carolina, 1976, provides in part as follows: "Municipalities in which there are no board of commissioners of public works.

[Sec. 2-210. - Establishment of office of public works engineer; appointment.](#)

[Sec. 2-211. - Head of department of public works.](#)

[Sec. 2-212. - Duties of engineer generally.](#)

[Sec. 2-213. - Divisions of department; supervisors and duties.](#)

[Sec. 2-214. - Public works engineer to be engineer for city boards, officers, etc.](#)

[Sec. 2-215. - Establishment of street boundaries, etc., upon request of person owning or desiring to erect a building.](#)

[Sec. 2-216. - Monuments indicating lines, grades and boundaries of streets, etc.](#)

[Sec. 2-217. - Encroachments upon streets.](#)

[Sec. 2-218. - Map of city.](#)

[Sec. 2-219. - Surveys.](#)

[Sec. 2-220. - Records.](#)

[Secs. 2-221—2-229. - Reserved.](#)

Sec. 2-210. - Establishment of office of public works engineer; appointment.

There shall be an officer of the city known as the public works engineer, who shall be appointed by the mayor upon recommendation of the city administrator.

(Code 1970, § 2-112 ; Ord. of 1-21-75; Ord. of 1-18-77)

Sec. 2-211. - Head of department of public works.

The public works engineer shall be the head of the department of public works, hereinafter referred to as "department" and shall perform such duties as may be required for such department.

(Code 1970, § 2-113)

Sec. 2-212. - Duties of engineer generally.

The public works engineer shall be responsible for all matters relating to construction, management, maintenance and operation of the physical properties of the city.

(Code 1970, § 2-114)

Sec. 2-213. - Divisions of department; supervisors and duties.

The department, under the public works engineer, shall be divided into the following divisions and supervisors thereof:

- (1) *Division of engineering.* Supervised by a civil engineer. Shall perform all engineering services for the department of public works and for such other departments of the city as may from time to time require such services. This division shall be responsible for the inspection and acceptance of the work involved in the construction of sewer services, sidewalks, curbs and gutters, street cuts and surfacing for those streets not covered by state highway department construction and maintenance; inspection of all premises, including structures and appurtenances thereon, for safety features.
- (2) *Division of signal service.* Shall be responsible for overseeing and inspecting the construction, installation, repair and maintenance of all facilities of the fire and police signal systems, traffic-control signals and other electrically operated signals, but excluding the police radio system. The services of this division shall be available to other departments so ordered by the mayor.
- (3) *Division of refuse disposal.* Shall collect garbage and rubbish, pick up and dispose of dead animals, and clean improved streets.
- (4) *Division of street maintenance.* Shall repair, maintain and provide for adequate drainage on all streets, sidewalks and bridges; trim trees of objectionable limbs, remove dead trees on city property; install all traffic signs, street markings; plan for street lighting, and maintain city cemeteries.
- (5) *Water system.* The public works engineer shall supervise the construction, operation and maintenance of the city water transmission and distribution systems.
- (6) *Water supply.* The public work engineer shall supervise the pumping, purification, treatment and filtering of the water supplied to the water distribution system.
- (7) *Sewer systems.* The public works engineer shall supervise the operation and maintenance of the city sanitary sewer system, including the inspection of all sanitary sewers connected to the city sewer system; and shall be responsible for the inspection of all sewers constructed by the city or for the city by developers of subdivisions.

(Code 1970, § 2-115 , 2-126; Ord. of 1-21-75)

Sec. 2-214. - Public works engineer to be engineer for city boards, officers, etc.

The public works engineer shall be the official engineer of the several boards, officers and committees of the city.

(Code 1970, § 2-117)

Sec. 2-215. - Establishment of street boundaries, etc., upon request of person owning or desiring to erect a building.

It shall be the duty of the public works engineer, upon request of any person owning or desiring to erect a building adjoining or near any street or sidewalk within the city, to ascertain and mark the boundaries

of such street or sidewalk and the proper grade or elevation thereof, and to furnish to such owner or prospective builder any information available regarding such boundaries and grades, and regarding any sewer, gas, water or other pipes laid beneath such street or sidewalk, and any other information in the possession of the public works engineer which may be useful to such owner or prospective builder in enabling such person to connect such person's building with such gas, water or sewer pipes. Such information is to be furnished as promptly as possible, and without charge.

(Code 1970, § 2-118)

Sec. 2-216. - Monuments indicating lines, grades and boundaries of streets, etc.

It shall be the duty of the public works engineer to ascertain and permanently mark the lines, grades and boundaries of all bridges, streets, lanes, alleys, sidewalks, squares, parks and other public places in the city and to have such points as such engineer may deem necessary marked with suitable monuments of stone or other imperishable material buried at sufficient depths to make them secure against disturbance. The public works engineer shall record in a book, kept in such officer's office for that purpose, clear and full descriptions of all such monuments, stating their location and elevation so that they may be readily found and recognized a successor in office.

(Code 1970, § 2-119)

Sec. 2-217. - Encroachments upon streets.

It shall be the duty of the public works engineer to guard against encroachments upon the streets, lanes, parks, squares and sidewalks on the part of an adjoining property owner or other person. The public works engineer shall make a list of persons found encroaching thereon and, after notifying such persons, shall bring all such encroachments to the attention of the city administrator, for appropriate action.

(Code 1970, § 2-120 ; Ord. of 1-21-75)

Sec. 2-218. - Map of city.

The public works engineer shall make and keep a full and complete map of the city, which map shall be drawn sufficiently large to allow all useful data in connection with streets, lanes, alleys, sidewalks, parks and squares to be shown thereon, together with the size and shape of every lot or block of land within the city limits and any other useful information that may be properly shown on such a map.

(Code 1970, § 2-121)

Sec. 2-219. - Surveys.

The public works engineer shall make such surveys, within or without the city, as the city administrator may direct. The public works engineer shall keep within such office complete records of all surveys made by such engineer.

(Code 1970, § 2-122 ; Ord. of 1-21-75)

Sec. 2-220. - Records.

The public works engineer shall keep in such office, open to public inspection, a careful and complete record of the expenses of the office, also records of all work done by such officer and assistants, which

shall be itemized and properly distributed or charged to the various classes of work done under the head of street construction, sewer construction, repairs, etc. It shall also be the duty of the public works engineer to keep in such office duplicate copies of all letters, papers, drawings and other official information pertaining to or sent out of such office.

(Code 1970, § 2-123)

Secs. 2-221—2-229. - Reserved.

⁽⁷⁾ **Editor's note**— In the cities and towns of North Augusta there shall be no board of commissioners of public works but in these cities and towns the duties, powers and responsibilities vested in such boards in other cities and towns shall be vested in the respective city or town councils of such cities or towns ."

ARTICLE X. - DEPARTMENT OF RECREATION AND PARKS; DIRECTOR OF RECREATION AND PARKS; RECREATION AND PARKS ADVISORY COMMISSION
[8]

⁽⁸⁾ **Editor's note**— Former Art. X was amended in its entirety to read as set out in §§ 2-230—2-236, by Ord. No. 87-15, § 1, adopted Aug. 3, 1987. Prior to amendment, Art. X contained §§ 2-230—2-235, which pertained to the department of parks and recreation, the director of parks and recreation and the recreation commission, and derived from Code 970 §§ 2-127—2-129, 2-131—2-133.

[Sec. 2-230. - Establishment of office and appointment of director.](#)

[Sec. 2-231. - Head of department.](#)

[Sec. 2-232. - Control and management of department.](#)

[Sec. 2-233. - Duties of director generally.](#)

[Sec. 2-234. - Recreation and parks advisory commission—Created.](#)

[Sec. 2-235. - Same—Appointment of members; terms of office.](#)

[Sec. 2-236. - Same—Purpose; duties.](#)

[Secs. 2-237—2-249. - Reserved.](#)

Sec. 2-230. - Establishment of office and appointment of director.

There shall be an officer of the city known as the director of recreation and parks, who shall be appointed by the mayor, upon recommendation of the city administrator.

(Ord. No. 87-15, § 1, 8-3-87)

Sec. 2-231. - Head of department.

The director of recreation and parks shall be the head of the department of recreation and parks and shall perform such duties as may be required for such department.

(Ord. No. 87-15, § 1, 8-3-87)

Sec. 2-232. - Control and management of department.

The director shall be responsible for the administration and management of the department and shall report directly to the city administrator in connection with such administrative duties.

(Ord. No. 87-15, § 1, 8-3-87)

Sec. 2-233. - Duties of director generally.

The general duties of the director of recreation and parks shall be to plan, promote, organize, and supervise a comprehensive municipal recreation program and administer the same in the interest of the entire community; and he shall

(1) *Supervise recreation areas.* Supervise the recreational use of playgrounds, play fields, recreation centers, swimming pools, ball diamonds, and such other recreation areas and facilities as may be made available to carry out the city's recreation program.

(2) *Conduct community activity.* Conduct and supervise any form of recreational, cultural, or social activity that will employ the leisure time of the citizens in a wholesome and constructive manner.

(Ord. No. 87-15, § 1, 8-3-87)

Sec. 2-234. - Recreation and parks advisory commission—Created.

There is hereby created the North Augusta Recreation and Parks Advisory Commission which shall be an advisory body to the city council on matters pertaining to parks, playgrounds, and recreational facilities within the city.

(Ord. No. 87-15, § 1, 8-3-87)

Sec. 2-235. - Same—Appointment of members; terms of office.

(a) The recreation and parks advisory commission shall consist of five (5) persons appointed by the mayor and approved by city council. The director of recreation and parks shall serve as an ex officio member. Of the five (5) members first appointed, two (2) shall be appointed to a term of four (4) years, two (2) for a term of three (3) years, and one for a term of two (2) years. Thereafter, all members shall be appointed for four-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

(b) All members of the commission shall be residents of the city.

(Ord. No. 87-15, § 1, 8-3-87)

Sec. 2-236. - Same—Purpose; duties.

The recreation and parks advisory commission will recommend to the mayor and city council methods of recreation and cultural activity that will employ the leisure time of the citizens of the city in a constructive and wholesome manner. The commission will serve as an additional liaison between the citizens and city government and as a measuring tool or instrument for determining direction and success of programs, and will offer support for budgets and grant procedures.

(Ord. No. 87-15, § 1, 8-3-87)

Secs. 2-237—2-249. - Reserved.

⁽⁸⁾ **Cross reference**— Parks and recreation, Ch. 17 (Back)

ARTICLE XI. - PURCHASING

[Sec. 2-250. - Purchasing agent; responsibilities.](#)

[Sec. 2-251. - Purchasing procedures.](#)

[Sec. 2-252. - Emergency purchases.](#)

[Sec. 2-253. - Professional services/selection.](#)

[Sec. 2-254. - Master contract list for goods and services.](#)

[Sec. 2-255. - Sealed bid procedures.](#)

[Sec. 2-256. - Materials testing.](#)

[Sec. 2-257. - Financial interests of public official, public member, or public employee; disclosure of potential conflict of interest.](#)

[Sec. 2-258. - Records of purchase orders and bids.](#)

[Sec. 2-259. - Surplus property, material and supplies.](#)

[Sec. 2-260. - Gifts and rebates.](#)

[Sec. 2-261. - Cooperative purchasing.](#)

Sec. 2-250. - Purchasing agent; responsibilities.

The city administrator shall be the purchasing agent for the city and shall be responsible for administering the provisions of this article.

The city administrator may delegate to one or more officials of the city any part or all of the duties assigned herein when, in the opinion of the city administrator, the efficient operations of the city would be enhanced.

The purchasing agent shall be responsible for:

- (1) Purchasing supplies, materials, equipment, and contractual services required by any department of the city.
- (2) Storing and distributing all supplies, materials, and equipment required by any department of the city.
- (3) Establishing written specifications, whenever practical, for supplies, materials, and equipment required by any department of the city. Such specifications should be definite and should permit competition whenever possible.
- (4) Maintaining, whenever practical, a perpetual inventory record of all materials, supplies, or equipment stored in storerooms or warehouses.
- (5) Maintaining an up-to-date list of qualified suppliers who have requested their names to be added to a "bidders' list." The purchasing agent(s) shall have the authority to temporarily remove the names of vendors who have defaulted on their quotations, attempted to defraud the city, failed

to meet established specifications or delivery dates, or who owe the city money.

(6) Obtaining as full and open competition as possible on all purchases, contracts, and sales.

(7) Developing administrative purchasing procedures to insure that the requirements contained in this article are followed.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-251. - Purchasing procedures.

The following procedures shall apply to all purchases of supplies, materials, equipment, or service and maintenance contracts:

(1) Purchases not exceeding five hundred dollars (\$500.00):

- a. Bids are not required, but competitive pricing is encouraged.
- b. Purchase orders must be approved by the purchasing agent.
- c. Purchasing policies established in the accounting and internal control manual shall be followed.

(2) Purchases over five hundred dollars (\$500.00) and not exceeding two thousand dollars (\$2,000.00):

- a. Bids are required (oral bids are acceptable).
- b. In addition to purchasing agent approval, purchase orders must be approved as to funding by the director of finance.
- c. Purchasing policies established in the accounting and internal control manual shall be followed.

(3) Purchases over two thousand dollars (\$2,000.00) and not exceeding ten thousand dollars (\$10,000.00):

- a. Written bids are required (facsimile and e-mail acceptable).
- b. In addition to purchasing agent approval, purchase orders must be approved as to funding by the director of finance.
- c. Purchasing policies established in the accounting and internal control manual shall be followed.

(4) Purchases over ten thousand dollars (\$10,000.00):

- a. Sealed, written bids are required.
- b. Advertising on the main bulletin board in the municipal building for a minimum of seven (7) days is required. Advertising shall include a general description of the product(s) or service(s) to be purchased, where the bid specifications may be obtained, and the time and place for opening bids.

c. In addition to purchasing agent approval, purchase orders must be approved as to funding by the director of finance.

d. Purchasing policies established in the accounting and internal control manual shall be followed.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-252. - Emergency purchases.

In the event of an apparent emergency affecting the public welfare, health, or safety, the purchasing procedures as outlined in section 2-251 shall not apply. A full report of the circumstances of an emergency purchase shall be filed with the city administrator within two (2) working days of the purchase.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-253. - Professional services/selection.

Professional services are those services rendered by licensed professionals including consulting engineers, planning consultants, architects, auditing firms, banking institutions, and law firms. Professional services shall be obtained through the process of requesting interested firms to submit their qualifications; reviewing the qualifications submitted and determining which firms are qualified; requesting the qualified firms to submit proposals; selecting the qualified firm with the best proposal; and negotiating the necessary contract. Except for agreements for less than ten thousand dollars (\$10,000.00) and that are provided for in the annual operating budget of a department, agreements for professional services shall state the terms and conditions and shall be approved by city council.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-254. - Master contract list for goods and services.

The city may enter into agreements or contracts with vendors to supply frequently used goods and/or services or emergency repairs. Such agreements or contracts shall be for a period not to exceed two (2) years unless specifically approved by the city administrator. A list of all current agreements or contracts for services or supplies shall be maintained by the director of finance in the city clerk's office. All such agreements or contracts shall be reviewed at least annually and updated as needed when agreements expire. Each agreement or contract shall be assigned an agreement number which shall be noted by the ordering departments on all applicable purchase orders. Use of the master contract list for goods and services requires all purchasing procedures as outlined in the accounting and internal control manual to be followed with the exception of separate bidding.

(Ord. No. 99-06, § I, 5-17-99)

Sec. 2-255. - Sealed bid procedures.

The procedure for sealed bids when required shall be as follows:

- (1) *Sealing.* Bids shall be 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 during normal working hours.

(4) *Rejection of bids.* Any or all bids, parts of all bids, or all bids for any product or contractual service included in the proposed purchase, may be rejected when the public interest will be served.

(5) *Bidders in default to city.* Bids shall not be accepted from a vendor or contractor who is delinquent in the payment of taxes, business licenses, utility bills, or other money owed the city.

(6) *Award of purchase to lowest responsible bidder.* The award of purchase shall be to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price, the following shall be considered:

- a. The ability, capacity, and skill of the bidder to perform the contract or provide the service required.
- b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- c. The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- d. The quality of performance of previous contracts or services.
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services.
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- g. The quality, availability, and adaptability of the supplies or contractual services to the particular use required.
- h. The ability of the bidder to provide timely future maintenance and service for the use of the subject of the contract.
- i. The number and scope of conditions attached to the bid.
- j. The degree of compliance with the specifications.

(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 and filed with the papers relating to the transaction and held for a period of no less than thirty-six (36) months.

(8) *Local credits.* It shall be the policy of the city to support businesses located within the city. To that end, for those businesses located within the corporate limits and holding a current city business license, when bidding on city business in compliance with this article, there shall be given a local credit for determination of low bidder as outlined below. The amount of the local credit shall be deducted from the total bid before taxes, shipping, etc., are added.

Purchase Amounts

	Local Credit %	Maximum Local Credit/Purchase
\$ 501.00—2,000.00	3	\$ 60.00
2,001.00—10,000.00	2	200.00
10,001.00 and over	1	500.00

When calculating the local credit, a purchase shall be defined as all items contained on a single purchase order or, when a master contract is used, the estimated annual value of said contract based on the previous year's experience.

(9) *Tie bids.* If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder (vendor located within the city). If two (2) or more of such bids are submitted by local bidders, the contract shall be awarded to one of the local tie bidders by drawing lots in public. If local bidders are not involved in the tie bids, the contract shall be awarded to one of the nonlocal tie bidders by drawing lots in public.

(10) *Bid deposits.* When deemed necessary, bid deposits shall be prescribed in the bid specifications. Upon entering into a contract, bidders shall be entitled to return of bid deposits. A successful bidder shall forfeit any bid deposit required upon failure on his part to enter into a contract within ten (10) days after the award; provided, however, that this forfeiture may be waived by the city.

(11) *Performance bonds.* Performance bonds may be required of the successful bidder, before entering into a contract, in such form and amount as may be reasonably necessary to protect the best interest of the city.

(12) *Payment bond/labor and material bond.* A payment bond and a labor and material bond may be required of the successful bidder, before entering into a contract, in such form and amount as may be necessary.

(13) *Waiver of purchasing formalities.* The city administrator as purchasing agent reserves the right to waive all purchasing formalities when, in the opinion of the purchasing agent, the best interests of the city would be served.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 92-21, § I, 12-21-92; Ord. No. 99-06, § I, 5-17-99; Ord. No. 2010-09, § I, 5-17-10)

Sec. 2-256. - Materials testing.

Chemical and physical tests may be required of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-257. - Financial interests of public official, public member, or public employee; disclosure of potential conflict of interest.

(a) *Definitions.* The definitions of terms contained in this section shall be as set forth in Title 8-13-100 of the South Carolina Code of Laws, of 1976 as amended.

(b) *Financial interest, refrain from participating:* Any public official, public member, or public employee who has a financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment, or services or who personally engages in such matters shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a public official, public member, or public employee in matters related thereto.

(S.C., Sec. 5-7-130)

(c) *Financial interest declarations:* No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest.

A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which effects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

- (1) Prepare a written statement describing the matter requiring action or decision and the nature of his potential conflict of interest with respect to the action or decision.
- (2) If he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest.
- (3) If he is a public official, he shall furnish a copy of the statement to the presiding official of the city council who shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification, and the reasons for it to be noted in the city council minutes.
- (4) If he is a public member, he shall furnish a copy of the statement to the presiding official of the agency, commission, or board on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the city council minutes.

(d) *Violation penalty:* Any willful violation of this section shall constitute malfeasance in office, and any official or employee of the city found guilty thereof shall thereby forfeit his office or position and make restitution. Any violation of this section with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract voidable at the option of the city.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 96-04, § 2, 4-15-96; Ord. No. 99-06, § 1, 5-17-99)

Sec. 2-258. - Records of purchase orders and bids.

All records associated with all bids and all purchases shall be kept and open for public inspection during normal working hours for a period of thirty-six (36) months.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-259. - Surplus property, material and supplies.

(a) All departments of the city government shall submit at such times and in such form as may be prescribed, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

(b) Upon the approval of the city administrator, surplus stock may be transferred to other offices, departments, or agencies of the city government.

(c) Upon the approval of the city administrator, all property, material, or supplies which have become unsuitable for public use may be sold, exchanged, or traded in on new supplies. All sales of property, materials, or supplies which have become obsolete or unusable shall be advertised for sale on the main bulletin board of the municipal building and sold to the highest bidder by soliciting sealed bids or by public auction. All money received from such sales shall be paid into the appropriate fund of the city.

(d) Upon specific approval of city council, the city administrator may sell surplus property, materials, or supplies directly to another governmental agency without advertisement, sealed bids, or public auction.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 95-09, § I, 4-17-95; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-260. - Gifts and rebates.

Every official and employee of the city is 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, or money, except where given for the use and benefit of the city.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Sec. 2-261. - Cooperative purchasing.

The city may join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby; provided that the city may make purchases of supplies and equipment through the property division of the state budget and control board without the formality of publication and receiving competitive bids.

(Ord. No. 89-02, § 2, 4-17-89; Ord. No. 99-06, § I, 5-17-99)

Chapter 3 - ADVERTISING ^[9]

⁽⁹⁾ **Cross reference**— Posting of bills, signs, etc., and distribution of handbills within cemeteries, § 7-11; and in parts, § 17-2; use of vehicles upon streets for advertising purposes, §§ 22-5, 23-2; "ballyhooing," § 15-75; creation of noise in advertising, § 12-36(c)(2), (12), (13).

- [Sec. 3-1. - Scattering advertising matter on streets and sidewalks prohibited.](#)
- [Sec. 3-2. - Posting advertising matter on or placing in vehicles.](#)
- [Sec. 3-3. - Manner of distributing advertising matter from house to house.](#)
- [Sec. 3-4. - Owner's consent to pasting, painting, tacking or placing advertising matter on posts and other property.](#)
- [Sec. 3-5. - Attaching advertising matter to person.](#)
- [Sec. 3-6. - Owner or distributor identification—Signs, etc.](#)
- [Sec. 3-7. - Same—Circulars, posters, etc.](#)
- [Sec. 3-8. - Sound-making or amplifying device on vehicle; permit.](#)
- [Sec. 3-9. - False or misleading advertisements.](#)
- [Sec. 3-10. - Directing distribution of advertising matter contrary to restrictions.](#)

Sec. 3-1. - Scattering advertising matter on streets and sidewalks prohibited.

It shall be unlawful for any person to throw or scatter any sign, poster, placard, pictorial or printed matter or other advertising matter whatsoever, in or upon any street, sidewalk or other public way in the city.

(Code 1970, § 3-1

Cross reference— Littering, § 12-30

State law reference— Littering, Code 1976, § 16-11-700.

Sec. 3-2. - Posting advertising matter on or placing in vehicles.

It shall be unlawful for any person to paste, paint, or attach in any manner or place in any vehicle, without the consent of the owner thereof, any poster, circular, card, sticker or other advertising matter.

(Code 1970, § 3-8

Sec. 3-3. - Manner of distributing advertising matter from house to house.

All distribution of advertising matter from house to house or building to building shall be delivered to someone in each residence or place of business or shall be securely placed under the front door of each residence or place of business or between the front door and the screen.

(Code 1970, § 3-3

Sec. 3-4. - Owner's consent to pasting, painting, tacking or placing advertising matter on posts and other property.

It shall be unlawful for any person to paste, paint, tack or place any handbill, circular, picture or other advertising matter upon any bridge, lamppost, corner post, telegraph post or telephone post, or on any building, fence or other property without the consent of the owner thereof.

(Code 1970, § 3-5

State law reference— Placing posters on highway right-of-way, Code 1976, § 57-25-10.

Sec. 3-5. - Attaching advertising matter to person.

It shall be unlawful for any person to appear upon any of the streets, sidewalks or other public ways of the city conspicuously attired with any sign, design or advertising matter of any description on or attached to such person.

(Code 1970, § 3-4

Sec. 3-6. - Owner or distributor identification—Signs, etc.

Every person owning or maintaining signposter boards, painted bulletins or other outdoor advertisements of any nature, shall have imprinted thereon the name of such person in sufficient size to be plainly visible, and such name shall be permanently affixed thereto.

(Code 1970, § 3-9

Sec. 3-7. - Same—Circulars, posters, etc.

Each person distributing advertising circulars, handbills or other printed matter, shall have the name of such person on each handbill, circular or other printed matter, in sufficient size to be plainly visible, and such name shall be permanently affixed thereto. Distribution of handbills, circulars or other printed matter, other than as provided in this section, is prohibited.

(Code 1970, § 3-10

Sec. 3-8. - Sound-making or amplifying device on vehicle; permit.

(a) Permits for vehicles carrying sound-making or amplifying devices for advertising purposes may be issued in the discretion of the public safety director. It shall be unlawful for any person to fail, neglect or refuse to obtain such permit before operating a vehicle carrying a sound-making or amplifying device.

(b) The director may issue a permit under the provisions of subsection (a) of this section when such officer is satisfied that such sound-making or amplifying device will be operated in such manner that the sound emanating therefrom will be of such low intensity as not to annoy or disturb persons of ordinary sensibilities in the immediate vicinity thereof, and will not be operated at all on any week day between the hours of 10:30 p.m. and 7:00 a.m. or at any time on Sunday.

(Code 1970, § 3-7

Cross reference— See also § 13-36(c)(2).

Sec. 3-9. - False or misleading advertisements.

Any person who knowingly, with intent to sell or in any way dispose of merchandise, securities, service or anything offered by such person, directly or indirectly, to the public for sale or distribution or with intent to increase the consumption thereof, to induce the public in any manner to enter any obligation relating thereto or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publication or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, letter or in any other way, an advertisement of any sort, regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement or fact which is intentionally untrue, shall be deemed guilty of a misdemeanor.

(Code 1970, § 3-11)

⁽⁹⁾ **State Law reference—** Outdoor advertising, Code 1976, Tit. 57, Ch. 25. (Back)

Chapter 4 - ALCOHOLIC BEVERAGES ^[10]

⁽¹⁰⁾ **Editor's note**— Ord. No. 84-25, § 1, enacted Jan. 21, 1985, amended §§ 4-1 and 4-2 to read as herein set out, and repealed §§ 4-3, 4-20—4-28, prohibiting the retail sale of less than one-half pint of alcoholic liquor, and pertaining to beer and wine. Said repealed sections were derived from Code 1970, §§ 4-7, 4-16—4-22.

[Sec. 4-1. - Consumption in public.](#)

[Sec. 4-2. - Appearing on streets, etc., on entering dwelling or business establishment while under the influence of intoxicants.](#)

[Sec. 4-3. - Hours of operation for establishments with on-premise consumption of alcohol.](#)

Sec. 4-1. - Consumption in public.

It shall be unlawful for any person within the city to: (1) Publicly engage in the drinking of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage; (2) to engage in the drinking of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage upon any premises upon which an athletic contest is being conducted. It shall be prima facie evidence that those persons possessing an open container of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage are in violation of this section.

(Code 1970, § 4-3 ; Ord. No. 84-25, § 1, 1-21-85)

Sec. 4-2. - Appearing on streets, etc., on entering dwelling or business establishment while under the influence of intoxicants.

It shall be unlawful for any person, while under the influence of intoxicants, to appear upon any of the streets of the city or in any of the parks, cemeteries, buildings or other public places of the city. It shall also be unlawful for any person, while in such condition, to appear, or to be in or upon the grounds of any church, school, library, museum, theater, public auditorium, bus, taxi or such other place or thing frequented or used generally by the public. It shall likewise be unlawful for a person, while in such condition, to enter or be in any dwelling or the business establishment of another except at the special invitation of the person lawfully in charge or control of such dwelling or business establishment.

(Code 1970, § 4-4; Ord. No. 84-25, § 1, 1-21-85)

Sec. 4-3. - Hours of operation for establishments with on-premise consumption of alcohol.

All business establishments selling beer, wine, liquors, or other alcoholic spirits for on-premise consumption shall observe the hours of operation as set forth in the table below. Any operators or owners of such establishments, as may be determined from the business license issued to such establishments, found in violation of this section shall be subject to punishment as provided in the city business license ordinance and this Code and shall be subject to having their business license revoked, other penalties imposed, and/or their establishment declared a nuisance. Upon closing all sales shall cease and all patrons and personnel shall vacate the premises within 30 minutes.

Hours of Operation

Day	Open	Close
Monday	10:00 a.m.	2:00 a.m. (the following Tuesday)
Tuesday	10:00 a.m.	2:00 a.m. (the following Wednesday)
Wednesday	10:00 a.m.	2:00 a.m. (the following Thursday)
Thursday	10:00 a.m.	2:00 a.m. (the following Friday)
Friday	10:00 a.m.	2:00 a.m. (the following Saturday)
Saturday	10:00 a.m.	11:59 p.m. Saturday
Sunday (may be open, but no alcohol sales)	10:00 a.m.	2:00 a.m. (the following Monday)

(Ord. No. 05-01, § I, 3-7-05)

⁽¹⁰⁾ **Cross reference**— Interest of member or employee of department of public safety in establishment, § 2-204; revocation of vehicle for hire licenses for violation of liquor ordinances, § 23-3; selling liquor by taxicab driver; § 23-36 (Back)

⁽¹⁰⁾ **State Law reference**— Jurisdiction of municipal court, Code 1976, § 61-13-770. (Back)

Chapter 5 - ANIMALS AND FOWL ^[11]

⁽¹¹⁾ **Cross reference**— Noisy animals, § 12-37(c)(3); deposit of manure, § 12-33; sanitation service cost includes animal control, § 14-124

ARTICLE I. - IN GENERAL
ARTICLE II. - IMPOUNDMENT
ARTICLE III. - CRUELTY
ARTICLE IV. - FEEDING OF WILD ANIMALS AND WATERFOWL

ARTICLE I. - IN GENERAL ^[12]

⁽¹²⁾ **Editor's note**— Ord. No. 82-12, § 1, adopted June 22, 1982, amended Art. I to read as set out in §§ 5-1—5-23. Prior to such amendment, Art. I, §§ 5-1—5-26, was derived from Code 1970, §§ 5-1—5-3, 5-6, 5-8, 5-9, 5-11—5-17, 5-19, 5-20, 5-22, 5-24, 5-25, 5-36—5-48, 5-50; and Ord. of Dec. 14, 1971.

[Sec. 5-1. - Definitions.](#)
[Sec. 5-2. - Animals at large—Livestock and domestic fowl.](#)
[Sec. 5-3. - Same—Dogs.](#)
[Sec. 5-4. - Same—Confinement of female dogs and cats in heat.](#)
[Sec. 5-5. - Owner identification and rabies vaccination.](#)
[Sec. 5-6. - Right to enter premises to determine compliance.](#)
[Sec. 5-7. - Keeping vicious, etc., dogs.](#)
[Sec. 5-8. - Animals as nuisance.](#)
[Sec. 5-9. - Staking out near street, etc.](#)
[Sec. 5-10. - Hogs prohibited.](#)
[Sec. 5-11. - Keeping goats near residences or places of business.](#)
[Sec. 5-12. - Keeping domestic fowl generally.](#)
[Sec. 5-13. - Keeping wild animals.](#)
[Sec. 5-14. - Stables, enclosures, etc.—Sanitary condition; inspections, hearings and orders.](#)
[Sec. 5-15. - Same—Construction and maintenance.](#)
[Sec. 5-16. - Accumulation, removal, etc., of manure and refuse.](#)
[Sec. 5-17. - Disposal of animal and fowl carcasses.](#)
[Sec. 5-18. - Periodic inspection of premises.](#)
[Sec. 5-19. - Interference with inspections; obedience to rules and regulations of board of health.](#)
[Sec. 5-20. - Procedure for correction of unsanitary conditions and conditions in violation of law or ordinance.](#)
[Sec. 5-21. - Records to be kept.](#)
[Sec. 5-22. - Applicability of zoning ordinance.](#)
[Sec. 5-23. - Penalties.](#)

Sec. 5-1. - Definitions.

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them:

Animal: Any brute creature.

Animal control officer: Any person designated by the city to serve its citizens, with the duties and powers described in this chapter.

At large: Any domestic or domesticated animal or fowl when not upon property owned or lawfully occupied by a keeper of such animal or fowl or upon property of another without the consent of the owner or lawful occupant of such property, except when held under leash.

Dog: Any canine animal of either sex.

Exposed to rabies: An animal has been exposed to rabies if it has been bitten by, or exposed to, any animal known to have been infected with rabies.

Keeper: Any person owning or having possession or custody of an animal or fowl, or any person managing, keeping or harboring an animal or fowl; thus, the owner of an animal or fowl who entrusts its custody to another shall continue to be a keeper and the custodian shall likewise be a keeper of such animal or fowl.

Kennel: Any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

Livestock: All classes and breeds of animals, domesticated or feral, raised for use, sale, or display.

Owner: Any person owning, keeping or harboring an animal.

Pet: Any mammal of the order Carnivora. This includes dogs, cats and related wild carnivorous animals.

Pound: Any premises designated by action of the city council for the purpose of impounding and caring for all animals found running at large in violation of this article.

Spayed female dog: Any female dog which has been operated upon to prevent conception as evidenced by a certificate from a licensed veterinarian.

Under leash: An animal is under leash if it is secured by a rope, chain, or other like restraining device, being held by an individual physically able to control and restrain said animal by use of such rope, chain, etc.

Under restraint: An animal is under restraint if it is controlled by a leash, or at heel beside a competent person and obedient to that person's commands, or within a fenced-in area—such fence to be sufficient to prevent said animal from escaping, or on/within a vehicle, or within a dwelling.

Vicious animal: Any animal (1) evidencing an abnormal inclination to attack persons or animals without provocation, or (2) having tendency to do any act which might endanger safety of persons and property of others in a given situation.

Waterfowl: Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including, but not limited to, ducks, geese, swans, heron, and egrets.

Wild animal: Any animal, which is not normally domesticated in this state, including, but not limited to, feral swine, coyotes, deer, feral cats, foxes, opossums, raccoons, skunks, alligators, turtles, and waterfowl.

(Ord. No. 82-12, § 1, 6-22-82; Ord. No. 2010-08, § I, 5-17-10)

Sec. 5-2. - Animals at large—Livestock and domestic fowl.

It shall be unlawful for the keeper of any horse, mule, ass or other beast of burden, or any cow, sheep, goat or other barnyard animal, or any domestic fowl of any variety to wilfully or negligently permit such animal or fowl to run at large.

(Ord. No. 82-12, § 1, 6-22-82; Ord. No. 84-20, § 1(A), 11-19-84)

Sec. 5-3. - Same—Dogs.

Each owner shall keep his dog under restraint at all times and shall not permit such dog to be off the premises or property of the owner unless such dog in under leash.

(Ord. No. 82-12, § 1, 6-22-82; Ord. No. 84-20, § 1(C), 11-19-84)

Sec. 5-4. - Same—Confinement of female dogs and cats in heat.

Every female dog and cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes intended by her owner; and any female dog or cat found running at large while in heat shall be subject to impoundment.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-5. - Owner identification and rabies vaccination.

(a) *Owner identification:* Every owner is required to assure that an identification tag or plate is securely fastened to the animal's collar or harness. The tag or plate will clearly indicate the name and address of the owner and must be worn by the animal at all times. An animal at large without such identification shall be deemed abandoned by its owners, and a potential public nuisance.

(b) *Rabies vaccination:*

(1) *Inoculation:* No person shall own or keep any animal within the City of North Augusta unless such animal has been inoculated against rabies and tagged.

(2) *Inoculation requirements:* Every owner of an animal shall have his animal inoculated against rabies each year. A state board of health certificate of animal rabies vaccination will be issued by a licensed graduate veterinarian for each animal stating the name and address of owner, and the veterinary or pharmaceutical control number of the vaccination. Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall at all times be attached to a collar or harness worn by the animal for which the certificate and tag has been issued. The owner shall have a valid certificate of rabies immunization available for inspection by competent authority upon reasonable request. In the event that a rabies tag is lost, the owner will obtain a duplicate tag without delay.

(3) Animals are not required to be inoculated immediately prior to controlled breeding, during the gestation period, or for newborn prior to the age at which it is considered safe by veterinary science.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-6. - Right to enter premises to determine compliance.

For the purpose of discharging the duties imposed and to enforce the inoculation provisions, any agent of the city or any police officer, is empowered, upon compliance with all applicable provisions of law, to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such dog or inoculation tag or certificate.

(Ord. No. 82-12, § 1, 6-22-82)

Cross reference— Right of entry upon private premises by authorized city personnel for inspection purposes, § 2-116

Sec. 5-7. - Keeping vicious, etc., dogs.

The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled. If any dangerous, fierce or vicious dog is found at large and cannot be safely taken up and impounded, such dog may be slain by any police officer.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-8. - Animals as nuisance.

It shall be unlawful for any person owning, controlling or possessing any pet to permit such animal to

become a public nuisance within the meaning of this section. A pet shall be considered a public nuisance should such pet:

- (a) Trespass on private property;
- (b) Disturb any person by frequent or long-continued noise;
- (c) Injure or kill any animal, or damage or destroy any other property, not owned or possessed by the person in charge of the pet;
- (d) Bite a person or show a propensity to do so; or
- (e) Habitually chase one or more vehicles or one or more persons.

(Ord. No. 82-12, § 1, 6-22-82; Ord. No. 84-20, § 1(E), 11-19-84)

Sec. 5-9. - Staking out near street, etc.

Any person permitting any animal or domestic fowl of any variety to be staked or tied or held to graze, feed or go upon any street, sidewalk, park, square, or other public place, shall be guilty of a misdemeanor.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-10. - Hogs prohibited.

It shall be unlawful for any person to keep or maintain any hog in the city, except as may be permitted under the provisions of the zoning ordinance.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-11. - Keeping goats near residences or places of business.

No goat or kid, shall be housed within less than fifty (50) feet of any residence or place of business, nor allowed in any lot, enclosure or runway within less than twenty-five (25) feet of any such residence or place of business.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-12. - Keeping domestic fowl generally.

It shall be unlawful for any person to keep, possess or have in custody any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl that will, because of noise, odors or flies, or otherwise, tend to impair health or disturb the peace, quiet and comfort of nearby residents or occupants of places of business. The board of health shall have the right, power and privilege, through its agents and employees, to inspect the premises where any fowl are kept, and to hold hearings and issue orders in the same manner and for like purpose as provided by section 5-20.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-13. - Keeping wild animals.

No wild animal may be kept within the city except under such conditions as shall be fixed by the

council; provided, wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions, in accordance with such regulations as may be established by the council.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-14. - Stables, enclosures, etc.—Sanitary condition; inspections, hearings and orders.

Each stable, coop, warren, pen and other enclosure or place where any animal or fowl is kept shall at all times be maintained by the keeper of such animal or fowl in a clean and sanitary condition and in such condition that it does not give offense to other persons in the vicinity thereof or constitute a public nuisance or a menace to the public health; and all such enclosures and places shall be subject to inspection by the board of health, through its agents and employees, and the board of health shall have the right, power and privilege to hold hearings and issue orders in the same manner and for like purpose as provided by section 5-20.

(Ord. No. 82-12, § 1, 6-22-82)

Cross reference— As to unclean and unhealthful condition of premises, see § 12-24 et seq.

Sec. 5-15. - Same—Construction and maintenance.

Each stable, coop, warren, pen and other enclosure or place where any animal or fowl is kept shall be so constructed and maintained as to provide for the health, well being and reasonable comfort of the animal or fowl kept therein, and so as to facilitate the cleaning thereof and the placement of food, water, straw or other material in a position readily accessible to the animal or fowl kept therein.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-16. - Accumulation, removal, etc., of manure and refuse.

No keeper of an animal or fowl shall permit any manure, urine, soiled straw or other refuse resulting from the keeping of such animal or fowl to accumulate upon the premises where such animal or fowl is kept, or to accumulate elsewhere, for any period of time greater than twenty-four (24) hours; and all such refuse shall be disposed of daily in a lawful and sanitary manner. Receptacles used for the collection or disposal of any such refuse shall be of substantial construction, with tight-fitting covers, leakproof and flyproof, and shall be placed as far as possible from any dwelling or other occupied building and any street or public way or place, and all such receptacles shall be cleaned daily.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-17. - Disposal of animal and fowl carcasses.

Every keeper of an animal or fowl shall, immediately upon knowledge of the death of such animal or fowl, dispose of the carcass thereof in a lawful and sanitary manner. Any such keeper neglecting to so dispose of such carcass within six (6) hours after knowledge of its death shall be guilty of a misdemeanor. If any keeper shall permit any such carcass to remain in the city in violation of this section, the division of refuse disposal shall cause such animal or fowl to be removed at the expense of such keeper, who shall forthwith repay to the city the amount of such expenses, and such amount may be recovered from such person on behalf of the city as debts of like amounts are now recovered by law. It shall be unlawful to convey any dead animal from the city unless it is entirely covered so that no portion thereof is visible.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-18. - Periodic inspection of premises.

The animal control officer shall at frequent intervals go upon and examine all premises where livestock or fowl are kept to ascertain that such premises are not kept so as to be or become a nuisance, or because of noise, noxious odors, flies, filth or otherwise tend to impair health or disturb the peace and comfort of the occupants of nearby residences or places of business.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-19. - Interference with inspections; obedience to rules and regulations of board of health.

It shall be unlawful for any person to refuse the health officer or other inspector or agent of the city to inspect the premises where any animal or fowl is kept or housed within the city, or to interfere with any such officer in the discharge of his duties thereabouts. It shall likewise be unlawful for any person to refuse or neglect to obey any order or rule of the board of health passed in conformity with this chapter.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-20. - Procedure for correction of unsanitary conditions and conditions in violation of law or ordinance.

If, upon inspection as provided for in any section of this chapter, conditions are found which tend to impair the health or disturb the peace and comfort of the occupants of nearby residences or places of business or which are in violation of any provision of state law, this Code or other ordinance, it shall be the duty of the health officer and/or animal control officer with or without complaint having been filed, to order removal of such conditions. Upon the refusal or failure of any person to obey such order, notice shall be served upon such delinquent to the effect that on a stated day, which shall not be less than five (5) days from the service, the board of health will hold a hearing upon the question of whether or not such conditions shall be removed or in any manner altered or modified. After such hearing, which shall be had in conformity with such notice, the board shall pass such order as in its judgment the facts warrant. At such hearing the usual rules of evidence as to the qualifications of witnesses and admissibility of evidence shall prevail as in courts of law.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-21. - Records to be kept.

It shall be the duty of the officers designated by competent authority, for the administration of this chapter, to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals impounded or disposed of by them; and to keep or cause to be kept accurate and detailed records of all bite cases reported to them, and their investigations thereof; and to keep or cause to be kept accurate and detailed records of all money belonging to the city which comes into their custody; and all such records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city annually in the same manner as other city records are audited.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-22. - Applicability of zoning ordinance.

No person shall keep any animal or fowl within the city contrary to any applicable provision of the zoning ordinance; and no provision of this chapter shall be construed to authorize any act, omission or condition prohibited by the zoning ordinance, or as a substitute for any act or condition required by the zoning ordinance.

(Ord. No. 82-12, § 1, 6-22-82)

Sec. 5-23. - Penalties.

Any person refusing to comply with the provisions of this chapter or violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty (30) days, or both, for each offense.

(Ord. No. 82-12, § 1, 6-22-82; Ord. No. 93-20, § I, 8-16-93)

ARTICLE II. - IMPOUNDMENT ^[13]

⁽¹³⁾ **Editor's note**— Article II was amended by Ord. No. 82-12, adopted June 22, 1982, to read as herein set out. Prior to amendment, Art. II was derived from Code 1970, §§ 5-21, 5-49, 5-51, 5-52, 5-54—5-58; Ord. of Dec. 14, 1971, and Ord. of Feb. 20, 1979.

[Sec. 5-24. - Running at large.](#)

[Sec. 5-25. - Notification to owners.](#)

[Sec. 5-26. - Redemption authorized.](#)

[Sec. 5-27. - Redemption fees.](#)

[Sec. 5-28. - Certain animals unredeemable; exception.](#)

[Sec. 5-29. - Disposition of unredeemed animals generally.](#)

[Sec. 5-30. - Interference with officers, etc.; releasing animals from custody.](#)

[Sec. 5-31. - Biting or attacking persons.](#)

[Sec. 5-32. - Property damages by animals.](#)

[Secs. 5-33—5-39. - Reserved.](#)

Sec. 5-24. - Running at large.

(a) All animals prohibited by this chapter from running at large shall be impounded when found running at large within the city and disposed of in accordance with law.

(b) Any person may seize any animal found on such person's premises and deliver it to the pound to be impounded as provided herein.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-25. - Notification to owners.

Immediately upon impounding any animal, the impounding officer shall make reasonable effort to notify the owner of such animal and inform such owner of the conditions whereby such owner may regain custody of the animal.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-26. - Redemption authorized.

(a) Any animal impounded under the provisions of this article may be reclaimed by the owner, unless otherwise specified, upon the payment of impoundment fees set forth herein and in compliance with any other requirements set forth herein.

(b) The owner shall be entitled to reclaim possession of any impounded animal, except as herein otherwise provided in the cases of certain animals, upon compliance with the owners' identification and inoculation provisions in this chapter and the payment of the impoundment fees set forth herein.

(c) In the case of a vicious animal which the owner has failed on several occasions to control properly, and which has been impounded, redemption may be made only with the consent of the animal control officer.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-27. - Redemption fees.

Any animal impounded hereunder may be reclaimed as herein provided by the owner by payment to the city of the sum of fifteen dollars (\$15.00) for the first incident and the sum of twenty-five dollars (\$25.00) for any subsequent pickups. No animal may be reclaimed by the owner except upon payment of the impoundment fees and upon compliance with the owners' identification and inoculation certificate rabies tag provisions in this chapter. In addition, a fee per twenty-four hour period or fraction thereof shall be charged for feeding and caring for an impounded animal. All these costs shall be borne by the owner.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-28. - Certain animals unredeemable; exception.

(a) Any animal described in sections 5-7 and 5-13 found at large, shall be impounded by the city and may not be redeemed by owners, unless such redemption is authorized by any court having jurisdiction.

(b) Any dog, cat or other animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.

(c) When in the judgment of the city or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-29. - Disposition of unredeemed animals generally.

(a) Any animal impounded under the provisions of this article and not reclaimed by its owner within

three (3) working days, may be humanely destroyed by the poundmaster or, upon the animal being spayed or neutered, placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this chapter and such other regulations as shall be fixed by the city; provided, if the animal is one to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with. If an animal is injured or diseased, it may be humanely destroyed immediately.

(b) Animals not claimed by their owners before the expiration date, shall become the property of the city and disposed of at the discretion of the city. When animals are found running at large, and their ownership is known to the agents of the city, and the impoundment and apprehension of the animals is not possible, the agent may, in such agent's discretion, cite the owners of such animals to appear in court to answer to charges of violation of this chapter.

(Ord. No. 82-12, § 2, 6-22-82; Ord. No. 90-10, § 1, 8-20-90)

Sec. 5-30. - Interference with officers, etc.; releasing animals from custody.

No person shall interfere with, hinder or molest any police officer or other officer, employee or agent of the city who is in the performance of any duty, or seek to release any animal in the custody of the city or its agents, except as herein provided.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-31. - Biting or attacking persons.

(a) If a citizen witnesses an animal attacking a person, he shall notify the animal control officer. Whenever the animal control officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the Aiken County Health Department of such bite or attack and shall cooperate with the health department in impounding and quarantining the animal.

(b) Quarantine of biting animals: When any dog or other animal capable of being infected with rabies has bitten any person, is suspected of having bitten any person, or is suspected of being infected with rabies, the animal control officer shall cause such dog or other animal to be quarantined for such time as he deems necessary but not less than ten (10) days from the day the person was bitten. Animals shall be quarantined only at the animal shelter, at a licensed veterinarian's facility, or at approved area kennels.

(Ord. No. 82-12, § 2, 6-22-82)

Sec. 5-32. - Property damages by animals.

When any animal shall go upon the premises of any other person than its owner, the owner of such trespassing animal shall be liable for all property damages done by it upon the premises. The owner of the premises sustaining such damages may within three (3) days after the incident file a sworn complaint and seek civil process for recovery of damage through the appropriate judicial process.

(Ord. No. 82-12, § 2, 6-22-82)

Secs. 5-33—5-39. - Reserved.

ARTICLE III. - CRUELTY ^[14]

⁽¹⁴⁾ **Cross reference—** Malicious injury to animals of another, § 16-133

[Sec. 5-40. - Acts of agents imputed to corporations.](#)

[Sec. 5-41. - Ill treatment generally.](#)

[Sec. 5-42. - Cruel work or transportation, abandonment, etc.](#)

[Sec. 5-43. - Lien for penalty, etc., imposed for violation of certain sections.](#)

[Sec. 5-44. - Abandonment of infirm animal in public place.](#)

[Sec. 5-45. - Destruction of abandoned animal.](#)

[Sec. 5-46. - Custody of animal, etc., upon arrest of person in charge—Expenses to constitute lien.](#)

[Sec. 5-47. - Same—Enforcement of lien.](#)

[Sec. 5-48. - Search warrants and searches.](#)

[Sec. 5-49. - Reserved.](#)

Sec. 5-40. - Acts of agents imputed to corporations.

The knowledge and acts of agents and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations shall be held to be the knowledge and acts of such corporations.

(Code 1970, § 5-26

State law reference— Similar provisions, Code 1976, § 47-1-20.

Sec. 5-41. - Ill treatment generally.

It shall be unlawful for any person to starve, deprive of necessary sustenance or shelter, beat, overload, overdrive, overwork, torture, torment, needlessly mutilate, cruelly kill, wilfully abuse or ill treat, or inflict unnecessary pain upon any animal or fowl, or to cause any such act or omission to be done, whether such person be the owner of such animal or fowl or shall have charge or custody of the same or not.

(Code 1970, § 5-27

State law reference— Similar provisions, Code 1976, § 47-1-40; prohibition against killing nongame birds, § 50-1-120.

Sec. 5-42. - Cruel work or transportation, abandonment, etc.

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

- (1) Cruelly drives or works the same when unfit for labor;
- (2) Cruelly abandons such animal;

(3) Carries the animal, or causes it to be carried, in or upon any vehicle in an unnecessarily cruel or inhuman manner; or

(4) Knowingly or wilfully authorizes the animal to be subjected to unnecessary torture, suffering or cruelty of any kind;

shall be guilty of a misdemeanor.

(Code 1970, § 5-29

State law reference— Similar provisions, Code 1976, § 47-1-50.

Sec. 5-43. - Lien for penalty, etc., imposed for violation of certain sections.

All penalties, fines and costs imposed for violation of section 5-41 or section 5-42 shall constitute liens upon the animal cruelly used and may be enforced by the sale of such animal at public auction, after not less than two (2) days' advertisement, under the direction of the recorder.

(Code 1970, § 5-28

State law reference— Similar provisions, Code 1976, § 47-1-170.

Sec. 5-44. - Abandonment of infirm animal in public place.

Any person, being the owner or possessor having the charge or custody of a maimed, diseased, disabled or infirm animal, who shall abandon such animal or leave it to die in any street or other public place within the city for more than three (3) hours after he has received notice that it is left disabled, shall be guilty of a misdemeanor.

(Code 1970, § 5-30

State law reference— Similar provisions, Code 1976, § 47-1-70.

Sec. 5-45. - Destruction of abandoned animal.

Any agent or officer of the South Carolina Society for the Prevention of Cruelty to Animals or of any other society duly incorporated for that purpose may lawfully destroy, or cause to be destroyed, any animal found abandoned or not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.

(Code 1970, § 5-31

State law reference— Similar provisions, Code 1976, § 47-1-80.

Sec. 5-46. - Custody of animal, etc., upon arrest of person in charge—Expenses to constitute lien.

When any person arrested is, at the time of such arrest, in charge of any animal or any vehicle drawn by or containing any animal, any agent of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society duly incorporated for that purpose, may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody or deliver the same into the possession of the city police, who shall thereupon assume the custody thereof; and all necessary expenses incurred in taking charge of such property shall be a lien thereon.

(Code 1970, § 5-32)

State law reference— Similar provisions, Code 1976, § 47-1-120.

Sec. 5-47. - Same—Enforcement of lien.

The lien provided for in section 5-46 may be enforced by the sale of the property at public auction, after not less than two (2) days' advertisement, by order of the recorder.

(Code 1970, § 5-33)

Sec. 5-48. - Search warrants and searches.

When complaint is made on oath or affirmation to the recorder that the complainant has cause to believe that the provisions of this article in relation to cruelty to animals have been or are being violated in any particular building or place within the city, the recorder shall, if satisfied that there is reasonable cause for such belief, issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no such search shall be made after sunset, unless especially authorized by the officer issuing such warrant, upon satisfactory cause shown.

(Code 1970, § 5-34)

State law reference— Similar provisions, Code 1976, § 47-1-150.

Sec. 5-49. - Reserved.

ARTICLE IV. - FEEDING OF WILD ANIMALS AND WATERFOWL

[Sec. 5-50. - Purpose.](#)

[Sec. 5-51. - Feeding of wild animals and waterfowl prohibited.](#)

[Sec. 5-52. - Enforcement.](#)

[Sec. 5-53. - Penalties.](#)

Sec. 5-50. - Purpose.

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

(Ord. No. 2010-08, § I, 5-17-10)

Sec. 5-51. - Feeding of wild animals and waterfowl prohibited.

(a) No person shall purposely or knowingly feed, bait, or in any manner provide access to food to any wild animal or waterfowl within city parks, or on other publicly owned lands in the city.

(b) Nothing in this section shall apply to any agent of the city, State of South Carolina, federal agency, or nuisance wildlife control officers lawfully engaged in a wildlife or waterfowl management program.

(Ord. No. 2010-08, § I, 5-17-10)

Sec. 5-52. - Enforcement.

Animal control officers, code compliance officers, and all public safety officers of the City of North Augusta are hereby given full power and authority to enforce this article.

(Ord. No. 2010-08, § I, 5-17-10)

Sec. 5-53. - Penalties.

Any person violating any provision of this article shall be punishable as provided in section 1-8 of this Code of Ordinances. A separate offense shall be deemed committed on each day or part of each during which a violation occurs or continues.

(Ord. No. 2010-08, § I, 5-17-10)

Chapter 6 - BUILDINGS; CONSTRUCTION; RELATED ACTIVITIES ^[15]

⁽¹⁵⁾ **Editor's note**— Ord. No. 01-11, § I, adopted September 17, 2001, amended the Code by repealing former arts. I—IX, §§ 6-1—6-5, 6-7—6-14, 6-17—6-19, 6-23, 6-27, 6-29—6-33, 6-52, 6-53, 6-55—6-58, 6-66, 6-67, 6-70, 6-71; and added a new ch. 6, arts. I—V to read as herein set out. Former art. X has been renumbered as a new art. VI. Former ch. 6, arts. I—IX derived from Ord. No. 98-01, adopted February 2, 1998.

ARTICLE I. - IN GENERAL

ARTICLE II. - STANDARD CONSTRUCTION CODES

ARTICLE III. - CONSTRUCTION PERMIT SCHEDULES

ARTICLE IV. - MISCELLANEOUS CONSTRUCTION PROVISIONS

ARTICLE V. - BUILDING CODES BOARD OF APPEALS

ARTICLE VI. - CROSS-CONNECTION CONTROL

⁽¹⁵⁾ **Cross reference**— Code enforcement policy, § 2-17; establishing building lines, § 2-215; potable water supply required, § 12-1; restriction on creation of noise in construction, § 12-21(c)(9). (Back)

ARTICLE I. - IN GENERAL

[Sec. 6-1. - Permits required; to be issued only to master plumbers, master electricians, and licensed mechanical contractors.](#)

[Sec. 6-2. - License required.](#)

[Sec. 6-3. - Surety bond required of licensed contractors.](#)

[Sec. 6-4. - Renewal of plumber's and electrician's certificate.](#)
[Sec. 6-5. - Allowing another to use license or name.](#)
[Secs. 6-6, 6-7. - Reserved.](#)

Sec. 6-1. - Permits required; to be issued only to master plumbers, master electricians, and licensed mechanical contractors.

Before work upon the installation or alteration of any plumbing, electrical, or mechanical fixtures in any building is commenced, a permit therefor must be procured from the appropriate official of the city. Such permit will be issued to a master plumber, master electrician, or licensed mechanical contractor only, who must make application therefor and pay the proper fee.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-2. - License required.

No person shall engage in or carry on the business or trade of plumber, electrician, or mechanical contractor in the city without first obtaining a license for such business or trade from either the State of South Carolina Licensing Board for Contractors, the Municipal Association of South Carolina, or hold a previously issued license (subject to annual renewal) from the city.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-3. - Surety bond required of licensed contractors.

Every licensed contractor, as a condition to being issued a license to do business in the city, shall file a surety bond with the city in the sum of one thousand dollars (\$1,000.00) which bond shall be conditioned upon the following:

- (1) The faithful observance of the ordinances of the city, including full compliance with the adopted codes.
- (2) Payment of such contractor of any damages to persons or property caused by his negligence in work done pursuant to his license.
- (3) Payment of such contractor of any damages to person or property caused by an excavation or obstruction in or on any of the streets, sidewalks, alleys, or other public places in the city caused by any act, default, or negligence on the part of any person, whether an independent contractor or not, who shall do any work for such contractor or any agent or such person so working for such contractor.
- (4) Payment by such contractor for any damages to person or property caused by any act whatsoever done or suffered by way of such contractor by way of any person, whether an independent contractor or not, who shall do any work for such contractor, or by way of any agent of such person so working for such contractor.
- (5) Payment by such contractor of all fines and penalties imposed for violation of any ordinances or of any rule or regulation of the city.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-4. - Renewal of plumber's and electrician's certificate.

Each master or journeyman plumber or electrician having a city certificate must renew said certificate at the end of each calendar year. If not so renewed after the end of the year and within thirty (30) days following notification by the city of its expiration, the holder thereof will be required to take a satisfactory examination given either by the State of South Carolina Licensing Board or the Municipal Association of South Carolina.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-5. - Allowing another to use license or name.

No person, firm, or corporation carrying on a plumbing, electrical, mechanical, or licensed general contracting business in the city shall allow his, her, or their names to be used by any person, directly or indirectly either to obtain a permit, send in notices, or to do any work under his license.

(Ord. No. 01-11, § I, 9-17-01)

Secs. 6-6, 6-7. - Reserved.

ARTICLE II. - STANDARD CONSTRUCTION CODES

[Sec. 6-8. - Standard codes adopted; where filed.](#)

[Sec. 6-9. - Designated responsible official.](#)

[Sec. 6-10. - Effective dates.](#)

[Secs. 6-11. - Reserved.](#)

Sec. 6-8. - Standard codes adopted; where filed.

In accordance with laws of the State of South Carolina requiring mandatory adoption by reference the latest editions of nationally recognized codes and the standards referenced in those codes for regulation of construction, the codes listed below and any modifications approved by the South Carolina Building Codes Council (BCC) are hereby adopted. The codes and all amendments thereto are adopted in their entirety by reference as though they were set out herein at length except as specifically noted. Also excluded are the specific appendices listed for each code and the section(s) addressing administrative procedures. A copy of each standard code shall remain on file in the office of the city clerk.

Code	Edition/ Implementation Date	Excluded Section(s)	Adopted Appendices
International Building Code, with modifications	2006/July 1, 2008	Sec. 103	None

International Fire Code, with modifications	2006/July 1, 2008	Sec. 103	None
International Plumbing Code	2006/July 1, 2008	Sec. 103	None
International Mechanical Code	2006/July 1, 2008	Sec. 103	None
International Energy Conservation Code	2006/July 1, 2008	Sec. 103	None
International Residential Code, with modifications	2006/July 1, 2008	Sec. R103	None
International Fuel Gas Code, with modifications	2006/July 1, 2008	Sec. 103	None
International Property Maintenance Code	2006/July 1, 2008	Sec. 103	None
International Existing Building Code	2006/July 1, 2008	Sec. 103	None
National Electrical Code, with modifications	2008/July 1, 2009	—	None

Note: International codes for building, fire, plumbing, mechanical, energy conservation, residential, fuel gas, property maintenance, and existing building are published by the International Code Council, Inc. All codes are mandatory with the exception of the International Property Maintenance Code and the International Existing Building Code which are permissive codes.

The National Electrical Code is published by the National Fire Protection Association, Inc.

(Ord. No. 01-11, § I, 9-17-01; Ord. No. 03-08, § I, 5-5-03; Ord. No. 04-17, § I, 10-4-04; Ord. No. 2007-10, § 1, 7-2-07; Ord. No. 2008-07, § I, 5-19-08; Ord. No. 2009-06, § I, 6-15-09)

Cross reference— Code enforcement policy, § 2-17

State law reference— Authority to adopt Standard Fire Prevention Code, Code 1976, § 6-9-60; continuing use of other codes, Code 1976, § 6-9-100; resident [state] fire marshal and authority to enforce state regulations within the city, Code 1976, § 23-9-30.

Sec. 6-9. - Designated responsible official.

When reference is made within the adopted standard codes to the duties of certain officials named therein, the designated official in the city who has duties corresponding to those of the named official in

the standard codes shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. Said city official shall be subject to the city's personnel, policies, and procedures as adopted by the city.

(Ord. No. 01-11, § I, 9-17-01; Ord. No. 04-17, § I, 10-4-04; Ord. No. 2009-06, § I, 6-15-09)

Sec. 6-10. - Effective dates.

The international codes for building, fire, plumbing, mechanical, energy conservation, residential, fuel gas, property maintenance, and existing building codes shall become effective July 1, 2008. The National Electric Code shall become effective July 1, 2009.

(Ord. No. 04-17, § I, 10-4-04; Ord. No. 2008-07, § I, 5-19-08; Ord. No. 2009-06, § I, 6-15-09)

Secs. 6-11. - Reserved.

ARTICLE III. - CONSTRUCTION PERMIT SCHEDULES

- [Sec. 6-12. - Building permits schedule.](#)
- [Sec. 6-13. - Gas permits schedule.](#)
- [Sec. 6-14. - Plumbing permits schedule.](#)
- [Sec. 6-15. - Mechanical permits schedule.](#)
- [Sec. 6-16. - Electrical permits schedule.](#)
- [Secs. 6-17—6-19. - Reserved.](#)

Sec. 6-12. - Building permits schedule.

Upon application for a building permit, fees shall be paid to the city in accordance with the following schedule:

Total Valuation	Fee
\$1,000.00 and less	No fee, unless inspection required; in which case, a \$12.00 fee for each inspection shall be charged
\$1,001.00 to \$50,000.00	\$12.00 for the first \$1,000.00 plus \$4.00 for each additional thousand or fraction thereof, up to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$208.00 for the first \$50,000.00 plus \$3.20 for each additional thousand or fraction thereof, up to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$368.00 for the first \$100,000.00 plus \$2.40 for each additional thousand or fraction thereof, up to and including \$500,000.00
\$500,001.00 and up	\$1,328.00 for the first \$500,000.00 plus \$1.60 for each additional thousand or fraction thereof

For the moving of any building or structure	\$80.00
For the demolition of any building or structure	\$50.00 for up to 100,000 cu. ft.; \$0.50/1,000 cu. ft. for 100,001 cu. ft. and over
Penalties	Where work for which a permit is required by the standard codes is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of the standard codes in the execution of the work nor from any other penalties prescribed therein.
Plan-checking fees	When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by the standard codes, a plan-checking fee shall be paid to the city official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in this fee schedule. Such plan-checking fee is in addition to the building permit fee but shall not be charged on any single-family residential construction.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-13. - Gas permits schedule.

Upon application for a gas permit, fees shall be paid to the city in accordance with the following schedule:

1	Issuing each permit	\$5.00
2	Inspection of consumer's gas piping at one location (including both rough and final piping inspection) —One unit	5.00

3	Inspection of consumer's gas piping at one location (including both rough and final piping inspection) —Each additional unit	1.00
4	Inspecting conversion burners, floor furnaces, incinerators, boilers, or central heating or air conditioning units—On the unit	5.00
5	Inspecting conversion burners, floor furnaces, incinerators, boilers, or central heating or air conditioning units—Each additional unit	1.00
6	Inspecting vented wall furnaces	2.50

	and water heaters —One unit	
7	Inspecting vented wall furnaces and water heaters— Each additional unit	1.00
8	Inspection of gas logs	10.00
9	Inspection of the installation of a new gas line	10.00
10	Reinspection of the installation of a new gas line	5.00
11	Commencement of work before obtaining the necessary permit and inspection	Fees doubled
12	Any and all fees shall be paid by:	Person to whom the permit is issued.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-14. - Plumbing permits schedule.

Upon application for a plumbing permit, fees shall be paid to the city in accordance with the following

schedule:

1	Issuing each permit	\$15.00
2	Issuing each supplemental permit	\$5.00

Unit Fee Schedule (in addition to above)

1	Each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefor)	2.50
2	Each building sewer and each trailer park sewer	5.00
3	Rainwater systems per drain (inside building)	1.00
4	Each cesspool (where permitted)	N/A
5	Each	N/A

.	private sewage disposal system	
6	Each water heater and/or vent	2.50
7	Each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	2.50
8	Each installation, alteration, or repair of water piping and/or water treating equipment	5.00
9	Each repair or alteration of drainage or vent piping, per fixture	5.00
10	Each lawn sprinkler system or any one	2.50

	meter including backflow protection devices therefor	
1 1 .	Atmospheric-type vacuum breakers not included in #2:	
	1 to 5	2.50
	over 5, each	2.00
1 2 .	Each backflow protective device other than atmospheric-type vacuum breakers:	
	2 inches (51 mm) and smaller	2.50
	over 2 inches (51 mm)	5.00

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-15. - Mechanical permits schedule.

Upon application for a mechanical permit, fees shall be paid to the City in accordance with the following schedule:

Initial fee:

For issuing each permit \$10.00

Additional fees:

Fee for inspection heating, ventilating, ductwork, air-conditioner and refrigeration systems:

First \$1,000.00, or fraction thereof, of valuation of the installation 10.00

Each additional \$1,000.00 or fraction thereof 2.00

Fee for inspection boilers (based upon Btu input):

33,000 Btu (1 BHp) to 165,000 (5 BHp) 5.00

165,001 Btu (5 BHp) to 330,000 (10 BHp) 10.00

330,001 Btu (10 BHp) to 1,165,000 (52 BHp) 15.00

1,165,001 Btu (52 BHp) to 3,300,000 (98 BHp) 25.00

Over 3,300,000 Btu 35.00

Fee for re-inspection: In case it becomes necessary to make a re-inspection of a heating, ventilation, air conditioning or refrigeration system, or boiler system, the installer of such equipment shall pay a re-inspection fee of five dollars (\$5.00).

Temporary operation inspection fee: When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration, or air conditioning system, or portion thereof, a fee of five dollars (\$5.00) shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual inspection fee shall be charged for each subsequent preliminary inspection for such purpose.

Self-contained units less than two tons: In all buildings, except one- and two-family dwellings, where self-contained air conditioning units of less than two (2) tons are to be installed, the fee shall be that for the total cost of all units combined.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-16. - Electrical permits schedule.

Upon application for an electrical permit, fees shall be paid to the city in accordance with the following schedule:

0—200 ampere main service \$25.00

201—400 ampere main service 45.00

401—600 ampere main service 70.00

601—800 ampere main service 90.00

801—1,200 ampere main service 120.00

1,201—2,000 ampere main service 250.00

2,001 or larger ampere main service 500.00

Each additional circuit in panel 0.30

Minimum inspection fee 10.00

Reinspection 10.00

Swimming pools 15.00

Central air conditioning 15.00

Temporary service pole (including circuits) 15.00

Addition to existing wiring 10.00

Set electrical meter 5.00

(Ord. No. 01-11, § I, 9-17-01)

Secs. 6-17—6-19. - Reserved.

ARTICLE IV. - MISCELLANEOUS CONSTRUCTION PROVISIONS

[Sec. 6-20. - Homeowner doing own work.](#)

[Sec. 6-21. - Buildings standing in contradiction of codes declared nuisance.](#)

[Sec. 6-22. - City's approval prerequisite to connections with gas or electricity.](#)

[Sec. 6-23. - Industries doing own work.](#)

[Sec. 6-24. - Penalties](#)

[Secs. 6-25, 6-26. - Reserved.](#)

Sec. 6-20. - Homeowner doing own work.

Nothing contained in this chapter shall prevent or prohibit a homeowner from doing building, plumbing, mechanical, or electrical work in a dwelling in which such owner resides; provided that such owner shall obtain the required permit(s) and shall make such installation in conformance with the applicable standard codes adopted within the chapter.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-21. - Buildings standing in contradiction of codes declared nuisance.

(a) All buildings erected, altered, or maintained in contravention of the standard building codes adopted within this chapter are hereby declared to be nuisances, dangerous to persons and property, and prejudicial to the welfare of the city, whether already existing or hereafter built. It shall be the duty of the city officials, when such a building is brought to their attention, to inspect it; and if it appears to be so in contravention, the city official shall notify the owner thereof or the owner's duly authorized agent, in writing to destroy or remove the building or to remedy the defect therein within a certain number of days, to be specified in the notice.

It shall thereupon become the duty of such owner or the owner's duly authorized agent to comply with the terms of such notice and a refusal or failure to so comply shall constitute a violation of the provisions of this section. In case of such refusal or failure, the city official may destroy/remove, or cause to be destroyed/removed, such building or remedy the defect and collect the expenses of such

destruction, removal, or alteration from the owner of such building, who shall pay expenses independent of any penalty that may be imposed.

(b) Whenever a building or structure is repaired or demolished in accordance with the standard codes adopted within this chapter and the cost of such repair or demolition is born by the city, recovery of such cost may be filed as a lien against the affected property in addition to any other method allowable by law for the city's collection of debt. Nothing herein shall preclude the city's entering into a contractual arrangement between the city and property owner for the repair or demolition of affected buildings or structures.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-22. - City's approval prerequisite to connections with gas or electricity.

(a) *Gas.* No gas service utility company shall connect to its system any new or previous installations of piping, extension to existing piping, or any condemned installation until the utility has received notice from the city in the form of a clearance, denoting that installation has been inspected and approved by the city.

(b) *Electricity.* No electric service utility company shall connect to its system any new or previous installations of wiring, extension to existing installations, or any condemned installations until the utility has received notice from the city in the form of a clearance, denoting that installation has been inspected and approved by the city.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-23. - Industries doing own work.

Industries demonstrating in-house capabilities for electrical installation and maintenance work may be allowed to do so under permitting procedures established by the city. Nothing herein shall waive any requirement from the standard codes adopted within this chapter.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-24. - Penalties

Persons who shall violate a provision of the standard codes adopted within this chapter or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of these codes, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. No. 01-11, § I, 9-17-01)

Secs. 6-25, 6-26. - Reserved.

ARTICLE V. - BUILDING CODES BOARD OF APPEALS ^[16]

⁽¹⁶⁾ **Cross reference**— Code enforcement policy, § 2-17

[Sec. 6-27. - Appointment of members; composition.](#)

[Sec. 6-28. - Term of office; filling vacancies.](#)

[Sec. 6-29. - Quorum.](#)

[Sec. 6-30. - Records.](#)

[Sec. 6-31. - Procedure.](#)

[Sec. 6-32. - Time limit.](#)

[Sec. 6-33. - Variations and modifications.](#)

[Sec. 6-34. - Decisions.](#)

[Sec. 6-35, 6-36. - Reserved.](#)

Sec. 6-27. - Appointment of members; composition.

Notwithstanding any specific requirement within any standard code adopted by reference in this chapter, there is hereby established a board to be called the building codes board of appeals, whose duty shall be to hear and to render decisions on appeals resulting from the enforcement of these building-related codes adopted by this chapter. The board shall consist of five (5) members. Such board shall be composed of one architect, one general contractor or civil engineer, one mechanical contractor or engineer, one electrical contractor or engineer, and one fire protection engineer or fire protection contractor. The board shall be appointed by the mayor with concurrence of city council.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-28. - Term of office; filling vacancies.

Of the members first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, one (1) for a term of three (3) years, and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall render any such member liable to immediate removal from office.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-29. - Quorum.

Three (3) members of the board shall constitute a quorum. In varying the application of any provisions of this chapter or in modifying an order of the city official charged with enforcing these codes, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-30. - Records.

A staff official of the city shall act as secretary of the building codes board of appeals and shall make a detailed record of all its proceedings, which shall set forth reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-31. - Procedure.

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet as required and as determined by the chairman. In any event, the board shall meet within ten (10) days after notice of appeal has been received.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-32. - Time limit.

(a) Whenever a city official charged with enforcement of these codes shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of these codes do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of these codes or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent may appeal from the decision of the city official to the building codes board of appeals. Notice of appeal shall be in writing and filed within ninety (90) days after the decision is rendered by the city official. A fee as established by the department of building standards shall accompany such notice of appeal. Said fee shall not exceed the costs associated with the appeal.

(b) In case of a building or structure which, in the opinion of the city official, is unsafe or dangerous, the city official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the city.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-33. - Variations and modifications.

(a) The building codes board of appeals, when so appealed to and after a hearing, may vary the application of any provision of these codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of these codes or public interest, or when in its opinion the interpretation of the city official should be modified or reversed.

(b) A decision of the building codes board of appeals to vary the application of any provision of these codes or to modify an order of the city official shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-34. - Decisions.

(a) Every decision of the building codes board of appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the city charged with the responsibility of building standards enforcement, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the above office of the city for two (2) weeks after filing.

(b) The building codes board of appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

(c) If a decision of the building codes board of appeals reverses or modifies a refusal, order, or disallowance of the city official, or varies the application of any provision of these codes, the city official shall immediately take action in accordance with such decision.

(Ord. No. 01-11, § I, 9-17-01)

Sec. 6-35, 6-36. - Reserved.

ARTICLE VI. - CROSS-CONNECTION CONTROL

DIVISION 1. - GENERAL POLICY

DIVISION 2. - REQUIREMENTS

DIVISION 1. - GENERAL POLICY

[Sec. 6-37. - Purpose.](#)

[Sec. 6-38. - Responsibility.](#)

[Sec. 6-39. - Definitions.](#)

Sec. 6-37. - Purpose.

The purpose of this article is:

- (1) To protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems; and
- (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. No. 98-01, § I, 2-2-98; Ord. No. 01-11, § I, 9-17-01)

Sec. 6-38. - Responsibility.

The director of public utilities shall be responsible for the protection of the public potable water

distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the director an approved backflow-prevention assembly is required (at the customer's water service connection, or within the customer's private water system) for the safety of the water system, the director or his/her designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense, and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. No. 98-01, § I, 2-2-98; Ord. No. 01-11, § I, 9-17-01)

Sec. 6-39. - Definitions.

[For the purposes of this article, the following words, terms and phrases shall have the meanings herein set out:]

Approved: Accepted by the authority responsible as meeting an applicable specification stated or cited in this article or as suitable for the proposed use.

Auxiliary water supply: Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow: The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

Backflow preventer: An assembly or means designed to prevent backflow.

(1) *Air gap:* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one inch (25 mm).

(2) *Reduced-pressure backflow-prevention assembly:* The approved reduced-pressure principle backflow-prevention assembly consists of two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

(3) *Double-check valve assembly:* The approved double-check valve assembly consists of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant).

Backpressure: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or

any other means that may cause backflow.

Backsiphonage: Backflow caused by negative or reduced pressure in the supply piping.

Contamination: An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

Cross connection: A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable), or any matter that may change the color or add odor to the water.

Cross connections, controlled: A connection between a potable water system and a nonpotable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Cross-connection control by containment: The installation of an approved backflow-prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection.

Hazard, degree of: The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(1) *Hazard, health:* A cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.

(2) *Hazard, plumbing:* A plumbing-type cross connection in a customer's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

(3) *Hazard, nonhealth:* A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

(4) *Hazard, system:* An actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

Industrial fluids system: Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open

cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals, or systems, and so forth; oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

Pollution: The presence of any foreign substance in water that tends to degrade its quality so as to constitute a nonhealth hazard or impair the usefulness of the water.

Service connection: The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water, nonpotable: Water that is not safe for human consumption or that is of questionable quality.

Water, potable: Water that is safe for human consumption as described by the public health authority having jurisdiction.

Water, used: Any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Water commissioner or health official: The director of public utilities is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this article.

(Ord. No. 98-01, § I, 2-2-98; Ord. No. 01-11, § I, 9-17-01)

DIVISION 2. - REQUIREMENTS

[Sec. 6-40. - Water system.](#)

[Sec. 6-41. - Policy.](#)

Sec. 6-40. - Water system.

- (a) The water system shall be considered as made up of two (2) parts: the utility system and the customer system.
- (b) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- (c) The source shall include all components of the facilities utilized in the production, treatment,

storage, and delivery of water to the distribution system.

(d) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(e) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

(Ord. No. 98-01, § I, 2-2-98; Ord. No. 01-11, § I, 9-17-01)

Sec. 6-41. - Policy.

(a) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state/federal laws and regulations and this article. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this article is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the director of public utilities shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state/federal and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(c) An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the director of public utilities, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

(3) In the case of premises having (1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

(d) The type of protective assembly required under subsections (c)(1), (c)(2), and (c)(3) shall depend upon the degree of hazard that exists as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in subsection (c)(1) of this section and is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

(4) In the case of any premises where there are "uncontrolled" cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.

(6) In the case of any premises where, in the opinion of the director of public utilities, an undue health threat is posed because of the presence of extremely toxic substances, the director may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the director and is dependent on the degree of hazard.

(e) Any backflow prevention assembly required herein shall be a model and size approved by the director of public utilities. The term approved backflow-prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled, AWWA C510-89—Standard for Double Check Valve Backflow-Prevention Assembly, and AWWA C511-89—Standard for Reduced-Pressure Principle Backflow-Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by "Specification of Backflow-Prevention Assemblies," Section 10 of the most current issue of the Manual of Cross-Connection Control.

Said AWWA and FCCHR standards and specifications have been adopted by the city. Final approval shall be evidenced by a compliance with said AWWA standards and FCCHR specifications.

The following testing laboratory has been qualified by the director of public utilities to test and certify backflow preventers:

Foundation for Cross-Connection Control and Hydraulic Research

University of Southern California

University Park

Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the director.

Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

(f) It shall be the duty of the customer/user at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the director of public utilities deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, or by a certified tester approved by the director. It shall be the duty of the director to see that these tests are made in a timely manner. The customer/user shall notify the director in advance when the tests are to be undertaken so that the customer/user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer/user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the director.

(g) All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (f), be excluded from the requirements of these rules so long as the director of public utilities is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

(Ord. No. 98-01, § I, 2-2-98; Ord. No. 01-11, § I, 9-17-01)

Chapter 7 - CEMETERIES

ARTICLE I. - IN GENERAL

ARTICLE II. - SUNSET CEMETERY

ARTICLE I. - IN GENERAL

[Sec. 7-1. - Application of article.](#)

[Sec. 7-2. - Death certificate prerequisite to interment.](#)

[Sec. 7-3. - Issuance of burial permit upon receipt of death certificate.](#)

[Sec. 7-4. - Permit prerequisite to burial generally.](#)

[Sec. 7-5. - Record and disposition of burial permits.](#)

[Sec. 7-6. - Permit prerequisite to disinterment.](#)

[Sec. 7-7. - Burial to be in established cemeteries.](#)

[Sec. 7-8. - Obliteration or desecration of graves.](#)

[Sec. 7-9. - Destroying or injuring property—Generally.](#)

[Sec. 7-10. - Same—Monuments and tombstones.](#)

[Sec. 7-11. - Posting bills, signs, etc.; distributing handbills; scattering trash.](#)

[Sec. 7-12. - Loitering; annoying conduct; violation of sanctity.](#)

[Sec. 7-13. - Entering and leaving over fence; being in cemetery when closed to public.](#)

[Sec. 7-14. - Speed limit for motor vehicles; use of driveways.](#)

[Sec. 7-15. - Responsibility for damages to city cemetery.](#)

[Secs. 7-16—7-19. - Reserved.](#)

Sec. 7-1. - Application of article.

The provisions of this article shall apply and be effective whether such cemeteries belong to the city or are owned or controlled by private interests or eleemosynary institutions, except as otherwise provided herein.

(Code 1970, § 7-14)

Sec. 7-2. - Death certificate prerequisite to interment.

It shall be unlawful for any undertaker or person acting as undertaker to inter within the city or to carry or send beyond the city, the body of any person who may have died within the city, until such undertaker or other such person shall have first delivered to the city clerk a death certificate for such deceased person, properly filled out and signed.

(Code 1970, § 7-8)

Sec. 7-3. - Issuance of burial permit upon receipt of death certificate.

Except as otherwise provided, upon receipt of a death certificate, if the body of any deceased person in question is to be interred within the city, it shall be the duty of the city clerk to issue a burial permit therefor.

(Code 1970, § 7-9)

State law reference— Issuance of death certificates, Code 1976, § 44-63-60 et seq.

Sec. 7-4. - Permit prerequisite to burial generally.

It shall be unlawful for any undertaker or person acting as undertaker to bury any human within the city until such person shall have first delivered to the sexton or person having charge of the cemetery a burial permit signed by the city clerk. It shall be unlawful for any sexton or person having charge of any cemetery within the city to inter or permit to be interred, any human body, until such sexton or other person shall have first received such burial permit.

(Code 1970, § 7-10)

Sec. 7-5. - Record and disposition of burial permits.

It shall be the duty of the city clerk to enter or record each burial permit in a book and to keep on file the original burial permits issued by such clerk during the preceding month.

(Code 1970, § 7-11)

Sec. 7-6. - Permit prerequisite to disinterment.

No body of any person interred in the city shall be disinterred for transportation to any other place or for removal from one cemetery or burying ground to another or from one grave to another grave in the same cemetery without a permit from the city clerk.

(Code 1970, § 7-12)

Sec. 7-7. - Burial to be in established cemeteries.

It shall be unlawful for any person to bury any dead human body within the city except in such cemeteries as have been set apart, established or used for that purpose.

(Code 1970, § 7-13)

Sec. 7-8. - Obliteration or desecration of graves.

It shall be unlawful for any person to obliterate or desecrate any grave, in any cemetery in or belonging to the city.

(Code 1970, § 7-1)

State law reference— Similar provisions, Code 1976, § 16-17-600.

Sec. 7-9. - Destroying or injuring property—Generally.

It shall be unlawful for any person, not the owner thereof, to cut, break, mutilate, mark, deface or in any other manner destroy or injure any tree, plant, vine, shrub, house, chair, bench, fence, monument, gravestone, vault, mausoleum, urn, sign or other property, real or personal, located in or used in connection with any of the cemeteries in or belonging to the city, whether such articles belong to the city or to any corporation, church or other body, or to the owners of lots or plots therein.

(Code 1970, § 7-2)

Cross reference— Damage to property generally, § 16-130 et seq.

Sec. 7-10. - Same—Monuments and tombstones.

It shall be unlawful for any person, without proper authority, to willfully remove, cut, mutilate, deface or otherwise injure any public or private monument or tombstone situated in the city whether within or without any recognized cemetery or on any battlefield, or to remove, cut, injure, deface or mutilate any fence or enclosure erected around any such monument or commit any other willful trespass upon the grounds around such monument or tombstone in the city.

(Code 1970, § 21-51)

State law reference— Similar provisions, Code 1976, § 16-17-590.

Sec. 7-11. - Posting bills, signs, etc.; distributing handbills; scattering trash.

(a) It shall be unlawful for any person to affix any bill, sign or notice on any tree, building, monument, vault, mausoleum or other fixture in any of the cemeteries in or belonging to the city.

(b) It shall be unlawful for any person to distribute any handbill or dodger, or to scatter or place any paper, books, refuse or trash of any kind in or about any of the cemeteries of the city.

(Code 1970, § 7-3)

Sec. 7-12. - Loitering; annoying conduct; violation of sanctity.

(a) No person shall walk or loiter in or about any of the cemeteries in or belonging to the city to the annoyance of peaceable citizens.

(b) No person shall, in any cemetery, conduct himself in such manner as to violate the dignity or sanctity of the cemetery.

(Code 1970, § 7-4)

Cross reference— Disorderly conduct generally, § 16-84

Sec. 7-13. - Entering and leaving over fence; being in cemetery when closed to public.

(a) It shall be unlawful to enter or leave any cemetery by climbing over the fence enclosing the same or in any way other than by one of the regular entrances and exits.

(b) No person shall, without authority of the person in charge of the cemetery, enter or remain in any cemetery when such cemetery is closed to the public.

(Code 1970, § 7-5)

Sec. 7-14. - Speed limit for motor vehicles; use of driveways.

Motor vehicles shall not pass through any of the cemeteries in or belonging to the city at a greater rate of speed than fifteen (15) miles per hour, nor shall any such vehicle be driven over any portion of a cemetery other than the regular driveways therein; provided, power mowers and other maintenance equipment may be used at any place in any cemetery under the direction of the person in charge of the cemetery.

(Code 1970, § 7-6)

Sec. 7-15. - Responsibility for damages to city cemetery.

Every person riding, driving or walking in any cemetery in or belonging to the city shall be responsible for any damage done to any property in such cemetery by such person or by any child or animal in such person's charge, in addition to other penalties provided by this Code.

(Code 1970, § 7-7)

Secs. 7-16—7-19. - Reserved.

ARTICLE II. - SUNSET CEMETERY

[Sec. 7-20. - Management and control.](#)

[Sec. 7-21. - Sale of cemetery lots.](#)

[Sec. 7-21.1. - Issuance of quitclaim deeds for cemetery lots.](#)

[Sec. 7-22. - Burial permits.](#)

[Sec. 7-23. - Burial of indigent persons.](#)

[Sec. 7-24. - Perpetual care—Definition; new aboveground markers, etc., prohibited.](#)

[Sec. 7-25. - City authorized to make contracts for perpetual care.](#)

[Sec. 7-26. - Same—Obligation of city upon acceptance of money for care; breach of contract.](#)

[Sec. 7-27. - Same—Funds become absolute property of city.](#)

Sec. 7-20. - Management and control.

The council shall have entire care, management and control of Sunset Cemetery, and shall superintend and direct the improvement and embellishment of the walks, avenues and grounds and provide for the protection of all property, public and private, therein. It shall also provide for the maintenance of order in Sunset Cemetery, and shall have the power to prescribe rules and regulations not inconsistent with law or with the ordinances of the city for the government of such cemetery. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

(Code 1970, § 7-15)

State law reference— Authority to own and operate cemeteries within and beyond city limits, see Code 1976, § 5-39-10.

Sec. 7-21. - Sale of cemetery lots.

The council shall have charge of the sale of lots in Sunset Cemetery and shall fix the price at which such lots, parts of lots or single graves may be sold. Upon compliance with the terms of sale, the purchaser of any lot, portion of lot or grave in such cemetery shall receive from the city a deed of conveyance therefor, to be executed on behalf of the city by the mayor and the city clerk. No person shall be permitted to purchase any land in Sunset Cemetery for the purpose of speculation, or for any other purpose than that of burial therein, nor shall any such land be sold except for burial purposes. Before any burial permit is issued for the burial of any person in Sunset Cemetery, the purchase price of two hundred and fifty dollars (\$250.00) for any lot or grave so to be used must have been paid to the city clerk. Upon the payment of such purchase price, it shall be the duty of the mayor and the city clerk, on behalf of the city, to execute to such purchaser a good and sufficient deed of conveyance for such lot of land. No person shall receive a deed of conveyance to any lot, part of lot or single grave in the Sunset Cemetery until the same has been paid for in full. No person shall, without permission from the council, use or occupy any lot for which a deed has not been made on behalf of the city.

(Code 1970, § 7-16; Ord. of 6-19-79)

Sec. 7-21.1. - Issuance of quitclaim deeds for cemetery lots.

Upon request of the listed owners or the lawfully established heirs of such original owners for the conveyance by deed of such cemetery plots, the city clerk is hereby authorized to deliver quitclaim deeds in conformity with the ownership records as contained in the register of cemetery lot sales to the original owners, the estate of such original owners, or the lawfully established heirs of the original owners.

Upon payment of a deed preparation fee of twenty-five dollars (\$25.00), the city clerk shall issue the quitclaim deed as called for above.

(Ord. No. 85-08, 3-4-85)

Sec. 7-22. - Burial permits.

Any person desiring to make an interment in Sunset Cemetery shall make application in writing to the city clerk. The application shall state the full name, age and place of residence of deceased at the time of death, the cause of death and such other information as may be required by the city clerk, and shall be signed by the applicant. Such application shall be certified by some physician or the coroner in such manner as may be required by the city clerk, and shall be kept on file in the office of the city clerk, and the facts therein stated recorded in a book to be kept by the city clerk. If it appears to the satisfaction of the city clerk that the lot or part of lot or single grave in the cemetery to be used for such interment has been fully paid for in accordance with the provisions of this article, the city clerk shall issue a burial permit to the applicant. It shall be unlawful for any person to inter any corpse in Sunset Cemetery without having received such a burial permit.

(Code 1970, § 7-17)

Sec. 7-23. - Burial of indigent persons.

If it appears to the satisfaction of the mayor that any person dying within the city has left no property or other means with which to pay such person's funeral expenses, the mayor shall issue an order to the public works department directing that a grave be dug in that portion of Sunset Cemetery provided for strangers and poor persons, and to bury therein such deceased person free of charge.

(Code 1970, § 7-18)

Sec. 7-24. - Perpetual care—Definition; new aboveground markers, etc., prohibited.

"Perpetual care," as used in this article is defined as meaning the cutting and trimming of grass and weeds and the keeping and maintaining of burial plots in an orderly, decent and attractive fashion. The city will accept no liability for the replacement or repairs of tombstones, markers, or attachments. No grave markers above ground level or plantings of any kind on any private lot or grave are permitted in the newly opened area within Sunset Cemetery after July 1, 1979.

(Code 1970, § 7-19; Ord. of 6-19-79)

Sec. 7-25. - City authorized to make contracts for perpetual care.

The mayor and council shall execute contracts with owners, their agents or representatives, of burial lots in Sunset Cemetery binding and obligating the city to keep such lots in perpetual care for ninety-nine (99) years under the terms and conditions set forth in sections 7-26 and 7-27.

(Code 1970, § 7-20)

Sec. 7-26. - Same—Obligation of city upon acceptance of money for care; breach of contract.

The mayor and council shall accept such sums of money as in their judgment shall be deemed reasonable and just from the owners of burial lots in Sunset Cemetery, their agents or representatives and obligate the city in return, to keep and maintain burial lots in perpetual care as defined in this article. Such sums of money so paid are to be considered as contractual payments coupled with an interest and irrevocable; and in case of any breach or alleged breach of contract so made on the part of the city the liability of the city shall not extend beyond the principal sum originally paid as consideration for the promise so broken or alleged to be broken.

(Code 1970, § 7-21)

Sec. 7-27. - Same—Funds become absolute property of city.

All money paid into the hands of the city by and under such contracts for perpetual care, shall become the absolute property of the city, encumbered by no trust as to the funds themselves, but the promise of the city to keep such lots in perpetual care shall be the consideration for the payment of any such money.

(Code 1970, § 7-22)

State law reference— Perpetual care funds for burial lots in municipal cemeteries, see Code 1976, § 5-39-410 et seq.; in nonmunicipal cemeteries, 39-55-30 et seq.

Chapter 8 - RESERVED ^[17]

⁽¹⁷⁾ **Editor's note—** Ord. No. 80-23, § 1, adopted Dec. 16, 1980, provided that "Chapter 8, entitled 'Court; Criminal Procedure; Prisoners,' of the Code of Laws of North Augusta, South Carolina, is hereby amended and when amended shall read as follows:" Said ordinance then set forth a new Ch. 8, §§ 8-1—8-7, entitled "Municipal Court," which provisions have been included in this Code as Ch. 13.1 in order to avoid destroying the alphabetical sequence of chapters within the Code. Former Ch. 8 was derived from Code 1970, §§ 20-1—20-7, 20-9—20-16, 20-18—20-35; Ord. of Aug. 17, 1976; and Ord. of Oct. 3, 1978.

Chapter 9 - DISASTER AND EMERGENCY PREPAREDNESS

ARTICLE I. - IN GENERAL

ARTICLE II. - PROCLAMATION OF CIVIL EMERGENCY

ARTICLE III. - TRESPASS UPON AND LOITERING ABOUT PROPERTY ESSENTIAL TO NATIONAL DEFENSE.

ARTICLE I. - IN GENERAL

[Sec. 9-1. - Participation in establishment and organization of county plan.](#)

[Sec. 9-2. - Director; preparedness plans.](#)

[Sec. 9-3. - Disaster preparedness property officer.](#)

[Sec. 9-4. - Composition, powers and duties of operational disaster preparedness organization.](#)

[Sec. 9-5. - False alarms.](#)

[Sec. 9-6. - Compliance with orders, rules, etc.—Required.](#)

[Sec. 9-7. - Same—Violation.](#)

[Sec. 9-8. - Conflicting ordinances, orders, rules and regulations.](#)

[Sec. 9-9. - Conflict with state or federal statutes, etc.](#)

[Secs. 9-10—9-19. - Reserved.](#)

Sec. 9-1. - Participation in establishment and organization of county plan.

When, during any period of time the city has contributed at least one quarter of the fund provided for disaster preparedness purposes for the county, the mayor shall participate with the county legislative delegation in the establishment and organization of the county organization for civil defense.

(Code 1970, § 8-1)

Sec. 9-2. - Director; preparedness plans.

The mayor, with the approval of the council, shall appoint a disaster preparedness director for the city. The appointment of the director shall be by resolution, with copies of the resolution furnished to the county disaster preparedness director and to the state disaster preparedness agency. The city disaster preparedness director shall be responsible for the development of a disaster preparedness survival plan for this city and shall coordinate this plan with the county director for conformity with county and state plans. Where the county has developed adequate preparedness plans which provide for all municipalities within the county, it will not be required that the city develop a plan of its own. Any plan developed by the city director must have the approval of the council before being published, promulgated or acted upon.

(Code 1970, § 8-2)

Sec. 9-3. - Disaster preparedness property officer.

In order to establish legal liability and accountability for receipt of federal surplus property, property purchased in part with federal funds through civil defense and disaster preparedness and federal property received in the form of grants from the federal government through civil defense and disaster preparedness, the mayor, with the approval of the disaster preparedness council, shall appoint a disaster preparedness property officer, forwarding copies of the appointment to the county disaster preparedness director and to the state disaster preparedness agency. The person appointed to this responsibility shall either be an official or employee of the city. Such appointment and custodianship of property shall be binding upon the city to observe the laws and regulations of the state and federal

government under which the property is donated, purchased or granted for civil defense or disaster preparedness use.

(Code 1970, § 8-3)

Sec. 9-4. - Composition, powers and duties of operational disaster preparedness organization.

The operational disaster preparedness organization of the city shall consist of such officers and employees of the city as may be designated by the city disaster preparedness director, as well as all volunteer workers of the city, as may be designated by the director, who shall have the authority to designate different divisions within such organization and to prescribe their duties and powers, subject to conformity with county and state disaster preparedness plans.

(Code 1970, § 8-4)

Sec. 9-5. - False alarms.

It shall be unlawful for any person to give any false alarm or warning in connection with this article or to attempt to simulate any such signal or warning unless such is made by authority of the city disaster preparedness director or an officer senior to such director in the chain of command.

(Code 1970, § 8-5)

Cross reference— False alarms as to fire, etc., § 16-43

Sec. 9-6. - Compliance with orders, rules, etc.—Required.

It shall be unlawful for any person to fail, refuse or neglect to comply with any of the provisions of any order, rule or regulation issued pursuant to this article or pursuant to any approved city disaster preparedness plan.

(Code 1970, § 8-9)

Sec. 9-7. - Same—Violation.

Any act committed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter or an approved state, county or city disaster preparedness plan is hereby declared to constitute a public nuisance and, when deemed necessary in order to protect life or property during an emergency, the police are authorized and directed to enter upon any premises within the city, using reasonable force, and take necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this chapter or by any approved state, county or city disaster preparedness plan.

(Code 1970, § 8-6)

Sec. 9-8. - Conflicting ordinances, orders, rules and regulations.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter or an approved state, county or city disaster preparedness plan shall be in effect, they shall supersede all existing city ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Code 1970, § 8-7)

Sec. 9-9. - Conflict with state or federal statutes, etc.

This chapter shall not be construed so as to conflict with any state or federal statute or any approved state or county disaster preparedness plan, or with any lawful order, rule or regulation of any component of the armed forces of the United States during an emergency.

(Code 1970, § 8-8)

Secs. 9-10—9-19. - Reserved.

ARTICLE II. - PROCLAMATION OF CIVIL EMERGENCY

[Sec. 9-20. - When state of "emergency" deemed to exist.](#)

[Sec. 9-21. - Declaration of emergency by proclamation of mayor; restrictions may be imposed, exemptions from restrictions.](#)

[Sec. 9-22. - Specific restrictions authorized.](#)

[Sec. 9-23. - Extension, alteration and rescission of proclamation.](#)

[Sec. 9-24. - Compliance with restrictions imposed by proclamation mandatory.](#)

[Sec. 9-25. - Authority to request state police and military forces.](#)

[Sec. 9-26. - End of emergency period.](#)

[Secs. 9-27—9-29. - Reserved.](#)

Sec. 9-20. - When state of "emergency" deemed to exist.

For the purposes of this article, a state of "emergency" shall be deemed to exist during times of great public crises, disaster, rioting, catastrophe, or similar public civil emergency.

(Code 1970, § 9-1)

Cross reference— Riots, etc., § 16-92 ; answering emergency calls by public safety officers, § 2-201

Sec. 9-21. - Declaration of emergency by proclamation of mayor; restrictions may be imposed, exemptions from restrictions.

(a) In the event of an existing or threatened state of emergency endangering the lives, safety, health or welfare of the people within the city, or threatening damage to or destruction of property, the mayor is hereby empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized by this article.

(b) The mayor is hereby authorized and empowered to limit by such proclamation the application of all or any part of such restrictions to any area specifically designated or described within the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firefighters and other public officers and employees, physicians, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the

safety, health and welfare needs of the people within the city.

(Code 1970, § 9-2

Sec. 9-22. - Specific restrictions authorized.

During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

- (1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;
- (2) Prohibit or regulate the buying, selling and distributing of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;
- (3) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public ways or upon any public property;
- (4) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances;
- (5) Prohibit or regulate travel upon any public street or upon any other public property, except by those in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;
- (6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other place of public assembly.
- (7) Establish hours during which a curfew shall be in effect.

(Code 1970, § 9-3

Sec. 9-23. - Extension, alteration and rescission of proclamation.

Any proclamation of emergency promulgated pursuant to this article may be extended, altered or rescinded in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(Code 1970, § 9-4

Sec. 9-24. - Compliance with restrictions imposed by proclamation mandatory.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this article.

(Code 1970, § 9-5

Sec. 9-25. - Authority to request state police and military forces.

If, in the sound discretion of the mayor, it shall appear that the emergency is, or that the imminent emergency is likely to be, of such proportions that the means available to the city to maintain law and

order within the city are insufficient for such purpose, the mayor shall make written request to the governor that such police or military forces of the state as may be necessary be sent to the city, and the mayor shall forthwith, by the most expeditious means of communication, inform the governor of the situation and that written request is being transmitted to the governor for state police or military forces.

(Code 1970, § 9-6

State law reference— Authority of mayor to make request to governor for military forces, and authority of governor to comply therewith, Code 1976, § 25-1-1840; offenses committed during emergency proclaimed by governor, § 16-7-10; authority of police during proclamation, § 16-7-20.

Sec. 9-26. - End of emergency period.

The mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the council.

(Code 1970, § 9-7

State law reference— Sabotage, Code 1976, § 25-7-70.

Secs. 9-27—9-29. - Reserved.

**ARTICLE III. - TRESPASS UPON AND LOITERING ABOUT PROPERTY
ESSENTIAL TO NATIONAL DEFENSE.**

[Sec. 9-30. - Purpose of article.](#)

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Sec. 9-30. - Purpose of article.

Public safety is hereby declared to require that the uninterrupted operation of certain industries and activities essential to national defense, such as the agencies supplying water, gas, electricity, communications and other essential services, be protected by preventing the intrusion upon the properties thereof of idle, curious or malicious persons and of persons whose presence thereon is not necessary, and by prohibiting the loitering about such places by persons capable of inflicting harm or impeding the operation conducted thereon.

(Code 1970, § 8-10)

Sec. 9-31. - Manner of posting notices.

Any person, governmental agency, department or instrumentality having possession or control of any of the facilities, plants or utility properties enumerated in section 9-32 may post at each entrance to any structure devoted to any use so enumerated, at each entrance to any fenced or enclosed area devoted

to any such use and at intervals of not more than three hundred (300) feet around any area devoted to such use, substantial signs not less than one square foot in area, displaying prominently in addition to such other information as may be deemed desirable, the words, "Trespassing—Loitering—Forbidden by Law" in legible letters not less than two (2) inches in height; provided, any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof or where materials are delivered to or received by the public shall not be so posted. The "posted boundary" of any area shall be a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land.

(Code 1970, § 8-11)

Sec. 9-32. - Places which may be posted.

The places which may be posted, under the provisions hereof are the following:

- (1) Every reservoir, dam pumping station, aqueduct, main canal or pipe line, or a public water system;
- (2) Every reservoir, dam generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy;
- (3) Every gas generating plant, compressor plant, gas holder, gas tank and gas main used for the production, storage and distribution of gas;
- (4) Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service;
- (5) Every radio or television broadcasting central plant or station;
- (6) Every tunnel;
- (7) Every plant for the bulk storage of dynamite, giant powder, gunpowder or other explosive;
- (8) Every sewage disposal plant;
- (9) Any other place designated by ordinance or resolution of the council as a place essential to the national defense.

(Code 1970, § 8-12)

Sec. 9-33. - Trespassing.

When any premises is posted as provided in this article, it shall be unlawful for any person to go upon or to remain upon any place within the posted boundary of any such premises, or to enter or to remain in any such posted structure, without having upon such person the express written consent of the person, department or agency lawfully in possession or control thereof.

(Code 1970, § 8-13)

Sec. 9-34. - Loitering.

It shall be unlawful for any person to loiter in the immediate vicinity of any premises posted as provided

in this article while having in such person's possession any explosive, tool or device, of whatever character, capable of doing harm or damage to any structure, machinery, equipment or other property of a similar or dissimilar character, installed or located upon such posted premises or area.

This article shall not apply to any entry in the course of duty of any peace officer, nor to any person lawfully traversing any established and existing public sidewalk, street or highway.

(Code 1970, § 8-14)

Sec. 9-35. - Damaging signs.

Every person who tears down, defaces, destroys or screens from view, or causes to be torn down, defaced, destroyed or screened for [from] view any sign placed or posted under the provisions of this article without the consent of the person, governmental agency, department or instrumentality having possession or control of the premises on which such sign has been erected, shall be guilty of a misdemeanor.

(Code 1970, § 8-15)

Chapter 10 - ELECTIONS ^[18]

⁽¹⁸⁾ **Cross reference**— Election at large of mayor and council members, § 2-1; qualifying and taking office, § 2-21

[Sec. 10-1. - How conducted.](#)

[Sec. 10-2. - Election dates.](#)

[Sec. 10-3. - Precincts.](#)

[Sec. 10-4. - Betting or wagering.](#)

[Sec. 10-5. - Bribery of voters.](#)

[Sec. 10-6. - Voting more than once.](#)

[Sec. 10-7. - Paying or receiving money for services.](#)

[Sec. 10-8. - False answers to election managers; voting by persons not qualified.](#)

[Sec. 10-9. - Intimidation of voters.](#)

[Sec. 10-10. - Fraud or neglect of duty by election managers.](#)

[Sec. 10-11. - Illegal registration certificates.](#)

Sec. 10-1. - How conducted.

Municipal primaries, general and special elections shall be conducted pursuant to the state election law, as provided in Title 5, Chapter 15 Code of Laws of South Carolina, 1976, as amended, entitled "Nominations and Elections for Municipal Offices"; and sections 5-21-280 through 5-21-320, relating to bond elections; and other provisions of law relating to special elections.

(Code 1970, §§ 12-1 , 12-1.1; Ord. of 12-4-73)

Sec. 10-2. - Election dates.

The general election of the city shall be held on the last Tuesday in April. Special elections shall be held on the first Tuesday after the first Monday in November or at such times as further set by ordinance. Any runoff elections necessary in regard to general or special elections shall be held two (2) weeks following the date of the original elections. Subsequent run-off elections will be held at two (2) week intervals.

(Ord. of 3-1-77)

Sec. 10-3. - Precincts.

Voting precincts for purposes of municipal elections shall be those established by the Aiken County Board of Registrars for general elections.

(Ord. of 3-1-77; Ord. No. 81-05, § 1, 1-20-81)

Sec. 10-4. - Betting or wagering.

Any person who shall make any bet or wager of money or any other thing of value or shall have any share or part in any bet or wager of money or any other thing of value upon any election in the city shall be guilty of a misdemeanor.

(Code 1970, § 12-2

State law reference— Similar provisions, Code 1976, § 16-19-90.

Sec. 10-5. - Bribery of voters.

If any person shall, by the payment, delivery or promise of money or other thing of value, procure another to vote for or against any particular candidate or measure, at any election, primary, general or special, held in the city, the person so procuring and the person so voting, shall each be guilty of a misdemeanor. If any person shall offer or propose to procure another to vote for or against any particular candidate or measure, or shall himself offer or propose to vote for or against any particular candidate or measure at any of the aforesaid elections in consideration of the payment or delivery to himself or another of money or other thing of value, such person shall be guilty of a misdemeanor. If the offender as aforesaid shall then be holding any office or position in any branch of the city government, such offender shall immediately upon conviction be removed from such office or position.

(Code 1970, § 12-3

State law reference— Similar provisions, Code 1976, § 7-25-50.

Sec. 10-6. - Voting more than once.

It shall be unlawful for any person to vote more than once for the same office or measure at any election, primary, general or special, held in this city.

(Code 1970, § 12-4

State law reference— Similar provisions, Code 1976, § 7-25-110.

Sec. 10-7. - Paying or receiving money for services.

Any person who shall perform or agree to perform any service in the interest of any candidate for any office in any manner connected with the city government, whether such service is in connection with the primary election nomination or in connection with the municipal election, or in connection with any other matter pertaining to either of such elections, in consideration of any money or other valuable thing, or of future support in obtaining office, shall be guilty of a misdemeanor. Any candidate or other person who shall solicit, contract for or otherwise seek or obtain the services of another in the interest of, or against, the candidacy of any person for any city office, or in the interest of or against any question that may be submitted in any city election, general, special or primary, and shall pay any money or give or promise any valuable thing for such services, or for the influencing of the vote of any elector, shall be guilty of a misdemeanor.

(Code 1970, § 12-5)

Sec. 10-8. - False answers to election managers; voting by persons not qualified.

Any person making any false answer to any question propounded to him by any election manager relative to his qualifications to vote at any city election, primary, general or special, or any person wilfully voting or offering to vote at any such election when not legally qualified so to do, and any person knowingly procuring or abetting therein, shall be guilty of a misdemeanor.

(Code 1970, § 12-6)

State law reference— Similar provisions, Code 1976, §§ 7-25-150, 7-25-190.

Sec. 10-9. - Intimidation of voters.

(a) Every person who shall threaten, mistreat or abuse any voter at, or before, the holding of any election, primary, general or special in the city, with the view to control or intimidate him in the free exercise of his right of suffrage shall be guilty of a misdemeanor.

(b) Every person who shall by force, intimidation, deception, fraud, bribery or undue influence obtain, procure or control the vote of any elector to be cast for or against any candidate or measure other than as is intended or desired by such elector, shall be guilty of a misdemeanor.

(Code 1970, §§ 12-7, 12-9)

State law reference— Similar provisions, Code 1976, §§ 7-25-80, 7-25-190.

Sec. 10-10. - Fraud or neglect of duty by election managers.

Any manager at any primary, general or special election in this city who shall wilfully violate or neglect any of the duties devolved upon him as such manager, and any manager who shall practice fraud or corruption in the management of such election, shall be guilty of a misdemeanor.

(Code 1970, § 12-8)

Chapter 11 - FIRE PROTECTION AND PREVENTION ^[19]

⁽¹⁹⁾ **Cross reference**— Payment into firemen's pension fund, § 2-202; monitoring of alarm systems, § 16-4; false alarms of fires, § 16-43; prohibited acts with respect to fire hydrants, see §§ 16-44, 16-45; authority of public safety director and other to cut electric wires, §§ 2-198, 6-25; obstructing entrances of hotels, etc., § 16-42; parking near fire hydrant, § 22-40(4); parking near fire station entrance, § 22-40(10).

ARTICLE I. - IN GENERAL

ARTICLE II. - RESERVED

⁽¹⁹⁾ **State Law reference**— Fire prevention, Code 1976, §§ 5-25-10 et seq., 23-9-10 et seq. (Back)

ARTICLE I. - IN GENERAL

[Sec. 11-1. - Assistance at fires; interference.](#)

[Sec. 11-2. - Obedience to orders at scene of fire; arrest of offenders.](#)

[Sec. 11-3. - Duty of owners and occupants of premises relating to fire hazards and related hazards—Generally.](#)

[Sec. 11-4. - Same—Storage of flammable wastes.](#)

[Sec. 11-5. - Outdoor fires; permit required.](#)

[Sec. 11-6. - Fireworks.](#)

[Sec. 11-7. - Fire escapes—Where required generally; powers of public safety director.](#)

[Sec. 11-8. - Same—Hotels, lodginghouses, etc.](#)

[Sec. 11-9. - Same—Construction and maintenance.](#)

[Sec. 11-10. - Exits from public halls and places of public gatherings.](#)

[Secs. 11-11—11-20. - Reserved.](#)

Sec. 11-1. - Assistance at fires; interference.

It shall be the duty of all citizens, at the request of the public safety director or any other person in command at the scene of any fire, to render to the public safety department all lawful assistance at fires. No person shall interfere in any way with the public safety director or other person in charge, or with any person acting under the orders of the director or acting director in the discharge of such officer's duty.

(Code 1970, § 14-1 ; Ord. of 8-17-76)

Sec. 11-2. - Obedience to orders at scene of fire; arrest of offenders.

Every person present at a fire shall be subject and obedient to the orders of firefighters and police officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, smoke or water, the freedom of public safety department personnel and apparatus to perform their duties and to function properly, and the maintenance of order at or near the scene of the fire, and it shall be unlawful for any person to disobey any such order of a firefighter or police officer. Firefighters and police officers shall have authority to arrest persons who disobey such orders and to hold them in custody until the fire has been extinguished, at which time the violators shall be dealt with according to law.

(Code 1970, § 14-2 ; Ord. of 8-17-76)

Cross reference— See also § 2-197

Sec. 11-3. - Duty of owners and occupants of premises relating to fire hazards and related hazards—Generally.

It shall be the duty of owners and occupants of all premises within the city to maintain the premises owned or occupied by them free from fire hazards at all times, and free from hazards to persons attempting to escape from such premises in the event of fire, and free from hazards to firefighters in the event of fire.

(Code 1970, § 14-3

Sec. 11-4. - Same—Storage of flammable wastes.

Owners and occupants of premises whereupon flammable or combustible waste matter accumulates shall maintain fireproof receptacles therefor, which shall be subject to approval of the public safety director; and such receptacles shall be emptied and the contents disposed of as frequently and in such manner as may be necessary to prevent the occurrence of fire or the creation of a fire hazard, and subject to approval of the public safety director.

(Code 1970, § 14-4 , Ord. of 8-17-76)

Sec. 11-5. - Outdoor fires; permit required.

No bon-fires or outdoor rubbish fires shall be permitted within the city without first obtaining a written permit for such burning from the public safety director. Such permits are to be authorized only upon the showing of special need.

(Ord. of 3-21-72; Ord. of 8-17-76)

State law reference— Adoption of standards for water and air, Code 1976, § 48-1-40.

Sec. 11-6. - Fireworks.

(a) It shall be unlawful for persons to possess, sell, offer for sale, store, transport or use within the city any fireworks other than those classified by the Interstate Commerce Commission as Class C, "Common Fireworks", and specifically enumerated in the Code of Laws for South Carolina, 1976, in section 23-35-1.

(b) It shall be unlawful for any person to use, fire, shoot, discharge, sell, offer for sale, store, exchange, give away or possess any fireworks, of any form or nature, to include Class C fireworks as mentioned in subsection (a), in the following areas:

- (1) Within one hundred (100) feet of any gasoline storage tank.
- (2) On the premises or within one hundred (100) feet of any school, church, athletic field or public gathering facility.
- (3) Within the passenger portion of any automotive vehicle.

(Code 1970, § 14-5 ; Ord. of 12-5-72)

Sec. 11-7. - Fire escapes—Where required generally; powers of public safety director.

Buildings three (3) stories or more in height used for offices, hotels or motels, manufacturing or public purposes shall have one or more suitable fire escapes of such character or construction and material as shall be satisfactory to the public safety director, who shall approve all fire escapes, and who shall have the power to order the temporary closing of any such building or establishment not provided with proper and suitable fire escapes, until such director shall have reasonable opportunity to investigate such building or establishment.

(Code 1970, § 14-6; Ord. of 8-17-76)

Sec. 11-8. - Same—Hotels, lodginghouses, etc.

(a) Every hotel within the city limits, having three (3) or more stories, shall be provided with at least one iron fire escape on the outside of the building. Every manager, agent or other person in charge of a hotel, who shall fail to comply with the provisions of this section shall be guilty of a misdemeanor.

(b) Every building or structure kept, used, maintained, advertised or held out to the public as an inn, hotel, public lodginghouse or place where sleeping accommodations are furnished to transient guests for a money consideration, and in which ten (10) or more sleeping rooms are used for the accommodations of such guests, shall, for the purposes of this section, be considered a hotel.

(c) Every such outside fire escape shall have suitable railed landings at each story above the first, and shall connect with each of such stories by doors or windows opening outwardly, and such doors, windows and landings shall be kept at all times clear of obstruction.

(d) The public safety director shall examine every such building within the city limits at least once a year and shall make to the council a written report of its condition and the council shall have power to enforce compliance with the provisions of this section.

(Code 1970, § 14-7; Ord. of 8-17-76)

State law reference— Requirements for fire escapes for hotels, see Code, 1976, § 45-5-50.

Sec. 11-9. - Same—Construction and maintenance.

Fire escapes shall be kept in proper condition and repair and all changes ordered by the public safety director shall be made within sixty (60) days after such order. Fire escapes ordered to be built shall be provided within the same period of time. All brackets for fire escapes shall go through the wall, and through the studding of wooden buildings, and shall be secured on the inside by suitable nuts and washers.

(Code 1970, § 14-8; Ord. of 8-17-76)

Sec. 11-10. - Exits from public halls and places of public gatherings.

All egress openings in public halls shall have the word "exit" written over them in conspicuous letters, and there shall be such number of exits in public places as the public safety director may think proper. The director shall have the power to order the closing of any building which in his opinion is not provided with proper exits.

It shall be unlawful for the proprietor, manager or owner of a building to leave, rent or permit the same

to be used for a theater, opera house, motion picture hall or other public gathering purposes, unless all doors of ingress and egress thereto are so constructed as to open outward and are equipped with fastenings that may be easily unfastened from the inside and unless all doors of exit and entrance, including all openings giving access to fire escapes, shall be designated by large letters in plain view of the audience; and it shall be unlawful for any person to operate or conduct any theater, opera house, motion picture hall or other public amusement place or business in any room or building not conforming to the foregoing specifications.

(Code 1970, § 14-9; Ord. of 8-17-76)

Cross reference— Obstructing hotel exit, § 16-42

Secs. 11-11—11-20. - Reserved.

ARTICLE II. - RESERVED ^[20]

⁽²⁰⁾ **Editor's note—** Ord. No. 01-11, § I, adopted September 17, 2001, has been treated as repealing former art. II, § 11-21, at the discretion of the editor. Former art. II pertained to the Standard Fire Prevention Code, and derived from Ord. No. 87-05, adopted January 19, 1987; Ord. No. 88-09, adopted September 19, 1988; and Ord. No. 92-04, adopted April 20, 1992.

[Sec. 11-21. - Reserved.](#)

Sec. 11-21. - Reserved.

Chapter 12 - HEALTH AND SANITATION ^[21]

⁽²¹⁾ **Editor's note—** Section I of Ord. No. 95-18, adopted Dec. 4, 1995, amended this chapter to read as herein set out. Formerly, Ch. 12 consisted of §§ 12-7—12-10 and 12-20—12-37, which pertained to health and sanitation and derived from §§ 6-4, 15-1—15-4, 15-6, 15-10—15-15, 17-1—17-5, 17-27, 21-52, 21-53, 21-57, 21-78 and 34-1 of the 1970 Code; § 1 of Ord. No. 81-02, adopted Jan. 6, 1981; and § 2 of Ord. No. 84-07, adopted May 7, 1984.

ARTICLE I. - IN GENERAL

ARTICLE II. - NUISANCES; UNSANITARY AND UNSIGHTLY CONDITION OF PREMISES

ARTICLE III. - NOISE

ARTICLE IV. - SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT

⁽²¹⁾ **State Law reference—** Promulgation of regulations concerning food establishments, Code 1976, § 44-1-140; authority of municipality to regulate restaurants, § 45-3-10 et seq.; adulterated and misbranded food, § 39-25-10 et seq.; milk and milk products, § 39-33-10 et seq. (Back)

ARTICLE I. - IN GENERAL

[Sec. 12-1. - Water supply—Potable water required.](#)

[Sec. 12-2. - Same—Prerequisite to establishment of wells and private water systems.](#)

[Sec. 12-3. - Poison, ground glass, etc., restricted as to use.](#)

[Sec. 12-4. - Dropping gravel, coal, etc., from vehicles or receptacles.](#)

[Secs. 12-5—12-10. - Reserved.](#)

Sec. 12-1. - Water supply—Potable water required.

All premises intended for human habitation or occupancy shall be provided with potable water.

(Ord. No. 95-18, § I, 12-4-95)

Cross reference— Water service, § 14-20 et seq.

State law reference— Safe Drinking Water Act, Code 1976, § 44-55-10 et seq.

Sec. 12-2. - Same—Prerequisite to establishment of wells and private water systems.

(a) *Wells as only source of potable water.* No well or private water system shall be established to serve as the only source of potable water until application for a permit therefor shall have first been made and approval thereof shall have been obtained from the city. Upon approval, all standards and recommendations of the South Carolina Department of Health and Environmental Control shall apply.

(b) *Wells in addition to potable water source.* Where the city's public water system provides potable water, private wells may not be established for potable water purposes but may be established for other specific purposes. The following guidelines shall govern the application for and approval of a permit to drill a private well.

- (1) A building permit to drill a private well shall be applied for and, upon approval, issued by the superintendent of codes enforcement.
- (2) In addition to a building permit, electrical and plumbing permits shall be required. Costs of these permits shall be based upon the then current fee schedule for said applicable codes.
- (3) A private well shall be considered an accessory use as defined by the zoning ordinance of the city and shall meet all location requirements.
- (4) Well construction shall comply with South Carolina Department of Health and Environmental Control recommendations.
- (5) An approved backflow preventer shall be installed at the water meter on the customer's side.
- (6) The water system fed by the well shall not be connected to the city's system at any time. The

principal use of the property shall continue to use the city's water system as its only source of potable water. The property owner is directly responsible for the prevention of any crossover connection.

(7) Water from the well system shall not be discharged into the city's sanitary sewerage system.

(8) Each well system shall be made available for immediate inspection by the city at any time and without prior notice. An annual inspection shall be made by the department of codes enforcement which shall charge a fee of fifteen dollars (\$15.00) per year. Said fee shall apply individually to each user of the well.

(Ord. No. 95-18, § I, 12-4-95)

Sec. 12-3. - Poison, ground glass, etc., restricted as to use.

It shall be unlawful for any person to administer, deposit or spread any poison, ground glass or other deleterious substance or matter, so that any person or animal is thereby endangered in its life or health. To convict under this section it need not be shown that a person or animal has actually eaten such poison, ground glass or other deleterious matter.

(Ord. No. 95-18, § I, 12-4-95)

Sec. 12-4. - Dropping gravel, coal, etc., from vehicles or receptacles.

It shall be unlawful for any person to haul or carry any gravel, coal, stone, trash, leaves, pine straw, grass clippings, tree limbs, or other material on or across any street, sidewalk, or other public way within the city in a vehicle or receptacle which permits such material to fall upon such street, sidewalk, or other public way.

(Ord. No. 95-18, § I, 12-4-95)

Secs. 12-5—12-10. - Reserved.

ARTICLE II. - NUISANCES; UNSANITARY AND UNSIGHTLY CONDITION OF PREMISES ^[22]

⁽²²⁾ **Cross reference—** Animals as nuisance, § 5-8; where animals or fowl are kept, required sanitary maintenance of stables, enclosures, etc., § 5-14 et seq.; nuisances in regard to disasters, § 9-7; eliminating fire hazards, § 11-3 et seq.; abandoned wells and pits, § 16-40; abandoned air-tight containers, § 16-41; unprotected railroad crossings as nuisances, § 22-10

[Sec. 12-11. - Definitions.](#)

[Sec. 12-12. - Power of city to declare unsanitary or unsightly properties as nuisances.](#)

[Sec. 12-13. - Creation of nuisances prohibited.](#)

[Sec. 12-14. - Abatement of nuisance.](#)

[Secs. 12-15—12-20. - Reserved.](#)

Sec. 12-11. - Definitions.

As used in this article the following terms shall have the meanings respectively ascribed to them:

Brush: All trees and shrubs under seven (7) feet in height which are not cultivated and cared for by the person owning or controlling the premises.

Rubbish: All refuse, cans, bottles, old vessels of all sorts, junked vehicles or parts thereof, useless litter, discarded clothing and textiles, appliances, tires, and all other discarded things customarily included in such term.

Weeds: All rank and uncultivated vegetable growth or matter which has grown to more than one foot in height, which may give rise to unpleasant odors of noxious vapors, or which is liable to become a breeding place for mosquitoes and vermin.

(Ord. No. 95-18, § I, 12-4-95)

Sec. 12-12. - Power of city to declare unsanitary or unsightly properties as nuisances.

It shall be the responsibility of duly authorized codes enforcement officials of the city to determine certain properties to be unhealthy and/or unsightly or harmful to the citizens of the city and as such to be nuisances.

(Ord. No. 95-18, § I, 12-4-95)

Sec. 12-13. - Creation of nuisances prohibited.

(a) No person, owner, or occupant of any lot or property in the city shall allow such lot or property to be maintained in a manner allowing for the accumulation of brush, rubbish, weeds, debris, or other unhealthy or unsightly material or conditions which constitute a public nuisance.

(b) No person having control or management of any lot or building or parts thereof, whether such property be vacant, residential, or business property, shall conduct such person's self thereon, or operate or permit such property to be operated, used, or occupied in such manner as to constitute such person or make such person's property a nuisance, or knowingly to aid, assist, or abet such conduct, operation, or occupancy.

(c) No person shall place, throw, or scatter any garbage, trash, rubbish, or other refuse on or upon any street, sidewalk, public land, including parks, business place, or upon any private property whether or not owned by such person, within the city. All such refuse shall be in proper containers for collection or otherwise removed.

(d) No person shall throw or deposit any foreign matter in any fountain, pond, lake, stream, river, or any other body of water on any public or private lands within the city.

(e) No person shall cast, place, sweep, or deposit anywhere within the city any garbage, trash, leaflets, or other refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, sewer, parkway, or other public place, or into or onto any private premises of another within the city.

(f) No person shall allow vegetation to grow which impedes, hinders, or makes unsafe the movement of either vehicular traffic or pedestrian traffic upon any street, sidewalk, right-of-way, intersection, or

public place in the city.

(Ord. No. 95-18, § I, 12-4-95)

Sec. 12-14. - Abatement of nuisance.

In addition to any prosecution through the municipal court for violation of this section or related ordinances, the following procedure may be followed to provide for the correction of said condition at the expense of the owner:

- (1) The city shall notify, in writing, the owner of conditions needing correction:
 - a. Such notice may be by certified mail or personal service.
 - b. If notice as above is not possible, the posting of the notice on the premises for seven (7) days shall be considered effective notice.
- (2) The owner shall take such action as is necessary to correct the conditions within seven (7) days following receipt of notice.
- (3) Should the owner fail to correct the conditions, the city may have the conditions corrected by city employees or other persons employed for such purpose. Such work shall be done between the hours of 7:00 a.m. and 7:00 p.m. following notice of forty-eight (48) hours to the owner of the property. Said notice shall be by mail or posting as outlined above.
- (4) All costs (both direct and indirect) associated with such corrections shall be ascertained and charged to the owner. Such costs may be recovered by the city as any other debt and/or by placing a lien upon the property and collecting in the same manner as municipal taxes.
- (5) Persons, property owners or tenants guilty of violating the terms of this ordinance shall be subject to the maximum penalty allowed by state law in the municipal court with said penalty being in addition to all costs associated with abatement.
- (6) Every day of twenty-four (24) hours' duration or fraction thereof, during which a nuisance exists, shall be deemed and considered a separate offense.
- (7) A clearly authorized representative of the city is hereby authorized to enter upon private property for the purpose of enforcing the provisions of this section. It shall be unlawful for any person to interfere with, hinder, or refuse to allow said official(s) to enter upon private property for the purpose of enforcing the provisions of this section.

(Ord. No. 95-18, § I, 12-4-95)

Secs. 12-15—12-20. - Reserved.

ARTICLE III. - NOISE

Sec. 12-21. - Noise.

(a) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

(b) Any noise of such character, intensity and continued duration of which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.

(c) The following acts, among others, are declared to be nuisances in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) *Musical instruments:* The playing of any radio, television, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.

(2) *Loudspeakers and amplifiers:* The use of any loudspeaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 10:30 p.m. and 7:00 a.m., or at any time on Sunday.

Cross reference— Additional restrictions, § 3-8

(3) *Animals and birds:* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.

(4) *Horns or other signal devices on vehicles:* The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonable loud or harsh sound for any unnecessary and unreasonable period of time.

(5) *Operation of vehicles:* The running of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, jarring or rattling noises or vibrations.

(6) *Steam whistles:* 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.

(7) *Exhaust without mufflers:* 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.

(8) *Devices operated by compressed air:* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

(9) *Construction work:* The erection, including excavation, demolition, alteration or repair work on

any building other than between the hours of 7:00 a.m. and 6:00 p.m. and on weekdays, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the council, which permit may be renewed by the council during the time the emergency exists.

(10) *Near schools and hospitals:* The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital which unreasonably interferes with the working of such institutions, provided conspicuous signs are displayed indicating that the same is a school or hospital street.

(11) *Loading and unloading vehicles, etc.:* The creation of any 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.

(12) *Peddlers, hawkers, etc.:* The raucous shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.

(13) *Use of drums, etc., to attract attention:* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show or sale of merchandise.

(14) *Sounding of sirens, etc., on vehicles:* The sounding of any siren, horn or other signal device on any automobile, ambulance, truck, motorcycle, bus or other vehicle in the city, except as a danger or warning signal to persons or animals using the streets, sidewalks and public thoroughfares.

(15) *Railroads:* The blowing or sounding of any steam whistle, horn or signal device on any engine, locomotive car or vehicle adapted to the rails of a railroad in the city, except as a warning or danger signal to persons or animals approaching, crossing or using the tracks of the railroad.

(Ord. No. 95-18, § I, 12-4-95)

Cross reference— "Ballyhooping" by peddlers, § 15-75 ; disorderly conduct, § 16-84 et seq.

ARTICLE IV. - SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT

[Sec. 12-22. - Findings and determinations.](#)

[Sec. 12-23. - Definitions.](#)

[Sec. 12-24. - Application to city-owned facilities and vehicles.](#)

[Sec. 12-25. - Prohibition of smoking in enclosed public places.](#)

[Sec. 12-26. - Prohibition of smoking in places of employment.](#)

[Sec. 12-27. - Prohibition of smoking in certain outdoor areas.](#)

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[Sec. 12-29. - Where smoking not regulated.](#)

[Sec. 12-30. - Declaration of establishment as nonsmoking.](#)

[Sec. 12-31. - Posting of signs.](#)

[Sec. 12.32. - Nursing homes, long-term care facilities and assisted living facilities](#)

[Sec. 12-33. - Nonretaliation; nonwaiver of rights.](#)

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[Sec. 12-38. - Other applicable laws.](#)
[Sec. 12-39. - Interpretation for intent.](#)
[Sec. 12-40. - Severability.](#)
[Sec. 12-41. - Effect of section headings.](#)

Sec. 12-22. - Findings and determinations.

The city council (the "council") of the City of North Augusta, South Carolina, hereby finds and determines:

(a) The City of North Augusta, South Carolina (the "city"), is an incorporated municipality located in Aiken and Edgefield Counties, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30 (2005 Supp) relating to regulating streets, markets, and public health.

(b) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to sixty-five thousand (65,000) Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10, "Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.). The Surgeon General has declared that:

- (1) Secondhand smoke causes disease and premature death in nonsmokers exposed to smoke;
- (2) Children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma;
- (3) Adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer;
- (4) There is no safe level of exposure to secondhand smoke; and
- (5) Separating smoking and nonsmoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas.

(c) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a twenty-five (25) to fifty (50) per cent higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

(d) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business and Health 15(8), Supplement A: 6-9, August 1997.)

(e) Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking which can be reasonably seen to have the same effects of exposure as when nonsmokers are exposed to smoke in the same enclosed space. Lighted cigarettes, cigars, and pipes of people standing or sitting in close proximity have the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers.

(f) When there is a presence of secondhand smoke in enclosed spaces or in outside areas where there is a public gathering resulting in people being in close proximity in places that are otherwise open to the public at large inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.

(g) The city recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this article (the "article").

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-23. - Definitions.

Unless the context shall clearly indicate some other meaning, the terms defined in this section shall, for all purposes of this article and other documents herein referenced, have the meanings herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

Bar shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

Business shall mean a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are offered for sale; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

Employee shall mean a person who is employed by an employer in consideration for direct or indirect monetary wages, commission, goods or services in kind or like compensation, and it shall also mean a person who volunteers his or her services for a non-profit entity.

Employer means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

Enclosed area means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including stationary

structures and mobile public conveyances; parking structures and other facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition.

Health care facility means an office or institution providing care or treatment of persons having diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes (except as otherwise permitted herein), homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

Infiltrate shall mean to permeate an enclosed area by passing through its walls, ceilings, floors, windows, or ventilation systems to the extent that an individual can smell secondhand smoke.

Place of employment means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" for purposes of this article unless it is used as a childcare, adult day care, or health care facility. Nor is a private passenger motor vehicle a "place of employment" when used in the performance of employment responsibilities, provided it is not being used as public conveyance.

Private club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes, or for purposes of benefiting particular club members and their guests, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primarily for the pecuniary benefit of the owner, or chief operating officer, or other person having substantial control shall not be treated as private clubs under this article.

Public place means an area to which the public is invited or to which the public is permitted to have access, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums and ball parks. A private club is a "public place" when being used for a function to which the general public is allowed entry. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

Restaurant means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, ice cream parlors, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Retail tobacco store means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes

cigar bars, which are establishments licensed for the on-premises sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article.

Secondhand smoke shall mean smoke emitted from lighted, smoldering, or burning tobacco when the person smoking is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the person smoking.

Service line means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Shopping mall means an enclosed public plaza, promenade, walkway, or hall area that serves to connect retail or professional establishments.

Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

Smoking area means a separately designated enclosed room which need not be entered by an employee in order to conduct business that is designated as a smoking area and, when so designated as a smoking area, shall not be construed as to deprive employees of a nonsmoking lounge, waiting area, or break room.

Sports arena means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-24. - Application to city-owned facilities and vehicles.

All enclosed facilities, buildings, and vehicles owned, leased, or operated by the city shall be subject to the provisions of this article.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-25. - Prohibition of smoking in enclosed public places.

Smoking shall be prohibited in all enclosed public places within the city, including but not limited to, the following places:

- (a) Galleries, libraries, and museums.
- (b) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
- (c) Bars.
- (d) Bingo facilities.
- (e) Convention facilities, conference centers, and exhibition halls.

- (f) Educational facilities, both public and private.
- (g) Elevators.
- (h) Health care facilities.
- (i) Hotel and motel lobbies.
- (j) Licensed childcare and adult day care facilities.
- (k) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (l) Polling places.
- (m) Private clubs when being used for a function to which the general public is invited.
- (n) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots.
- (o) Restaurants.
- (p) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (q) Retail stores.
- (r) Rooms, chambers, places of meeting or public assembly, including school buildings.
- (s) Service lines.
- (t) Shopping malls.
- (u) Sports arenas.
- (v) Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projections booths, back stage areas, and the stage, but excluding smoking on stage when it is an integral part of a theatrical performance.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-26. - Prohibition of smoking in places of employment.

- (a) Smoking shall be prohibited in all enclosed areas within places of employment without exception, including but not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles used for the conveyance of the public, but not including vehicles used in performing employment responsibilities when the sole occupants and users are person who smoke.
- (b) This prohibition on smoking shall be communicated by employers to all existing employees by effective date of this article and to all prospective employees upon their application for employment.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-27. - Prohibition of smoking in certain outdoor areas.

Smoking shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:

- (a) Amphitheaters.
- (b) Ball parks and stadiums when in use for athletic competitions or public performances.
- (c) Parades and special events on public streets and city property, although the city administrator has the discretion, but not the obligation, to establish designated smoking areas in or in proximity to the parade or event area or any other city property.
- (d) Dining areas in encroachment areas on public sidewalks, plazas, and parks and dining areas on decks, balconies, and patios of restaurants and bars.
- (e) Zoos.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-28. - Reasonable distance of entry and outdoor area.

Smoking is prohibited within a distance of ten (10) feet from any entry into an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Smoking is also prohibited within ten (10) feet of the boundary of the outdoor areas where smoking is prohibited. Persons who have begun smoking prior to approaching the ten-foot distance may continue doing so, provided they do not stop, stand, sit, or linger within the ten-foot distance.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-29. - Where smoking not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections 12-25, 12-26, and 12-27 of this article:

- (a) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- (b) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty (20) per cent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (c) Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.
- (d) Outdoor areas of places of employment except those covered by the provisions of section 12-28

(e) Private clubs, that have no employees, except when being used for a function to which the general public is invited.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-30. - Declaration of establishment as nonsmoking.

Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of subsection 12-31(a) is posted.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-31. - Posting of signs.

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other persons having control of the area.

(d) All business and facilities open to the general public which allow smoking within the facility (as allowed by this ordinance) are required to post signs which say: "Warning. This business allows smoking and may have hazardous smoke. Enter at your own risk." The signs shall be on a red background. The city will pay for the production of the signs, but the business must obtain the signs from the city and post one at each entrance and exit location in a conspicuous location.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12.32. - Nursing homes, long-term care facilities and assisted living facilities

Nursing homes, long-term care facilities and assisted living facilities shall each adopt smoke free policies and enforce them subject to any restrictions or limitations thereon contained in the rules and regulations promulgated by South Carolina Department of Health and Environmental Control where applicable.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-33. - Nonretaliation; nonwaiver of rights.

(a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.

(b) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-34. - Enforcement.

- (a) This article shall be enforced by the office of the city administrator or an authorized designee.
- (b) Notice of the provisions of this article shall be given to all applicants for a business license in the city.
- (c) Any citizen who desires to register a complaint under this article may initiate enforcement with the office of the city administrator.
- (d) The building codes division, fire division of public safety, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.
- (e) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.
- (f) Notwithstanding any other provision of this article, an employee or member of the public may bring legal action against a person, business, or organization in violation of this article to enforce this article.
- (g) In addition to the remedies provided by the provisions of this section, the city or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-35. - Violations and penalties.

- (a) A person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).
- (b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).
- (c) In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.
- (d) Violation of this article is hereby declared to be a public nuisance, which may be abated by the city by restraining order, preliminary and permanent injunction, or other means provided for by law, and the city may take action to recover the costs of the nuisance abatement.
- (e) Each day of a continuing violation of this article shall be considered a separate and distinct offense.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-36. - Public education.

The city shall engage in a continuing program to explain and clarify the purposes and requirements of this article to citizens affected by it, and to guide owners/operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this article.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-37. - Governmental agency cooperation.

The city shall annually request other governmental and educational agencies having facilities within the city to establish local operating procedures in cooperation and compliance with this article. This includes urging all federal, state, county, city, and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-38. - Other applicable laws.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-39. - Interpretation for intent.

It is the intent of council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconvenience of secondhand smoke in places where they work, stand, sit, walk, dine, drink, read, study, or engage in entertainment and recreation. All provisions shall be construed to achieve these purposes.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-40. - Severability.

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Sec. 12-41. - Effect of section headings.

The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this article.

(Ord. No. 2008-10, § 1(Exh.), 7-21-08)

Chapter 13 - RESERVED ^[23]

⁽²³⁾ **Editor's note**— Section 1 of Ord. No. 88-19, adopted Dec. 12, 1988, repealed former Ch. 13 in its entirety. Such former chapter contained §§ 13-1—13-11, which pertained to mobile homes and travel trailers and derived from Code 1970, §§ 33-1—33-10 and 33-13.

Chapter 13.1 - MUNICIPAL COURT ^[24]

⁽²⁴⁾ **Editor's note**— Chapter 13.1, §§ 13.1-1—13.1-7, is derived from Ord. No. 80-23, § 1, enacted Dec. 16, 1980, which ordinance amended former Ch. 8 of this Code entitled "Court; Criminal Procedure; Prisoners." The provisions of said Ord. No. 80-23 were included herein as Ch. 13.1 in order to maintain the alphabetical arrangement of chapters within the Code.

[Sec. 13.1-1. - Municipal court established; jurisdiction.](#)

[Sec. 13.1-2. - Municipal judges; appointment, term, powers and duties.](#)

[Sec. 13.1-3. - Municipal court clerk; appointment, term, duties.](#)

[Sec. 13.1-3.1. - Ministerial recorder.](#)

[Sec. 13.1-4. - Cash bonds.](#)

[Sec. 13.1-5. - Cash deposit in lieu of bond or recognizance.](#)

[Sec. 13.1-6. - Bonds other than cash bonds.](#)

[Sec. 13.1-7. - Obedience to subpoena, etc.](#)

Sec. 13.1-1. - Municipal court established; jurisdiction.

By virtue of the laws and statutes of the state pertaining to this municipality, there is hereby established a municipal court, which shall be a part of the unified judicial system of this state, for the trial and determination of all cases within its jurisdiction. Such municipal court shall have jurisdiction to try and determine all cases arising under this Code and other ordinances of the city. The court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have no jurisdiction in civil matters. The court shall have such powers and duties as provided for such courts by Chapter 25 of Title 14 of the Code of Laws of South Carolina, 1976, as amended.

(Ord. No. 80-23, § 1, 12-16-80)

State law reference— Authority to establish, Code 1976, § 14-25-910; jurisdiction, §§ 14-25-970, 16-11-620; jurisdiction of traffic violations, § 56-5-6150.

Sec. 13.1-2. - Municipal judges; appointment, term, powers and duties.

(a) *Municipal judge; term.* There shall be an officer of the City known as the municipal judge, who shall be appointed by Council to serve for a term of four (4) years and until his successor is appointed.

(b) *Assistant municipal judge; term.* There shall be an officer of the city known as assistant municipal judge, who shall be a part-time judge, appointed by council to a term of four (4) years and until his successor is appointed.

(c) *Duties; powers.* The municipal judges shall have such duties and exercise such powers as provided by Chapter 25 of Title 14 of the Code of Laws of South Carolina, 1976, as amended.

(Ord. No. 80-23, § 1, 12-16-80; Ord. No. 87-02, § 1, 1-5-87)

Sec. 13.1-3. - Municipal court clerk; appointment, term, duties.

There shall be an officer of the city known as the municipal court clerk. Such clerk shall be appointed by the council to serve at council's pleasure. The clerk shall keep such records and make such reports as may be determined by the state court administrator.

(Ord. No. 80-23, § 1, 12-16-80)

Sec. 13.1-3.1. - Ministerial recorder.

There shall be the office of ministerial recorder with one or more persons to be appointed by and to serve at the pleasure of the city council. The office of ministerial recorder shall have the powers and duties as prescribed by applicable state law.

(Ord. No. 82-17, § 1, 10-19-82)

Sec. 13.1-4. - Cash bonds.

The desk officer or acting desk officer of the public safety department, acting under orders of the public safety director, shall determine and fix the amount of all cash bonds to be deposited by persons held in the city jail on charges preferred or to be preferred for violations of city ordinances. Such cash bonds, when deposited, shall be conditioned upon appearance before the municipal judge at the session of municipal court next after the deposit of such bond to answer the charges. The nonappearance to answer to such charges by any person so released on bond shall constitute and be a forfeiture of the bond to the city. The forfeiture of bond shall not be construed and considered as disposing of the charges against the defaulter and on orders by the municipal judge such defendant may be apprehended, brought into court and tried upon such charges. The ultimate disposition of such case shall have no bearing or effect upon the forfeited bond. The municipal judge shall determine and fix the amount, form and condition of all bonds when cases are continued or when there is an appeal.

(Ord. No. 80-23, § 1, 12-16-80)

State law reference— Bail and recognizances, Code 1976, Tit. 17, Ch. 15

Sec. 13.1-5. - Cash deposit in lieu of bond or recognizance.

Every person charged and to be tried in the municipal court for any violation of the ordinances of the city shall, in lieu of entering into a bond or recognizance, be entitled to deposit with the desk officer a sum of money not to exceed the maximum fine which may by law be imposed upon conviction of the

offense charged.

(Ord. No. 80-23, § 1, 12-16-80)

Sec. 13.1-6. - Bonds other than cash bonds.

The amount, form and condition of all bonds for appearance in the municipal court, other than cash bonds, shall be fixed, determined and approved by the municipal judge, subject to the maximum amount above provided.

(Ord. No. 80-23, § 1, 12-16-80)

Sec. 13.1-7. - Obedience to subpoena, etc.

It shall be unlawful for any person to disobey or fail to comply with any command, directive or other requirement imposed upon such person by any ticket, summons, subpoena, order or other process directed to such person and signed by competent authority and whereby such person is notified to appear before the municipal court or the municipal judge, or presiding officer thereof, whether as a witness or defendant, or for questioning by any officer or department or agency of the city government, or for any other purpose authorized by law. It shall also be unlawful for any person under signed bond to fail to appear before such court at a time therein stated, or for any person at liberty under a recognizance to fail to appear in court at the time set for such person's appearance. It shall likewise be unlawful for any person to fail to attend or appear in the municipal court when ordered or directed so to do by the municipal judge or other presiding officer of such court when such order or directive has been given to such person in open court, whether such order or directive be in writing or verbal. The municipal judge or other presiding officer of the municipal court may excuse any person so ticketed, summoned, subpoenaed, ordered, directed or bound over from attending such court if such municipal judge considers the facts to justify such excusing.

(Ord. No. 80-23, § 1, 12-16-80)

⁽²⁴⁾ **Cross reference**— Authority to renumber provisions, § 1-7(c)(3).

Chapter 14 - MUNICIPAL UTILITIES ^[25]

⁽²⁵⁾ **State Law reference**— Authority of city to construct, purchase, operate and maintain systems, Const. Art. VIII, § 16, Code 1976, §§ 5-31-610, 5-31-810; authority of city to furnish service for compensation, § 5-31-670.

- ARTICLE I. - IN GENERAL
- ARTICLE II. - WATER
- ARTICLE III. - SEWER SERVICE
- ARTICLE IV. - SANITATION SERVICE
- ARTICLE V. - STORMWATER MANAGEMENT
- ARTICLE VI. - DROUGHT RESPONSE
- ARTICLE VII. - NEW SAVANNAH BLUFF LOCK AND DAM

ARTICLE I. - IN GENERAL

- [Sec. 14-1. - Application for service; payment of tapping fee and deposit.](#)
- [Sec. 14-2. - Contracts to supply utility services to customers beyond city limits.](#)
- [Sec. 14-3. - Frequency of meter readings and bills rendered; due date; late charges; disconnect charges.](#)
- [Sec. 14-4. - Delinquent accounts; prosecution of delinquent customers.](#)
- [Sec. 14-5. - Free service prohibited; how service paid for by city.](#)
- [Secs. 14-6—14-19. - Reserved.](#)

Sec. 14-1. - Application for service; payment of tapping fee and deposit.

(a) Any person desiring water, sewer, sanitation services, stormwater management, or outside fire service shall file with the city a written application specifying the particular property for which such service is desired. A water service activation fee of twenty-five dollars (\$25.00) shall be charged to any residential or business customers establishing new water service or an active water service account transferring service to another location. Tap fees, if required, shall be paid at such time as application for said tap is made.

(b) Deposits for water, sewer, sanitation services, stormwater management, or outside fire service shall be as follows:

	Rental	Owner Occupied
Residential		
Single-family	\$ 75.00	\$ 25.00
Multi-family (per unit)	50.00	N/A
Commercial:		
¾ inch/1 inch-connection	100.00	100.00
1½ inch-connection	150.00	150.00
2 inch- or larger connection	250.00	250.00

Deposits shall be applied to all past-due accounts. Owner-occupied accounts transferred from one service location to another shall not require deposits.

(Code 1970, § 34-2; Ord. of 9-6-77; Ord. of 7-6-78; Ord. No. 83-4, § 1, 4-4-83; Ord. No. 02-03, § I, 5-6-02; Ord. No. 2008-06, § I, 5-5-08)

State law reference— Prerequisite of approved sewage disposal to connection of utility, Code 1976, § 44-55-810 et seq.

Sec. 14-2. - Contracts to supply utility services to customers beyond city limits.

The city may, through its proper officials, enter into contract with any person outside the corporate limits, to furnish such person utility services to consist of water, sewer, sanitation services, stormwater management, or outside fire service upon such terms, rates, and charges as may be fixed by the

contract or agreement between the parties either for residential, business, or manufacturing purposes, when in the judgment of the city it is for the best interest of the city to do so.

(Code 1970, § 34-6; Ord. No. 83-4, § 1, 4-4-83; Ord. No. 02-03, § I, 5-6-02)

State law reference— Authority of council to furnish water outside the city, see Code 1976, § 5-31-1910.

Sec. 14-3. - Frequency of meter readings and bills rendered; due date; late charges; disconnect charges.

(a) The service charges provided for in this chapter shall be billed as charges for water, sewer, sanitation services, stormwater management, or outside fire service in accordance with this Code. The charges assessed under this chapter shall be shown on bills to be issued by the city, and where the customer receives or is charged for water and/or sewer and/or sanitation services and/or stormwater management and/or outside fire service, such charges shall appear on the face of the utility bill.

(b) All meters shall be read on a monthly basis, and bills for services shall be rendered within ten (10) working days from the date when the reading was taken. All such bills shall be taken as having been rendered when placed in the United States mail. Failure to receive such a bill in no way relieves any customer from paying for utility services rendered. Such bills shall be due and payable within twenty-five (25) days from the billing date, at which time, if the bill is unpaid, a four-dollar (\$4.00) late charge shall be added to the utility bill.

(c) Failure to pay for any utility charges by the thirtieth day following the billing date may result in termination of the customer's utility service. Termination of the customer's utility service may result in applying so much of the customer's utility deposit as necessary to satisfy the past-due bill. In such case, no utility service may be reconnected until the deposit has been brought back up to the full amount of the current deposit. A service charge of twenty dollars (\$20.00) during normal working hours and thirty dollars (\$30.00) after normal working hours for each discontinuance shall be paid prior to service being restored. In cases where the meter has been removed as a result of a meter tampering/theft of water, a meter reset fee of one-hundred and twenty dollars (\$120.00) shall be paid prior to service being restored.

Note: The service charge shall be thirty dollars (\$30.00) for any discontinuance that involves the restoring of service after normal working hours for the city.

(Code 1970, §§ 15-17 , 34-8, 34-11; Ord. of 10-18-77; Ord. of 11-1-77; Ord. of 7-3-79; Ord. No. 80-20, § 1, 12-16-80; Ord. No. 83-4, § 1, 4-4-83; Ord. No. 83-9, § 1, 7-18-83; Ord. No. 84-18, § 1(C), 10-15-84; Ord. No. 87-13, § 1, 7-20-87; Ord. No. 88-03, § 1, 3-21-88; Ord. No. 02-03, § I, 5-6-02; Ord. No. 2008-06, § II, 5-5-08)

Sec. 14-4. - Delinquent accounts; prosecution of delinquent customers.

If a delinquent account is not paid within thirty (30) days following the issuance of such bill, then and in such event, the city treasurer may cause a warrant to be issued citing the delinquent party in violation of the ordinances of the city. The pursuing of such arrest warrant in no way waives the party's responsibility for the delinquent charges, and the city may pursue whatever collection means are necessary to obtain payment.

(Code 1970, § 15-18 ; Ord. of 7-3-79; Ord. No. 83-4, § 1, 4-4-83; Ord. No. 02-03, § I, 5-6-02)

Sec. 14-5. - Free service prohibited; how service paid for by city.

No city water for any purpose, including fire protection, and no sewer service, sanitation service, stormwater service, or outside fire service shall be furnished or rendered free of charge to any person, or to the city, and the city shall pay the reasonable cost and value of all services furnished to it, or any department of it, from current funds or from the proceeds of taxes.

(Code 1970, §§ 26-15, 26-18, 34-10; Ord. of 8-21-79; Ord. No. 83-4, § 1, 4-4-83; Ord. No. 02-03, § I, 5-6-02)

Secs. 14-6—14-19. - Reserved.

ARTICLE II. - WATER ^[26]

⁽²⁶⁾ **Cross reference—** Water and sewer extension policies, §§ 2-16, 2-17; water supply, potable water required, § 12-1

[Sec. 14-20. - Tap and extension fees.](#)

[Sec. 14-21. - Separate water tap and meter for each residence and place of business.](#)

[Sec. 14-22. - Authority to establish rates and charges; monthly charge for certain nonresidents for fire protection.](#)

[Sec. 14-23. - Tampering with water meter; making unauthorized connection, etc.](#)

[Sec. 14-24. - Water service to be on metered basis; exceptions.](#)

[Sec. 14-25. - Water rate schedule—Generally.](#)

[Sec. 14-26. - Same—Rental fees for private hydrant service and sprinkling systems; when due and payable.](#)

[Secs. 14-27—14-39. - Reserved.](#)

Sec. 14-20. - Tap and extension fees.

(a) For each new connection to the city water system, the person applying for service shall pay a base tap fee equal to the cost of making an initial connection from the main to the property line, and the cost of installing a meter, a meter box, and the fittings thereon. Such payment shall be made prior to the installation of the connection.

(b) For those connections in which there is an existing service line (line from water main to property line), the base tap fee for the water meter set shall be as follows:

Meter Size

(Inches)	Base Tap Fee (Inside City)	Base Tap Fee (Outside City)
¾	\$ 250.00	\$ 500.00
1	350.00	700.00
2	1,200.00	2,400.00

(c) For those connections in which there is no existing service line (line from the water main to the

property line), the base tap fee shall be as follows:

Meter Size

(Inches)	Base Tap Fee (Inside City)	Base Tap Fee (Outside City)
¾	\$ 650.00	\$1,300.00
1	800.00	1,600.00
2	2,000.00	4,000.00
Over 2	Cost + 50%	Cost + 100%

(d) For those connections in which there is a pavement cut, a bore, no service line, or for those connections in which the water main must be extended to the tap location, the base tap fee shall be as outlined in (c) above plus costs.

(e) In those instances where the water main has been extended to serve a given area under the guidelines of the adopted "growth policies" of the city, and when no other contractual arrangements have been made by the city, water utility extension fees shall be established based upon the costs to the city for said extensions. The utility extension fee shall be in addition to the base tap fee as established in (b) and (c) above.

(f) The water utility extension fee shall be on a per dwelling unit, commercial unit, or acre served basis.

(Code 1970, § 34-3; Ord. No. 84-18, § 1(G), 10-15-84; Ord. No. 85-10, § 1, 9-16-85; Ord. No. 04-28, § I, 11-15-04)

Cross reference— Supervision of construction, operation and maintenance, § 2-213

Sec. 14-21. - Separate water tap and meter for each residence and place of business.

Each residence or place of business shall have a separate tap and meter, and in no case shall two (2) or more distinct residences or places of business have one common tap and meter. The tap fee will apply separately for each residence or place of business.

Dwelling units within an apartment complex or multifamily development may use a common meter; however, for purposes of this section, each dwelling unit within a multifamily or apartment complex shall be considered a single customer and treated as a single customer (single tap) and treated as a single-family dwelling without regard to the method by which its water is metered.

(Code 1970, § 34-4; Ord. No. 85-10, § 2, 9-16-85)

Sec. 14-22. - Authority to establish rates and charges; monthly charge for certain nonresidents for fire protection.

(a) The council may, by ordinance or resolution, establish a schedule of rates and charges to be paid by and collected from customers, both within and beyond the city, who are furnished water by the city, provided, the council may, when deemed to be for the best interest of the city so to do, provide water by contract.

(b) Each user of city water outside the limits of the city, whose property lies within one thousand

(1,000) feet of a fire hydrant, shall be required to pay, in addition to the rates and charges specified in section 14-25 of this Code to be paid for water, the sum of six dollars (\$6.00) per month, along with and as a part of the water bill, for city fire protection provided that any obligation to furnish fire protection outside the limits of the city is subordinate to the right and responsibility of the city to protect the property lying within the city limits.

(Code 1970, § 4-7; Ord. of 5-21-74; Ord. of 12-18-79; Ord. No. 84-18, § 1(I), 10-15-84)

Sec. 14-23. - Tampering with water meter; making unauthorized connection, etc.

It shall be unlawful for any person to tamper with or change any water meter, to make any connection to the city water system without written permission, or to reconnect service when it has been disconnected for nonpayment of a bill for service until such bill has been paid full, including the reconnection fee.

(Code 1970, § 34-12)

State law reference— Tampering with water meters, Code 1976, § 16-13-385; interference with waterworks, § 5-31-1120.

Sec. 14-24. - Water service to be on metered basis; exceptions.

All water shall be rendered upon a metered basis, except to private fire hydrants and automatic sprinkler systems, which shall be upon a flat rate or rental as is provided in this article, and a separate meter shall be installed for each dwelling, business establishment or property served with water.

(Code 1970, § 34-5)

Cross reference— Contact for services outside city, § 14-2

Sec. 14-25. - Water rate schedule—Generally.

The schedule to be utilized for the computation of monthly charges for water service is as follows: All meters are to be read and bills rendered in one hundred-gallon increments:

(1) *Minimum monthly water charges:*

Size

(inches)	Inside/ Outside City	Debt Service	+	Operation and Maintenan ce	=	Total Minimum	Minimum Usage
?? X ¾?	In	\$3.90	+	\$ 7.73	=	\$11.63	3,000
	Out	5.85	+	17.41	=	23.26	3,000
1?	In	3.90	+	12.69	=	16.59	6,000
	Out	5.85	+	27.33	=	33.18	6,000
1½?	In	3.90	+	17.33	=	21.23	9,000
	Out	5.85	+	36.61	=	42.46	9,000
2?	In	3.90	+	26.72	=	30.62	15,000
	Out	5.85	+	55.39	=	61.24	15,000
3?	In	3.90	+	40.94	=	44.84	24,000

	Out	5.85	+	83.83	=	89.68	24,000
4?	In	3.90	+	50.42	=	54.32	30,000
	Out	5.85	+	102.79	=	108.64	30,000
6?	In	3.90	+	145.28	=	149.18	90,000
	Out	5.85	+	292.51	=	298.36	90,000

(2) *Monthly rates for usage above minimum:*

Gallons
Over

Minimum	Inside/ Outside City	Debt Service	+	Operation and Maintenanc e	=	Charge/ 1,000 Over Minimum
Next 10,000	In	\$0.15	+	\$1.00	=	\$1.15
	Out	0.30	+	2.00	=	2.30
Next 27,000	In	0.15	+	0.95	=	1.10
	Out	0.30	+	1.90	=	2.20
Next 160,000	In	0.15	+	0.90	=	1.05
	Out	0.30	+	1.80	=	2.10
All Additional	In	0.15	+	0.80	=	0.95
	Out	0.30	+	1.60	=	1.90

(3) *Wholesale customers (any customer who purchases water for resale to the general public):*

Usage up to 10,640,000.00 gallons/month	\$14,044.00 minimum
All over 10,640,000.00 gallons/month	1.39/1,000 gallons

(4) *Rates for multi-family complex:* For purposes of this section, each dwelling unit within a multi-family or apartment complex shall be considered a single customer and treated as a single-family dwelling when computing the minimum charge in subsection (1) without regard to the method by which its water is metered. When computing rates for usage above minimum, the rates shown in subsection (2) shall be on a per-meter basis.

(5) *Rates for multi-commercial complex:* For purposes of this section, a commercial customer shall be defined as a business or industry having a separate business license, occupying separate spaces, and having separate sanitary facilities when computing the minimum charge in subsection (1) without regard to the method by which its water is metered. When computing rates for usage above minimum, the rates shown in subsection (2) shall be on a per-meter basis.

(Code 1970, § 34-7.1; Ord. of 8-21-79; Ord. No. 81-16, § 1, 12-15-81; Ord. No. 82-23, § 1, 12-7-82;

Ord. No. 83-17, § 1, 12-5-83; Ord. No. 85-24, § 1, 12-2-85; Ord. No. 89-19, § 1, 12-4-89; Ord. No. 90-16, § 1, 12-3-90; Ord. No. 91-22, § 1, 12-16-91; Ord. No. 93-27, § I, 11-15-93; Ord. No. 03-18, § I, 8-4-03; Ord. No. 03-27, § I, 11-17-03; Ord. No. 06-17, § I, 11-20-06; Ord. No. 2008-16, § I, 11-17-08)

Sec. 14-26. - Same—Rental fees for private hydrant service and sprinkling systems; when due and payable.

(a) The annual rental for private hydrant service shall be in accordance with the following schedule:

1? Attachment for fire use only	\$ 15.00 per year
1½? Attachment for fire use only	25.00 per year
2? Attachment for fire use only	30.00 per year
3? Attachment for fire use only	40.00 per year
4? Attachment for fire use only	50.00 per year
6? Attachment for fire use only	120.00 per year
8? Attachment for fire use only	200.00 per year

(b) The charge for services rendered by the city water system to each automatic sprinkler system (said service including water consumed in the proper use of such system, without additional charge therefor) shall be in accordance with the following schedule:

4? Attachment	\$50.00 per year plus \$0.05 per head for all over 500 heads
6? Attachment	\$120.00 per year plus \$0.05 per head for all over 500 heads
8? Attachment	\$200.00 per year plus \$0.05 per head for all over 500 heads
10? Attachment	\$300.00 per year plus \$0.05 per head for all over 500 heads

(Code 1970, § 34-9; Ord. of 1-7-75)

Secs. 14-27—14-39. - Reserved.

ARTICLE III. - SEWER SERVICE ^[27]

⁽²⁷⁾ **Editor's note—** Section 1 of Ord. No. 89-10, adopted Aug. 21, 1989, amended former Art. III in its entirety to read as set out herein. Prior to amendment, the article contained §§ 14-40—14-54, 14-60—14-71, 14-80—14-91 and 14-96—14-100, which pertained to similar provisions and derived from Code 1970, §§ 26-1—26-14, 26-17—26-43, an ordinance of Aug. 21, 1979, Ord. No. 80-21, § 1, adopted Dec. 16, 1980; Ord. No. 81-15, § 1,

adopted Dec. 15, 1981; Ord. No. 82-22, § 1, adopted Dec. 7, 1982; Ord. No. 83-6, § 1, adopted July 18, 1983; Ord. No. 84-10, § 1, adopted July 30, 1984; Ord. No. 84-18, § 1, adopted Oct. 15, 1984; Ord. No. 85-23, § 1, adopted Dec. 2, 1985; Ord. No. 85-25, § 1, adopted Dec. 2, 1985; and Ord. No. 87-23, § 1, adopted Dec. 7, 1987.

DIVISION 1. - CONNECTIONS, PERMITS, FEES

DIVISION 2. - USE OF PUBLIC SEWERS

DIVISION 3. - SERVICE CHARGES

⁽²⁷⁾ **Cross reference**— Sewer extension policy, § 2-16; responsibility of division of sewer maintenance of public works department for operation and maintenance of city sewage system, § 2-213(7); plumbing code, § 6-55 et seq.; sewer system in mobile home parks, § 13-6; contract for services outside city, § 14-2 (Back)

⁽²⁷⁾ **State Law reference**— Safe Drinking Water Act, Code 1976, § 44-55-10 et seq.; prerequisite of approved sewage disposal to utility connection, § 44-55-810 et seq.; privy regulations, § 44-55-210 et seq.; damage to or obstruction of system, § 5-31-1130. (Back)

DIVISION 1. - CONNECTIONS, PERMITS, FEES

[Sec. 14-40. - Properties required to be connected to city sanitary sewer.](#)

[Sec. 14-41. - Connections with main sewer; type, grade.](#)

[Sec. 14-42. - Permit, inspection of plumbing, etc.](#)

[Sec. 14-43. - Interfering or tampering with sewer system.](#)

[Sec. 14-44. - Wastewater tap and extension fees.](#)

[Sec. 14-45. - Septic tanks—Generally.](#)

[Sec. 14-46. - Same—Permit fees.](#)

[Sec. 14-47. - Variance from regulations.](#)

Sec. 14-40. - Properties required to be connected to city sanitary sewer.

It shall be the duty of every owner of occupied real estate adjoining any street, right-of-way or easement provided with a sewer or whose property is within three hundred (300) feet of any street, right-of-way or easement provided with a sewer to make proper connection with such sewer within six (6) months after such sewer has been accepted by the city, and to supply suitable fixtures to accommodate the number of people residing in, using, or employed on such premises.

For existing occupied real estate, sanitary sewer service is determined to be available when a minimum slope of one-eighth (?) inch per foot can be maintained between the invert of the gravity sewer main and one foot below the elevation of the finished floor. In addition, the finished floor must be a minimum of three (3) feet above the invert of the sanitary sewer main.

For new structures, sanitary sewer service is determined to be available in all cases where a gravity sanitary sewer is available within three hundred (300) feet of the property to be served, regardless of the elevation of the structure in relation to the sewer main. If the minimum grade above cannot be maintained, individual lift stations shall be required.

If any such owner shall fail or neglect to comply with the foregoing provisions within such time limit, the city shall give notice in writing to such owner, or to such person's agent or tenant, that such connection must be made and such fixtures provided within twenty (20) days.

Any owner, agent or tenant who shall willfully fail or neglect to make such connections with the sewer, and to provide such fixtures within the time specified in such notice, shall be guilty of a misdemeanor. Every day of twenty-four (24) hours duration after the time limit set in such notice shall be deemed a separate violation of this section.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-41. - Connections with main sewer; type, grade.

Every house and building shall be separately and independently connected with the main sewer. Service connections with main sewer lines must be made by means of a "Y" connection or an approved collar fitting. Service connections shall be laid on a uniform grade of not less than one-eighth (?) inch to each foot. The finished floor of all occupied buildings must be a minimum of three (3) feet above the invert of the sanitary sewer.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-42. - Permit, inspection of plumbing, etc.

A permit issued by the city shall be required prior to any person making a connection to the public sewer. Permits to connect with the sewer system of the city will be issued only when the plumbing

in the building to be connected is in accordance with the rules for plumbing set forth in Chapter 6 of the Code and has been inspected and found so by the city, or in case of a new building, when a proper plan for the plumbing has been approved by the city.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-43. - Interfering or tampering with sewer system.

No unauthorized person shall turn, remove, raise, or in any manner interfere or tamper with the cover of any manhole or other appurtenance connected with any public sewer. No person, except those employed or permitted by the city shall enter any public sewer; nor shall any person obstruct or damage any pipe, ditch, drain or appurtenance of any sewerage or drainage system.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-44. - Wastewater tap and extension fees.

For each new connection to the city's wastewater system, the person applying for service shall pay a base tap fee and/or a wastewater extension fee. Such fee(s) shall be made prior to the installation of the connection.

(a) *Base tap fee.* The purpose of a base tap fee is to allow the city to partially recoup costs associated with the provision of wastewater trunk, secondary trunk lines, or pumping stations which have been installed or upgraded by the city to serve drainage areas.

(1) For those connections in which there is an existing tap (service line from main line to property line), the base tap fee shall be six hundred fifty dollars (\$650.00) for inside city customers and thirteen hundred dollars (\$1,300.00) for outside customers, unless a pavement cut, service line or bore is required.

(2) For those connections in which there is a pavement cut, a bore, no service line, or for those connections in which the wastewater line must be extended to the tap location, the base tap fee shall be six hundred fifty dollars (\$650.00) plus costs for inside city customers and thirteen hundred dollars (\$1,300.00) plus costs for outside city customers.

(3) The above tap fees shall apply without regard to who installed the sewer collection system or taps.

(b) *Sewer extension fees.* When the sanitary sewer trunk and/or collection lines have been extended to serve a given area under the guidelines of the adopted "Growth Policies" of the city, and when no other contractual arrangements have been made by the city, sewer extension fees shall be established based upon the costs to the city for the extension.

The sanitary sewer extension fee shall be on a per-dwelling unit, commercial unit, or acre-served basis and shall be in addition to the base tap fee as established in (a)(1) and (2) above. The cost of a sewer extension fee and the time of payment shall be determined at the time of the extension.

(Ord. No. 89-10, § 1, 8-21-89; Ord. No. 90-09, § 1, 7-16-90; Ord. No. 04-27, § I, 11-15-04)

Sec. 14-45. - Septic tanks—Generally.

In the event that public sanitary sewer services are not available within three hundred (300) feet of the lot or land in question and the city is unable and/or unwilling to extend the sanitary sewer system through its utility extension policies, septic tanks may be installed, provided a permit has first been obtained from the city. Prior to the city's issuing a septic tank permit, a permit from the South Carolina Department of Health and Environmental Control must be furnished to the city. Upon completion of the septic tank, a certificate of approval as issued by the state must be furnished to the city.

(Ord. No. 89-10, § 1, 8-21-89; Ord. No. 96-08, § 1, 7-15-96)

Sec. 14-46. - Same—Permit fees.

The permit fee for installation of a septic tank shall be one hundred dollars (\$100.00).

(Ord. No. 89-10, § 1, 8-21-89; Ord. No. 96-08, § 2, 7-15-96)

Sec. 14-47. - Variance from regulations.

Where, through architectural conditions, it is not practical to comply strictly with the regulations set forth in this article, they shall be complied with as nearly as practicable, subject to the approval of the city representative authorized to give such approval.

(Ord. No. 89-10, § 1, 8-21-89)

DIVISION 2. - USE OF PUBLIC SEWERS

[Sec. 14-48. - Stormwater prohibited in public sewer.](#)

[Sec. 14-49. - Prohibition of discharge to public sewers.](#)

[Sec. 14-50. - Substances prohibited conditionally to be discharged.](#)

[Sec. 14-51. - Action of city upon undesirable wastewater.](#)
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Sec. 14-48. - Stormwater prohibited in public sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage, to any public sewer.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-49. - Prohibition of discharge to public sewers.

No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters in the sewage treatment plant.
- (3) Any waters or wastes having a pH less than 6.0 or greater than 11.0 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solids or viscous substances in quantities or of such size capable of causing obstructions in the flow of sewage or other interference to the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole or paunch manure, hair and fleshing, or entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-50. - Substances prohibited conditionally to be discharged.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the city, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) and sixty-five (65) degrees Celsius.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (excluding domestic) equipped with a motor of three-fourths ($\frac{3}{4}$) hp or greater shall be subject to the review and approval of the city.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing heavy metals in excess of the following:

Chromium*	1.0 mg/l
Lead	2.0 mg/l
Tin	2.0 mg/l
Zinc	2.0 mg/l
Copper	0.5 mg/l
Nickel	1.0 mg/l
Cyanide	0.2 mg/l

*Either the +3 valence or the +6 valence or the combination of both.

or combination of the above in excess of nine (9.0) mg/l in the effluent, or which, when blended with the waste in the trunk line, will have a concentration in excess of one mg/l when it reaches the treatment plant, section 14-51 notwithstanding, or wastes exerting an excessive chlorine requirement to such a degree that any such material received in composite sewage at sewage treatment works exceeds the limits established by the city for such materials.

- (6) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentration exceeding limits which may be established by the city as necessary after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state and federal regulations.
- (8) Any waters or wastes having a pH outside of the range of 6.0 to 11.0.
- (9) Materials which exert or cause:
 - a. Unusual concentration of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

b. Unusual BOD (biochemical oxygen demand), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

c. Unusual volume of flow or concentrations of wastes constituting slugs as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-51. - Action of city upon undesirable wastewater.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in section 14-50, which in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject wastes;
- (2) Require pretreatment to an acceptable condition with discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-52. - Interceptors for grease, oil, etc.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-53. - Maintenance of flow equalizing facilities.

Where preliminary treatment for flow equalizing facilities is provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-54. - Additional facilities for industrial waste.

It shall be required by the city that the owner of any property serviced by a building sewer carrying industrial wastes install a suitable control manhole. When deemed necessary, the city may require additional meters and other appurtenance in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-55. - Procedures for measurements, tests, and analyses.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. In order for the city to properly evaluate the effect of the waste on the system, an industry must submit, along with the plans for said system as required by the public works engineer, an industrial waste questionnaire form available from the city.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-56. - Surge tank required.

An industry, the hydraulic load of which is ten (10) per cent or more of the total hydraulic load to the system, must provide pretreatment in the form of a surge tank to equalize the flow over a seven-day period. The surge tank must be approved by the city.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-57. - Surcharges.

A schedule of surcharges has been established by resolution which takes into consideration the total costs for the treatment of waste. In the schedule, a BOD concentration of zero (0) to six hundred (600) ppm and a pH in the range of 6.0 through 11.0 pH units is considered to be standard sewage waste. Any sewage having a concentration in excess of six hundred (600) ppm BOD, or having a pH of less than 6.0 units or greater than 11.0 units is subject to a surcharge in accordance with the schedule set forth in the resolution. This surcharge schedule is based on the equitable recovery of waste treatment costs as required for those cities receiving federal assistance for the construction of wastewater treatment facilities and is in compliance with the regulations 40 CFR 35.935-13. The issuance of this surcharge schedule does not in itself permit nor does it imply that any such waste will be received by the city for treatment. In each instance, the actual acceptance of the waste for treatment is subject to review and evaluation by the city. In some instances, pretreatment may be required before acceptance of the waste for final treatment by the city.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-58. - Sampling and analysis.

The city will employ independent engineers to conduct a twenty-four hour composite sampling and analysis of the wastewater at least once per three (3) months. This analysis will be the basis for determining the surcharge.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-59. - Penalties.

(a) Any person found to be in violation of any provisions of this division shall be served by the city with a written notice stating the nature of the violation, and if the violation continues for more than twenty (20) days following such written notice, the city may apply to the courts for the enforcement of the regulations set forth herein through the means of mandatory injunction or other remedial process.

(b) Such violation shall be punishable as a misdemeanor as provided in section 1-8. Each day in violation of the provisions of this division shall constitute a separate and distinct offense. The punishment shall be in addition to the remedial process provided for in subsection (a).

(Ord. No. 89-10, § 1, 8-21-89)

Secs. 14-60—14-65. - Reserved.

DIVISION 3. - SERVICE CHARGES

[Sec. 14-66. - Setting charges for use of sewers.](#)

[Sec. 14-67. - Basis of monthly service charge.](#)

[Sec. 14-68. - Schedule of monthly wastewater service charge.](#)

[Sec. 14-69. - Multi-family complex.](#)

[Sec. 14-70. - Multicommercial complex.](#)

[Secs. 14-71—14-119. - Reserved.](#)

Sec. 14-66. - Setting charges for use of sewers.

Unless otherwise provided by ordinance or resolution by the city council, the services and facilities furnished by the city's sanitary sewer system shall be deemed charged for and included in the rates charged that are established under the provisions of this division.

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-67. - Basis of monthly service charge.

The system for computing each customer's monthly service charge shall be known as the "winter base rate system," and shall be based on actual water consumption for the three (3) individual months as reflected in the water meter readings of:

- (1) December 10 through January 9;
- (2) January 10 through February 9; and

(3) February 10 through March 9.

The average of the monthly service charges in these three (3) months, based on the customer's actual water consumption, shall be the monthly service charge rendered to the customer by the city in each of the remaining nine (9) months of the year, meter readings March 10 through December 9.

Customers new to the city's system and who have no previous December through February consumption record shall be charged an amount equal to the average service charge for all customers of the city's system, until such time as said customer has established actual consumption data for the "winter base rate" months as outlined above.

Customers classified as "commercial" shall select, in writing and prior to March 31 of each year, between the "winter base rate system" or actual monthly sewer service charges for the remainder of the year. Once a decision has been made by the commercial customer, it cannot be changed prior to March 31 of the following year. The absence of a written selection by the commercial customer shall result in its charge being computed using the "winter base rate system."

(Ord. No. 89-10, § 1, 8-21-89)

Sec. 14-68. - Schedule of monthly wastewater service charge.

The schedule to be utilized for the computation of monthly charges for wastewater service is as follows:

(1) Each residential or commercial customer of the city's system, whether inside or outside the city, must pay such customer's proportionate share of the costs for operation and maintenance of the system. In addition, each customer of the city's sanitary wastewater system must pay an amount to share the costs of debt service and to provide for special reserve funds. The operation and maintenance, debt service, and special reserve funds shall be paid on a monthly basis as follows:

a. Rates for the first 15,000,000 gallons/month:

	Inside City						Outside City	
	B	+	P	B	+	P		
	a		e	a		e		
	s		r	s		r		
	e		1	e		1		
			,			,		
			0			0		
			0			0		
			0			0		
			G			G		
			a			a		
			l			l		
			i			i		
			o			o		
			n			n		
			s			s		
Operation and maintenance	\$		\$	\$		\$		
	8.		2	9		2		

	1 9		. 1 2	. 1 9		. 1 6
Debt Service	<u>2</u> <u>5</u> <u>3</u>		<u>0</u> <u>6</u> <u>2</u>	<u>5</u> <u>0</u> <u>6</u>		<u>1</u> <u>2</u> <u>4</u>
Monthly Charges	\$ 1 0. 7 2		\$ 2 7 4	\$ 1 4 2 5		\$ 3 .4 0

b. Rates for additional usage:

	Inside City Per 1,000 Gallo ns	Outside City Per 1,000 Gallons
Operation and maintenance	\$1.65	\$1.65
Debt Service	<u>0.59</u>	<u>0.59</u>
Monthly Charges	\$2.24	\$2.24

(2) All charges for wastewater service are to be made in one-hundred-gallon increments.

(3) Six (6) months following the date of availability of wastewater service, or at such time as a customer actually connects to the city's wastewater system, whichever event occurs first, the wastewater service charges as set forth herein shall be due and payable.

(4) Customers who have service available but who have not connected to the system shall be charged the minimum base monthly service rate for inside city and outside city customers as shown in subsection 14-68(1)a., above.

(Ord. No. 89-10, § 1, 8-21-89; Ord. No. 91-21, § 1, 12-16-91; Ord. No. 92-17, § I, 11-16-92; Ord. No. 93-26, § I, 11-15-93; Ord. No. 94-11, § I, 11-21-94; Ord. No. 97-08, §§ I, II, 10-6-97; Ord. No. 01-04, § I, 3-5-01; Ord. No. 01-12, § I, 10-1-01; Ord. No. 03-10, § I, 6-2-03; Ord. No. 03-28, § I, 11-17-03; Ord. No. 05-05, § I, 5-16-05; Ord. No. 06-05, § I, 6-5-06; Ord. No. 2008-08, § I, 6-2-08; Ord. No. 2008-15, § I, 11-17-08; Ord. No. 2009-05, § I, 6-15-09; Ord. No. 2010-11, § I, 6-21-10)

Sec. 14-69. - Multi-family complex.

For purposes of this division, each dwelling unit within a multi-family or apartment complex shall be

considered a single customer and treated as a single-family dwelling without regard to the method by which its water is metered.

(Ord. No. 89-10, § 1, 8-21-89; Ord. No. 91-21, § 1, 12-16-91)

Sec. 14-70. - Multicommercial complex.

For purposes of this division, a commercial customer shall be defined as a business or industry having a separate business license, occupying separate spaces, and having separate sanitary facilities without regard to the method by which its water is metered.

(Ord. No. 91-21, § 1, 12-16-91)

Secs. 14-71—14-119. - Reserved.

ARTICLE IV. - SANITATION SERVICE ^[28]

⁽²⁸⁾ **Editor's note**— Ord. No. 91-20, § 1, adopted Dec. 16, 1991, amended Art. IV, §§ 14-120—14-125, to read as herein set out. Former Art. IV pertained to similar subject matter. See the Code Comparative Table.

[Sec. 14-120. - Residential garbage collection.](#)

[Sec. 14-121. - Residential trash collection.](#)

[Sec. 14-122. - Commercial sanitation service.](#)

[Sec. 14-123. - Sanitation services fees.](#)

[Sec. 14-124. - Recycling fees.](#)

[Sec. 14-125. - Reserved.](#)

[Secs. 14-126—14-129. - Reserved.](#)

Sec. 14-120. - Residential garbage collection.

Unless otherwise approved by the city sanitation department, all residential garbage shall be placed in "roll carts" provided by the city.

- (1) All roll carts shall be placed at curbside on the street on which said premises is addressed.
- (2) The containers shall be placed at curbside no later than 7:00 a.m. on the day of collection but not prior to 7:00 p.m. on the day preceding collection, and shall be removed by 7:00 p.m. the day of collection.
- (3) If in the opinion of the city, it is not practical to place containers as specified herein, the city may designate a suitable location.
- (4) Containers left on the street beyond the hours given above may be considered a public nuisance and residents found in violation of this section shall be subject to penalties as set forth in section 1-8 of this Code.

(Ord. No. 91-20, § 1, 12-16-91; Ord. No. 99-16, § I, 11-15-99)

Sec. 14-121. - Residential trash collection.

(a) Normal residential trash, such as tree trimmings, grass clippings, hedge clippings, leaves, appliances, and furniture shall be collected at the same location as that designated for garbage collection. In no event shall trash be placed in the gutter, street, or storm drainage system.

(b) Individual trash items shall not exceed four (4) feet in diameter, ten (10) feet in length, or two hundred (200) pounds in weight. The quantity of pickup may be limited by the city.

(c) Refuse generated by contractors or property owners for new construction or remodeling, landscaping companies, yard crews, and tree trimming/removal companies shall be removed by the companies or property owners and shall not be the responsibility of the city.

(Ord. No. 91-20, § 1, 12-16-91; Ord. No. 99-16, § I, 11-15-99)

Sec. 14-122. - Commercial sanitation service.

(a) Commercial sanitation service within the corporate limits shall be provided exclusively by the city. The city shall use a collection system commonly referred to as a front-end loading system. The city shall provide and be responsible for the sanitary upkeep of all front-end loading containers within the city.

(b) Commercial containers shall be scheduled for pickup Monday through Saturday. The size of container, frequency and schedule of pickups shall be subject to the approval of the city.

(Ord. No. 91-20, § 1, 12-16-91; Ord. No. 99-16, § I, 11-15-99)

Sec. 14-123. - Sanitation services fees.

(a) *Residential services.* There is hereby imposed upon each home, residence, apartment unit, or dwelling unit within the city, a charge for sanitation services to include garbage collection, trash collection, animal control, health services, and street sweeping. A sanitation services fee shall also be charged any residential customer located outside the city who receives sanitation services from the city.

For purposes of this section, each dwelling unit within a multi-family or apartment complex, duplex, etc. shall be considered a single customer and treated as a single-family dwelling without regard to the method of collection. The city reserves the right to determine the method of collection and type of containers to be used for residential customers.

(1) *Fees for residential roll carts.* Residential services where the principal use is for living, home, residence, apartment unit, dwelling unit and service is provided by roll carts:

Inside city limits, per month	\$15.50
Outs	\$22.95

ide city limit s, per mon th	
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For each additional roll cart provided by the city, there shall be a charge equal to 25% of the fee for a single cart.

(2) *Fees for removal of roll carts from curb by city personnel.* Notwithstanding any other provisions contained herein, if roll carts are left on the street in violation of this Code and city representatives remove the roll carts from the street to a location in compliance with City Code:

\$5.00 for each removal.

(b) *Commercial services.* There is hereby imposed upon each place of business, industry, or other commercial premises within the city, a charge for sanitation services to include garbage collection, trash collection, animal control, health services, and street sweeping. A sanitation services fee shall also be charged any commercial customer located outside the city who receives sanitation services from the city.

For purposes of this section, a commercial customer is a business or industry having a separate business license and occupying separate spaces.

(1) *Fees for commercial service with residential roll carts.* Pickups under this subsection shall not exceed six (6) one hundred-gallon (or equivalent) residential roll carts per pickup and shall not exceed one (1) pickup per week.

	Per 100 Gal. Roll Cart	Per 300 Gal. Roll Cart
Inside city limits, per month	\$15.30	\$45.00
Outside city limits, per month	22.95	67.50

(2) *Fees for commercial service with city supplied front-end loading bulk containers containing noncompacted waste.* Pickups under this subsection may be scheduled for Monday through Saturday. The size of container, frequency, and schedule of pickups shall be subject to the approval of the city. Fees shall be based upon the size of containers and frequency of pickups as follows:

Container
Size

(cu. yd.)	Base Fee		Inside City		Outside City
2 cu. yd.	\$46.41	+	2.08/cu. yd.	or	3.12/cu. yd.

3 cu. yd.	\$48.74	+	2.08/cu. yd.	or	3.12/cu. yd.
4 cu. yd.	\$51.05	+	2.08/cu. yd.	or	3.12/cu. yd.
6 cu. yd.	56.16	+	2.08/cu. yd.	or	3.12/cu. yd.
8 cu. yd.	61.77	+	2.08/cu. yd.	or	3.12/cu. yd.

(c) *Special service for residential or commercial customers.* When special bulk or compacted wastes are collected by the city through a procedure or method not provided for above and out of the ordinary collection procedures, the city may charge rates commensurate with the work and equipment involved.

(d) *Special landfill charges.* Fees for disposing of automobile, truck, or tractor tires and special handling/packaging waste shall be equal to the fees charged by the county plus fifteen (15) percent for handling.

(Ord. No. 91-20, § 1, 12-16-91; Ord. No. 92-16, § I, 11-16-92; Ord. No. 99-16, § I, 11-15-99; Ord. No. 03-26, § I, 11-17-03; Ord. No. 05-20, § I, 11-21-05; Ord. No. 2008-05, § I, 5-5-08; Ord. No. 2008-14, § I, 11-17-08)

Sec. 14-124. - Recycling fees.

There is hereby imposed upon each residential and commercial customer on the city's sanitation system, a charge for recycling services of three dollars (\$3.00) per month without regard to the customer's location or the method by which recycling services may be provided.

For purposes of this section, the definition of residential or commercial customers shall be as previously defined.

(Ord. No. 91-20, § 1, 12-16-91; Ord. No. 92-16, § II, 11-16-92; Ord. No. 99-16, § I, 11-15-99; Ord. No. 06-15, § I, 11-20-06)

Sec. 14-125. - Reserved.

Editor's note— Ord. No. 99-16, § I, adopted November 15, 1999 repealed in their entirety the provisions of § 14-125 which pertained to sanitation fees and recycling fees; when due and payable and derived from Ord. No. 91-20, § 1, adopted Dec. 16, 1991.

Secs. 14-126—14-129. - Reserved.

ARTICLE V. - STORMWATER MANAGEMENT

DIVISION 1. - IN GENERAL
 DIVISION 2. - ILLICIT DISCHARGE

DIVISION 3. - CONSTRUCTION PERMITTING FOR LAND DISTURBING ACTIVITIES

DIVISION 1. - IN GENERAL

[Sec. 14-130. - Findings.](#)

[Sec. 14-131. - Establishment of a stormwater utility.](#)

[Sec. 14-132. - Definitions.](#)

[Sec. 14-133. - Scope of responsibility for the city drainage system.](#)

[Sec. 14-134. - Requirements for on-site stormwater systems; enforcement methods and inspections.](#)

[Sec. 14-135. - Establishment of a stormwater management enterprise fund.](#)

[Sec. 14-136. - General financing policy.](#)

[Sec. 14-137. - Determination and modification of stormwater management service charges.](#)

[Sec. 14-138. - Stormwater management service charges.](#)

[Sec. 14-139. - Exemptions and credits applicable to stormwater management service charges.](#)

[Sec. 14-140. - Appeals.](#)

[Sec. 14-141. - Billing of stormwater management utility service charges.](#)

[Secs. 14-142—14-149. - Reserved.](#)

Sec. 14-130. - Findings.

The city council of the city makes the following findings:

- (1) The professional engineering and financing analysis (NPDES Phase II Stormwater Program Assessment as prepared by Woolpert, LLP, October 1, 2001) submitted to the city properly assesses and defines the stormwater management problems, goals, program priorities and funding opportunities of the city.
- (2) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analysis, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in the city in concert with other water resource management programs.
- (3) Stormwater management is applicable and needed throughout the corporate limits of the city. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the corporate limits of the city is consistent with the present and future needs of the community.
- (4) The stormwater needs in the city include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs and facilities renders and/or results in both service and benefit to all properties, property owners, citizens, and residents of the city in a variety of ways as identified in the professional engineering and financial analysis. The service and benefit rendered or resulting from provision of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to, location demands and impacts imposed on the stormwater systems and programs, and risk exposure.
- (5) The city presently owns and operates stormwater management systems and facilities which

have been developed over many years. The future usefulness of the existing stormwater systems owned and operated by the city, and of additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in the city in concert with the management of other water resources in the city. In order to do so, the city must have adequate and stable funding for its stormwater management program's operating and capital investment needs.

(6) The city council finds, concludes and determines that a utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in the city.

(7) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges for all properties within the city that is related to costs associated with the stormwater management services within the city. The schedule of service charges can be augmented by other funding sources as may be determined by city council.

(8) Impervious area is the most important factor influencing stormwater service requirements and associated costs throughout the city, and therefore, is an appropriate parameter for calculating stormwater service charges and associated credits.

(9) A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and operations can effectively reduce the utility's burden of stormwater quantity and/or quality control requirements.

(10) Service charge credits may be appropriate when public information and education about stormwater management is provided by the public school system, thus reducing the utility's cost of public education.

(Ord. No. 02-02, § I, 3-4-02; Ord. No. 02-03, § II, 5-6-02)

Sec. 14-131. - Establishment of a stormwater utility.

In accordance with section 48-14-120 of the Code of Laws of South Carolina, there is hereby established a stormwater utility within the city which shall be responsible for stormwater management throughout the city's corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities.

(Ord. No. 02-02, § I, 3-4-02)

Sec. 14-132. - Definitions.

Credit. A conditional reduction in the amount of a stormwater service charge to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system, facility, service, or activity that reduces the stormwater utility's costs. Credits for on-site stormwater systems should be generally proportional to the affect that such systems have on the peak rate of runoff from the site.

Customers of the stormwater utility. Customers of the stormwater utility shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisitions, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the

stormwater management program.

Development intensity factor (DIF). The ratio of a developed property's runoff coefficient (C) to the standard residential unit's runoff coefficient (C). A development intensity factor (DIF) shall be determined by calculating an average runoff coefficient (C) from several similar uses within each classification. Dividing the calculated "C" value by the ERU "C" value of 0.35 derives the DIF.

Developed property. Land altered from its natural state by construction or installation of more than two hundred (200) square feet of impervious surface as defined in this chapter.

Equivalent residential unit (ERU). The median average impervious surface of residential properties in the city. ERU's shall be used as the basis for determining stormwater service charges to all properties within the city. One ERU is one-third (1/3) acre of developed land with a runoff coefficient (C) of 0.35.

Hydrologic response. The hydrologic response of a property is the manner and means whereby stormwater collects, remains, infiltrates, and/or is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area, the size, shape, topographic, vegetative, and geologic conditions of a property, antecedent moisture conditions, and groundwater conditions on a property.

Impervious surfaces. Impervious surfaces are those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and solid surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Nonresidential properties. Developed nonresidential properties, including, but not limited to, commercial and office buildings, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, churches, public and private schools and universities, research stations, hospitals, convalescent centers, assisted living facilities, and agricultural uses covered by impervious surfaces.

Residential properties.

(1) *Single-family residential properties:* Developed land whereon one (1) or two (2) residential dwelling units are located on one (1) platted lot, including, but not limited to, attached or unattached single-family homes, duplexes, mobile homes, manufactured homes, condominiums, or townhouses.

(2) *Multi-family residential properties:* Developed land whereon three (3) or more residential dwelling units are located on one (1) platted lot, including, but not limited to, apartment complexes, retirement centers, and other structures in which multiple persons or family groups commonly and normally reside or could reside.

Runoff coefficient (C). The proportion of rainfall volume that runs off an area, also known as the "C" factor.

Stormwater management service charges. The periodic rate, fee or charge applicable to a parcel of developed land. The charge shall be reflective of the service provided by the city stormwater utility. Service charges are based on measurable parameters that influence the stormwater utility's cost of

providing services and facilities, with the most important factor being the amount of impervious area on each parcel. The use of impervious areas as a service charge rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one (1) or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including, but not limited to, charges for site and development plan review, inspection of development projects and on-site stormwater control systems, stormwater system connections, and enhanced levels of stormwater services above those normally provided by the city.

Stormwater management system. Stormwater management systems address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

Undeveloped properties. Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

(Ord. No. 02-02, § I, 3-4-02; Ord. No. 02-03, § II, 5-6-02)

Sec. 14-133. - Scope of responsibility for the city drainage system.

The city drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the city which control and/or convey stormwater through which the city intentionally diverts surface waters from its public streets and properties. The city owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which:

- (1) Are located within public streets, rights-of-way, and easements;
- (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or
- (3) Are located on public lands to which the city has adequate access for operation, maintenance, and/or improvement of systems and facilities.

Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the city and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the state and the United States of America.

It is the intent of this Code to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity by or upon property not owned by the city, pursuant to this or any other regulatory ordinance, regulation or rule of the city or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the city, its officers, employees or agents.

(Ord. No. 02-02, § I, 3-4-02)

Sec. 14-134. - Requirements for on-site stormwater systems; enforcement methods and inspections.

All property owners and developers of developed real property within the city shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all city development regulations and the laws of the state and the United States of America. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the city in the municipal court. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the city may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. From date of the filing of such action, the city shall have lien rights which may be perfected, after judgment, by filing a notice of lien in the court of jurisdiction in the county. The city shall have the right, pursuant to the authority of this code, for its designated officers and employees to enter upon private and public property owned by entities other than the city, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

(Ord. No. 02-02, § I, 3-4-02)

Sec. 14-135. - Establishment of a stormwater management enterprise fund.

A stormwater management enterprise fund shall be established in the city budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the city council. Any revenues and receipts of the stormwater utility shall be placed in the stormwater management enterprise fund and all expenses of the utility shall be paid from the stormwater management enterprise fund, except that other revenues, receipts, and resources not accounted for in the stormwater management enterprise fund may be applied to stormwater management operations and capital investments as deemed appropriate by the city council, upon recommendation of the city administrator.

(Ord. No. 02-02, § I, 3-4-02)

Sec. 14-136. - General financing policy.

It shall be the policy of the city that funding for the stormwater utility be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater systems and programs and/or the level of service provided as a result of the provision of stormwater services and facilities. Service charges for stormwater management shall be fair and reasonable and shall bear a substantial relationship to the cost of providing services and facilities. The cost of stormwater services and facilities may include operating, capital investment, and reserve expenses, and may consider stormwater quality as well as stormwater quantity management requirements. Similarly situated properties shall be charged similar rentals, rates, charges, fees, or licenses. Service charge rates shall be designed to be consistent and coordinated with the use of other funding methods employed for stormwater management by the city, whether within or outside the stormwater utility, including but not limited to plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development charges, and special assessments. To the extent practicable, credits against service charges and/or other methods of funding stormwater management shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the city's standards by private property owners.

(Ord. No. 02-02, § I, 3-4-02)

Sec. 14-137. - Determination and modification of stormwater management service charges.

In accordance with section 48-14-120 of the Code of Laws of South Carolina, the city council shall determine and modify from time to time the stormwater management service charges. In setting or modifying such rates it shall be the objective of the council to establish rates, fees and charges that are fair and reasonable, reflect the value of stormwater management services and facilities to those properties who benefit therefrom and, which together with any other sources of revenue that may be made available to the stormwater utility, will be sufficient to meet the cost of budgeted programs, services and facilities, including, but not limited to, the payment of principal and interest on revenue bond obligations incurred for construction and improvements to the stormwater system.

(Ord. No. 02-03, § II, 5-6-02)

Sec. 14-138. - Stormwater management service charges.

For the purposes of determining the stormwater management service charges, all properties should be classified as single-family residential, multi-family residential, nonresidential or undeveloped.

The following stormwater management service charge rates shall apply:

- (1) *Stormwater management service charge rate.* The stormwater management service charge per equivalent residential unit (ERU) shall be four dollars (\$4.00) per month.
- (2) *Single-family residential properties.* Single-family residential properties shall be charged the rate applicable to one (1) equivalent residential unit (ERU) for each dwelling unit.
- (3) *Multi-family residential properties.* Multi-family residential properties shall be charged the rate applicable to three-quarters (0.75) equivalent residential unit (ERU) for each dwelling unit.
- (4) *Nonresidential developed properties.* All developed lands not classified as single-family or multi-family residential use properties shall be classified as nonresidential developed. Each nonresidential developed property shall be classified according to its primary developed use. If a

developed property could be placed into more than one classification according to its primary use, it should be classified in the category resulting in the lowest stormwater management service charge. Nonresidential developed properties shall be billed based upon its number of ERUs. The number of ERU's shall be determined by the classified use, the associated "C" factor, and the number of acres in the property. The following formula illustrates how the number of ERU's is derived for each nonresidential property.

$$1 \text{ ERU} = 0.35 \text{ FOR } 1/3 \text{ ACRE}$$

# of ERU's	$= \frac{\text{Property Use C Factor}}{0.35} \times \text{# Acres in Property}$	# Acres in Property
	0.35	0.33 acres per ERU

(5) *Land use and runoff coefficient table.*

Land Use Classification	Runoff Coefficient (C)	# of ERU's Per Acre
Industrial/manufacturing	0.42	3.64
School	0.52	4.50
Nursing home/assisted living	0.53	4.59
Auto sales	0.54	4.68
Professional office	0.61	5.28
Hotel/motel	0.66	5.71
Retail/professional service	0.67	5.80

Church/assembly/funeral home	0.75	6.49
Child care	0.75	6.49
Shopping center/large retail	0.76	6.58
Restaurant/tavern/night club	0.8	6.93
Self-storage/mini warehouse	0.81	7.01
Gas station/convenience store	0.83	7.19
Properties with 25% or less of impervious surface	1.00 on calculated impervious surface	8.66 per acre of impervious surface

(6) *Shopping centers/large retail.* Tenants within a shopping center should be placed into the category of "shopping center/large retail." The number of ERU's used in determining a tenant's individual stormwater management service charge should be determined as follows:

Step 1—The number of ERU's for the entire shopping center should be calculated in accordance with section 14-138(d)(e).

Step 2—Credits should be deducted as applicable.

Step 3—ERU's for each tenant will be determined by the percentage of the center's gross building square footage occupied by the tenant.

Customers that have fee-simple ownership of property within a shopping center should be considered as individual customers separate from the center. The building area of these customers will not be included in the center's gross building area. However, these customers may be eligible for some of the same credits applicable to the center.

(7) *Undeveloped properties.* Undeveloped properties shall not be charged a stormwater management service charge.

(Ord. No. 02-03, § II, 5-6-02)

Sec. 14-139. - Exemptions and credits applicable to stormwater management service charges.

(a) Except as provided in this section, no public or private property shall be exempt from stormwater management service charges or receive a credit or offset against such service charges.

(b) A stormwater management service charge credit technical manual has been prepared by the city specifying on-site systems, facilities, activities, and services which qualify for application of a service charge credit, and how such credits shall be calculated. This manual is incorporated by reference and may be updated by the stormwater utility as the need arises. The city stormwater utility director shall be responsible for maintaining the technical manual consistent with the policies and guidelines established herein.

(c) Undeveloped properties as defined in this chapter shall be exempt from stormwater management service charges.

(d) Railroad rights-of-way (tracks) shall be exempt from stormwater management service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater management service charges.

(e) The stormwater management service charge non-educational credit may be up to fifty (50) percent of the service charge applicable to a property, and should be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost.

(f) Any credit allowed against the service charge is conditioned on continuing compliance with the city's design and performance standards as stated in the stormwater management service charge credit technical manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the city at any time for noncompliance.

(g) An educational credit may be available to all public and private schools or school systems which agree to teach the "Action for a Cleaner Tomorrow" program, an environmental science curriculum approved by the state department of education, in grades kindergarten (K) through twelve (12). The educational credit may be up to fifty (50) percent of the service charge applicable to a school property, and should be proportional to the extent the approved curriculum is taught. The superintendent of schools shall certify annually to the storm water utility director, before July 1, the extent to which the curriculum was taught. Educational credits may be taken in conjunction with any other credit available under this section, except that maximum credits for all quality control, quantity control, and educational measures should not exceed seventy-five (75) percent.

(h) No credit may result in any property being charged a stormwater management service charge based on less than 1.0 ERU.

(Ord. No. 02-03, § II, 5-6-02)

Sec. 14-140. - Appeals.

Any nonresidential customer who believes the provisions of this article have been applied in error may appeal in the following manner:

(1) An appeal accompanied by an appeal review fee should be filed in writing with the city stormwater utility director. In the case of service charge appeals, the appeal may, if applicable, include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.

(2) Using the information provided by the appellant, the director may conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

(3) In response to an appeal the director should adjust the stormwater management service charge applicable to a property in conformance with the general purpose and intent of this article. The adjustment may be downward or upward as appropriate.

(4) No appeal may result in any property being charged a stormwater management service charge based on less than 1.0 ERU.

(5) A decision of the director which is adverse to an appellant may be further appealed to the city administrator within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the city administrator by the appellant, stating the grounds for the appeal. The city administrator shall issue a written decision on the appeal within thirty (30) days.

All decisions of the city administrator shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.

(6) All decisions by the city administrator shall be final.

(7) An appeal review fee of ten dollars (\$10.00) per acre, or fraction thereof, shall be paid at the time the appeal is filed. The appeal fee shall be refunded, if the result of the appeal is in favor of the appellant.

(8) Changes in the stormwater management service charge which may result from an appeal shall be effective with the following month's bill. No refund shall result from an appeal.

(Ord. No. 02-03, § II, 5-6-02)

Sec. 14-141. - Billing of stormwater management utility service charges.

The stormwater management utility service charge may be billed on a common billing statement and collected along with other city utility fees. Nonpayment may result in termination of all utility services, consisting of water, sewer, sanitation services, stormwater management, or outside fire service in accordance with section 14-3 of this Code.

(Ord. No. 02-03, § 1, 5-6-02)

Secs. 14-142—14-149. - Reserved.

DIVISION 2. - ILLICIT DISCHARGE

[Sec. 14-150. - Purpose/intent.](#)

[Sec. 14-151. - Definitions.](#)

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[Sec. 14-162. - Civil penalties.](#)

[Sec. 14-163. - Remedies not exclusive.](#)

[Secs. 14-164—14-169. - Reserved.](#)

Sec. 14-150. - Purpose/intent.

The purpose of this division is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This division establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4). The objectives of

this division are:

- (1) To prohibit illicit connections and discharges to the municipal separate storm sewer system
- (2) To ensure the proper installation, operation, and maintenance of construction site best management practices (BMPs).
- (3) To establish legal authority to carry out all procedures necessary to ensure compliance with this division.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-151. - Definitions.

Best management practices (BMPs): Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Construction activity: Land clearing and grubbing, grading, excavating, and demolition.

Hazardous materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks not authorized by the appropriate permitting authority.

National pollutant discharge elimination system (NPDES) stormwater discharge permit: A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Pollutant: Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automobile fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, sediment from land disturbances, floatables, pesticides, herbicides, and fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure, and noxious or offensive matter of any kind that may cause or contribute to pollution.

Storm drainage system: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets,

piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater management department (SWMD): The city department responsible for implementing the provisions of this division.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-152. - Applicability.

This division shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Stormwater management department (SWMD) or the NPDES permitting authority.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-153. - Responsibility for administration.

The city stormwater management department (SWMD) shall administer, implement, and enforce the provisions of this division. Other duly authorized officers of the city may also enforce provisions of this division.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-154. - Discharge prohibitions.

(a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one part per million chlorine), fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by South Carolina Department of Health and Environmental Control (SCDHEC) or the United States Environmental Protection Agency (EPA) as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the SWMD prior to the event.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) *Prohibition of illicit connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this division if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-155. - Suspension of MS4 access.

(a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this division may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-156. - Unauthorized connection.

It shall be unlawful for any person to make any connection to the city's MS4 without written permission, or to reconnect access when it has been suspended or terminated due to an illicit discharge without the prior approval of the city.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-157. - Litter and refuse control.

(a) It shall be unlawful for any person to throw litter, garbage, vegetative clippings, bottles, cans, or containers upon any public right-of-way or property or the premises of another without permission of the owner.

(b) It shall be the duty of the property owner to keep leaves that have been piled for leaf collection out

of any gutter, inlet, catch basin, or ditch.

(c) It shall be unlawful to place yard waste into any storm drain, stream, or conveyance where concentrated stormwater flows will wash such wastes into the storm sewer.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-158. - Industrial, construction or land disturbing activity discharges.

(a) Any person subject to an industrial or construction activity NPDES (or state) stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the SWMD prior to the allowing of discharges to the MS4.

(b) Projects subject to a city construction permit, including single-family residential building permits, must develop and adhere to a sediment and erosion control plan. Failure to properly implement the approved plan constitutes a violation of this division.

(c) The city will require best management practice implementation for any land disturbing activity, including land or individual lot clearing, grubbing, landscaping, etc., that may cause or contribute to pollution or contamination of stormwater, the MS4, or Waters of the United States.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-159. - Monitoring of discharges.

(a) *Applicability* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(b) *Access to facilities*

(1) The city shall be permitted to enter and inspect facilities subject to regulation under this division as often as may be necessary to determine compliance with this division. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(2) Facility operators shall allow the SWMD ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The SWMD shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The SWMD has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at it's own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) If the SWMD has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a

violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this division or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the SWMD may seek issuance of a search warrant from any court of competent jurisdiction or refer the case to the NPDES permitting authority.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-160. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release, and in addition to other notification requirements, the facility shall notify the SWMD in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the SWMD within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

For facilities that operate under existing NPDES permits for stormwater discharge, spill reporting shall be made to the permitting authority in accordance with the permit. The SWMD shall be provided with copies of any written notification required by the NPDES permit.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-161. - Enforcement.

(a) Whenever the SWMD finds that a person has violated a prohibition or failed to meet a requirement of this division, the SWMD may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (4) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the city or a contractor will do the work and the expense thereof shall be charged to the violator.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-162. - Civil penalties.

Any person found to be in violation of this division that fails to comply with a compliance directive issued by the SWMD and referenced in section 14-161 shall be punishable as provided in section 1-8 of the City Code of North Augusta. Each day in violation of the provisions of this division shall constitute a separate and distinct offense. The punishment shall be in addition to the remedial process provided for in section 14-161.

(Ord. No. 03-21, § I, 8-14-03)

Sec. 14-163. - Remedies not exclusive.

The remedies listed in this division are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. No. 03-21, § I, 8-14-03)

Secs. 14-164—14-169. - Reserved.

DIVISION 3. - CONSTRUCTION PERMITTING FOR LAND DISTURBING ACTIVITIES

[Sec. 14-170. - Purpose/intent.](#)

[Sec. 14-170.1. - Definitions.](#)

[Sec. 14-170.2. - Stormwater management permit required; exceptions.](#)

[Sec. 14-170.3. - Application, review and approval, and issuance of stormwater management permit.](#)

[Sec. 14-170.4. - Stormwater and erosion control plans.](#)

[Sec. 14-170.5. - Design guidelines.](#)

[Sec. 14-170.6. - Variances.](#)

[Sec. 14-170.7. - Inspection.](#)

[Sec. 14-170.8. - Construction site pollution prevention.](#)

[Sec. 14-170.9. - Enforcement.](#)

Sec. 14-170. - Purpose/intent.

The purpose of this division is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the city. The objectives of this division are:

- (1) To require that post development water quantity and quality characteristics approximate predevelopment characteristics;
- (2) To establish stormwater and sediment control plan submittal and permitting requirements.
- (3) To establish legal authority to carry out all procedures necessary to ensure compliance with this ordinance.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.1. - Definitions.

Bioretention: A stormwater treatment practice that uses a combination of plants and pervious soils to treat water quality and, to a limited extent, may address water quantity.

Clearing: Any activity that removes the vegetative surface cover.

Constructed wetland: A shallow water quality pond that mimics natural wetland functions using wetland plants.

Drainage way: Any channel that conveys surface runoff throughout the site.

Erosion control: Measures that minimize or prevent erosion such as mulches, erosion control matting, and grassing.

Erosion and sediment control plan: A set of plans prepared by or under the direction of a licensed professional engineer that indicates the specific measures and sequencing to be used in controlling sediment and erosion on a development site both before, during and after construction.

Forebay: A small pond at the head of a detention pond for the purpose of collecting sediment and facilitating simplified sediment removal.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Perimeter control: A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Sediment control: Measures that prevent eroded sediment from leaving the site.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization: The use of practices that prevent exposed soil from eroding (usually grass, mulch, geotextile fabric, or rock).

Start of construction: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stormwater management manual: The manual produced by the city stormwater management department that provides requirements, guidance, and technical specifications for complying with this division.

Stormwater treatment practice (STP): Any structural method of treating stormwater quantity or quality.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.2. - Stormwater management permit required; exceptions.

(a) The surface of land in the city shall not be disturbed or altered for any purpose whatsoever until a stormwater management permit is issued to the person responsible for such construction. No permit shall be issued until the applicant has submitted a plan to control erosion and sedimentation and such plan has been approved by the city engineer or his designated representative.

(b) Exemptions.

(1) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(3) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.

(4) Land disturbing activities conducted pursuant to a federal environmental permit, including permits issued under section 404 of the Federal Clean Water Act.

(5) Projects regulated under the SC Mining Act.

(6) Construction, renovation or land improvement of single-family residences, one (1) duplex dwelling or their accessory buildings which are separately built and not part of a subdivision development, and not located within the designated one hundred-year floodplain, provided that such construction does not materially impede the runoff capability of the existing major drainage channels.

(7) Certain activities undertaken by utility providers that are not substantial land disturbing activities and are therefore not intended to be regulated by this chapter. These activities include but are not limited to the following:

a. Installation of utilities on sites of one (1) acre or less.

b. Projects undertaken under jurisdiction of the state public service commission, and including work permitted by the Federal Energy Regulatory Commission.

c. Installation of utilities in a ditch section one (1) foot or less in width.

d. Installation of utility poles.

e. Maintenance of easements and rights-of-way.

f. Service connections (i.e. tapping mains lines and/or setting meters, including installation of a manhole, valve box or fire hydrants).

g. Emergency repairs.

(8) Construction activities of the state department of transportation.

(9) Activities relating to the routine maintenance and/or repair or rebuilding of the tracks, rights-of-way, bridges, and any other related structures and facilities of a railroad company.

(10) Minor land disturbing activities, as determined by the city engineer, which would not violate the integrity of this chapter.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.3. - Application, review and approval, and issuance of stormwater management permit.

(a) *Application.* All applications for stormwater management permits shall be submitted to the SWMD through the economic and community development department for processing and permit issuance. Applications for permits shall be accompanied by three (3) copies of the applicants stormwater and erosion control plan. Stormwater and erosion control plans shall conform to the requirements of section 14-174.

(1) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

(2) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan, and that an authorized representative shall inspect the site every seven (7) days and after every one-half-inch rain to ensure compliance with the plan.

(b) *Fee.* The application shall be accompanied by nonrefundable fee.

(c) *Review and approval.* The SWMD will review each application for a stormwater management permit to determine its conformance with the provisions of this regulation. Within ten (10) working days after receiving an application, the SWMD shall, in writing:

(1) Approve the permit application;

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

Failure of the SWMD to act on original or revised applications within ten (10) working days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the SWMD.

Major amendments of the stormwater and erosion control plan shall be submitted to the SWMD and shall be processed and approved, or disapproved, in the same manner as the original plans. Field modifications of a minor nature may be authorized by the SWMD by written authorization to the permittee.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.4. - Stormwater and erosion control plans.

(a) *General requirements.*

(1) Stormwater and erosion control plans for land disturbance activities of one (1) acre or more must be prepared by a registered professional engineer, registered landscape architect, or tier B land surveyor licensed by the state.

(2) Applications shall include a natural resources map identifying soils, forest cover, and resources protected by other agencies having jurisdiction.

(3) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.

(4) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance. A signed maintenance agreement must be provided for any stormwater treatment practice.

(b) *Water quantity design requirements.*

(1) Stormwater management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure and obligation for total site control.

(2) Post-development peak discharge rates shall not exceed pre-development discharge rates for the two-, ten-, and twenty-five-year frequency twenty-four-hour duration storm event.

(3) Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the twenty-five-year, twenty-four-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.

(4) Watersheds, other than designated watersheds, that have well documented water quantity problems may have more stringent, or modified, design criteria as determined by the SWMD.

(5) An emergency spillway should safely pass the one hundred-year storm event.

(6) Dry ponds must dewater within seventy-two (72) hours.

(7) Additional requirements are found in the city storm drainage policy.

(c) *Water quality design requirements.*

(1) *Clearing and grading.*

a. Clearing and grading of natural resources, such as forests and wetlands, shall not begin until all applicable local, state, and federal permits have been granted.

b. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the stormwater management manual, should be used.

c. Phasing shall be required on all sites disturbing greater than twenty (20) acres, with the size of each phase to be established at plan review and as approved by the SWMD.

d. Clearing, except that necessary to establish sediment control devices, shall not begin

until all sediment control devices have been installed and have been stabilized.

(2) *Erosion control.* Plans shall include all erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and permanently, after completion of development of the site.

- a. Soil must be stabilized within fourteen (14) days of clearing or inactivity in construction.
- b. If vegetative erosion control methods, such as seeding, have not become established within twenty-one (21) days, the SWMD may require that the site be reseeded, or that a non-vegetative option be employed.
- c. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in the stormwater management manual shall be used to ensure stabilization.
- d. Soil stockpiles must be stabilized or covered within twenty-one (21) days of inactivity.
- e. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- f. Techniques that divert upland runoff past disturbed slopes shall be employed.
- g. Energy dissipation shall be provided at all outfalls.

(3) *Sediment control.*

- a. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.
- b. Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term stormwater management.
- c. Adjacent properties shall be protected with perimeter controls.
- d. A fifty-foot long by six-inch deep stone construction exit shall be provided.

(4) *Stormwater treatment practices.* Post-construction water quality must be addressed for all sites containing one (1) or more acres of disturbance.

- a. Water quality volume design requirements require implementation of the one-inch sizing criterion.

One-inch sizing: The first one (1) inch of water from any storm event, draining from that portion of the site that discharges to the stormwater treatment unit, must be collected and released over a twenty-four-hour period.

- b. Dry ponds are not an acceptable stand-alone water quality treatment technology. When used they should be preceded by a forebay and used in conjunction with infiltration, vegetative filters, or inline treatment. Dry ponds must dewater within seventy-two (72) hours.
- c. Technologies that may be used to meet water quality requirements include but are not limited to infiltration, bioretention, in-line treatment devices, disconnected impervious areas, vegetated filter strips, constructed wetlands, and wet ponds. Vegetative swales combined with bioretention or another infiltration technology is the preferred method of water quality

treatment. Landscaped areas should be designed, where possible, to incorporate stormwater management. Peak flow control may be achieved by adding inline or overflow storage such as parking lot detention, pipe storage or a dry pond.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.5. - Design guidelines.

Specific requirements, guidance and technical specifications for compliance with this ordinance are found in the city stormwater management manual. Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering and construction procedures and practices may be used if approved by the SWMD.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.6. - Variances.

The city stormwater management department (SWMD) may grant a written variance from any requirement of the City of North Augusta Storm Drainage Policy if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of the policy. A written request for variance shall be provided to the SWMD and shall state the specific variances sought and the reasons with supporting data for their granting. The SWMD shall not grant a variance unless and until the applicant provides sufficient specific reasons justifying the variance. The SWMD will conduct its review of the request for variance within ten (10) working days. Failure of the SWMD to act by the end of the tenth working day will result in the automatic approval of the variance.

A project may be eligible for a waiver or variance of stormwater management for water quantity control if the applicant can demonstrate that:

- (1) The proposed project will return the disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
- (2) The proposed project does not increase the rate of runoff from a site by more than one (1) cfs for each of the two-, ten- and twenty-five-year storm events and the disturbed area is less than one (1) acre.
- (3) The proposed project will have no significant adverse impact on the receiving natural waterway or downstream properties; or
- (4) The imposition of peak control requirements for rates of stormwater runoff would aggravate downstream flooding.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.7. - Inspection.

(a) The SWMD shall conduct routine inspections and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the SWMD shall be maintained at the site during the progress of the work. The

permittee shall notify the SWMD at least two (2) working days before the start of construction.

(b) The permittee or his/her agent shall make regular inspections of all control measures at least every seven (7) days and after every one-half-inch rain event. The purpose of such inspections will be to determine the overall effectiveness of the stormwater and sediment control plan, and the need for additional control measures. All inspections shall be documented in written form.

(c) The SWMD shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

(d) The SWMD shall make regular post-construction maintenance inspections of stormwater treatment and control devices and provide a written report to the owner of such device outlining deficiencies and required corrective actions.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.8. - Construction site pollution prevention.

(a) Fuel vessels must be protected with a lined containment berm.

(b) Spills must be cleaned up and contaminated soils removed.

(c) Construction debris may not be burned or buried.

(Ord. No. 04-09, § I, 7-19-04)

Sec. 14-170.9. - Enforcement.

(a) *Cease and desist order; revocation of permit.* In the event that any person holding a site development permit or individual building permit pursuant to this ordinance violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the SWMD may suspend or revoke the site development permit by issuance of a written notice.

(b) *Violation and penalties* Any person found to be in violation of this ordinance that fails to comply with a compliance directive issued by the SWMD shall be punishable as provided in section 1-8 of this Code of Ordinances. Each day in violation of the provisions of this division shall constitute a separate and distinct offense. The punishment shall be in addition to any remedial activity needed to safeguard the public, the environment or the city storm drainage system. The SWMD reserves the right to conduct emergency repair or maintenance to any STP at the responsible party's expense if the responsible party is unwilling or unable to perform the necessary work.

(Ord. No. 04-09, § I, 7-19-04)

ARTICLE VI. - DROUGHT RESPONSE ^[29]

⁽²⁹⁾ **Editor's note**— Ord. No. 03-14, § I, adopted July 21, 2003, amended the Code by adding a new article IV, §§ 14-150—14-152. In order to prevent the duplication of article and section numbers, the provisions of Ord. No. 03-14 have been added as a new art. VI, §§ 14-171—14-173 at the discretion of the editor.

[Sec. 14-171. - Declaration of policy and authority.](#)

[Sec. 14-172. - Definition of terms.](#)

[Sec. 14-173. - Drought management plan.](#)

[Secs. 14-174—14-179. - Reserved.](#)

Sec. 14-171. - Declaration of policy and authority.

The city understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The objective of this drought response plan is to establish authority, policy and procedure by which the city will take the proper actions to manage water demand during a drought-related shortage. This article satisfies the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, § 49-23-10 et seq., as amended) and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This article outlines the actions to be taken for the conservation of water supplied by the city during times of water shortage resulting for either system failure or drought conditions. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water. This article is hereby declared necessary for the protection of public health, safety and welfare.

If it becomes necessary to conserve water in its service area due to drought or system failure, the city is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this article shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this article are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

(Ord. No. 03-14, § I, 7-21-03)

Sec. 14-172. - Definition of terms.

For the purposes of this plan the following definitions will apply:

Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial use: Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation: Reduction in water use to prevent depletion or waste of the resource.

Customer: Any person, company or organization using finished water owned or supplied by the city.

Domestic water use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought alert phases: There are four (4) drought alert phases to be determined by the drought response committee for the state. The four (4) phases are:

Level 1. Incipient drought;

Level 2. Moderate drought;

Level 3. Severe drought; and

Level 4. Extreme drought.

Drought response management areas: There are four (4) drought management areas corresponding to the major river basins in the state. The four (4) areas are:

(1) West or Savannah (includes North Augusta);

(2) Central or Santee;

(3) Northeast or Pee Dee; and

(4) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Drought response committee: A committee composed of state and local representatives created for the purpose of coordinating responses to water supply shortages within drought management areas and making recommendations for action to the state department of natural resources and/or the governor. The committee is composed of state agency representatives from the state emergency management division of the office of the adjutant general, state department of health and environmental control, state department of agriculture, state forestry commission, and state department of natural resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and soil and water conservation districts.

Equivalent residential unit (ERU): An equivalency unit defined to be equal to one (1) single-family residence.

Essential water use: Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy federal, state or local public health and safety requirements.

Finished water: Water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.

Institutional water use: Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation water use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Non-essential water use: Categories of water use other than essential water use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

State department of natural resources: The state agency with primacy to implement the provisions of the Drought Response Act.

Water supply shortage: Lack of adequate, available water caused by drought or system failure to meet normal demands.

(Ord. No. 03-14, § I, 7-21-03)

Sec. 14-173. - Drought management plan.

(a) *Introduction.* To ensure that the city adequately manages its water resources during drought-related or system failure conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use.

(b) *Designation of water system drought response representative.* The drought response representative for the city is:

City Administrator

400 East Buena Vista Avenue

P. O. Box 6400

North Augusta, South Carolina 29861-6400

(c) *Identification of water system specific drought or water shortage indicators.* The city has developed triggers for use during drought or demand water shortages that describe when specific phases of the drought response plan are implemented. The system triggers are as follows:

Level 2/Moderate drought phase

- River-flow less than three thousand (3,000) cubic feet per second for seven (7) or more consecutive days; or
- Inability to recover full system storage for two (2) consecutive days; or
- Eighty-five (85) percent of production capacity for five (5) consecutive days.

Level 3/Severe drought phase

- River-flow less than two thousand four hundred (2,400) cubic feet per second for seven (7) or more consecutive days; or

- Inability to recover full system storage for five (5) consecutive days; or
- Ninety (90) percent of production capacity for five (5) consecutive days.

Level 4/Extreme drought phase

- River-flow less than one thousand five hundred (1,500) cubic feet per second for seven (7) or more consecutive days; or
- Inability to recover full system storage for seven (7) consecutive days; or
- Ninety-five (95) percent of production capacity for five consecutive days.

(d) *Moderate drought phase.* Upon notification by the drought response committee that a moderate drought condition is present and is expected to persist and upon determination by the city that a moderate water supply shortage exists based on trigger levels, the city will seek voluntary reductions from its customers in the use of water for all purposes and/or voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of twenty (20) percent in residential water use and fifteen (15) percent in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of fifteen (15) percent. To accomplish this, the following actions will be taken:

(1) Issue a proclamation to be released to local media, city customers and to the state department of natural resources drought information center that moderate drought conditions are present in the city.

(2) Provide written notification to the state department of natural resources drought information center and routinely publish in a newspaper of general circulation in the city service area the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including, but not limited to:

- Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.
- Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and

(3) Intensity maintenance efforts to identify and correct water leaks in the distribution system.

(4) Continue to encourage and educate customers to use water wisely.

(e) *Severe drought phase.* Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and upon determination by the city that a severe water supply shortage exists based on trigger levels, the city will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of twenty-five (25) percent in residential water use, twenty (20) percent in all other water use categories, and a reduction in overall water use of twenty (20) percent. To accomplish these goals, the city will take the following actions:

(1) Issue a proclamation to be released to the local media, city water system customers and to the state department of natural resources drought information center that severe drought conditions are present in city.

(2) Provide written notification to the state department of natural resources drought information center and routinely publish in a newspaper of general circulation in the city service area that voluntary conservation measures and mandatory restrictions are to be placed on the use of water supplied by the utility, including, but not limited to:

- a. Voluntary reduction of residential water use by the utility's customers to sixty-five (65) gallons per person per day and a maximum of two hundred (200) gallons per household or ERU per day.
- b. Control landscape irrigation by the utility's customers by staggering watering times.
- c. Mandatory restrictions on the use of water supplied by the utility for activities including, but not limited to the following:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 6. Eliminate filling or maintaining public or private swimming pools;
 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality; and
- d. Limit use of water by commercial and individual customers including, but not limited to, the following:
 1. Stop routinely serving water in addition to another beverage in restaurants;
 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 3. Limit irrigating golf courses and any portion of its grounds;
 4. Cease water service to customers who have been given a ten-day notice to repair one (1) or more leaks and have failed to do so; and
 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.

- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Cease installation of new irrigation taps on the water system.
- (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- (7) Provide written notification monthly to the state department of natural resources drought information center regarding the success of the voluntary and mandatory restrictions.

(f) *Extreme drought phase.* Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and upon determination by the city that an extreme water supply shortage exists based on the trigger levels, the city will impose mandatory restrictions in the use of water for all purposes and/or on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of thirty (30) percent in residential water use, twenty-five (25) percent in all other categories of water uses and a reduction in overall water use of twenty-five (25) percent. To accomplish these goals, the city will take the following actions:

- (1) Issue a proclamation to be released to the local media, water system customers and to the state department of natural resources drought information center that extreme drought conditions are present in the city.
- (2) Provide written notification to the state department of natural resources drought information center and routinely publish in a newspaper of general circulation in the city service area that mandatory restrictions are to be placed on the use of water supplied by the utility, including, but not limited to:
 - a. Limiting residential water use to fifty-five (55) gallons per person per day and a maximum of one hundred seventy (170) gallons per household or ERU per day.
 - b. Eliminate landscape irrigation by the utility's customers.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including, but not limited to the following:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

- 6. Eliminate filling or maintaining public or private swimming pools;
 - 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and
- d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
- 1. Stop routinely serving water in addition to another beverage in restaurants;
 - 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 - 3. Limit irrigating golf courses and any portion of their grounds;
 - 4. Cease water service to customers who have been given a ten-day notice to repair one (1) or more leaks and have failed to do so; and
 - 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
 - (4) Continue to cease installation of new irrigation taps on the water system.
 - (5) Outline other conservation measures. These may include:
 - a. Encourage all residential water customers to voluntarily reduce overall monthly water usage to seventy (70) percent of the customer's monthly average. If voluntary reduction of usage is not successful, the city may, at its option, implement the following excessive use rate schedule for water:

Tier I	0—225 gallons/ERU/day	regular rate
Tier II	226—300 gallons/ERU/day	2 times regular rate
Tier III	Over 300 gallons/ERU/day	3 times regular rate

- b. Impose a drought surcharge per thousand gallons of water that increases with higher usage. The general principle behind the drought surcharge is that the fee is imposed on water use in excess of two hundred twenty-five (225) gallons use. The drought surcharge is a temporary fee imposed during the current water supply shortage and is not a cost-based rate. The drought surcharge is temporary and will be terminated at such time as the city determines the water supply is above the trigger levels.
- c. If conservation measures prove inadequate to mitigate the effects of the drought conditions or water supply availability, the city may take additional actions including, but not limited to:

1. Decreasing the gallon/ERU limits in the different tiers;
2. Reduction of water system pressure as needed.

(6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

(7) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.

(8) Provide written notification monthly to the state department of natural resources drought information center regarding the success of the mandatory restrictions.

(g) *Rationing.* If a drought threatens the protection of public health and safety, the city is hereby authorized to ration water.

(h) *Enforcement of restrictions.* If any customer of the state water system fails to comply with the mandatory water use restrictions of this article identified in (e)(2)c. and (F)(2)c., the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

First violation - Twenty-five dollar (\$25.00) surcharge shall be added to the customer's water bill;

Second violation within a thirty-day period - An additional fifty dollar (\$50.00) surcharge shall be added to the customer's water bill;

Third violation within a thirty-day period - The customer's water service shall be terminated and restored only after payment of a surcharge of one hundred dollars (\$100.00) in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction that is being supplied water by the city shall diligently enforce the provisions of the drought response ordinance.

(i) *Variations.* Customers, who in their belief are unable to comply with the mandatory water use restrictions of this drought response article, may petition for a variance from restrictions by filing a petition with the city within ten (10) working days after the issuance of the proclamation requiring water use restrictions. All petitions for variance shall contain the following information:

- (1) Name and address of the petitioner;
- (2) Purpose of water usage;
- (3) Special provision from which the petitioner is requesting relief;
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (5) Description of the relief desired;
- (6) Period of time for which the variance is sought;
- (7) Economic value of the water use;

- (8) Damage or harm to the petitioner or others if petitioner complies with this article;
- (9) Restrictions with which the petitioner is expected to comply and the compliance date;
- (10) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (11) Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with this article cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The city is authorized to grant the request for variance.

In addition, the city is authorized to grant temporary variances for existing water uses otherwise prohibited under this article if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this article occurring prior to the issuance of the variance. Variances granted shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Ord. No. 03-14, § I, 7-21-03)

Secs. 14-174—14-179. - Reserved.

ARTICLE VII. - NEW SAVANNAH BLUFF LOCK AND DAM

- [Sec. 14-180. - Definitions.](#)
- [Sec. 14-181. - Authorization, location, decommissioning.](#)
- [Sec. 14-182. - Importance to region.](#)
- [Sec. 14-183. - Authorization to convey title to city and county.](#)
- [Sec. 14-184. - Establishment of a lock and dam management enterprise fund.](#)
- [Sec. 14-185. - General financing policy.](#)
- [Sec. 14-186. - Contract to operate.](#)
- [Sec. 14-187. - Customers of enterprise fund.](#)
- [Sec. 14-188. - Rates and service charges.](#)
- [Sec. 14-189. - Request for service.](#)
- [Sec. 14-190. - Contingency account.](#)
- [Sec. 14-191. - Billing and collections.](#)
- [Sec. 14-192. - Assets may be leased.](#)

Sec. 14-180. - Definitions.

Augusta pool. A reservoir created by the presence of the New Savannah Bluff Lock and Dam. The dam allows the reservoir to be maintained at a relatively constant level. The reservoir extends from the lock

and dam at river mile marker 187.4 to the Savannah Rapids in the river located at mile marker 202.5.

City. City of North Augusta located in Aiken County and Edgefield County, South Carolina.

Contingency account. An account established within the New Savannah Bluff Lock and Dam Management Enterprise Fund for the purpose of handling unforeseen and unbudgeted major repairs to the lock and dam.

County. Aiken County, South Carolina

Enterprise fund. New Savannah Bluff Lock and Dam Management Enterprise Fund, established for the purpose of handling expenses and receiving revenues associated with the management of the lock and dam.

New Savannah Bluff Lock and Dam. A lock and dam located at mile marker 187.4 on the Savannah River. It consists of a lock and dam and the appurtenant features to the lock and dam, including a fish passage on the South Carolina side, plus the adjacent approximately 50 acre park and recreation area with improvements on the Georgia side.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-181. - Authorization, location, decommissioning.

The Rivers and Harbors Act of July 3, 1930 (H.D. 101.70th Congress, 1st Session), authorized construction of the New Savannah Bluff Lock and Dam, and the Rivers and Harbors Act of August 30, 1935 (Senate Committee Print, 73rd Congress, 2nd Session) provided the location of the Project. The New Savannah Bluff Lock and Dam was constructed by the US Army Corps of Engineers on the Savannah River in 1937 to promote navigation on the Savannah River. In 2000 the Corps determined that the lock and dam no longer served a federal purpose and recommended the decommissioning and removal of the facility unless a local sponsor(s) could be identified who would take ownership and be responsible for the operation and maintenance of the facility.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-182. - Importance to region.

Due to the importance of the lock and dam in maintaining the reservoir pool elevation of the Savannah River in the North Augusta and Aiken County portion of the river for public drinking water supply, wastewater discharge, industrial water supply, economic development, and recreational purposes, the city has a vested interest in having the current lock and dam facility maintained in a safe operational status.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-183. - Authorization to convey title to city and county.

Section 348(1) of the Water Resources Development Act of 2000, P.L. 106-541, as amended by the Consolidated Appropriations Act, 2001, P.L. 106-554, authorizes the federal government to convey the New Savannah Bluff Lock and Dam consisting of the lock and dam, and the appurtenant features to the lock and dam to the city and the county after execution of an agreement between the parties specifying the terms and conditions of the transfer.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-184. - Establishment of a lock and dam management enterprise fund.

In accordance with sections 5-7-30 and 5-7-60 of the Code of Laws of South Carolina, a New Savannah Bluff Lock and Dam Management Enterprise Fund shall be established in the city budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the city council. Any revenues and receipts of the New Savannah Bluff Lock and Dam Management Enterprise Fund shall be placed in the lock and dam enterprise fund and all expenses of the utility shall be paid from the lock and dam management enterprise fund. Funds from this enterprise fund shall not be co-mingled with any other funds of the city.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-185. - General financing policy.

It shall be the policy of the city that funding for the lock and dam utility be equitably derived. Service charges for the management of the lock and dam utility shall be fair and reasonable and shall bear a substantial relationship to the cost of providing services and facilities. The cost of management of the facilities may include operating, maintenance, capital investment, and reserve expenses.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-186. - Contract to operate.

The New Savannah Bluff Lock and Dam Management Enterprise Fund may contract with a separate entity for the day to day operation and maintenance of the New Savannah Lock and Dam.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-187. - Customers of enterprise fund.

Customers of the lock and dam enterprise fund shall be those governments and industries who have a vested interest in the continued maintenance of the lock and dam and the "Augusta Pool" reservoir.

There shall be two classes of customers. They are class I, governments, and class II, industrial/commercial.

Class I, government customers:

Class I customers shall consist of the three (3) local governments: North Augusta, South Carolina; Aiken County, South Carolina; and Augusta, Georgia sharing the Augusta Pool Reservoir for raw water intake and/or waste water effluent discharge. These class I customers shall be considered permanent customers.

Class II, industrial/commercial customers:

Class II customers shall consist of industries and/or commercial companies withdrawing water from the Augusta Pool Reservoir. Initially, there shall be four (4) industrial/commercial customers. The number of industrial/commercial customers may vary.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-188. - Rates and service charges.

Service charges shall be based upon percentages of the operating budget for the New Savannah Bluff Lock and Dam Management Enterprise Fund as adopted by the city in conjunction with its annual budget adoption for all funds.

Class I, governments:

Class I customers shall be responsible for sixty (60) percent of the total cost of all the operations, maintenance, and capital costs as follows:

City of North Augusta, South Carolina, 15%

Aiken County, South Carolina, 15%

Augusta, Georgia, 30%

Class II, Industrial/Commercial:

Class II customers shall be responsible for forty (40) percent of the total cost of all operation, maintenance, and capital costs.

Initially, there shall be four (4) industrial/commercial customers with each being responsible for ten (10) percent of all operations, maintenance and capital costs. The number of industrial commercial customers may change. If any class II customer no longer draws water from the Augusta Pool and is unable to continue its financial obligation, the remaining class II customers will share proportionately in the unpaid costs. If a new class II customer chooses to withdraw from the Augusta Pool, that new customer shall share in the costs whereby all of the class II users will be sharing the costs equally, without regard to the volume of water used or the frequency of use by said customer. Whether class II users are added or deleted, the class II users will be responsible for forty (40) percent of the total cost of all operations, maintenance, and capital costs.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-189. - Request for service.

Class I and class II customers shall request service from the New Savannah Bluff Lock and Dam Management Enterprise Fund. Said request shall be in writing and on a "request for service" form prepared by the city.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-190. - Contingency account.

The final 216 disposition report, prepared by the corps of engineers, upon which the corps determined the facility no longer served a federal purpose and upon which it was eventually determined that the facility would be deeded to the city and county, identified anticipated future costs of repairs and rehabilitation. The city council determines that to meet this identified future need, a contingency account within the New Savannah Bluff Lock and Dam Management Enterprise Fund should be established with an initial funding of one million dollars (\$1,000,000.00). The contingency account shall be immediately established with a goal of full funding prior to the city and county taking title to the facility.

The initial contingency account shall be funded in up to three (3) equal installments. The first installment shall be due January, 2007, followed by a second installment in January, 2008, and the third installment in January, 2009.

For Class I customers the total percentages and dollar amount for the contingency account shall be as follows:

Aiken County, South Carolina	15%	\$150,000.00
North Augusta, South Carolina	15%	\$150,000.00
Augusta, Georgia	30%	\$300,000.00

For class II customers the total percentages and dollar amount for the escrow account shall be ten (10) percent or one hundred dollars (\$100,000.00) each.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-191. - Billing and collections.

Budgeted expenses will be billed to Class I and Class II customers of the New Savannah Bluff Lock and Dam Management Enterprise Fund in the same proportions/percentages as the contingency account outlined above.

Billing to Class I and Class II customers shall be annually and in advance. The first billing shall be in January, 2007, and shall cover the first of the three (3) annual installments to establish the initial contingency account as described herein. Subsequent billings shall cover the two (2) additional annual installments to establish the initial contingency account plus any budgeted expenses approved by the city council as reflected in the annually adopted budget for the operations and maintenance of the lock and dam.

Payment shall be due within thirty (30) days from the date of the billing. Penalty payments of two (2) percent/month or fractions thereof shall apply to late payments.

(Ord. No. 06-10, § I, 10-2-06)

Sec. 14-192. - Assets may be leased.

Assets of the New Savannah Bluff Lock and Dam Management Enterprise Fund that are not required for the operation and maintenance of the lock and dam may be leased to other parties for activities not associated with the operation of the lock and dam. Such lease shall be upon such terms and conditions as may be set and approved by the city council.

(Ord. No. 06-10, § I, 10-2-06)

Chapter 15 - OCCUPATIONAL LICENSES AND REGULATIONS ^[30]

⁽³⁰⁾ **Cross reference**— Licensing requirements for plumbers, electricians, or mechanical contractors, § 6-2 et seq.; fortune telling prohibited, § 16-20; Sunday observance by circuses, rodeos, etc., § 16-22; prohibition of steam or massage establishments, § 16-170; taxicab licenses, § 23-40 et seq.

- ARTICLE I. - BUSINESS LICENSES
- ARTICLE II. - PAWNBROKERS; SECONDHAND DEALERS
- ARTICLE II.1. - SECONDHAND PRECIOUS METALS BUSINESSES
- ARTICLE III. - SKILL GAMES; BILLIARDS AND POOL
- ARTICLE IV. - PEDDLERS, ITINERANTS AND SOLICITORS
- ARTICLE V. - RETAIL TELECOMMUNICATIONS SERVICES

⁽³⁰⁾ **State Law reference**— Authority to levy license tax on gross income, Code 1976, § 5-7-30; license tax proration in annexed area, § 5-21-60. (Back)

ARTICLE I. - BUSINESS LICENSES ^[31]

⁽³¹⁾ **Editor's note**— Ord. No. 05-18, § I, adopted November 21, 2005, amended the Code by, in effect, repealing former art. I, §§ 15-1—15-22, and adding a new art. I. Former art. I pertained to similar subject matter and derived from Ord. No. 97-17, adopted December 15, 1997.

[Sec. 15-1. - License required.](#)
[Sec. 15-2. - Definitions.](#)
[Sec. 15-3. - Purpose and duration.](#)
[Sec. 15-4. - License fee.](#)
[Sec. 15-5. - Registration required.](#)
[Sec. 15-6. - Deductions, exemptions, and charitable organizations.](#)
[Sec. 15-7. - False application unlawful.](#)
[Sec. 15-8. - Display and transfer.](#)
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[Sec. 15-11. - Assessments, payment under protest, appeal.](#)
[Sec. 15-12. - Delinquent license fees, partial payment.](#)
[Sec. 15-13. - Notices.](#)
[Sec. 15-14. - Denial of license.](#)
[Sec. 15-15. - Suspension or revocation of license.](#)
[Sec. 15-16. - Appeals to council.](#)
[Sec. 15-17. - Permission to use streets required.](#)
[Sec. 15-18. - Consent, franchise or business license fee required.](#)
[Sec. 15-19. - Confidentiality.](#)
[Sec. 15-20. - Violations.](#)
[Sec. 15-21. - Classification and rates.](#)
[Secs. 15-22—15-39. - Reserved.](#)

Sec. 15-1. - License required.

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

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-2. - Definitions.

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

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

Charitable purpose means benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization. A charitable organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to charitable purposes. Compensation in any form to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Classification means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by city council.

Gross income means the total income of a business, received or accrued, for one (1) calendar year collected or to be collected from business done within the city, excepting therefrom income from business done wholly outside of the city on which a license tax is paid to some other city or a county and fully reported to the city. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for bingo means receipts as reported to the secretary of state and shall include all prize money. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the state department of revenue, the state insurance commission, or other government agency.

License official means a person designated by the city administrator to administer this article.

Municipality means the City of North Augusta, South Carolina.

Person means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-3. - Purpose and duration.

The business license levied by this article is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one (1) year and shall expire on December 31. The provisions of this article and the rates herein shall remain in effect from year to year as amended by council.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-4. - License fee.

(a) The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before the first day of February in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

(b) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one (1) year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance

of the license year. The initial fee for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-5. - Registration required.

(a) The owner, agent or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; provided, a new business shall be required to have a business license prior to operation within the municipality.

(b) Application shall be on a form provided by the license official which shall contain the Social Security number and/or the federal employer's identification number, the business name as reported on the state income tax return, and all information about the applicant and the business deemed appropriate to carry out the purpose of this article by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

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

(d) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the license official. An insurance agent not employed by a company shall be licensed as a broker.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-6. - Deductions, exemptions, and charitable organizations.

(a) No deductions from gross income shall be made except income from business done wholly outside of the municipality on which a license tax is paid to some other municipality or a county, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

(b) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the office of management and budget. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax by reason of application of this article.

(c) Charitable organizations which have exemptions from state and federal income taxes shall be exempt from a business license tax only in cases where the sponsors, organizers, directors, trustees, or persons who exercise ultimate control of the organization receive no part of the proceeds of operation, and all proceeds are devoted to charitable purposes as defined by this article. Payment of necessary costs of operation and wages to nonmanagement employees will not disqualify a charitable

organization from exemption.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-7. - False application unlawful.

It shall be unlawful for any person subject to the provisions of this article to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or fee required by this article.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-8. - Display and transfer.

(a) All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the municipality.

(b) A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-9. - Administration of article.

The license official shall administer the provisions of this article, collect license fees, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the municipal attorney, assist in prosecution of violations, produce forms, make reasonable regulations relating to the administration of this article, and perform such other duties as may be duly assigned.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-10. - Inspection and audits.

(a) For the purpose of enforcing the provisions of this article the license official or other authorized agent of the municipality is empowered to enter upon the premises of any person subject to this article to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license fee and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license fee shall constitute a separate offense.

(b) The license official shall make systematic inspections and random audits of all businesses within the municipality to insure compliance with this article. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of

license taxes paid or the reported gross income of any person by name without written permission of the licensee. Statistics compiled by classifications are public records.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-11. - Assessments, payment under protest, appeal.

(a) If a person fails to obtain a business license or to furnish the information required by this article or the license official, the license official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a license tax and penalties as provided herein.

(b) A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the license official within five (5) days after the notice is mailed or the assessment will become final. The license official shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(c) A final assessment may be appealed to the municipal council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this article relating to appeals to council.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-12. - Delinquent license fees, partial payment.

(a) For nonpayment of all or any part of the correct license fee, the license official shall levy and collect a late penalty of ten (10) percent of the unpaid fee. If any license fee remains unpaid for sixty (60) days after the due date, the license official shall levy and collect an additional five (5) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived. In addition, if any license fee remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.

(b) Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-13. - Notices.

The license official may, but shall not be required to, mail written notices that license fees are due. If notices are not mailed there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-14. - Denial of license.

The license official shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, or when the

activity for which a license is sought is unlawful or constitutes a public nuisance per se. A decision of the license official shall be subject to appeal to council as herein provided. Denial shall be written with reasons stated.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-15. - Suspension or revocation of license.

When the license official determines:

- (1) A license has been mistakenly or improperly issued or issued contrary to law; or
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article; or
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business;

the license official shall give written notice to the licensee or the person in control of the business within the municipality by personal service or certified mail that the license is suspended pending a hearing before council for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-16. - Appeals to council.

(a) Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the license official may appeal the decision to the municipal council by written request stating the reasons therefor, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

(b) An appeal or a hearing on revocation shall be held by the municipal council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

(c) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-17. - Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the municipal council by ordinance which prescribes the term, fees and conditions for use.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-18. - Consent, franchise or business license fee required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by this article approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-19. - Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this article.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-20. - Violations.

Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

(Ord. No. 05-18, § I, 11-21-05)

Sec. 15-21. - Classification and rates.

(a) The sectors of businesses included in each rate class are listed with the United States North American Industry Classification System (NAICS) codes. The alphabetical index in this article is a tool

for classification, not a limitation on businesses subject to a license tax. The license official shall determine the proper class for a business according to the applicable NAICS manual, whether or not the business is listed in the alphabetical index. A business class which is not listed in the rate class or numerical indexes is not subject to a license tax.

(b) The license fee for each class of businesses subject to this article shall be computed in accordance with the rates attached to Ord. No. 05-18, which are on file and available for inspection in the office of the city clerk.

(Ord. No. 05-18, § I, 11-21-05)

Secs. 15-22—15-39. - Reserved.

ARTICLE II. - PAWNBROKERS; SECONDHAND DEALERS

[Sec. 15-40. - Sign required at entrance to shop.](#)

[Sec. 15-41. - Records—Pledged property; required.](#)

[Sec. 15-42. - Same—Daily report to police.](#)

[Sec. 15-43. - Same—Inspection of pledged property record.](#)

[Sec. 15-44. - Same—Firearms register.](#)

[Sec. 15-45. - Same—Secondhand dealers required to keep record of purchases.](#)

[Sec. 15-46. - Dealing with minors.](#)

Sec. 15-40. - Sign required at entrance to shop.

Every person obtaining a pawnbroker's license from the city shall put a sign over the principal entrance to such shop carrying the name of the owner or proprietor and a statement to the effect that the shop is licensed.

(Code 1970, § 22-1

State law reference— License from city required, Code 1976, § 40-39-20.

Sec. 15-41. - Records—Pledged property; required.

Every person licensed as a pawnbroker by the city shall keep a book in such shop in which the licensee shall write, at the time of every pledge, a description of the pledged article, the name and residence of the person from whom received, and the day and hour when such pledge was made.

(Code 1970, § 22-2

State law reference— Similar provisions, Code 1976, § 40-39-70.

Sec. 15-42. - Same—Daily report to police.

A certified copy of the daily records of pledged property shall be made and filed each day, except Sunday, on or before noon, with the public safety director.

(Code 1970, § 22-5)

Sec. 15-43. - Same—Inspection of pledged property record.

The pledged property record required to be kept by a pawnbroker shall be open to inspection by the mayor, the public safety director or any person duly authorized by either of them, at all reasonable hours.

(Code 1970, § 22-4)

Sec. 15-44. - Same—Firearms register.

In addition to the record of pledged property required to be kept, every person licensed as a pawnbroker by the city, shall keep another and different book, to be known as a "Firearms Register", in and upon which shall be entered a full record of each transaction by such licensee made, and at the time made, involving a firearm of any nature or kind. Such record shall include the type or kind of firearm, its make, trademark and serial number. It shall likewise carry the correct name and address of the person from whom such firearm was acquired, whether such acquisition be on pledge or by purchase or trade. It shall also carry and include the correct name and address of the person redeeming, purchasing or trading for such firearm, together with a signed receipt therefor. This book shall be open to inspection by the mayor and the public safety director, or any person duly authorized by either of them, at all reasonable times. A certified copy of such record shall also be made and filed each business day, on or by noon thereof, with the public safety director.

(Code 1970, § 22-3)

Cross reference— Weapons regulations, § 16-180 et seq.

State law reference— Firearms regulations, §§ 16-23-10 et seq., 23-31-10 et seq.

Sec. 15-45. - Same—Secondhand dealers required to keep record of purchases.

Every person licensed to do business in the city who, in the course of such business, buys what is commonly known as "secondhand" goods, shall keep a book in which shall be written, at the time of every such purchase, a description of the article purchased, with the name, race, color and residence of the person from whom received and the day and hour when such purchase was made. Such book shall be open to inspection by the mayor or any council member, the city administrator, and by any police officer of the city at all reasonable times. A certified copy of such daily records shall be made and filed each day except Sunday, on or before noon, in the office of the public safety director.

(Code 1970, § 21-68)

Sec. 15-46. - Dealing with minors.

Every person licensed as a pawnbroker by the city shall not, personally or through any other person, either directly or indirectly, take a pawn, purchase or receive, by way of pawn, barter, exchange or bailment, any personal property of any kind whatsoever, from any minor without the written permission of the parent or guardian of such minor, which written permission shall be filed, and produced whenever demanded by any person authorized to inspect such shop.

(Code 1970, § 22-6)

ARTICLE II.1. - SECONDHAND PRECIOUS METALS BUSINESSES

[Sec. 15-47. - License required; separate license for each location; registration of employees; license fee; bond.](#)

[Sec. 15-47.1. - "Secondhand precious metal business" defined.](#)

[Sec. 15-47.2. - Investigation of license applicant.](#)

[Sec. 15-47.3. - License denial or revocation.](#)

[Sec. 15-47.4. - Records of transactions; identification of person involved in transaction.](#)

[Sec. 15-47.5. - Goods to be kept for ten days.](#)

[Sec. 15-47.6. - Purchasing from juvenile.](#)

[Sec. 15-47.7. - Use of unlicensed premises prohibited; exception.](#)

[Sec. 15-47.8. - Hours and days of operation.](#)

[Sec. 15-47.9. - Penalties.](#)

[Secs. 15-48, 15-49. - Reserved.](#)

Sec. 15-47. - License required; separate license for each location; registration of employees; license fee; bond.

(a) No person, partnership, corporation or association shall operate a secondhand precious metal business as herein defined unless such person, partnership, corporation or association shall have first applied for and received a business license from the city. A separate license shall be required for each location, place or premises used for the conduct of secondhand precious metal business, and each license shall designate the location, place or premises to which it applies. In addition, such business shall not be carried on or conducted in any other place than that designated in or by such license.

(b) Every partnership, corporation or association operating as a secondhand precious metal business shall be responsible for insuring that every employee, within five (5) days of being employed, is registered by name and address with the North Augusta Public Safety Department, and thumbprints, fingerprints and photograph are taken by the department. Such employee shall then be issued by the North Augusta Public Safety Department a certificate of compliance with this section. A fee shall be charged by the department for said certificate.

(c) The business license rate for precious metals businesses shall be two hundred dollars (\$200.00) for each permanently established location and one hundred dollars (\$100.00) for each week at each temporary location for the first two hundred thousand dollars (\$200,000.00) of gross receipts and one dollar (\$1.00) for each additional one thousand dollars (\$1,000.00) or fraction thereof.

(d) Each applicant shall furnish a bond in the amount of twenty-five thousand dollars (\$25,000.00) payable to the City of North Augusta. Said bond shall be forfeited upon conviction of violation of the provisions of this article.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.1. - "Secondhand precious metal business" defined.

A "secondhand precious metal business" is hereby defined to mean any person, firm, corporation or association engaged in the business of purchasing, trading for or otherwise acquiring ownership of coins, jewelry or any secondhand article made, in whole or in part, of gold, silver, platinum or other

precious metals, etc. For purposes of this article, the term "secondhand article" shall mean an article which has been used or which has been previously traded or sold by a retailer.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.2. - Investigation of license applicant.

(a) Any person applying to the city for a license to conduct the business of a secondhand precious metal dealer shall also report to the North Augusta Public Safety Department and furnish his full name, address, physical description, age, South Carolina driver's license number (if applicable), and social security number to assist in an investigation of his record and character. In addition, the applicant will be photographed and fingerprinted in order to facilitate the investigation.

(b) In the event the applicant is a partnership or association, all persons owning or having an interest therein shall comply with the provisions of subsection (a) above.

(c) In the case of a corporate applicant, each stockholder owning ten (10) per cent or more of the corporation's common stock shall comply with the provisions of subsection (a) above.

(d) The city shall issue or deny the application within thirty (30) days of the date of said application.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.3. - License denial or revocation.

(a) No license shall be issued to any applicant if any of the persons required to be investigated under section 15-47.2 above has been convicted of any felony or of a crime involving fraud, theft or receiving or possessing stolen property in the five (5) years immediately preceding the date of the license application.

(b) The conviction of any person required to be investigated under section 15-47.2 above for any felony or for any crime involving fraud, theft or receiving or possessing stolen property or for any violation of this article shall constitute grounds for immediate revocation by the public safety director of the business license issued to such secondhand precious metal business. The decision of the public safety director may be appealed to city council.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.4. - Records of transactions; identification of person involved in transaction.

(a) Every secondhand precious metal business shall keep a tightly bound book or books, not looseleaf, with pages numbered in sequence, in which there shall be legibly written at the time of any transaction with a nonlicensee involving the purchasing of, trading for or acquiring of ownership of any coin, jewelry or secondhand article made, in whole or in part, of gold, silver, platinum or other precious metals, etc., the following information:

- (1) An account and description of the item(s), article(s) or thing(s) purchased, traded for or taken in including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved number(s), initial(s) or marking(s).
- (2) The amount of money involved in the transaction or any item offered in trade.

(3) The date and time of the transaction.

(4) The name and residence of the person involved in the transaction with the secondhand precious metal business, along with the person's date of birth and general physical description, including hair color and approximate height and weight.

(5) A notation whether the item(s), article(s) or thing(s) are stored on the licensed premises or elsewhere, and if elsewhere, where.

(b) No transaction involving purchasing, trading for or taking in coins, jewelry or secondhand article made, in whole or in part, of gold, silver, platinum or other precious metals, etc., shall be completed by any secondhand precious metal business or an agent or employee thereof until the person involved in the transaction presents two (2) forms of positive identification, one of which shall be a valid South Carolina driver's license. If the seller does not have a valid South Carolina driver's license, the licensee shall photograph and obtain the right thumbprint of the seller. This identification information shall be recorded next to the person's name and residence in the book required to be kept pursuant to subsection (a) above.

(c) The book(s) required by this section, shall be a permanent record to be kept at all times on the premises of the secondhand precious metal business. Such book(s) shall be made available, during regular business hours, to any law enforcement officer. A full and accurate copy of the records required to be kept by this section shall be filed with the North Augusta Public Safety Department within twenty-four (24) hours of the transaction.

(d) The book(s) shall be kept a minimum of three (3) years by the licensee.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.5. - Goods to be kept for ten days.

Every secondhand precious metal business must keep all coins, jewelry or secondhand articles made, in whole or in part, of gold, silver, platinum or other precious metal, etc., open to inspection by any law enforcement officer at reasonable times for a period of ten (10) days after the purchase or acquisition thereof in any transaction subject to the provisions of section 15-47.4 above. During this period, the appearance of such articles shall not be altered in any way. A secondhand precious metal business is not prohibited from selling or arranging to sell or trade such articles during the ten-day period as long as such articles remain in its possession as required by this section.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.6. - Purchasing from juvenile.

No secondhand precious metal business or employee or agent thereof shall purchase from any juvenile under eighteen (18) years of age any coins, jewelry or secondhand article made, in whole or in part, of gold, silver, platinum or other precious metals, etc.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.7. - Use of unlicensed premises prohibited; exception.

No secondhand precious metal business shall make use of any property or premises, not included within the premises designated in or by the license required by this article, for the display of any coin,

jewelry or secondhand article made, in whole or in part, of gold, silver, platinum or other precious metals, etc., or for the conduct of a secondhand precious metal business. This article does not prohibit the storage or safekeeping of any such secondhand article off the licensed premises so long as said site is properly identified and available for inspection.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.8. - Hours and days of operation.

Said precious metal business shall not open for business prior to 7:00 a.m. and shall close no later than 7:00 p.m. The business shall not be open for business on Sundays.

(Ord. No. 80-24, § 1, 12-16-80)

Sec. 15-47.9. - Penalties.

Violation of any of the provisions of this article by any person shall constitute a misdemeanor and, upon conviction, a violator shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both. Each and every violation shall constitute a separate and distinct offense.

(Ord. No. 80-24, § I, 12-16-80; Ord. No. 93-20, § I, 8-16-93)

Secs. 15-48, 15-49. - Reserved.

ARTICLE III. - SKILL GAMES; BILLIARDS AND POOL

[Sec. 15-50. - Definition.](#)

[Sec. 15-51. - License—Required.](#)

[Sec. 15-52. - Same—Application.](#)

[Sec. 15-53. - Same—Term; fees.](#)

[Sec. 15-54. - Same—Transferability.](#)

[Sec. 15-55. - Same—Display.](#)

[Sec. 15-56. - Approval from city treasurer before changing device, game, etc.](#)

[Sec. 15-57. - Gambling, etc., prohibited.](#)

[Sec. 15-58. - Appeal from decision of city treasurer.](#)

[Sec. 15-59. - Pool and billiard rooms; regulations and restrictions.](#)

[Sec. 15-60. - Hours of operation for coin-operated machines.](#)

[Secs. 15-61—15-69. - Reserved.](#)

Sec. 15-50. - Definition.

The term "skill game," as used in this article, shall mean any mechanically or electrically operated board or table game, the purpose of which is to accumulate scores by rolling or propelling balls or similar objects where the privilege to play such games requires the insertion of coins into the machine or direct payment to the owner, operator or agent.

(Code 1970, § 27-1)

Sec. 15-51. - License—Required.

It shall be unlawful for any person, whether as owner or agent either for such person's self or for any other person, to place available to the public within the city any skill game without having first obtained from the city a skill game license.

(Code 1970, § 27-2)

Sec. 15-52. - Same—Application.

(a) Applications for a license to operate a skill game shall be filed at the city treasurer's office.

(b) Applicants for skill game licenses shall file a specification for each type of skill game to be operated, giving its brand or trade name, describing its manner of operation, manual, mechanical or electrical mechanism, the number of balls or other objects which are used in the playing of such game and any other information which may be required by the city treasurer. When a specification which is acceptable is filed, it shall not be necessary to file another description of a skill game of the same brand or trade name which is identical to a previously licensed skill game.

(c) It shall be the responsibility of any owner of any skill game to prepare the required specification and file it with the city treasurer, and no skill game which has not been described on a specification sheet shall be licensed.

(Code 1970, §§ 27-3, 27-7)

Sec. 15-53. - Same—Term; fees.

All skill game licenses issued under the provisions of this article shall be issued on a yearly basis and the fee for a skill game license shall be as set in the current business license schedule. Fees shall not be prorated and a license revocation shall cause a forfeiture of the fee paid. The license issued shall be the receipt for the fee paid.

(Code 1970, § 27-6)

Sec. 15-54. - Same—Transferability.

Licenses issued for skill games may not be transferred.

(Code 1970, § 27-4)

Sec. 15-55. - Same—Display.

Licenses issued for skill games must be affixed to the machine in view of the public.

(Code 1970, § 27-5)

Sec. 15-56. - Approval from city treasurer before changing device, game, etc.

Licensees shall not be permitted to change the mechanical device, the brand or trade name, the electrical mechanism, the scoring sheet, or the board on any licensed skill game without having first received approval from the city treasurer.

(Code 1970, § 27-8)

Sec. 15-57. - Gambling, etc., prohibited.

No license shall be issued for any skill game which, in the opinion of the city treasurer, is so constructed and operated that the element of chance predominates over the element of skill in its normal operation. In the event any licensed game appears to be easily converted to gambling or becomes a nuisance or menace to public morals, the city treasurer may revoke the license for such machine.

(Code 1970, § 27-9)

Cross reference— Prohibited slot machines, § 16-27

Sec. 15-58. - Appeal from decision of city treasurer.

In the event any person is aggrieved by a decision of the city treasurer, under the provisions of this article, such person may appeal such decision to the council. The decision of the council shall be final.

(Code 1970, § 27-10)

Sec. 15-59. - Pool and billiard rooms; regulations and restrictions.

(a) It shall be unlawful for any person to keep any billiard room or poolroom open after 11:00 p.m. or before daylight in the morning or at any time on Sunday.

(b) It shall be unlawful for any owner, lessee, manager or occupant of a billiard room or poolroom to permit any minor to enter such place of business for the purpose of playing billiards or pool or playing any other game or loitering therein for the purpose of watching the game.

(c) It shall also be unlawful for any minor to enter any billiard room or poolroom for the purpose of playing billiards, pool or any other game therein, or of loitering therein for the purpose of watching any other person play any game.

(Code 1970, § 21-58)

State law reference— For state law as to pool and billiards, see Code 1976, §§ 52-11-10 et seq., 52-15-250 et seq.

Sec. 15-60. - Hours of operation for coin-operated machines.

(a) No person who maintains for use, or permits the use of, on any place or premises occupied by him, any of the machines or devices described below shall allow such devices to be operated between the hours of 12:01 a.m. and 7:59 a.m. The machines that are restricted by this section are described as follows:

(1) Any machine for the play of amusements or video games, without free play feature, or machines of the crane type operated by a slot wherein is deposited any coin or thing of value, and any machine for the playing of games or amusements, which has a free play feature, operated by slot wherein is deposited any coin or thing of value and the machine is of the non-payout pin table type with levers or "flippers" operated by the player by which the course of the balls can be altered or changed.

(2) Any machine of the non-payout 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 non-payout pin table type with levers or "flippers" operated by the player, by which the course of

the balls can be altered or changed.

(b) Any person owning a business, operated a business, or assisting in the operation of such business that allows the operation of the designated machines in violation of this section, upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty (30) days, or both.

(c) Each machine allowed to be operated in violation of this section shall constitute a separate offense. Each separate or "play" on a machine in violation of this section shall constitute a separate offense.

(Ord. No. 92-09, §§ I-III, 10-5-92; Ord. No. 93-20, § I, 8-16-93)

Editor's note— Ordinance No. 92-09, adopted October 5, 1992, did not specifically amend the Code; however, §§ I—III of such ordinance were designated §§ 15-60—15-62 by the city. For purposes of classification, §§ I—III were codified as § 15-60(a)—(c) at the discretion of the editor.

Secs. 15-61—15-69. - Reserved.

ARTICLE IV. - PEDDLERS, ITINERANTS AND SOLICITORS ^[32]

⁽³²⁾ **State Law reference—** Consumer Protection Code, Code 1976, § 37-1-101 et seq.; charitable solicitations, § 33-55-10 et seq.

[Sec. 15-70. - Permit to peddle—Required.](#)
[Sec. 15-71. - Same—Application for permit: fee.](#)
[Sec. 15-72. - Same—Issuance or denial of permit.](#)
[Sec. 15-73. - Stock and bond salesmen.](#)
[Sec. 15-74. - Soliciting alms or contributions.](#)
[Sec. 15-75. - "Ballyhooing", etc., prohibited.](#)
[Secs. 15-76—15-80. - Reserved.](#)

Sec. 15-70. - Permit to peddle—Required.

(a) It shall be unlawful for any person not having an established place of business in the city to go upon private property for the purpose of soliciting sales of goods, wares or merchandise or to offer services, without having been requested or invited to do so by the owners or occupants of such private property, or without first having obtained a permit to do so from the public safety director.

(b) It shall be unlawful for any person to sell or solicit for sale any goods, wares or merchandise or to offer services, upon the public streets or sidewalks of the city without first having obtained a permit to do so from the public safety director.

(Code 1970, §§ 18-18, 21-40, 28-1)

State law reference— License from clerk of court, Code 1976, § 40-41-10; refusing to leave on request, § 16-11-620.

Sec. 15-71. - Same—Application for permit; fee.

(a) The public safety director will accept all applications for permits required by section 15-70. Such applications will contain the following information:

- (1) A photograph of the applicant taken not more than sixty (60) days prior to the date of application.
- (2) Fingerprints of applicant.
- (3) The names of two (2) reliable property owners of the city who will certify as to the applicant's good character, honesty and good reputation.
- (4) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.
- (5) A statement by a reputable physician of the city dated not more than ten (10) days prior to the date of application, certifying the applicant to be free from contagious, infectious or communicable diseases.

(b) At the time of filing application, a fee of five dollars (\$5.00) shall be paid to the public safety director for an investigation of the facts above.

(Code 1970, § 28-2)

Sec. 15-72. - Same—Issuance or denial of permit.

If, after investigation of the foregoing application, the public safety director is satisfied that the applicant is of good character and that the solicitation and sales will not be to the public detriment, such director will issue a permit therefor; otherwise, the director will refuse to issue such permit.

(Code 1970, § 28-3)

Sec. 15-73. - Stock and bond salesmen.

It shall be unlawful for any person to solicit, sell or offer for sale, any stocks, bonds, shares or interest in any business of whatsoever kind, without first obtaining from the city treasurer a permit to so do. Before the city treasurer shall issue any such permit such treasurer shall be satisfied by inspection of the license, that the applicant has been duly registered with the state securities commissioner. No permit shall be issued for a period beyond the expiration date of registration with such commissioner. For each such permit issued, the city treasurer shall collect a fee of five dollars (\$5.00). Upon proof that the holder of any permit under the provisions hereof has misrepresented any material fact pertaining to that which such person is offering for sale, the city treasurer shall immediately take up and cancel the permit of such holder.

(Code 1970, § 28-4)

ARTICLE V. - RETAIL TELECOMMUNICATIONS SERVICES ^[33]

⁽³³⁾ **Editor's note**— Ord. No. 04-16, § 1, adopted September 20, 2004, amended the Code by adding a new art. VI. In order to prevent skipping of article numbers, the article has been renumbered as V at the discretion of the editor.

[Sec. 15-81. - Rate established.](#)

[Sec. 15-82. - Tax due.](#)

[Sec. 15-83. - Exemptions.](#)

[Sec. 15-84. - Franchise agreements.](#)

[Sec. 15-85. - Agreement for collection of taxes.](#)

Sec. 15-81. - Rate established.

(a) Notwithstanding any other provisions of the business license ordinance, the business license tax for "retail telecommunications services", as defined in S.C. Code § 58-9-2200, shall be at the maximum rate authorized by S. C. Code § 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by state law as in effect on February 1, 2005. Declining rates shall not apply.

(b) In conformity with S.C. Code § 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one (1) year, the amount of business license tax shall be computed on a twelve-month projected income.

(Ord. No. 04-16, § 1, 9-20-04)

Sec. 15-82. - Tax due.

(a) For the year 2005, the business license tax for "retail telecommunications services" shall be due on February 1, 2005, and payable by February 28, 2005, without penalty. For years after 2005, the business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

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

(Ord. No. 04-16, § 1, 9-20-04)

Sec. 15-83. - Exemptions.

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

(Ord. No. 04-16, § 1, 9-20-04)

Sec. 15-84. - Franchise agreements.

(a) Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

(b) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this article.

(Ord. No. 04-16, § 1, 9-20-04)

Sec. 15-85. - Agreement for collection of taxes.

As authorized by S.C. Code section 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code section 58-9-2200 shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this article and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

(Ord. No. 04-16, § 1, 9-20-04)

Chapter 16 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - ACTS AGAINST PUBLIC POLICY

ARTICLE III. - OFFENSES INVOLVING SAFETY

ARTICLE IV. - FRAUD AND RELATED OFFENSES

ARTICLE V. - OFFENSES AGAINST THE PERSON

ARTICLE VI. - BREACH OF THE PEACE, DISORDERLY CONDUCT AND RELATED OFFENSES

ARTICLE VII. - OFFENSES AGAINST PROPERTY

ARTICLE VIII. - OFFENSES AGAINST MORALS AND DECENCY

ARTICLE IX. - WEAPONS

ARTICLE I. - IN GENERAL

[Sec. 16-1. - State misdemeanors adopted, and penalty provisions.](#)

[Sec. 16-2. - Attempts; aiding and abetting; avoiding required acts.](#)

[Sec. 16-3. - Arrests, and provisions incidental thereto.](#)
[Sec. 16-4. - Installation and maintenance of alarm systems.](#)
[Secs. 16-5—16-19. - Reserved.](#)

Sec. 16-1. - State misdemeanors adopted, and penalty provisions.

It shall be unlawful and a violation of this Code to commit within the city any act which is or shall be recognized by the laws of the state as a misdemeanor, where the maximum penalty is within the jurisdiction of the municipal court.

Any person violating any of the provisions of the state law herein adopted shall, upon conviction, be punished as provided in section 1-8 of this Code; provided, that where there is any conflict between the minimum penalty provided by the statutory law of the state and this Code or any ordinances of the city, for the same or similar offenses, the minimum punishment provided by the statute shall govern, and the maximum penalty shall be as provided in section 1-8.

(Code 1970, § 21-74)

Sec. 16-2. - Attempts; aiding and abetting; avoiding required acts.

(a) It shall be unlawful for any person to attempt to commit any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

(b) It shall be unlawful for any person to attempt to avoid the doing of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the avoidance or attempted avoidance of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

(Code 1970, § 21-5)

Sec. 16-3. - Arrests, and provisions incidental thereto.

(a) No person shall oppose or resist arrest by any police officer of the city in the discharge of duty, and no person shall neglect or refuse to assist any such officer in making any arrest, when so requested or commanded by such officer. For the purposes of this subsection, the term "police officer" shall mean any person charged with the enforcement of state law, this Code or other ordinance of the city or any resolution, rule, regulation, notice or order promulgated or given pursuant thereto.

(b) It shall be unlawful for any person to hinder, prevent or obstruct any officer or other person charged with the execution of any warrant or other process issued under the provisions of this Code and engaged in arresting any person for whose apprehension such warrant or other process may have been issued, or to hinder, prevent or obstruct any officer or other person lawfully engaged in making an arrest of any person under circumstances not requiring the issuance of a warrant for such arrest, or to attempt to rescue, such person from the custody of the officer or person or persons lawfully assisting such officer or person as aforesaid, or to aid, abet, or assist any person so arrested, as aforesaid, directly or indirectly, to escape from the custody of the officer or person or persons assisting the officer or person as aforesaid, or to harbor or conceal any person for whose arrest a warrant or other process

shall have been issued, or whose arrest is lawfully sought without any such warrant, so as to prevent such person's discovery and arrest, after notice or knowledge of the fact of the issuing of such warrant or other process, or that such arrest is lawfully sought without any such warrant.

(Code 1970, § 21-2

State law reference— Hindering officers charged with execution of warrants or other process, rescuing prisoners therefrom, Code 1976, § 16-5-50.

Sec. 16-4. - Installation and maintenance of alarm systems.

The following rules and regulations for governing the installation and maintenance of alarm systems shall apply to all alarm systems in the City of North Augusta:

- (1) All individuals, businesses, etc., installing either a burglar or fire alarm system on their premises (residential and commercial) must notify the department of public safety of such installation.
- (2) Burglar and fire alarm companies shall notify the city through the department of public safety in writing requesting the type of service needed not less than forty-eight (48) hours prior to the proposed connection of any alarm to be monitored directly by the Department of public safety.
- (3) Persons requesting alarm systems connected to and monitored by the city must make all necessary arrangements, supply any equipment needed to connect into the system, and pay all costs associated therewith.
- (4) All systems which are directly attached to equipment belonging to the department of public safety must both utilize equipment and be installed by personnel approved by the department.
- (5) Automatic reset: All alarm systems within the city having an outside audible alarm signal shall also be equipped with a device to automatically reset the entire system not more than fifteen (15) minutes after the alarm has been activated.
- (6) Those systems requiring direct monitoring by the department of public safety must be serviced and checked at least three (3) times a year. Those systems not requiring direct monitoring by the department of public safety must be serviced and checked at least one time a year. The service condition of the alarm after each check must be submitted to the department of public safety in writing with certification that the system is in proper working order.
- (7) Alarm companies doing business in North Augusta must be able to guarantee service within twenty-four (24) hours in case of trouble with their systems.
- (8) Persons installing systems (whether connected to the department of public safety or not) must furnish the department of public safety with two (2) names of persons to call in case of an emergency during times when the establishment or residence is unoccupied.
- (9) The director of public safety shall require that any alarm system be disconnected until such time as the system is in proper working order and/or those personnel using such system are properly trained.
- (10) There shall be no charge to the city for services rendered, nor will any liability be accepted.

(Ord. No. 7-3-79; Ord. No. 85-02, § 1, 2-18-85)

Secs. 16-5—16-19. - Reserved.

ARTICLE II. - ACTS AGAINST PUBLIC POLICY

[Sec. 16-20. - Fortunetelling, clairvoyancy, etc., prohibited.](#)

[Sec. 16-21. - Fraternal, etc., organization emblems, etc., not to be worn or misused by nonmembers.](#)

[Sec. 16-22. - Sunday observance by circuses, rodeos, etc.](#)

[Sec. 16-23. - Gambling—Keeping houses or places.](#)

[Sec. 16-24. - Same—Playing at certain games and betting.](#)

[Sec. 16-25. - Same—Raffles, lotteries, etc.](#)

[Sec. 16-26. - Same—Seizure of machines and devices.](#)

[Sec. 16-27. - Same—Slot machines, etc.](#)

[Secs. 16-28—16-39. - Reserved.](#)

Sec. 16-20. - Fortunetelling, clairvoyancy, etc., prohibited.

It shall be unlawful for any person for gain to engage in the practice of fortunetelling, astrology, clairvoyancy, palmistry, phrenology, spiritualism, character reading or similar practices.

(Code 1970, § 21-26)

State law reference— Similar provisions, Code 1976, § 16-17-690.

Sec. 16-21. - Fraternal, etc., organization emblems, etc., not to be worn or misused by nonmembers.

It shall be unlawful for any person to wear a badge, button or other emblem, or use the name, or claim to be a member of any benevolent, fraternal, social, humane or charitable organization which is entitled to the exclusive use of such name and emblem under the laws of the state, either in the identical form or in such near resemblance thereto as to be a colorable imitation of such emblem and name, unless entitled so to do under the laws, rules and regulations of such organization.

(Code 1970, § 21-27)

State law reference— Similar provisions, Code 1976, § 16-17-310.

Sec. 16-22. - Sunday observance by circuses, rodeos, etc.

It shall be unlawful for any person to open or conduct any circus, rodeo or other show of similar nature on Sunday or to participate in any capacity in any such showing on Sunday.

(Code 1970, § 21-77)

State law reference— Sunday business, etc., Code 1976, §§ 52-3-30, 52-13-10, 53-1-10 et seq.

Sec. 16-23. - Gambling—Keeping houses or places.

It shall be unlawful for any person to open, set up, exhibit to be played at, or keep or use within such person's enclosure, or to permit or allow the same to be done, any gaming table known or distinguished by any letters or characters or by any figures, or roly table, or table to play rouge et noir, or any faro bank, or any other gaming table or bank of like kind, or of any other kind, or to permit the game of pass dice or any other game of or with dice, within such person's enclosure, or to permit such person's enclosure, place or house to be used as a place for gaming with cards, dice or tables such as above stated or for gaming of any other kind or character or in any method whatever for money or other stake, or to charge any person for the privilege of carrying on or engaging in any gaming in such person's house, place or enclosure. If any person having a license to keep a billiard table within the city shall permit any of the games mentioned in this section, or any games similar thereto, or any other games of hazard, except that of billiards or pool, to be played upon such billiard table or premises, the person so offending shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to the forfeiture of such person's license.

(Code 1970, § 21-34)

State law reference— Similar provisions, Code 1976, § 16-19-50.

Sec. 16-24. - Same—Playing at certain games and betting.

It shall be unlawful for any person to play for money or other stakes in any house, tavern, inn, hotel, motel, retail liquor store, barn, kitchen, stable or other outhouse, or in any street, highway, open wood, race field or open place, at any game with cards or dice, or at any gaming table commonly A, B, C, or E, O, or at any gaming table known or distinguished by any other letters, or by any figures or roly poly table, or at rouge et noir, or at any faro bank, or at any other table or bank of the same of like kind, under any denomination whatsoever; except the game of billiards, bowls, backgammon, chess, draughts or whist, when there is no betting on such game, and where there shall be no betting on the sides of players.

(Code 1970, § 21-35)

State law reference— Similar provisions, Code 1976, § 16-19-40.

Sec. 16-25. - Same—Raffles, lotteries, etc.

It shall be unlawful for any person to engage in games which are commonly denominated "raffle," "lottery," "poolselling," "bookmaking," or any other game of chance of any kind of character whatsoever, or to sell or offer for sale any ticket, coupon, receipt, certificate or any other evidence that the holder or purchaser thereof is entitled to a chance to win any prize, premium, money or other stake, or property of any kind or character whatsoever; and any person who takes, receives or purchases any chance to win any such prize, premium, money or other stake, or any property of any kind or character whatsoever shall be guilty of a misdemeanor.

(Code 1970, § 21-36)

State law reference— Similar provisions, Code 1976, § 16-19-130.

Sec. 16-26. - Same—Seizure of machines and devices.

It shall be the duty of the police officers of the city to seize and take possession of all gaming or

gambling machines, devices or instrumentalities, possessed, owned, operated or used in violation of any of the laws of the state or ordinances of the city; and immediately upon the conviction of the person who illegally possessed, owned, used or operated such machines, devices, or instrumentalities, such machines, devices or instrumentalities shall be destroyed by the public safety director.

(Code 1970, § 21-37)

State law reference— For state law as to destruction of confiscated gambling devices, see Code 1976, § 16-19-120.

Sec. 16-27. - Same—Slot machines, etc.

It shall be unlawful for any person to keep or operate on such person's premises, or permit to be kept or operated thereon any vending or slot machine, punchboard, pullboard or other device pertaining to games of chance of whatever name or kind; provided, this section shall not apply to automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin deposited therein, and in which there is no element of chance. This section is also intended to prohibit all vending machines, slot machines, punchboards, pullboards or other devices, pertaining to games of chance, that display different pictures, words or symbols, at different plays or different numbers, whether in words or figures, or which deposit tokens or coins at irregular intervals, or in varying numbers to the player or in the machine.

Any vending or slot machine, punchboard, pullboard or other device pertaining to games of chance, prohibited by this section shall be seized by any officer of the law and at once taken before a magistrate or judge of a court having jurisdiction, as provided in section 52-15-20 of the Code of Laws of South Carolina 1976.

(Code 1970, § 21-69)

Cross reference— Manufacture of slugs, § 16-56 ; use of slugs, § 16-57 ; gambling with "skill" games, § 15-57

State law reference— Similar provisions, Code 1976, § 52-15-10.

Secs. 16-28—16-39. - Reserved.

ARTICLE III. - OFFENSES INVOLVING SAFETY

[Sec. 16-40. - Abandoned wells and pits to be rendered inaccessible.](#)

[Sec. 16-41. - Abandoned iceboxes, refrigerators and freezer chests.](#)

[Sec. 16-42. - Doorways and aisles in hotels, etc., to be kept unobstructed.](#)

[Sec. 16-43. - False alarms as to fire, explosion, or need for police or medical assistance.](#)

[Sec. 16-44. - Fire hydrants—Interfering with or opening.](#)

[Sec. 16-45. - Same—Obstructing free passage thereto.](#)

[Secs. 16-46—16-50. - Reserved.](#)

Sec. 16-40. - Abandoned wells and pits to be rendered inaccessible.

It shall be unlawful for any person to permit any abandoned well or other pit of sufficient depth to be dangerous to persons or animals, to remain open and unprotected by fence, barricade or other means

to provide for the safety of persons and animals on any place or premises owned or occupied by such person.

(Code 1970, § 21-1

Cross reference— Enclosing law lots, § 19-22

State law reference— Similar provisions, Code 1976, § 16-3-1020.

Sec. 16-41. - Abandoned iceboxes, refrigerators and freezer chests.

(a) It shall be unlawful for any person, whether for such person's self or any other person, to dispose or place out of use any icebox, refrigerator or freezer chest without having first removed the locking device, the door, or the cover to such container so that it is impossible for any other person to be locked inside such container.

(b) Iceboxes, freezer chests and refrigerators which are in locked warehouses, in transit, or on display for sale by retailers shall not be subject to the provisions of this section; provided, that any retailer or wholesaler shall exercise ordinary precaution to insure that these containers either inside or outside a building are not readily accessible to children or where any person might accidentally become locked inside such container.

(c) For the purposes of this section, the terms "icebox," "refrigerator" and "freezer chest" shall mean any container generally used for cold food storage and which is equipped with a snap latching device, or cannot be opened from the inside, or which is in an air-tight container with inside storage capacity of more than two (2) cubic feet.

(Code 1970, § 21-41)

State law reference— Similar provisions, Code 1976, § 16-3-1010.

Sec. 16-42. - Doorways and aisles in hotels, etc., to be kept unobstructed.

It shall be unlawful for the proprietor, manager, owner or lessee of any building used for a hotel, motel, lodginghouse, restaurant, cafe or other like public place to permit the entranceways or aisles leading from the street, or the spaces about or in the doorways, to be used or occupied, temporarily or permanently, by seated persons or by chairs, stools or other obstructions or obstacles calculated to hinder or endanger the free and easy passage of persons in and out of such occupied buildings. It shall be unlawful for any person to place any chair, stool or other obstacle or to be seated in the entranceways, aisles, spaces about the doors or doorways of any such occupied building.

(Code 1970, § 21-21

State law reference— Authority of council to enact hotel, etc. regulations, Code 1976, § 45-3-10 et seq.

Sec. 16-43. - False alarms as to fire, explosion, or need for police or medical assistance.

(a) No person shall wilfully or mischievously give or cause to be given any false alarm of fire.

(b) No person shall wilfully or mischievously give or cause to be given any false alarm of explosion or impending danger of explosion.

(c) No person shall wilfully or mischievously give or cause to be given any false alarm of the need for

police protection or assistance.

(d) No person shall wilfully or mischievously give or cause to be given any false alarm so to the need for an ambulance or medical assistance.

(Code 1970, § 21-22

Cross reference— False alarms relating to civil defense, § 9-5

State law reference— False fire alarms, Code 1976, § 16-17-570.

Sec. 16-44. - Fire hydrants—Interfering with or opening.

It shall be unlawful for any person, not having continuous authority from the city so to do, to interfere with or open for any purpose whatever, any fire hydrant on the mains of the water system, except in case of fire, without first having obtained a proper permit so to do from the mayor or public works engineer.

(Code 1970, § 21-24

Sec. 16-45. - Same—Obstructing free passage thereto.

It shall be unlawful for any person to obstruct any fire hydrant in such a manner as to impede the free approach thereto by the fire trucks, hose wagons or other apparatus of the public safety department.

(Code 1970, § 21-25

Cross reference— Parking near fire hydrant, § 22-40 (4).

Secs. 16-46—16-50. - Reserved.

ARTICLE IV. - FRAUD AND RELATED OFFENSES ^[34]

⁽³⁴⁾ **Cross reference—** False and misleading advertising, § 3-9

[Sec. 16-51. - Gaining possession of money or property by false token or counterfeit letter.](#)

[Sec. 16-52. - Obtaining money or property by false pretenses.](#)

[Sec. 16-53. - Drawing and uttering fraudulent checks, drafts, etc.](#)

[Sec. 16-54. - Defrauding keeper of hotel, motel, inn, boardinghouse, rooming house, cafe or restaurant.](#)

[Sec. 16-55. - Gaining access to entertainment without paying admission.](#)

[Sec. 16-56. - Manufacture, sale, etc., of slot machine slugs, etc.](#)

[Sec. 16-57. - Use of slot machine without proper deposit.](#)

[Sec. 16-58. - Riding in public conveyance without paying fare.](#)

[Sec. 16-59. - False swearing.](#)

[Secs. 16-60—16-69. - Reserved.](#)

Sec. 16-51. - Gaining possession of money or property by false token or counterfeit letter.

Whoever shall, falsely and deceitfully, obtain or get into his possession, any money, goods, chattels, jewels or other things, of any other person, by color and means of any false token or counterfeit letter made in any other person's name, shall be deemed guilty of a misdemeanor; provided, that the value of the money, goods, chattels, jewels or other things so obtained does not exceed in value fifty dollars (\$50.00).

(Code 1970, § 21-28)

State law reference— Similar provisions, Code 1976, § 16-13-260.

Sec. 16-52. - Obtaining money or property 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 from any other person any chattel, money, valuable security or other property, real or personal, with intent to cheat and defraud any person thereof, and the value thereof does not exceed seventy-five dollars (\$75.00) shall be deemed guilty of a misdemeanor. If, upon the trial of any person under this section, it shall be proved that such person obtained the property in such a manner as to amount in law to larceny, such person shall not by reason thereof be entitled to an acquittal; but no person tried hereunder shall thereafter be prosecuted for larceny upon the same facts.

(Code 1970, § 21-29)

State law reference— Similar provisions, Code 1976, § 16-13-240.

Sec. 16-53. - Drawing and uttering fraudulent checks, drafts, etc.

(a) It shall be unlawful for any person, in such person's own name or in any other capacity whatsoever, to obtain money, services or other property of any kind or nature whatever with fraudulent intent or to obtain credit with like intent by means of a check, draft or order of which such person is maker or drawer or which though such person is not maker or drawer such person, with like intent, utters or delivers or aids or abets another to utter or deliver; provided that the credit or purchase amount does not exceed fifty dollars (\$50.00). The word "credit" as used in this section shall be construed to mean securing further advances of money or goods by means of a check, draft or order given in whole or in part payment of a then existing account. Payment for meals, lodging or other goods or services at any hotel, motel or other hostelry by means of a check, draft or order at any time prior to or upon departure or check-out from such hostelry shall be construed as obtaining such goods or services by means of such check, draft or order for the purposes of this section.

(b) If such check, draft or order is not paid by the drawee, the person making, drawing or uttering the same shall be guilty of a misdemeanor. The fact that such check, draft or order was not paid by the drawee because the maker or drawer did not have on deposit with the bank, person, firm or corporation upon which such draft, check or order was drawn, sufficient funds to pay the same in full when presented, and the further fact that the maker or drawer of such check, draft or order failed to pay the amount of same within seven (7) days after written notice sent to such person's last known address, shall, as against the maker or drawer of such check, draft or order, be prima facie evidence of fraudulent intent. The word "credit" as used in this section shall be construed to mean securing further advances of money or goods by means of a check, draft or order given in whole or in part payment of a then existing account.

(Code 1970, § 21-30)

State law reference— Similar provisions, Code 1976, §§ 34-11-60, 34-11-70.

Sec. 16-54. - Defrauding keeper of hotel, motel, inn, boardinghouse, rooming house, cafe or restaurant.

(a) Any person who shall: (1) obtain any food, lodging or other service or accommodation at any hotel, motel, inn, boarding or rooming house, cafe or restaurant and intentionally abscond without paying for it; (2) while a guest at any hotel, motel, inn, boarding or rooming house, cafe or restaurant, intentionally defraud the keeper in any transaction arising out of such relationship as guest, shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-8

(b) Under this section prima facie evidence of intent of defraud is shown by:

(1) The second refusal of payment upon presentation when due and the return unpaid of any bank check or order for the payment of money given by any guest to any hotel, motel, inn, boarding or rooming house, cafe or restaurant in payment of any obligation arising out of such relationship as guest. Such facts shall also be deemed prima facie evidence of an intent to abscond without payment.

(2) The failure or refusal of any guest at a hotel, motel, inn, boarding or rooming house, cafe or restaurant to pay, upon written demand, the established charge for food, lodging or other service or accommodation.

(3) The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.

(4) The drawing, endorsing, issuing, or delivering to any hotel, motel, inn, boarding or lodging house, cafe or restaurant of any check, draft or order for payment of money upon any bank or other depository in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

State law reference— Similar provisions, Code 1976, § 45-1-50.

Sec. 16-55. - Gaining access to entertainment without paying admission.

It shall be unlawful for any person to enter any building, tent or enclosure wherein a public or private entertainment to which admission is charged, is being given, by stealth, the use of any deceptive artifice or device, or the exercise of cunning; provided, that nothing contained herein shall be construed in such a manner as to include those who offer to pay the regular admission price, or who present tickets or passes properly issued and held authorizing or permitting them to so enter; provided further, that nothing herein shall be construed as forbidding the entry of officers of the city, county, state or United States while in the discharge of their duties.

(Code 1970, § 21-32)

Sec. 16-56. - Manufacture, sale, etc., of slot machine slugs, etc.

Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine, coin-box telephone or other receptacle,

depository or contrivance, designed to receive lawful coins of the United States of America in connection with the sale, use or enjoyment of the property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor.

(Code 1970, § 21-70)

Cross reference— Prohibited slot machines, § 16-27

State law reference— Similar provisions, Code 1976, § 52-15-70.

Sec. 16-57. - Use of slot machine without proper deposit.

Any person who shall operate or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of slugs or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor.

(Code 1970, § 21-71)

State law reference— Similar provisions, Code 1976, § 52-15-60.

Sec. 16-58. - Riding in public conveyance without paying fare.

Whoever fraudulently evades or attempts to evade the payment of any toll or fare, lawfully established, for the carrying of passengers by bus, taxicab or any other public conveyance by whatever name, by giving a false answer to the collector of the fare, by traveling beyond the point to which fare has been paid, or otherwise riding, or attempting to ride, without paying such toll or fare, or by riding without permission on trains that do not carry passengers, or by concealing themselves upon or about any such bus, taxicab or other public conveyance with intent to evade the payment of lawful toll or fare shall be deemed guilty of a misdemeanor.

(Code 1970, § 21-33)

Cross reference— Duty of passenger to pay legal fare for taxicab; hiring taxicab with intent to defraud, § 22-39.

Sec. 16-59. - False swearing.

Whoever shall wilfully and knowingly swear falsely in taking an oath required by law, and administered by any person directed or permitted by law to administer such oath, shall be guilty of a misdemeanor.

(Code 1970, § 21-33)

State law reference— Perjury, Code 1976, § 16-9-10 et seq.

Secs. 16-60—16-69. - Reserved.

ARTICLE V. - OFFENSES AGAINST THE PERSON

[Sec. 16-70. - City officers and employees—Interfering with, etc.; authority of same to call for assistance.](#)

[Sec. 16-71. - Same—Impersonating.](#)

[Sec. 16-72. - Same—Disobeying lawful orders of police.](#)

[Sec. 16-73. - Same—Deriding, etc.](#)

[Sec. 16-74. - Assault and battery—Generally.](#)

[Sec. 16-75. - Same—Because of political opinions.](#)

[Sec. 16-76. - Molesting adults and children.](#)

[Secs. 16-77—16-79. - Reserved.](#)

Sec. 16-70. - City officers and employees—Interfering with, etc.; authority of same to call for assistance.

(a) No person shall carelessly or wilfully interfere with, hinder or obstruct any officer or employee of the city who is engaged in, en route to or returning from, the performance of official duty, whether such interference, hindrance or obstruction be by threat, assault or otherwise.

(b) To enable any officer or employee of the city, who is specifically empowered to make arrests, to discharge such officer's or employee's official duty as herein specified, such officer or employee shall have authority to summon and call for assistance the bystanders or posse comitatus; and all persons refusing to obey the summons or call of the officer or employee specifically empowered to make arrest, shall be deemed guilty of a misdemeanor.

(Code 1970, § 21-9)

Cross reference— Interference with officers engaged in the inspection of stables, etc., § 5-23 ; interference with officers enforcing the provisions of animal ordinances and the releasing of animals from custody without proper authority, § 5-37; obstructing the health officer, § 12-5.

State law reference— Hindering officers, Code 1976, § 16-5-50.

Sec. 16-71. - Same—Impersonating.

No person shall falsely represent such person to be an officer or employee of the city, or without proper authority wear or display any uniform, insignia or credential which identifies any city officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the city, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in such citizen's presence.

(Code 1970, § 21-10)

State law reference— Impersonation of law enforcement officer, Code 1976, § 16-17-720.

Sec. 16-72. - Same—Disobeying lawful orders of police.

It shall be unlawful for any person to wilfully disobey or fail to comply with a lawful order or direction of a police officer given in line of duty. For the purposes of this section, the term "police officer" shall include any person charged with the enforcement of state law, this Code or other ordinance of the city or any resolution, rule, regulation, notice or order promulgated or given pursuant thereto.

(Code 1970, § 21-11)

Sec. 16-73. - Same—Deriding, etc.

It shall be unlawful for any person to knowingly taunt, deride, jeer or otherwise debase or insult, whether by act, word or gesture, any city officer or employee at any time or place while such city officer or employee is lawfully engaged in the performance of official duty.

(Code 1970, § 21-12(b))

Sec. 16-74. - Assault and battery—Generally.

It shall be unlawful within the city for any person to commit an assault, or assault and battery, upon the person of another; but nothing contained in this section shall be construed to prohibit or forbid a person to act in self defense.

(Code 1970, § 21-3)

Sec. 16-75. - Same—Because of political opinions.

Whoever shall assault or intimidate any citizen because of political opinions or the exercise of political rights and privileges guaranteed to every citizen of the United States by the constitution and laws thereof, or by the constitution and laws of the state, or for such reason discharge such citizen from employment or occupation, or eject such citizen from a rented house or land or other property, shall be guilty of a misdemeanor.

(Code 1970, § 21-4)

Sec. 16-76. - Molesting adults and children.

(a) It shall be unlawful for any person wilfully or intentionally to interfere with, disturb, or in any way molest any adult or child in the city, while on any public street, sidewalk, park or square or in any place of public amusement or other building or place or upon privately owned premises where such person may have entered without permission or as a trespasser.

(b) It shall be unlawful for any person to invite or attempt to have any adult or child to enter a vehicle for the purpose of molesting or wilfully disturbing such adult or child.

(c) It shall be unlawful for any person to molest or disturb any adult or child by the making of obscene remarks or such remarks and actions as would humiliate or insult or scare such adult or child.

(d) It shall be unlawful for any person to follow any adult or child along any street, sidewalk or other

place within the city for the purpose of molesting, disturbing, harassing or annoying such adult or child.

(Code 1970, § 21-84)

Secs. 16-77—16-79. - Reserved.

ARTICLE VI. - BREACH OF THE PEACE, DISORDERLY CONDUCT AND RELATED OFFENSES ^[35]

⁽³⁵⁾ **Cross reference—** Authority of public safety director at location of any disorder, § 2-197; proclamation of emergency by mayor, § 9-21

DIVISION 1. - GENERALLY
DIVISION 2. - DEMONSTRATIONS AND PARADES
DIVISION 3. - PICKETING

DIVISION 1. - GENERALLY

[Sec. 16-80. - Breach of the peace; being drunk in public.](#)
[Sec. 16-81. - Preaching, lecturing, etc.](#)
[Sec. 16-82. - Burning crosses.](#)
[Sec. 16-83. - Masks worn by persons.](#)
[Sec. 16-84. - Disorderly conduct generally.](#)
[Sec. 16-85. - Disturbing religious worship.](#)
[Sec. 16-86. - Annoying teachers and students.](#)
[Sec. 16-87. - Use of house or room to the annoyance of neighborhood.](#)
[Sec. 16-88. - Additional acts constituting disorderly conduct.](#)
[Sec. 16-89. - Congregating in crowds so as to cause street obstruction.](#)
[Sec. 16-90. - Sitting in chairs, on boxes, etc., so as to cause street obstruction.](#)
[Sec. 16-91. - Loitering.](#)
[Sec. 16-92. - Riots, routs and unlawful assemblies.](#)
[Sec. 16-93. - Responsibility of parent or guardian of disorderly minor.](#)
[Secs. 16-94—16-99. - Reserved.](#)

Sec. 16-80. - Breach of the peace; being drunk in public.

It shall be unlawful for any person within the city to commit any breach of the peace or to be drunk or under the influence of intoxicating beverages in public.

(Code 1970, § 21-6)

Cross reference— Appearing on street or entering dwelling, etc., while under influence, § 4-2 ; consumption of liquor, etc., in public, § 4-1 ; city officer or employee being under the influence while on duty, § 2-15

State law reference— Authority to arrest for public drunkenness, Code 1976, § 14-25-90; gross public drunkenness prohibited, § 16-17-530.

Sec. 16-81. - Preaching, lecturing, etc.

No preaching, lecturing, speaking, or entertainment of any nature shall be permitted in the public places unless a written permit for same be obtained from the mayor.

(Code 1970, § 21-73; Ord. of 12-14-71, § 18)

Sec. 16-82. - Burning crosses.

No person shall burn or erect or cause to be burned or erected any cross, either upon any other person's property or in public, or make any similar demonstrations or place any similar exhibits upon the private property of another, unless such person shall have first obtained from the occupier or owner of the property, such owner's or occupier's permission to do so.

(Code 1970, § 21-8)

State law reference— Similar provisions, Code 1976, § 16-7-120.

Sec. 16-83. - Masks worn by persons.

(a) No person over sixteen (16) years of age shall appear or enter upon any street, sidewalk or public place in this city or upon the public property of the city while wearing a mask or other device which conceals such person's identity, nor shall any such person demand entrance or admission to or enter upon the premises or into the enclosure or house of any other person while wearing a mask or device which conceals such person's identity, nor shall any such person, while wearing a mask or device which conceals such person's identity, participate in any meeting or demonstration upon the private property of another unless such person shall have first obtained the written permission of the owner and the occupant of such property.

(b) The provisions of this section shall not affect the following:

- (1) Any person wearing traditional holiday costume;
- (2) Any person engaged in a trade or employment in which a mask is worn for the purpose of ensuring the physical safety of the wearer or because of the nature of the occupation, trade or profession;
- (3) Any person using a mask in a theatrical production or masquerade ball; or
- (4) Any person wearing a gas mask prescribed in a civil defense drill or exercise or in an emergency.

(Code 1970, § 21-50)

State law reference— Similar provisions, Code 1976, § 16-7-110.

Sec. 16-84. - Disorderly conduct generally.

Disorderly conduct within the city is hereby prohibited. It shall constitute disorderly conduct for any person to engage in riotous conduct of any kind or to declaim or cry out in a noisy, scandalous or

abusive manner in any taxicab, bus or other public conveyance, or in any place of public worship or amusement, or on any street, sidewalk or other public place, or sufficiently near to any such place, or to any residence or place of business as to disturb or annoy any other person.

(Code 1970, § 21-15)

Cross reference— Annoying conduct in parks, § 17-4.

State law reference— Public disorderly conduct, Code 1976, § 16-17-530; arrest by city officials for disorderly conduct and related offense, § 14-25-90.

Sec. 16-85. - Disturbing religious worship.

It shall constitute disorderly conduct for any person wilfully or maliciously to disturb, arouse, interrupt or interfere with any meeting, society, assembly or congregation convened for the purpose of religious worship, or to enter any such meeting or assemblage while in a state of intoxication, or to use blasphemous, profane or obscene language upon the streets, sidewalks or other places around or near the place of such gathering, either before, after or during divine worship or to do or commit any act which might in any way interfere with any religious worship.

(Code 1970, § 21-16)

State law reference— Similar provisions, Code 1976, § 16-17-520.

Sec. 16-86. - Annoying teachers and students.

(a) It shall constitute disorderly conduct and be unlawful for any person to wilfully or unnecessarily interfere with, disturb or in any way disquiet the teachers or students of any school or college located within the city while on any public street, sidewalk, park or square or in any place of public amusement or other building or place, or upon the premises of such college or school.

(b) It shall constitute disorderly conduct and be unlawful for any person by driving, walking, standing, loitering, or congregating upon or near any public place in the vicinity of any place where a private or public school or college is being conducted within the city, either before, after or during the hours or sessions of such college or school, or by loud talking, whistling, laughing or making any other noise, or by seeking to attract the notice of any teachers or students of any such college or school or by behaving in a disorderly manner, to disturb or annoy such teachers or students.

(c) It shall constitute disorderly conduct and be unlawful to follow such teachers or students along any street, sidewalk or other place within the city, or to frequently and unnecessarily pass in front of or beside such teachers or students, as to harass or annoy such teachers or students, or to make rude or uncomplimentary remarks or signs to or about such teachers or students, or to communicate or attempt to communicate rudely or in an annoying manner with such teachers or students or any one of them orally, in writing, by signs or otherwise.

(d) It shall constitute disorderly conduct and be unlawful for any person to enter upon any college or school premises within the city, except on business, without having first obtained permission from the person in charge thereof.

(Code 1970, § 21-17)

State law reference— Disturbing schools, Code 1976, § 16-17-420.

Sec. 16-87. - Use of house or room to the annoyance of neighborhood.

It shall be unlawful for the inmates or visitors in any house or room to so conduct themselves as to become annoying to the neighborhood. Whenever such inmates or visitors so conducting themselves shall be reported to the recorder by three (3) or more responsible citizens of the immediate neighborhood, the recorder shall cause the offending inmates to be brought before the court for trial.

(Code 1970, § 21-18

Cross reference— Nuisances generally, § 12-20 et seq.

Sec. 16-88. - Additional acts constituting disorderly conduct.

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct and punished accordingly:

- (1) Act in violent or tumultuous manner toward another whereby any person is placed in fear of safety of such other person's life, limb or health.
- (2) Act in violent or tumultuous manner toward another whereby property of any person is placed in danger of being destroyed or damaged.
- (3) Endanger lawful pursuits of another by acts of violence, angry threats or abusive conduct.
- (4) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger life, limb, health or property of another.
- (5) Assemble or congregate with another or others for purpose of causing, provoking or engaging in any fight or brawl.
- (6) Be found jostling or roughly crowding or pushing any person in any public place.
- (7) Collect with others in bodias or in crowds for unlawful purposes, as defined by state law, this Code or other ordinances.
- (8) Assemble or congregate with another or others for purpose or with intent to engage in gaming.
- (9) Frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices.
- (10) Assemble with others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the city, or aid or abet therein.
- (11) Accost or attempt to force one's company upon any other person.
- (12) Utter, while in a state of anger, in the presence of another, any bawdy, lewd or obscene words or epithets.
- (13) Frequent any place where gaming or illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
- (14) Use words calculated to provoke a fight directed toward any person who becomes outraged

and thus creates turmoil.

(15) Assemble or congregate with others for the purpose of trouncing upon another.

(16) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered by city police or other lawful authority.

The foregoing enumeration of acts constituting disorderly conduct shall not be deemed to exclude other acts not enumerated in this section or elsewhere in this Code which constitute disorderly conduct by statute or common law of this state.

(Code 1970, § 21-19)

Cross reference— Prohibited conduct within cemeteries, § 7-12 ; annoying conduct in parks and places of recreation, § 17-4.

Sec. 16-89. - Congregating in crowds so as to cause street obstruction.

It shall be unlawful for persons to obstruct any street, park, square or sidewalk by congregating in crowds.

(Code 1970, § 29-21)

Cross reference— Demonstrations, § 16-100 et seq.; picketing, § 16-120 et seq.

Sec. 16-90. - Sitting in chairs, on boxes, etc., so as to cause street obstruction.

It shall be unlawful for any person to obstruct any street, park, square or sidewalk by sitting in chairs or on boxes, window sills or other objects within the limits of such street, park, square or sidewalk.

(Code 1970, § 29-22)

Sec. 16-91. - Loitering.

It shall be unlawful for any person repeatedly to loiter, loaf, idle or beg in or upon the streets and public ways of the city or in or about any other public place of the city.

(Code 1970, § 21-49)

Cross reference— Loitering in cemeteries, § 7-12

Sec. 16-92. - Riots, routs and unlawful assemblies.

Riots, routs and unlawful assemblies shall be dispersed forthwith by the city police and other law enforcement officers, and all persons present at the scene of any riot, rout or unlawful assembly shall, upon command of any law enforcement officer to disperse, forthwith obey such command and peacefully disengage themselves from such riot, rout or unlawful assembly and leave the scene thereof, and persons who fail to obey such command shall be subject to immediate arrest.

(Code 1970, § 21-67)

Cross reference— Civil emergencies, § 9-20 et seq.; the dispersal of riots, routs and unlawful assemblies and the arrest of persons disobeying command to disperse, all in connection with demonstrations or parades, § 16-107

Sec. 16-93. - Responsibility of parent or guardian of disorderly minor.

Whenever any person who is a minor, and who has been arrested and convicted in the municipal court for disorderly conduct, is unable to pay the fine imposed upon such minor, it shall be the duty of the public safety director to send a written notice to the parent or guardian of such minor notifying such parent or guardian of such conduct, and warning such parent or guardian that if such minor is again convicted before such court, such parent or guardian shall be deemed guilty of a misdemeanor. When any parent or guardian shall have received such notice and shall thereafter permit such child or ward to go at large in the streets, and such child or ward shall be convicted a second or any subsequent time in such court of disorderly behavior in the streets, such parent or guardian shall be deemed guilty of a misdemeanor; provided, such parent or guardian shall first have due notice to appear before such court and show cause, if any, why such parent or guardian should not be adjudged guilty as aforesaid.

(Code 1970, § 21-20)

Secs. 16-94—16-99. - Reserved.

DIVISION 2. - DEMONSTRATIONS AND PARADES ^[36]

⁽³⁶⁾ **State Law reference**— For state law as to authority of city to regulate or prohibit processions or assemblies on highways, see Code 1976, § 56-5-710(3); see, also § 5-7-30.

[Sec. 16-100. - Findings of necessity.](#)

[Sec. 16-101. - Permit required.](#)

[Sec. 16-102. - Application for permit.](#)

[Sec. 16-103. - Consideration of application; granting or denial of permit.](#)

[Sec. 16-104. - Authority to require posting of bond.](#)

[Sec. 16-105. - Conditions of permit.](#)

[Sec. 16-106. - Certain signs prohibited.](#)

[Sec. 16-107. - Dispersal of riots, routs and unlawful assemblies; arrest of persons disobeying command to disperse.](#)

[Sec. 16-108. - Funerals.](#)

[Sec. 16-109. - Exceptions.](#)

[Sec. 16-110. - Compliance with division and permits issued thereunder.](#)

[Secs. 16-111—16-119. - Reserved.](#)

Sec. 16-100. - Findings of necessity.

The council finds that it is necessary for the preservation of the public health, welfare and safety, for the maintenance of the public peace, and for the orderly and convenient movement of traffic and the prevention of traffic congestion to prohibit parades and demonstrations within the city except by authority of permits granted by the council, and to regulate the issuance of such permits.

(Code 1970, § 11-1)

Sec. 16-101. - Permit required.

It shall be unlawful for any person to organize or participate in any demonstration or parade upon or in any street, sidewalk or public place in the city without authority of a permit so to do having first been issued by the council as provided in this division.

(Code 1970, § 11-2

Cross reference— As to required permit for speaking, lecturing, preaching and offering entertainment in streets, sidewalks and public places, see § 16-81 ; congregating so as to obstruct streets, § 16-89

Sec. 16-102. - Application for permit.

Any person or group of persons desiring to promote, organize, direct or lead any parade or demonstration upon the sidewalks, streets, thoroughfares or other public ways or places of the city shall, at least fifteen (15) days prior to the date of any such parade or demonstration, file an application with the city clerk requesting a permit to conduct, promote or engage in such parade or demonstration; and in such application shall be set forth:

- (1) The date and hour of the parade or demonstration, and the expected duration thereof;
- (2) The sidewalks, streets, thoroughfares or other public ways or places of the city over and upon which the parade or demonstration is to take place;
- (3) Whether the parade or demonstration is to be conducted on foot or with animals or vehicles, or any combination thereof, and giving the number of each;
- (4) The name and address of the person who shall be in charge of such parade or demonstration, and who shall be responsible for the conduct thereof and for the compliance with all applicable provisions of state law, this Code and other ordinances by participants in such parade or demonstration;
- (5) Such other information as may be required by the council.

(Code 1970, § 11-3

Sec. 16-103. - Consideration of application; granting or denial of permit.

Upon the filing of an application for a parade or demonstration permit with the city clerk, the city clerk shall transmit it to the council for its consideration and action thereon. The council shall, within ten (10) days after the filing of the application with the city clerk, consider it and take action thereon. If the council finds as a fact that the parade or demonstration applied for, at the time and upon the streets or other public ways or places set forth in the application, is not detrimental to the health, safety, welfare or convenience of the inhabitants of the city or others making use of such streets, ways and places, a permit therefor shall be granted. If the council finds as a fact that the parade or demonstration applied for in the application is detrimental to the health, safety, welfare or convenience of the inhabitants of the city or other persons making use of the streets, sidewalks or public places at the time, the application shall be denied.

(Code 1970, § 11-4

Sec. 16-104. - Authority to require posting of bond.

Prior to the granting of a permit pursuant to this division, and as a condition precedent to the granting of such permit, the council may require that the person named in the application as the one to be responsible for the conduct of the parade or demonstration shall give bond to the city, in such amount and with such surety as the council may consider necessary, conditioned upon the full satisfaction of all judgments and decrees which may result by reason of any negligent or unlawful act or omission of any person managing or participating in such parade or demonstration and covered by the permit; with the further condition that he will save the city harmless against all claims and demands whatsoever which may arise by reason of the negligent or unlawful act or omission of any person managing or participating in such parade or demonstration and covered by the permit; and with the further condition that the permittee shall pay to the city all extra expenses incurred by the city for clearing the city streets, sidewalks and public places of litter and refuse caused by such parade or demonstration and for cleaning and repair of public property soiled or damaged by such paraders or demonstrators.

(Code 1970, § 11-5

Sec. 16-105. - Conditions of permit.

In granting a permit pursuant to this division, the council may include therein such conditions, restrictions and limitations as the council may consider appropriate, under the general police powers of the city, for the public health, safety and welfare.

(Code 1970, § 11-6

Sec. 16-106. - Certain signs prohibited.

No person parading or demonstrating pursuant to a permit issued under the provisions of this division shall carry or display any sign which is calculated to incite disorderly conduct or which contains words, figures, illustrations or other matter which is profane, obscene, libelous or wilfully untruthful.

(Code 1970, § 11-8

Sec. 16-107. - Dispersal of riots, routs and unlawful assemblies; arrest of persons disobeying command to disperse.

Parades and demonstrations held pursuant to a permit issued under the provisions of this division which became a riot, rout or unlawful assembly shall be dispersed forthwith by the city police, and paraders and demonstrators who are commanded by any police officer to disperse shall promptly obey such command and peacefully disengage themselves from such parade or demonstration and leave the scene thereof, and persons who fail to obey such command shall be subject to immediate arrest.

(Code 1970, § 11-9

Cross reference— As to riots, routs and unlawful assemblies generally, see § 16-89 et seq.

Sec. 16-108. - Funerals.

Funeral processions shall be excluded from the requirements and limitations of this division; provided, that funeral directors shall give timely notices to the public safety department prior to funerals under their supervision, to enable the police to make suitable arrangements for the regulation of traffic.

(Code 1970, § 11-10)

Sec. 16-109. - Exceptions.

This division shall not apply to parades or convoys of any component of the armed forces of the United States, including the National Guard of South Carolina.

(Code 1970, § 11-11)

Sec. 16-110. - Compliance with division and permits issued thereunder.

It shall be unlawful for any person to violate or fail to comply with any provision of this division or any condition, restriction or limitation contained in any permit issued pursuant to this division.

(Code 1970, § 11-12)

Secs. 16-111—16-119. - Reserved.

DIVISION 3. - PICKETING

[Sec. 16-120. - Purpose of division.](#)

[Sec. 16-121. - Conditions under which picketing permitted; "block" defined; unlawful picketing generally.](#)

[Sec. 16-122. - Prohibited conduct with respect to picketers and others.](#)

[Sec. 16-123. - Persons not to use inflammatory words or gestures.](#)

[Sec. 16-124. - Authority of police to disperse groups of threatening bystanders, and to arrest those who fail to obey dispersal order.](#)

[Sec. 16-125. - Dispersal of crowds obstructing free use of street or sidewalk; duty to obey order to disperse.](#)

[Sec. 16-126. - Preventing, by force or threat, ingress or egress to or from buildings, etc., prohibited; unlawful assemblages.](#)

[Secs. 16-127—16-129. - Reserved.](#)

Sec. 16-120. - Purpose of division.

It is the purpose of this division to protect persons who are picketing in a lawful manner against interference by those who might attempt to intimidate them by violence or by the use of words or gestures which may tend to provoke or incite such picketers or others to a breach of the peace, and to preserve the public peace and tranquility while any picketing is taking place. It is also the purpose of this division to protect persons who are not picketing and who are acting in a lawful manner against interference by picketers or supporters of picketers who might attempt to intimidate them by violence or by the use of words or gestures which may tend to provoke a breach of the peace.

(Code 1970, § 11-13)

Sec. 16-121. - Conditions under which picketing permitted; "block" defined; unlawful picketing generally.

(a) Peaceful picketing in the furtherance of a lawful purpose shall be permitted in the city when it is

done under the following conditions:

- (1) Picketing may be conducted only on the sidewalks reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.
- (2) Not more than ten (10) pickets promoting the same objective shall be permitted to use one of the two sidewalks within a block of the city at any one time.
- (3) Such pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length, promoting the objective for which the picketing is done; provided, that the words used are not defamatory in nature or would tend to produce violence.
- (4) Pickets shall march in single file and not abreast, and may not march closer together than fifteen (15) feet, except in passing one another.
- (5) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten (10) pickets thereon, the public safety director shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(b) The term "block" as used in this section shall mean that portion of a street lying between street intersections.

(c) Picketing done contrary to the provisions of this division shall be unlawful.

(Code 1970, § 11-14)

Sec. 16-122. - Prohibited conduct with respect to picketers and others.

It shall be unlawful for any person to physically interfere with any picket or other person lawfully in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at any such picket or other person which would tend to provoke such other person or others to a breach of the peace.

(Code 1970, § 11-15)

Sec. 16-123. - Persons not to use inflammatory words or gestures.

It shall be unlawful for any person at or near a picket line to use any inflammatory words or gestures toward any other person who may be present.

(Code 1970, § 11-18)

Sec. 16-124. - Authority of police to disperse groups of threatening bystanders, and to arrest those who fail to obey dispersal order.

The police officers of the city, in the event of the assemblage of persons in such numbers as tend to intimidate pickets pursuing their lawful objective through numbers or through use of inflammatory words or gestures, may direct the dispersal of persons so assembled and may arrest any person who fails to move away from the place of such assemblage when so directed by the police.

(Code 1970, § 11-16)

Sec. 16-125. - Dispersal of crowds obstructing free use of street or sidewalk; duty to obey order

to disperse.

Whenever the free passage of any street or sidewalk in the city shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(Code 1970, § 11-17)

Sec. 16-126. - Preventing, by force or threat, ingress or egress to or from buildings, etc., prohibited; unlawful assemblages.

(a) It shall be unlawful for any person to prevent or attempt to prevent, by the use of force or threats, any employee, employer, licensee, invitee or customer from entering or leaving at will any factory, plant, warehouse, store or other establishment where such employee, employer, licensee, invitee or customer is employed or accustomed to work or where by license or invitation such person is entitled to be.

(b) All assemblages of persons upon the streets, sidewalks or public ways of the city, or upon any privately owned property without the consent of the owner or the person in charge thereof, for the purpose of preventing those who are lawfully entitled to enter or leave at their will any factory, plant, warehouse, store or other establishment in violation of subsection (a) of this section are hereby expressly prohibited and are declared to be unlawful, and such unlawful assemblages shall be dispersed by the police.

(Code 1970, § 11-19)

Cross reference— Obstructing building exits, § 16-42

Secs. 16-127—16-129. - Reserved.

ARTICLE VII. - OFFENSES AGAINST PROPERTY

[Sec. 16-130. - Tampering with, etc., personal property of city generally.](#)

[Sec. 16-131. - Damage, etc., to and trespass upon real property of city.](#)

[Sec. 16-132. - Damage to private personal property generally.](#)

[Sec. 16-133. - Malicious injury, etc., to animals, fowl or other personal property of another.](#)

[Sec. 16-134. - Damage to real property of another generally.](#)

[Sec. 16-135. - Same—Damage to real property by tenants.](#)

[Sec. 16-136. - Damaging landmarks.](#)

[Sec. 16-137. - Burning or defacing unfinished houses.](#)

[Sec. 16-138. - Damaging etc., telegraph and telephone wires, poles, etc.](#)

[Sec. 16-139. - Damaging, etc., electric wires, poles, etc.](#)

[Sec. 16-140. - Library, museum, etc.—Conversion of property.](#)

[Sec. 16-141. - Same—Cutting or mutilating books, magazines, etc.](#)

[Sec. 16-142. - Larceny—Generally.](#)

[Sec. 16-143. - Same—Breach of trust with fraudulent intent.](#)

[Sec. 16-144. - Same—Stealing chattels, bedding or furniture from lodgings.](#)

[Sec. 16-145. - Receiving stolen goods.](#)

[Sec. 16-146. - Same—Restoration to owner.](#)
[Sec. 16-147. - Burglary tools.](#)
[Sec. 16-148. - Theft of current.](#)
[Sec. 16-149. - Wrongful use of current.](#)
[Sec. 16-150. - Entering house with intent to commit crime.](#)
[Secs. 16-151—16-159. - Reserved.](#)

Sec. 16-130. - Tampering with, etc., personal property of city generally.

No person shall, without proper authority, knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any books, records, furniture, equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the city or any agency thereof.

(Code 1970, § 21-13)

Cross reference— Destroying or injuring cemetery property, § 7-9 et seq.; marking or damaging streets, sidewalks, etc., of the city, § 19-12 et seq.; damaging sewer works property, § 14-49

State law reference— Malicious injury to property, Code 1976, § 16-11-510.

Sec. 16-131. - Damage, etc., to and trespass upon real property of city.

No person shall, without proper authority, knowingly trespass upon or damage, deface, molest or otherwise interfere with any real property belonging to, leased to or used by the city or any agency thereof.

(Code 1970, § 21-14)

State law reference— Malicious injury to real property, Code 1976, § 16-11-520.

Sec. 16-132. - Damage to private personal property generally.

No person shall, knowingly and without proper authority, use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any personal property of another.

(Code 1970, § 21-59)

Cross reference— Damage to monuments and tombstones, see § 7-10

Sec. 16-133. - Malicious injury, etc., to animals, fowl or other personal property of another.

No person shall wilfully, unlawfully and maliciously cut, shoot, maim, wound or otherwise injure or destroy any horse, mule, meat cattle, hog, sheep, goat, fowl or any other kind, class, article or description of personal property, the goods or chattels of another, when the injury to or loss of the property affected by such act is less than fifty dollars (\$50.00).

(Code 1970, § 5-10)

Cross reference— Cruelty to animals, § 5-40 et seq.

State law reference— For similar state law, and state law as to similar acts when property value is fifty dollars or more, see Code 1976, § 16-11-510.

Sec. 16-134. - Damage to real property of another generally.

(a) No person shall, knowingly and without proper authority, destroy, damage, deface, molest, render inoperative or otherwise interfere with any real property of another, or knowingly trespass upon the property of another.

(b) When the 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 in subsection (a) of this section, for the purpose of trespassing.

(Code 1970, § 21-60)

State law reference— Malicious injury to real property, Code 1976, § 16-11-520; entry on another's land, § 16-11-600.

Sec. 16-135. - Same—Damage to real property by tenants.

Any tenant who shall wilfully and maliciously cut, deface, mutilate, burn, destroy or otherwise injure any dwelling house, outhouse, erection, building or crops then in the possession of such tenant shall be deemed guilty of a misdemeanor.

(Code 1970, § 21-61)

State law reference— Damage by tenant, Code 1976, § 16-11-570.

Sec. 16-136. - Damaging landmarks.

It shall be unlawful for any person knowingly, wilfully, maliciously or fraudulently, to cut, fell, alter or remove any certain boundary tree or other allowed landmark.

(Code 1970, § 21-43)

State law reference— Similar provisions, Code 1976, § 16-11-680.

Sec. 16-137. - Burning or defacing unfinished houses.

Whoever shall maliciously, unlawfully and wilfully burn, or cause to be burned, cut or cause to be cut or destroyed, any untenanted or unfinished house or building or any frame or frames of timber of any other person, made and prepared, or hereafter to be made or prepared, for or towards the making of any house, so that the same shall not be suitable for the purpose for which it was prepared, shall be deemed guilty of a misdemeanor.

(Code 1970, § 21-39)

State law reference— Similar provisions, Code 1976, § 16-11-560.

Sec. 16-138. - Damaging etc., telegraph and telephone wires, poles, etc.

Every person who wilfully or maliciously takes down, removes, damages, interferes with or obstructs any wire or pole erected by any telephone, telegraph or other utility company for the purpose of transmitting intelligence, and every person who shall wilfully or maliciously take down, remove, interfere with, obstruct or damage any part of such wire or pole, any crossarm, insulator, apparatus or appurtenance connected therewith, shall be deemed guilty of a misdemeanor.

(Code 1970, § 21-82)

State law reference— Similar provisions, Code 1976, § 16-11-740.

Sec. 16-139. - Damaging, etc., electric wires, poles, etc.

(a) It shall be unlawful for any person to wilfully, wantonly or without the consent of the owner thereof, take down, remove, damage, obstruct or displace any line, pole, tower, wire, conduit, cable, insulator or support erected and used for the transmission of electric current.

(b) It shall be unlawful for any person, wilfully, wantonly, or without the consent of the owner, to take down, remove, damage, obstruct or displace any part of any such line, pole, power, wire, conduit, cable, insulator or support, or in any other manner to interrupt the transmission of electricity over and along such line, or to take down, remove, destroy or damage any house, shop building or other structure or machinery connected with, or necessary to the use of, any electric line, or to wantonly or wilfully cause damage by means of fire to any of the property described above; provided, nothing herein contained shall operate to prevent any person from moving any of such properties which may have been affixed to such person's private property without such person's consent, or to prevent the city fire fighters from damaging or destroying any such properties when they may deem it necessary in the case of fire.

(Code 1970, § 21-83)

State law reference— Similar provisions, Code 1976, §§ 16-11-740, 16-11-750.

Sec. 16-140. - Library, museum, etc.,—Conversion of property.

(a) Whoever wilfully retains any book, magazine, pamphlet, manuscript, chart, picture, engraving, statue, coin, model, apparatus, specimen, or any literary or other property of any public library, reading room, museum, or other educational institution, after notice in writing to return the same after expiration of the time which, by the rules of such institution, such article or other property may be kept, shall be guilty of a misdemeanor.

(b) Any person who shall procure or take away any such item of property from any public library, reading room, museum or other educational institution with intent to convert the same to such person's own use, or with intent to defraud the owner thereof, or who, having procured or taken any such specified item of property, and shall thereafter convert the same to such person's own use, or fraudulently deprive the owner thereof, shall be guilty of a misdemeanor.

(Code 1970, § 21-47)

State law reference— Similar provisions, Code 1976, § 16-13-340.

Sec. 16-141. - Same—Cutting or mutilating books, magazines, etc.

Whoever, having access to, or being in possession of any book, magazine, newspaper, pamphlet, chart, picture, engraving, statue, coin, model, apparatus, specimen or any literary or other property of any public library, reading room, museum or other educational institution, shall wilfully or mischievously cut, mark, mutilate, deface or otherwise injure the same, shall be deemed guilty of a misdemeanor.

(Code 1970, § 21-48)

State law reference— Similar provisions, Code 1976, § 16-13-330.

Sec. 16-142. - Larceny—Generally.

Any simple larceny of 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 as was severed from the soil by an unlawful act, of the value of less than fifty dollars (\$50.00), shall be a misdemeanor and considered petit larceny.

(Code 1970, § 21-44)

State law reference— Similar provisions, Code 1976, § 16-13-30.

Sec. 16-143. - Same—Breach of trust with fraudulent intent.

It shall be unlawful and shall constitute petit larceny for any person in the city to commit a breach of trust with a fraudulent intent where the value of the goods or chattels is below the sum of fifty dollars (\$50.00); and it shall be unlawful and shall constitute petit larceny for any person in the city to hire or counsel any other person to so commit a breach of trust with fraudulent intent where the value of goods or chattels is below the sum of fifty dollars (\$50.00).

(Code 1970, § 21-45)

State law reference— Similar provisions, Code 1976, § 16-13-230.

Sec. 16-144. - Same—Stealing chattels, bedding or furniture from lodgings.

Whoever shall take away, with intent to steal, embezzle or purloin, any chattel, bedding or furniture, which by contract or agreement such person is to use, or shall be let to such person to use, in or with lodging, shall be, to all intents and purposes, taken, reputed and adjudged to be guilty of larceny and a misdemeanor.

(Code 1970, § 21-46)

State law reference— Similar provisions, Code 1976, § 16-13-90.

Sec. 16-145. - Receiving stolen goods.

In all cases whatever when any goods, chattels or other property of which larceny may be committed shall have been unlawfully taken or stolen by any person, every person who shall buy or receive any such goods, chattels or other property knowing the same to have been stolen shall be guilty of a misdemeanor, although the principal offender who unlawfully took or stole such goods, chattels or property be not previously convicted and whether the principal is amenable to justice or not; provided, that the chattel or other property stolen shall be of the value of less than fifty dollars (\$50.00).

(Code 1970, § 21-75)

State law reference— Similar provisions, Code 1976, § 16-13-180.

Sec. 16-146. - Same—Restoration to owner.

Any person from whom any money, goods or chattels may be stolen shall have such property restored to such owner upon conviction of the person who illegally deprived such owner of the possession thereof. The presiding officer of the municipal court, before whom such offender is found guilty, shall award writs of restitution for such money, goods or chattels.

(Code 1970, § 21-76)

Sec. 16-147. - Burglary tools.

It shall be unlawful for any person to make or mend, or cause to be made or mended, or have in such person's possession in the day or night, any engine, machine, tool, false key, picklock, bit, nippers, nitroglycerine, dynamite cap, coil or fuse, steel wedges, drills, tap pins or other implements or things adapted, designed or commonly used for the commission of burglary, larceny, safe cracking or other crime, under circumstances evincing any intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that the same are intended to be so used.

(Code 1970, § 21-7

State law reference— Similar provisions, Code 1976, § 16-11-20.

Sec. 16-148. - Theft of current.

It shall be unlawful for any person who has no contract, agreement, license or permission with or from any person authorized to manufacture, sell or use electricity for the purpose of light, heat or power, or with or from any authorized agent of such person for the use of electrical current belonging to, or produced or furnished by any such person, to wilfully withdraw, or cause to be withdrawn in any manner, or appropriate such current from the wires of any such person for one's own use, or for the use of any other person. It shall likewise be unlawful for any person to aid, abet or assist such other person in such withdrawing and appropriating of such current from such wires to or for the use of such other person, or to or for the use of any three (3) persons.

(Code 1970, § 13-3)

State law reference— Similar provisions, Code 1976, § 16-13-380.

Sec. 16-149. - Wrongful use of current.

Any person who has a contract, agreement, license or permission, oral or written, with or from any person authorized to manufacture, sell or use electricity for the purpose of light, heat or power, or with or from any authorized agent of any such person, for the use of the electrical current belonging to, or produced or furnished by any such person, for certain specified purposes, who shall wilfully and intentionally withdraw, or cause to be withdrawn in any manner, any electricity or electric current belonging to, or produced or furnished, by any such person, and appropriate the same to one's own use, or to the use of any other person, for purposes other than those specified in such contract, agreement, license or permission, shall be deemed guilty of a misdemeanor. Any such person to whom such electrical current is furnished from or by means of a meter, who shall wilfully and with intention to cheat and defraud any of such persons, alter or interfere with such meter, or by any contrivance whatsoever withdraw or take off electric current in any manner except through such meter shall likewise be deemed guilty of a misdemeanor.

(Code 1970, § 13-4)

State law reference— Similar provisions, Code 1976, § 16-13-390; tampering etc., with meters, § 16-13-385.

Sec. 16-150. - Entering house with intent to commit crime.

Any person who shall enter, without breaking, or attempt to enter, any house whatsoever, with intent to

steal or commit any other crime, or conceal such person's self in any house with like intent, shall be guilty of a misdemeanor.

(Code 1970, § 21-38)

State law reference— Similar provisions, Code 1976, § 16-13-170.

Secs. 16-151—16-159. - Reserved.

ARTICLE VIII. - OFFENSES AGAINST MORALS AND DECENCY

[Sec. 16-160. - Obscenity and profanity—Prohibited use generally.](#)

[Sec. 16-161. - Same—Messages and communications to women and children.](#)

[Sec. 16-162. - Placing sexually oriented materials upon public display; failure to remove such display.](#)

[Sec. 16-163. - Sale, exhibition to minors of indecent publication, pictures, or articles.](#)

[Sec. 16-164. - Public indecency.](#)

[Sec. 16-165. - Indecent dress or exposure of person; indecent behavior.](#)

[Sec. 16-166. - Prostitution and related offenses—Lewdness, assignation, prostitution and bawdy houses generally.](#)

[Sec. 16-167. - Same—Further acts unlawful relating to prostitution.](#)

[Sec. 16-168. - Solicitation for immoral purposes.](#)

[Sec. 16-169. - Transportation of another person for immoral purposes.](#)

[Sec. 16-170. - Steam or massage establishments.](#)

[Secs. 16-171—16-179. - Reserved.](#)

Sec. 16-160. - Obscenity and profanity—Prohibited use generally.

It shall be unlawful for any person to use obscene or profane language in any taxicab, bus or other public conveyance, or in any place of public worship or amusement, or on any street, sidewalk or other public place, or sufficiently near to any such place or to any residence or place of business as to disturb or annoy any other person.

(Code 1970, § 21-54)

Cross reference— Disorderly conduct, § 16-84 et seq.

Sec. 16-161. - Same—Messages and communications to women and children.

It shall be unlawful for any person in the city to write, print, or by any other manner or means to communicate, send or deliver to any woman or child any obscene, profane, indecent, vulgar, suggestive or immoral message.

(Code 1970, § 21-55)

State law reference— Similar provisions, Code 1976, § 16-15-250.

Sec. 16-162. - Placing sexually oriented materials upon public display; failure to remove such display.

Any person who intentionally and knowingly places sexually oriented materials upon public displays, or who knowingly and intentionally fails to take prompt action to remove such a display from property in such person's possession after learning of its existence, shall be deemed guilty of a misdemeanor and shall be punished as provided in section 1-8.

(Code 1970, § 21-56)

Sec. 16-163. - Sale, exhibition to minors of indecent publication, pictures, or articles.

(a) *Definitions.* For the purposes of this section:

(1) "Description or depictions of illicit sex or sexual immorality" shall mean:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, or buttock or female breast.

(2) "Nude or partially denuded figures" shall mean:

- a. Less than completely and opaquely covered:
 1. Human genitals,
 2. Pubic regions,
 3. Buttocks, and
 4. Female breast below a point immediately above the top of the areola, and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) "Knowingly" shall mean having knowledge of the character and content of the publication or failure on notice to exercise reasonable inspection which would disclose the content and character of the same.

(b) *Prohibition and penalty.* Every person who, for commercial gain, shall willfully or knowingly engage in the business of selling, lending, giving away, showing, advertising for sale or distributing to any person under the age of eighteen (18) years or has in his possession with intent to engage in the said business or to otherwise offer for sale or commercial distribution to any individual under the age of eighteen (18) years or where said minors are or may be invited as a part of the general public any motion picture or live show or any still picture or photograph or any book, pocket book, pamphlet or magazine the cover of which exploits, is devoted to, or is principally made up of descriptions or depictions of illicit sex or sexual immorality, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust or perversion for commercial gain or any article or instrument of indecent or immoral use shall, upon conviction, be subject to penalties as follows: a fine of not more than two hundred dollars (\$200.00) or

imprisonment for not more than thirty (30) days or both.

(c) *Severability clause.* If any portion or portions of this section are found to be in conflict with state or local statutes or laws, those portions so conflicting shall be conformed to such state or federal standards without affecting the other portions of this section.

(Ord. of 4-17-79, §§ 1—3)

Sec. 16-164. - Public indecency.

It shall be unlawful for any person knowingly or intentionally to appear, or allow another person to appear, in a state of nudity in any public place or public gathering. For purposes of this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

(Ord. No. 93-10, § I, 4-5-93)

Sec. 16-165. - Indecent dress or exposure of person; indecent behavior.

It shall be unlawful for any person to appear naked in any public place in the city, or in an indecent or lewd dress, or to make any indecent exposure of the person, or to be guilty of any indecent or lewd act or behavior.

(Code 1970, § 21-42; Ord. No. 93-10, § II, 4-5-93)

State law reference— Similar provisions, Code 1976, § 16-15-90(4).

Sec. 16-166. - Prostitution and related offenses—Lewdness, assignation, prostitution and bawdy houses generally.

It shall be unlawful to:

- (1) Engage in prostitution;
- (2) Aid or abet prostitution knowingly;
- (3) Procure or solicit for the purpose of prostitution;
- (4) Expose indecently the private person for the purpose of prostitution or other indecency;
- (5) Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;
- (6) Keep or set up a house of ill fame, brothel or bawdy house;
- (7) Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;
- (8) Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;
- (9) Direct, take or transport, offer or agree to take or transport or aid or assist in transporting any

person to any vehicle, conveyance, trailer, place, structure or building or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation; or

(10) Lease or rent or contract to lease or rent any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited.

(Code 1970, § 21-62; Ord. No. 93-10, § II, 4-5-93)

Cross reference— Transporting persons for immoral purposes in vehicles for hire, § 23-3

State law reference— Similar provisions, Code 1976, § 16-15-90.

Sec. 16-167. - Same—Further acts unlawful relating to prostitution.

It shall be unlawful to:

- (1) Procure a female inmate for a house of prostitution;
- (2) Cause, induce, persuade or encourage by promise, threat, violence or by any scheme or device a female to become a prostitute or to remain an inmate of a house of prostitution;
- (3) Induce, persuade or encourage a female to come into or leave this city for the purpose of prostitution or to become an inmate in a house of prostitution;
- (4) Receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female to become a prostitute or an inmate in a house of prostitution;
- (5) Accept or receive knowingly any money or other thing of value without consideration from a prostitute.

(Code 1970, § 21-63; Ord. No. 93-10, § II, 4-5-93)

State law reference— Similar provisions, Code 1976, § 16-15-100.

Sec. 16-168. - Solicitation for immoral purposes.

It shall be unlawful for any person to invite, entice or solicit any other person in the city for immoral purposes. It shall be unlawful for any person to invite, entice, address or solicit another person from any door, window, porch or other portion of any house or building, or upon any street, sidewalk or public place, for immoral purposes.

(Code 1970, § 21-72; Ord. No. 93-10, § II, 4-5-93)

Sec. 16-169. - Transportation of another person for immoral purposes.

(a) It shall be unlawful for any person to transport, carry or convey another person by any means of conveyance for any immoral purpose.

(b) Any city license or permit to operate or drive a taxicab or other vehicle for hire, which is held by any person convicted of violating subsection (a) of this section shall thereupon stand revoked, and shall be surrendered forthwith to the presiding officer of the municipal court.

(Code 1970, § 21-79; Ord. No. 93-10, § II, 4-5-93)

Sec. 16-170. - Steam or massage establishments.

It shall be unlawful for any person to operate a steam or massage establishment within the city.

(Ord. of 1-22-74; Ord. No. 93-10, § II, 4-5-93)

Secs. 16-171—16-179. - Reserved.

ARTICLE IX. - WEAPONS ^[37]

⁽³⁷⁾ **Editor's note**— Ord. No. 84-26, § 1, enacted Jan. 21, 1985, amended Art. IX, §§ 16-180—16-187, to read as herein set out. Formerly Art. IX was derived from Code 1970, §§ 35-1—35-8, and also pertained to weapons.

[Sec. 16-180. - Presenting or pointing firearms.](#)

[Sec. 16-181. - Discharging firearms generally; forfeiture of weapon in certain cases.](#)

[Sec. 16-182. - Discharging firearms at or into dwellings.](#)

[Sec. 16-183. - Carrying concealed weapons a misdemeanor; forfeiture of weapons.](#)

[Sec. 16-184. - Dirks and ice picks less than twenty inches long and one pound in weight.](#)

[Sec. 16-185. - Bows and arrows, air guns, slingshots, etc.](#)

[Sec. 16-186. - Allowing minors or intoxicated persons to shoot in shooting galleries.](#)

[Sec. 16-187. - Disposition of forfeited weapons.](#)

Sec. 16-180. - Presenting or pointing firearms.

It shall be unlawful for any person to present or point at any other person any loaded or unloaded firearm in the city. Any person convicted hereunder shall forfeit the said weapon to the city. Nothing herein contained shall be construed to abridge the right of self-defense, or to apply to public officers or members of the armed forces of the United States or this state when acting in the line of duty, or to lawful theatrical or like performances.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-181. - Discharging firearms generally; forfeiture of weapon in certain cases.

No person, except in cases of urgent necessity, shall discharge or cause to be discharged any firearm in the city. Any firearm so discharged shall be forfeited to the city. Nothing contained in this section shall be construed to apply to this discharge of firearms in a shooting gallery or pursuant to the written permission of the mayor or public safety director or to theatrical or like performances or military or similar displays, or to abridge the right of self-defense, or to prohibit or restrain any police duty or any other duty imposed by law or the shooting of any rabid dog or other dangerous or wild animal.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-182. - Discharging firearms at or into dwellings.

Any person who shall unlawfully discharge or cause to be discharged any firearm at or into any house occupied as a dwelling shall be guilty of a misdemeanor.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-183. - Carrying concealed weapons a misdemeanor; forfeiture of weapons.

Any person carrying a dirk, slingshot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury, concealed about the person shall be guilty of a misdemeanor and, upon conviction thereof, in the municipal court, shall forfeit to the city the weapon so carried concealed and be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned not less than ten (10) days, in the discretion of the court. Nothing herein contained shall be construed to apply to persons carrying concealed weapons upon their own premises or to peace officers in the actual discharge of their duties as such.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-184. - Dirks and ice picks less than twenty inches long and one pound in weight.

Any person carrying a dirk or ice pick less than twenty (20) inches long and one pound in weight shall be guilty of a misdemeanor. Any person convicted hereunder shall forfeit the weapon to the city.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-185. - Bows and arrows, air guns, slingshots, etc.

It shall be unlawful for any person to shoot arrows or use air guns, slingshots, or any other device for throwing missiles in, across, or near any of the streets, sidewalks, or public places of the city or the land of any other person. Any person convicted hereunder shall forfeit the weapon to the city.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-186. - Allowing minors or intoxicated persons to shoot in shooting galleries.

It shall be unlawful for any person conducting any shooting gallery in the city to allow any minor, except with the consent of the parent or guardian of such minor, or any intoxicated person to shoot therein.

(Ord. No. 84-26, § 1, 1-21-85)

Sec. 16-187. - Disposition of forfeited weapons.

All weapons forfeited to the city under the terms of this article shall be utilized within the North Augusta Department of Public Safety, transferred to another law enforcement agency, or destroyed by the director of public safety.

(Ord. No. 84-26, § 1, 1-21-85)

⁽³⁷⁾ **Cross reference**— Firearms registration by pawnbrokers, § 15-44 (Back)

Chapter 17 - PARKS AND RECREATION ^[38]

⁽³⁸⁾ **Cross reference**— Department of recreation and parks, director, recreation and parks commission, § 2-230 et seq.; conversion of library property, § 16-140 et seq.

[Sec. 17-1. - Management and control.](#)

[Sec. 17-2. - Authority to lease park property.](#)

Sec. 17-1. - Management and control.

The city council shall have the entire care, management and control of all public parks in the city and shall direct the improvement and embellishment of the walks, play fields, and grounds and provide for the protection of all public property therein. It shall also provide for the maintenance of order in all public parks, and shall have the power to prescribe by resolution certain rules and regulations not consistent with law or with the ordinances of the city for the government of said public parks. It shall be unlawful for any person to fail, neglect, or refuse to comply with such rules and regulations.

(Code 1970, § 29-28; Ord. of 7-3-79)

Sec. 17-2. - Authority to lease park property.

Notwithstanding the provisions of 17-1, the city council is hereby authorized to lease park property when the city council believes that the leasing of said property is in the best interest of the citizens of the community and it will further the city's goals of providing recreational opportunities to its citizens. Any such leasing of property must be in written form and formally approved and entered into by ordinance.

(Ord. No. 04-30, § I, 12-20-04)

⁽³⁸⁾ **State Law reference**— Parks, recreational facilities and tourism, Code 1976, § 51-15-10 et seq. (Back)

Chapter 18 - PLANNING

NORTH AUGUSTA DEVELOPMENT CODE

ZONING AND LAND DEVELOPMENT REGULATIONS ^[39]

⁽³⁹⁾ **Editor's note**— Ord. No. 2010-10, § I.A., adopted May 17, 2010, amended ch. 18 in its entirety. The former ch. 18 pertained to planning and derived from Ord. of July 6, 1971, §§ 1—3; Ord. No. 88-05, § 1, adopted June 6, 1988; and Ord. No. 91-07, § 2, adopted Apr. 15, 1991.

[Sec. 18-1. - North Augusta Development Code incorporated by reference.](#)

Sec. 18-1. - North Augusta Development Code incorporated by reference.

The North Augusta Development Code, enacted on December 17, 2007, and as amended, is hereby incorporated as a part of this Code as fully as if set forth herein. The development code and amendments are on file at the city clerk's office or can be accessed on the city's website here: <http://www.northaugusta.net/Default.aspx?TabId=157&xsfid=94>.

(Ord. No. 2010-10, § I., 5-17-10)

Editor's note— Ord. No. 2007-22, §§ I—VII, adopted Dec. 17, 2007, adopted a new development code for the city. Section II of Ord. No. 2007-22 repealed the city's previous zoning ordinance, Ord. No. 96-15, adopted Nov. 18, 1996.

Chapter 19 - STREETS, SIDEWALKS AND PUBLIC PLACES ^[40]

⁽⁴⁰⁾ **Cross reference**— Duties of public works engineer, § 2-215 et seq.; removal of encroachments, § 2-217; crowds causing obstruction, § 16-89; obstructing by railroad trains, § 22-11; parades and demonstrations, § 16-100 et seq.; picketing, § 16-120 et seq.; dropping materials on streets, § 12-30 et seq.

[Sec. 19-1. - Building numbering.](#)

[Sec. 19-2. - Notice to public safety director of obstruction, excavation, etc., of street or sidewalk.](#)

[Sec. 19-3. - Excavations—Permit required.](#)

[Sec. 19-4. - Same—Cash deposit.](#)

[Sec. 19-5. - Same—Bond.](#)

[Sec. 19-6. - Same—Repair of pavement.](#)

[Sec. 19-7. - Placing and maintaining poles and structures in streets—Permit required.](#)

[Sec. 19-8. - Same—Size, material, location, etc.](#)

[Sec. 19-9. - Same—Revocation or modification of permit.](#)

[Sec. 19-10. - Same—Maintenance.](#)

[Sec. 19-11. - Same—Removal of dirt when poles are set; removal of poles generally.](#)

[Sec. 19-12. - Removing, damaging, etc., pipes, poles, wires, etc., during improvements.](#)

[Sec. 19-13. - Depth at which pipes, etc., to be laid.](#)

[Sec. 19-14. - Penetrating curbstones when laying pipes, etc.](#)

[Sec. 19-15. - Violation of sections 19-7 through 19-11.](#)

[Sec. 19-16. - Permit required for removal of sand, clay, etc.](#)

[Sec. 19-17. - Marking, damaging, etc., streets, sidewalks, etc.](#)

[Sec. 19-18. - Damaging trees, shrubs, etc., along streets.](#)

[Sec. 19-19. - Gates or doors opening on streets, etc.](#)
[Sec. 19-20. - Barbed wire fences.](#)
[Sec. 19-21. - Conduits to carry surface or roof water to street gutter.](#)
[Sec. 19-22. - Enclosure of low lots adjacent to streets or sidewalks.](#)
[Sec. 19-23. - Maintenance of railroad crossings.](#)
[Sec. 19-24. - Placing of harmful material or obstructions.](#)
[Sec. 19-25. - Custom street light fees.](#)

Sec. 19-1. - Building numbering.

Any person owning property within the city upon which any building has been constructed shall properly display and maintain legible premises numbers as designated or assigned by the public works department of the city. Such numbers shall be maintained on the premises at all times by the owner, occupant or person in charge of the premises. It shall be unlawful to tamper with or remove such numbers in such a manner that the numbers are not legible to persons traveling along the sidewalk or roadway in front of such building. Should a change of numbers become necessary, this section shall apply to the new numbers assigned by the public works department of the city. It shall be unlawful for any person to fail, neglect or refuse to comply with this section.

(Code 1970, § 29-1)

Sec. 19-2. - Notice to public safety director of obstruction, excavation, etc., of street or sidewalk.

Any person desiring to place any obstruction of any kind whatsoever in any of the streets, parks, squares or sidewalks of the city, or to make any repairs, alterations or excavations of any kind in the same, shall comply with all the ordinances of the city, and in addition thereto, shall give the public safety director written notice thereof. Such notice shall contain the exact location of the obstruction, alteration, repair work or excavation, the nature of the same, the time at which such work or obstruction shall begin or be made, and the probable length of time required to complete or remove the same. The notice shall be given at least two (2) hours before the work or obstruction shall begin or be made. Such person shall immediately after such work, alteration or obstruction is finished or removed, notify the director accordingly.

(Code 1970, § 29-27)

Sec. 19-3. - Excavations—Permit required.

It shall be unlawful for any person to break, dig holes or trenches in or cause excavation of any kind to be made in any of the streets, parks, squares or sidewalks of the city for the purpose of placing any poles, rails, cables or wires of any kind, or for laying water, sewer, gas or other pipes, or for any other purpose, except with a written permit from the public works engineer.

(Code 1970, § 29-4)

Cross reference— Excavations for sewers, § 14-104(b).

Sec. 19-4. - Same—Cash deposit.

When an excavation permit is granted, the person obtaining such permit shall, before beginning work thereunder, deliver to the city a cash deposit in such sum as may be required by the council by resolution. The return to the permittee of such cash deposit shall be conditioned upon the proper repair, renewal or replacement of any street, surface, pavement, sidewalk, curbstone or other public property

that may be removed, disturbed or otherwise damaged during the course of the work under such permit and upon the leaving by the permittee of the same in as good condition as before such work was done or such excavation made.

(Code 1970, § 29-5)

Sec. 19-5. - Same—Bond.

When an excavation permit is granted, the person obtaining such permit shall, before beginning work thereunder, execute and deliver to the city a good and sufficient bond in writing in such sum as may be required by resolution of the council, conditioned upon the payment of any damages which may result to any persons or property by reason of any pole, pipe, wire, barrier or other obstruction of any kind placed in or upon the streets, parks, squares, sidewalks or curbstones of the city by the permittee or the permittee's agent and further conditioned upon the repayment to the city of any sum of money which the city may at any time be compelled to pay out by reason of any acts on the part of such permittee or such permittee's agent.

(Code 1970, § 29-6)

Sec. 19-6. - Same—Repair of pavement.

When pavement is disturbed or removed by any person making excavations therein pursuant to a permit obtained hereunder, the person making such excavation or causing the same to be made, shall repair or replace the same in accordance with the requirements of the public works engineer.

(Code 1970, § 29-7)

Cross reference— Damage to city property, §§ 16-130 , 16-131

Sec. 19-7. - Placing and maintaining poles and structures in streets—Permit required.

It shall be unlawful for any person to place or erect any pole or structure in or on any of the streets, parks, squares or sidewalks of the city without first securing a permit from the public works engineer to do so.

(Code 1970, § 29-11)

Sec. 19-8. - Same—Size, material, location, etc.

Any person having obtained a permit for the placing or erecting of poles or structures as referred to above shall, before placing or erecting such pole or structure, apply to the public works engineer for specifications as to the size, material and character of such poles or structures and such engineer's requirements as to the location, placing and erecting of any such poles or structures. It shall be the duty of the public works engineer to furnish such specifications and requirements.

(Code 1970, § 29-12)

Sec. 19-9. - Same—Revocation or modification of permit.

The council may revoke or modify any permit which may have previously been granted by the public works engineer to any person to place or erect any pole or structure upon any street, alley, park, square or sidewalk in the city. Immediately upon notice of such revocation or modification, it shall be the duty of every person who has erected or maintained such pole or other structure to comply with the

order of the council in regard thereto.

(Code 1970, § 29-13)

Sec. 19-10. - Same—Maintenance.

All poles or structures which are now or may hereafter be placed or erected in or on any of the streets, parks, squares or sidewalks of the city shall be maintained by the person placing, erecting or owning the same, in such manner as may be required by the public works engineer.

(Code 1970, § 29-14)

Sec. 19-11. - Same—Removal of dirt when poles are set; removal of poles generally.

All telephone, telegraph, electric light and other companies setting poles for business purposes in the city shall remove all surplus dirt after setting such poles.

Where poles are removed after being set, the sidewalk shall be left in as good condition as before such work was done. In removing poles it shall not be sufficient to saw them off on a level with the surface, leaving the bodies of the poles in the ground, but they shall be wholly removed, the holes filled and the surface replaced with material similar to that of the surface.

(Code 1970, § 29-16)

Sec. 19-12. - Removing, damaging, etc., pipes, poles, wires, etc., during improvements.

Whenever, in the opinion of the public works engineer or the council, it is necessary to have the pipes of gas or water companies or the poles, wires, rails or other appurtenances of any kind of telegraph, telephone, electric lighting, electric power of public transportation companies changed, removed or relaid for the purpose of improvements in streets, parks, squares, sidewalks or curbstones, whether by regrading, widening or otherwise improving such streets, parks, squares, sidewalks or curbstones, the owners of such pipes, poles, wires, rails or other appurtenances shall, within a reasonable time after demand made on them by the council or the public works engineer, remove, relay or otherwise change the position of such pipes, poles, wires, rails or appurtenances as may be directed by the public works engineer, at the expense of such owners. In no case shall such owners be entitled to damages from the city for interference with or injury to such pipes, poles, wires, rails or other appurtenances by reason of work upon, or improvement in, or on any street, alley, park, square, sidewalk or curbstone by authority of the city or its officers or agents.

(Code 1970, § 29-8)

Sec. 19-13. - Depth at which pipes, etc., to be laid.

No person shall lay or place any sewer, water or gas pipes, or other conduits, in or under any of the streets, parks, squares, sidewalks or curbstones in the city, unless such pipes and conduits shall be laid at such depth below the surface of such streets, parks, squares, sidewalks or curbstones as may be required by the public works engineer.

(Code 1970, § 29-9)

Sec. 19-14. - Penetrating curbstones when laying pipes, etc.

Persons laying pipes or other conduits in any street, alley or sidewalk and having occasion, in connection therewith, to penetrate any curb or curbstone shall do so only in such manner as may be specified by the public works engineer.

(Code 1970, § 29-10)

Sec. 19-15. - Violation of sections 19-7 through 19-11.

All poles, pipes or structures placed or erected or permitted to remain in any of the streets, parks, squares or sidewalks of the city, in violation of the requirements of sections 19-7 through 19-11 are hereby declared to be public nuisances. Any person erecting or owning any such poles, pipes or other structures shall, upon notice from the public works engineer, remove such poles, pipes or other structures within a reasonable time to be specified in such notice. Upon the failure of such person to so remove same within such time, the public works engineer may have such poles, pipes or structures removed and the city may collect the cost of such removal from the person erecting or owning the same, in the same manner in which debts of like amounts are now collected by law. Any person refusing or failing to remove such pole, pipe or other structure after notice from the public works engineer shall be guilty of a misdemeanor.

(Code 1970, § 29-15)

Sec. 19-16. - Permit required for removal of sand, clay, etc.

It shall be unlawful for any person to remove any sand, clay, dirt or other material from any of the streets, parks, squares or sidewalks of the city, except pursuant to a permit from the public works engineer. This section shall not be construed to apply to the proper and necessary sweeping and cleaning of the streets and sidewalks.

(Code 1970, § 29-17)

Sec. 19-17. - Marking, damaging, etc., streets, sidewalks, etc.

It shall be unlawful for any person to mark, deface or damage any of the streets, alleys, parks, squares, sidewalks or curbstones of the city.

(Code 1970, § 29-19)

State law reference— For state law as to repair of streets, ways and bridges, see Code 1976, § 5-27-120.

Sec. 19-18. - Damaging trees, shrubs, etc., along streets.

Except as otherwise provided, it shall be unlawful for any person to cut, break, mutilate, deface or in any manner destroy or damage any tree, flower, vine, plant or shrub, or any boxing, pot or other thing provided for the protection thereof in or upon any street, alley, square or sidewalk in the city.

(Code 1970, § 29-20)

Sec. 19-19. - Gates or doors opening on streets, etc.

No person shall permit any gate or door attached to a building or fence upon such person's property or property over which such person has control to open into or upon any street, sidewalk or public square.

Any person found to be violating the provisions of this section shall be notified by the public works engineer to remedy such condition within a space of five (5) days, and neglect or failure on the part of such offending person so to do shall constitute a misdemeanor.

(Code 1970, § 29-23)

Sec. 19-20. - Barbed wire fences.

It shall be unlawful for any person to erect or maintain any barbed wire fences along and within twenty (20) feet of any street, sidewalk or public square in the city.

(Code 1970, § 29-24)

Sec. 19-21. - Conduits to carry surface or roof water to street gutter.

Any person owning any lot of land from which the surface or roof water is permitted to drain into or across any sidewalk or curbstone within the city shall, within twenty-four (24) hours after notice from the public works engineer, furnish, at such owner's expense, such piping or other materials as may be specified by such engineer, for the purpose of constructing a conduit to carry such surface or roof water from such lot of land to the nearest street gutter. Within a reasonable time thereafter, not to exceed five (5) days, such conduit shall be constructed under the supervision of the public works engineer by and at the expense of the owner.

(Code 1970, § 29-25)

Sec. 19-22. - Enclosure of low lots adjacent to streets or sidewalks.

Every person owning, leasing or occupying any lot of land which is so far below the level of any street, alley, sidewalk or public square as to be dangerous to persons or animals, shall enclose such low place in such a manner as will prevent danger to persons or animals passing along such streets, alleys, sidewalks or squares. The public works engineer shall give immediate notice to any such owner, lessee or occupant and any person failing to comply with the terms of such notice shall be guilty of a misdemeanor and shall also be liable in damages for any injury to person or property caused by such failure to comply.

(Code 1970, § 29-26)

Cross reference— Law lots constituting a nuisance, § 12-25

Sec. 19-23. - Maintenance of railroad crossings.

(a) Any railroad company, the tracks of which cross the streets or sidewalks of the city, shall, at its own expense, place and keep in repair planks, brick or other paving of the same character as that used on the street, between and on both sides of each rail at such respective crossings for the full width of such streets and sidewalks, so that such crossings may be convenient and comfortable for the passage of vehicles, animals and pedestrians; and if, in the opinion of the council, any subsequent alteration of the street or sidewalk, or any additional safeguards are required at the crossing, the council may order the railroad company to establish the same.

(b) Every such railroad company violating any of the provisions of this section shall be guilty of a misdemeanor. Every separate day of twenty-four (24) hours during which any such crossing shall remain out of repair shall constitute a separate offense under this section.

(Code 1970, § 25-1)

State law reference— For similar state law, see Code 1976, § 58-17-1350.

Sec. 19-24. - Placing of harmful material or obstructions.

It shall be unlawful for any person to place any boxes, bricks, branches of trees, glass, ashes, chips, dirt or any other obstruction harmful material in any street, park, square or sidewalk.

(Code 1970, § 15-5)

Cross reference— Littering, § 12-30 et seq.

Sec. 19-25. - Custom street light fees.

There is hereby imposed upon each residential customer located within a subdivision of the city served by decorative street lights a charge for custom street lights of one dollars and sixty-five cents (\$1.65) per month.

For purposes of this section, the definition of residential shall be as previously defined.

(Ord. No. 2007-18, § I, 11-19-07)

Chapter 20 - RESERVED ^[41]

⁽⁴¹⁾ **Editor's note—** Ord. No. 2010-10, § I.B., adopted May 17, 2010, repealed ch. 20 in its entirety. The former ch. 20 pertained to subdivision regulations and derived from Ord. No. 96-15, § II, adopted Nov. 18, 1996; Ord. No. 88-16, adopted Nov. 7, 1988; and Ord. No. 96-15 § I, adopted Nov. 18, 1996.

Chapter 21 - TAXATION ^[42]

⁽⁴²⁾ **Editor's note—** Ord. No. 98-11, § I, adopted Oct. 19, 1998, changed the title of Ch. 21 from "Taxation of Property" to "Taxation," designated §§ 21-1—21-9 of the Code as Art. I, "Real and Personal Property Tax," and enacted new provisions as Art. II, "Local Accommodations Tax," §§ 21-15—21-19, and Art. III, "Local Hospitality Tax," §§ 21-21—21-25.

ARTICLE I. - REAL AND PERSONAL PROPERTY TAX
ARTICLE II. - LOCAL ACCOMMODATIONS TAX
ARTICLE III. - LOCAL HOSPITALITY TAX

⁽⁴²⁾ **Cross reference**— Occupational license taxes generally, Ch. 15 (Back)

⁽⁴²⁾ **State Law reference**— Authority to levy and collect taxes, Code 1976, § 5-7-30. (Back)

ARTICLE I. - REAL AND PERSONAL PROPERTY TAX

[Sec. 21-1. - Fiscal year.](#)

[Sec. 21-2. - Annual tax levy; method of making assessments.](#)

[Sec. 21-3. - Period covered by annual tax levy.](#)

[Sec. 21-4. - Homestead, disabled veterans and paraplegic tax exemptions.](#)

[Sec. 21-5. - Due date and delinquency date; penalties.](#)

[Sec. 21-6. - Fees and costs allowed.](#)

[Sec. 21-7. - Unpaid taxes constitute lien on property.](#)

[Sec. 21-8. - Use of motor vehicle on which personal property taxes are delinquent—Prohibited.](#)

[Sec. 21-9. - Same—Determination of delinquency.](#)

[Secs. 21-10—21-14. - Reserved.](#)

Sec. 21-1. - Fiscal year.

The fiscal year for the city is hereby designated and declared to be the calendar year.

(Code 1970, § 31-2)

Sec. 21-2. - Annual tax levy; method of making assessments.

The council shall each year, subsequent to the adoption of an annual budget duly passed, levy on all property within the city not exempt therefrom by law, such a tax not exceeding the amount or number of mills limited by law as may be necessary to defray the current expenses and such other costs and expenses as may be necessary to properly run, maintain and support the city and its government in all its different departments in accordance with the annual budget.

The listing and assessment of property for city taxes shall be the same as that of the assessment for the state and county taxes and the tax duplicate, or tax books, and the tax listing of all property in the city for the city taxes shall be made up and copied from the tax books or duplicate of the tax assessor of the county, as last made up by such assessor for state and county taxes, by the city treasurer without the necessity of making separate returns for city taxation.

(Code 1970, § 31-1)

State law reference— Municipal taxes to be levied on same assessment as for state taxes, Code 1976, § 12-37-30; authority to copy county assessments, § 12-37-40; property subject to taxes, § 5-21-110.

Sec. 21-3. - Period covered by annual tax levy.

The period for which the annual tax levy is made, except for motorized vehicles, shall be from the first

day of January of each year to the first day of January of the following year.

The period for which the annual tax levy is made for motorized vehicles which are required to be licensed by Section 53-3-110, Code of Laws of South Carolina, shall be from the last day of the month in which a license is issued each year and shall end on the last day of the month in which the license expires or is due to expire in the following year.

(Code 1970, § 31-4; Ord. No. 80-10, § 1, 7-15-80)

Sec. 21-4. - Homestead, disabled veterans and paraplegic tax exemptions.

(a) *Sixty-five or older and permanently disabled.* An amount, as set by state law, of the fair market value of the dwelling place of persons shall be exempt from municipal real estate property taxes when such persons have been residents of the state for at least one year, have reached the age of sixty-five (65) years on or before December thirty-first or any person who has been classified as totally and permanently disabled by a state or federal agency having the function of so classifying persons or any person who is legally blind as defined in Section 43-25-20, Code of Laws of South Carolina 1976, as amended, preceding the tax year in which the exemption here is claimed and who holds complete fee simple title or a life estate to the dwelling place. The exemption shall include the dwelling place when jointly owned in complete fee simple or life estate by husband and wife and either has reached sixty-five (65) years of age, or is totally and permanently disabled, or legally blind on or before December thirty-first preceding the tax year in which the exemption is claimed and either has been a resident of the state for one year.

In order to qualify for such homestead exemption such property owners must qualify for a homestead exemption for the county real estate property taxes in accordance with the procedure set forth in Sections 12-37-250 and 12-37-260, Code of Laws of South Carolina 1976, as amended. No municipal homestead exemption shall be granted to any property owner not receiving a homestead exemption on the county real estate property taxes.

(b) *Disabled veterans.* The dwelling house in which he resides and lot not to exceed one acre belonging to any veteran who is one hundred (100) per cent permanently and totally disabled from a service-connected disability shall be exempt from municipal taxes, provided such veteran shall file a certificate signed by the county service officer of such total and permanent disability with the state tax commission. This exemption shall be allowed to the widow of any such veteran as long as she does not remarry and resides in the exempt house.

One personal motor vehicle owned by any disabled veteran designated by the veteran for which special license tags have been issued by the state department of highways and public transportation under the provisions of State Law 56-3-1110 to 56-3-1130 or, in lieu of such license, having a certificate signed by the county service officer or the Veterans Administration of such total and permanent disability filed with the tax commission shall be exempt from municipal taxes.

(c) *Paraplegics.* The dwelling house in which he has residence and lot not to exceed one acre belonging to any paraplegic so long as such property is owned and occupied by the person or his widow, so long as she does not remarry and resides in the exempt house, shall be exempt from municipal taxes provided that such paraplegic shall furnish proof of his disability.

(Ord. of 1-4-77; Ord. No. 80-19, § 1, 12-16-80)

State law reference— Enabling legislation, Code 1976, § 12-37-285.

Sec. 21-5. - Due date and delinquency date; penalties.

The period for paying taxes on motorized vehicles which are required to be licensed by Section 53-3-110, Code of Laws of South Carolina shall be from the first day of the month in which a license is issued or due to be issued each year to the last day of the month in which the license is issued or due to be issued of the same year.

The period for paying taxes on all property except motorized vehicles shall be from the first day of January of the fiscal year for which such taxes are due to the first day of May of the same year.

After the period for paying taxes has expired, such taxes shall become delinquent and the following penalties shall be added: Commencing May first, and immediately thereafter a penalty of fifteen (15) per cent shall be added, and the city treasurer shall write up executions for all unpaid taxes, including penalties and cost, directed to the tax collector of the city, who shall enforce payment of all such taxes and penalties levied and provided for under the authority of this chapter against the property of defaulters, to the same extent, and substantially in the same manner, as is provided by law for collection of state and county taxes and penalties, except that all sales under and by virtue of such executions shall take place in front of city hall.

(Ord. of 7-20-76; Ord. No. 80-10, § 2, 7-15-80)

State law reference— Delinquency penalties, Code 1976, § 12-45-180.

Sec. 21-6. - Fees and costs allowed.

The city shall be allowed fees and costs in the enforcement of the executions referred to in section 21-5, and for sales thereunder.

(Code 1970, § 31-5)

State law reference— Fees and charges, Code 1976, §§ 12-49-740, 12-51-40.

Sec. 21-7. - Unpaid taxes constitute lien on property.

The taxes levied, and also the penalties, shall constitute a lien upon the property upon which the tax is levied until paid, paramount to all other liens, except the lien for county and state taxes, as provided in the Code of Laws of South Carolina Code 1976, as amended.

(Code 1970, § 31-6)

Sec. 21-8. - Use of motor vehicle on which personal property taxes are delinquent—Prohibited.

It shall be unlawful for any resident of the city who owes personal property taxes on any motor vehicle to the city and such taxes are delinquent and unpaid, to operate within the city or upon the public streets or ways of the city such motor vehicle on which personal property taxes due to the city are delinquent and unpaid.

(Ord. of 9-5-72, § 1)

Sec. 21-9. - Same—Determination of delinquency.

Personal property taxes assessed against any motor vehicle owned by any resident of the city shall be delinquent when same are past due and unpaid and have gone into execution as provided for by the

ordinances of the city.

(Ord. of 9-5-72, § 2)

Secs. 21-10—21-14. - Reserved.

ARTICLE II. - LOCAL ACCOMMODATIONS TAX

[Sec. 21-15. - Authority.](#)

[Sec. 21-16. - Purpose and intent.](#)

[Sec. 21-17. - Imposition of local accommodations tax.](#)

[Sec. 21-18. - Accounting for local accommodations tax.](#)

[Sec. 21-19. - Payment of local accommodations tax.](#)

[Sec. 21-20. - Reserved.](#)

Sec. 21-15. - Authority.

This article is enacted pursuant to the authority of South Carolina Code of Laws (1976), Title 6, Article 5, entitled "Local Accommodations Tax", which provides in part that local governments may impose, by ordinance, a local accommodations tax.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-16. - Purpose and intent.

This article is enacted to preserve the general health, safety, and welfare of the general public within the city, and to specifically improve and increase tourism-related activities and facilities by redeveloping the downtown and riverfront districts and other areas of the city. The revenue generated by the local accommodations tax shall be used for, but not be limited to, the following purposes: tourism-related buildings; civic/conference centers; parks; cultural, recreational, or historic facilities; highways, roads, streets, and bridges; advertisements and promotions; water and sewer infrastructure; and associated debt service.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-17. - Imposition of local accommodations tax.

A uniform tax equal to three (3) per cent is hereby imposed on the gross proceeds derived from the rental or charges for accommodations furnished to transients as provided and defined by South Carolina Code Section 12-36-920(A) and is imposed on every person engaged in the business of furnishing accommodations to transients for considerations within the city. Included are gross proceeds derived from the rental or charges for any rooms (excluding meeting and conference rooms), campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for consideration. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety (90) continuous days are not considered proceeds from transients. This tax imposed by this article shall

not apply to additional guest charges as that term is defined in South Carolina Code Section 12-36-920(B).

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-18. - Accounting for local accommodations tax.

All proceeds from the local accommodations tax shall be kept in a separate account within the downtown and riverfront districts redevelopment fund. All interest generated by the local accommodations tax account shall be credited to the local accommodations tax account.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-19. - Payment of local accommodations tax.

(a) Payment of the tax established herein shall be the liability of the consumer of the services for items described in section 21-17. The tax shall be paid at the time of delivery of the services or items to which the tax applies and shall be collected by the provider or seller of the service(s), or item(s).

(b) The taxes collected by the seller or provider of the services or items as required under section 21-17 shall be remitted to the city on a monthly basis along with such return or form as may be established by the city for such purpose. In the event that the monthly fee should calculate to less than ten dollars (\$10.00) per month, that seller will be permitted to remit the amount due on a semi-annual basis. For any month in which the tax due exceeds ten dollars (\$10.00), that month's tax and all previous months' taxes will be due and payable to the city under the terms set out in subsection 21-19(c), below.

(c) Taxes and required reports shall be submitted to the city by the twentieth day of the month and shall cover sales of the previous month. When an accommodations tax return is filed and the fees due on it are paid in full on or before the final due date, the filer is allowed a discount on the taxes shown to be due by the return of two (2) per cent. Any taxes not timely remitted shall be subject to a penalty of five (5) per cent of the unpaid tax for each month or portion thereof after the due date until paid. The failure to collect from patrons the tax imposed by this article shall not relieve any establishment subject to this article from making the required remittance.

(d) Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to punishment under section 1-8 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided herein.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-20. - Reserved.

ARTICLE III. - LOCAL HOSPITALITY TAX

[Sec. 21-21. - Authority.](#)

[Sec. 21-22. - Purpose and intent.](#)

[Sec. 21-23. - Imposition of local hospitality tax.](#)
[Sec. 21-24. - Accounting for local hospitality tax.](#)
[Sec. 21-25. - Payment of hospitality tax.](#)

Sec. 21-21. - Authority.

This article is enacted pursuant to the authority of South Carolina Code of Laws (1976), Title 6, Article 7, entitled "Local Hospitality Tax", which provides in part that local governments may impose, by ordinance, a local hospitality tax.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-22. - Purpose and intent.

This article is enacted to preserve the general health, safety, and welfare of the general public within the city, and to specifically improve and increase tourism-related activities and facilities by redeveloping the downtown and riverfront districts and other areas of the city. The revenue generated by the local hospitality tax shall be used for, but not be limited to, the following purposes: tourism-related buildings; civic/conference centers; cultural, recreational, or historic facilities; highways, roads, streets, and bridges; advertisements and promotions; water and sewer infrastructure; and associated debt service.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-23. - Imposition of local hospitality tax.

A uniform tax equal to two (2) per cent is hereby imposed on the gross proceeds derived from the charges for food and beverages served by a restaurant, hotel, motel, or other food service facility, whether dine in or take out, within the city. In addition, the tax shall be imposed for all food and beverages prepared or modified by convenience stores, fast-food service outlets, or grocery stores within the city.

If the voters of the county approve at any time a countywide one-cent capital projects sales tax, the hospitality tax imposed herein shall be one (1) percent for the duration of said capital projects sales tax.

(Ord. No. 98-11, § I, 10-19-98; Ord. No. 00-21, § 1, 10-16-00)

Sec. 21-24. - Accounting for local hospitality tax.

All proceeds from the local hospitality tax shall be kept in a separate account within the downtown and riverfront districts redevelopment fund. All interest generated by the local hospitality tax account shall be credited to the local hospitality tax account.

(Ord. No. 98-11, § I, 10-19-98)

Sec. 21-25. - Payment of hospitality tax.

(a) Payment of the tax established herein shall be the liability of the consumer of the services for items described in section 21-23. The tax shall be paid at the time of delivery of the services or items to which the tax applies and shall be collected by the provider or seller of the service(s), or item(s).

(b) The taxes collected by the seller or provider of the services or items as required under section 21-23 shall be remitted to the city on a monthly basis along with such return or form as may be

established by the city for such purpose. In the event that the monthly fee should calculate to less than ten dollars (\$10.00) per month, that seller will be permitted to remit the amount due on a semi-annual basis. For any month in which the tax due exceeds ten dollars (\$10.00), that month's tax and all previous months' taxes will be due and payable to the city under the terms set out in subsection 21-25(c), below.

(c) Taxes and required reports shall be submitted to the city by the twentieth day of the month and shall cover sales of the previous month. When a hospitality tax return is filed and the fees due on it are paid in full on or before the final due date, the filer is allowed a discount on the taxes shown to be due by the return of two (2) per cent. Any taxes not timely remitted shall be subject to a penalty of five (5) per cent of the unpaid tax for each month or portion thereof after the due date until paid. The failure to collect from patrons the tax imposed by this article shall not relieve any establishment subject to this article from making the required remittance.

(d) Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to punishment under section 1-8 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for herein.

(Ord. No. 98-11, § I, 10-19-98)

Chapter 22 - TRAFFIC AND VEHICLES ^[43]

⁽⁴³⁾ **Cross reference**— Staking animals near streets, § 5-9; vegetation constituting traffic impediment, § 12-35; creation of noise with vehicles, § 12-37(c)(4), (5), (7), (11), (14); speed in cemeteries, § 7-14; parade permit, § 16-101; spilling gravel, etc., on streets, § 12-34; permit for sound amplifying equipment on vehicles, § 3-8; placing advertising material in or on vehicles, § 3-2; regulation of vehicles for hire, Ch. 23

ARTICLE I. - IN GENERAL

ARTICLE II. - OPERATION OF VEHICLES

ARTICLE III. - STOPPING, STANDING AND PARKING

⁽⁴³⁾ **State Law reference**— Power of local authorities to regulate traffic, Code 1976, § 56-5-710; jurisdiction of municipal court, § 56-5-6150; obedience to police officers, etc., § 56-5-740; authority to regulate pedestrian, § 56-5-3120; municipal regulation of streets, §§ 5-7-30, 5-27-10 et seq.; enforcement by police, § 56-5-6170. (Back)

ARTICLE I. - IN GENERAL

[Sec. 22-1. - Notice to appear to answer charge of parking violation.](#)

[Sec. 22-2. - Warning tickets.](#)

[Sec. 22-3. - Powers of council; placement of signs, markers and official traffic-control devices.](#)

[Sec. 22-4. - Repairs to vehicles.](#)

[Sec. 22-5. - Using vehicles on streets for advertising.](#)

[Sec. 22-6. - Use of roller skates, toy vehicles, etc., upon roadway.](#)

[Sec. 22-7. - Obstruction of vehicles on streets.](#)

[Sec. 22-8. - Railroad trains—Required flagmen, signals and gates at crossings.](#)

[Sec. 22-9. - Same—Flagman to prevent vehicles, etc., from crossing when train is approaching; obedience to flagman.](#)

[Sec. 22-10. - Same—Crossings as nuisances, etc., in absence of flagman or gates.](#)

[Sec. 22-11. - Same—Obstruction of streets.](#)

[Sec. 22-12. - Height of vehicle or load.](#)

[Secs. 22-13—22-19. - Reserved.](#)

Sec. 22-1. - Notice to appear to answer charge of parking violation.

Whenever any motor vehicle without a driver is found parked in violation of any of the parking restrictions of this chapter, the officer finding it shall take its registration number and any other information displayed on the vehicle which may identify its user, and affix conspicuously to such vehicle a notice in writing, on a form provided by the city, for the driver to answer to the charge against such person during the hours and at the time and place specified in the notice. The officer shall send one copy of such notice to the municipal court. Any driver of a motor vehicle who wilfully neglects to answer to the charges set forth in a notice so affixed by a police officer in accordance with this section shall be guilty of contempt of court, regardless of the disposition of the charge for which the notice was originally issued.

(Code 1970, § 19-120)

State law reference— Uniform traffic ticket, Code 1976, § 56-7-10.

Sec. 22-2. - Warning tickets.

Any person violating any of the provisions of this chapter, not involving the danger or damage to life or property, which, in the judgment of the reporting police officer or such officer's superiors, are relatively minor violations which do not justify a summons to court, may be given a warning ticket. When a warning ticket is issued for violation of parking regulations it may be placed in or attached to the vehicle of the violator.

(Code 1970, § 19-25)

Sec. 22-3. - Powers of council; placement of signs, markers and official traffic-control devices.

The council, except as otherwise provided by this chapter, shall have the power to regulate the operation and parking of vehicles within the city 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, parking meter spaces in parking meter zones, "U" turns, school zones, hospital zones, loading and unloading zones, quiet zones and other signs, markers and official traffic control devices indicating the place or manner of operating or parking vehicles within the city.

The council, except as otherwise provided by this chapter, shall have power to regulate the movement of pedestrians upon the streets and sidewalks of the city by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.

The council, except as otherwise provided by this chapter, shall have power to designate bus stops and

taxicab stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs at their respective stops and stands.

The council, except as otherwise provided by this chapter, shall have power to designate truck routes and to regulate the parking of vehicles of various sizes and weights.

The council, except as otherwise provided by this chapter, shall have the power to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

The council shall have the power to procure all necessary signs, markers or official traffic-control devices to be erected or placed on any street or part of a street when such action is directed or authorized by the council or other lawful authority.

The existence of such signs, markers or official traffic-control devices at any place within the city 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 and in accordance with the provisions of this section.

(Code 1970, § 19-4

State law reference— Authority, Code 1976, §§ 56-5-710, 56-5-910, 56-5-940.

Sec. 22-4. - Repairs to vehicles.

It shall be unlawful for any person to do repair work on any vehicle upon any of the streets, parks, squares or other public places in the city. This section shall not be construed to prohibit repairs in case of emergency.

(Code 1970, § 19-18

Sec. 22-5. - Using vehicles on streets for advertising.

It shall be unlawful for any person to operate or to park a vehicle on any street for the primary purpose of displaying advertising, unless permitted by the council.

(Code 1970, § 19-19

Cross reference— Advertising on vehicles for hire, § 23-2

Sec. 22-6. - Use of roller skates, toy vehicles, etc., upon roadway.

It shall be unlawful for any person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device to go upon any roadway except while crossing a street on a crosswalk.

(Code 1970, § 19-20

State law reference— Clinging to vehicle, Code 1976, § 56-5-3450.

Sec. 22-7. - Obstruction of vehicles on streets.

It shall be unlawful for any person to wilfully do or cause to be done anything with intent to obstruct any vehicle moving along any street of the city or with intent to injure or endanger persons upon or in the same. Any person aiding or assisting in such act shall be deemed to have taken part therein.

(Code 1970, § 19-21

Sec. 22-8. - Railroad trains—Required flagmen, signals and gates at crossings.

(a) The council shall have authority to require any railroad company to station a flagman or install electric warning signals, gates, or any combination thereof, at any point in the city where the tracks of such railroad company cross any of the streets or sidewalks of the city so as to protect persons, animals and vehicles using public thoroughfares.

(b) Such flagman, when required, shall be constantly supplied with a red flag not less than fifteen (15) inches square, during the hours between sunrise and sunset, and a red lantern between the hours of sunset and sunrise. By the use of such flag or lantern, he shall warn all persons of the approach of any train, cars or locomotive upon the tracks of such railroad.

(c) Such electric warning signal, when required, shall audibly, and visually by flashing red light, warn all persons of the approach of any train, cars or locomotive upon the tracks of such railroad.

(d) Where gates are required they shall be of such length and construction as to shut-off completely all access to the tracks from the street or sidewalk when gates are lowered. The gates shall be in charge of a flagman or watchman (unless such gates are operated automatically by the approach of any locomotive or car), whose duty it shall be to lower such gates upon the approach of any train, cars or locomotive and to keep them lowered until such train, car or locomotive has passed. Such flagman or watchman in charge of such gates shall be furnished with a red flag not less than fifteen (15) inches square during the hours of daylight and with a red lantern at night. By the use of these he shall warn persons of the approach of such train, cars or locomotive and the lowering of such gates.

(e) The council shall designate the hours of the day during which such flagman shall be stationed and such gates operated at such crossing, and shall specify other conditions to be observed in the implementation of this section.

(f) Every railroad company shall, within five (5) days after receiving a notice from the mayor requiring a flagman, electric warning signal, gates, or any combination thereof, as set forth in the preceding paragraphs of this section, comply with the terms thereof. Any railroad company and any agent or employee of such company, whose duty it shall be to comply with the terms of such notice, failing to comply therewith, within five (5) days after notice thereof, shall be guilty of a misdemeanor. Every separate day of twenty-four (24) hours duration or fraction thereof, after the expiration of such time limit of five (5) days, during which the notice shall not be complied with shall constitute a separate offense.

(Code 1970, § 25-2)

Cross reference— Maintenance of crossings, § 19-23

State law reference— Signs required, Code 1976, §§ 56-5-1010, 58-17-1390; commission may require flagman, § 58-17-1410.

Sec. 22-9. - Same—Flagman to prevent vehicles, etc., from crossing when train is approaching; obedience to flagman.

Each flagman shall prevent vehicles, animals or pedestrians from crossing the railroad track at or near the point at which he is stationed at any time when a train, cars or locomotive may be approaching. Any person attempting to cross such track after having been warned by such flagman shall be guilty of a misdemeanor.

(Code 1970, § 25-3)

Sec. 22-10. - Same—Crossings as nuisances, etc., in absence of flagman or gates.

Any railroad crossings at which a railroad company shall be required to place a flagman, electric warning signal or gates is hereby declared to be dangerous to life, limb and property and to be prejudicial to the welfare of the city and to be a common nuisance until such flagman is placed or the signal or gates are installed.

(Code 1970, § 25-4)

Sec. 22-11. - Same—Obstruction of streets.

It shall be unlawful for any railroad company or for any conductor, engineer or other employee or agent of any railroad company to obstruct unnecessarily any street or sidewalk by permitting any railroad train, car or locomotive or any part thereof, to stop or remain upon or across such street or sidewalk for a longer period than five (5) minutes. Each separate interval of five (5) minutes duration which such street or sidewalk shall be so obstructed shall constitute a separate violation of this section.

(Code 1970, § 25-5)

State law reference— Similar provisions, Code 1976, § 58-17-4080.

Sec. 22-12. - Height of vehicle or load.

No vehicle having a height or load of such altitude as to damage or cause damage to any wiring, lines, signs or other permitted or authorized overhanging property, shall be operated upon the streets of the city.

(Code 1970, § 19-22)

State law reference— Height of vehicles, Code 1976, § 56-5-4060.

Secs. 22-13—22-19. - Reserved.

ARTICLE II. - OPERATION OF VEHICLES

[Sec. 22-20. - Reckless driving.](#)

[Sec. 22-21. - Careless driving.](#)

[Sec. 22-22. - Maximum speed limits.](#)

[Sec. 22-23. - Driving on streets under repair or closed to traffic.](#)

[Sec. 22-24. - Driving through procession.](#)

[Sec. 22-25. - Driving through private property; "U" turns.](#)

[Sec. 22-26. - Riding bicycles through automobile service stations or across private property.](#)

[Sec. 22-27. - Driving within sidewalk area.](#)

[Sec. 22-28. - Restrictions on operating trucks upon U. S. Highway 25 \(Georgia Avenue\).](#)

[Secs. 22-29—22-39. - Reserved.](#)

Sec. 22-20. - Reckless driving.

Any person who drives any vehicle in such a manner as to indicate either a wilful or wanton disregard

for the safety of persons or property is guilty of reckless driving.

It shall be unlawful for any person to operate a motor vehicle in a reckless manner within the city.

Every person convicted of reckless driving shall be guilty of a misdemeanor, and punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or imprisonment for a period of time not exceeding thirty (30) days.

(Code 1970, § 19-44; Ord. of 3-15-77)

State law reference— See Code 1976, § 56-5-2920.

Sec. 22-21. - Careless driving.

It shall be unlawful for any person to operate a motor vehicle in a careless manner in disregard of the safety of persons or property within the city.

Every person convicted of careless driving shall be guilty of a misdemeanor, and punished by a fine of not less than fifteen dollars (\$15.00) nor more than five hundred dollars (\$500.00) or imprisonment for a period of time not exceeding thirty (30) days, or both.

(Code 1970, § 19-45; Ord. of 3-15-77; Ord. No. 93-20, § I, 8-16-93)

Sec. 22-22. - Maximum speed limits.

Where no special hazard exists that requires lower speed for compliance with law, the speed of any vehicle not in excess of thirty (30) miles per hour in the urban district shall be lawful.

(Code 1970, § 19-52)

Cross reference— Speed in cemeteries, § 7-14

State law reference— State speed limit in urban district, Code 1976, § 56-5-1520(b)(1).

Sec. 22-23. - Driving on streets under repair or closed to traffic.

No person shall ride or drive, or cause to be ridden or driven, any horse or vehicle over that part of any street which is being mended, repaired or paved, or over any part of such street if wholly closed to traffic.

(Code 1970, § 19-80)

Sec. 22-24. - Driving through procession.

It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while such vehicles are in motion; provided, that such procession vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1970, § 19-87)

Sec. 22-25. - Driving through private property; "U" turns.

(a) It shall be unlawful for any person driving a vehicle to use the driveway, parking area, or any

private property adjoining a public street as a roadway or thoroughfare.

(b) It shall be unlawful for any person driving a vehicle to make any "U" turn or other turn at any point where such turn is prohibited, and it shall be unlawful to accomplish a "U" turn by deviously going into or through private property adjoining the street where such turn is prohibited.

(Code 1970, § 19-88; Ord. No. 87-07, § 1, 4-20-87)

Sec. 22-26. - Riding bicycles through automobile service stations or across private property.

Bicycles shall not pass through filling stations except on business or at the invitation of such filling station owner or agent of the owner, nor shall any bicycle rider use any private property adjoining any street as a roadway or thoroughfare.

(Code 1970, § 19-100)

Sec. 22-27. - Driving within sidewalk area.

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

(Code 1970, § 19-89)

Sec. 22-28. - Restrictions on operating trucks upon U. S. Highway 25 (Georgia Avenue).

(a) It shall be unlawful, except as hereinafter provided, to operate any truck while driving from north to south, over and upon U. S. Highway No. 25 (Georgia Avenue), in the city.

(1) *Trucks defined:* For the purposes of this section, a "truck" shall be defined as any vehicle weighing while not loaded, in excess of a gross weight of two (2) tons, in accordance with industry standards.

(b) *Exceptions:* This section shall not prohibit:

(1) The operation of any trucks upon U. S. Highway No. 25, where necessary to the conduct of business at a destination point on that highway, in the city.

(2) The operation of trucks owned or operated by the city, public utilities, any contractor or material man while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the city.

(3) The operation of emergency vehicles upon such highway.

(4) The operation of trucks upon such highway in the event that a truck route is detoured upon said highway, and signs established showing such detour.

(c) *Enforcement:*

(1) A reasonable alternate truck route shall be established by the city, and the same shall be clearly marked and designated as an alternate truck route.

(2) No person shall be charged with the violation of this section by reason of operating a truck upon said highway, until a reasonable alternate truck route has been established, and appropriate

signs are posted.

(Code 1970, § 19-90)

Secs. 22-29—22-39. - Reserved.

ARTICLE III. - STOPPING, STANDING AND PARKING

DIVISION 1. - GENERALLY

DIVISION 2. - PARKING CERTAIN VEHICLES ON RESIDENTIAL PROPERTY OR ADJACENT TO RIGHT-OF-WAY

DIVISION 3. - HANDICAPPED PARKING

DIVISION 1. - GENERALLY

[Sec. 22-40. - Stopping, etc., prohibited in specified places.](#)

[Sec. 22-41. - Must park not more than six inches from curbs.](#)

[Sec. 22-42. - Stopping, etc., in passenger zones, loading zones or truck zones.](#)

[Sec. 22-43. - Parking to be incidental to use and operation of vehicle.](#)

[Sec. 22-44. - Parking vehicles for sale.](#)

[Sec. 22-45. - Double parking.](#)

[Sec. 22-46. - Obstructing roadways.](#)

[Sec. 22-47. - Unattended motor vehicle.](#)

[Sec. 22-48. - Drivers of motor buses to pull to curb when stopping for passengers.](#)

[Sec. 22-49. - Responsibility of owner for vehicle found illegally parked.](#)

[Sec. 22-50. - Maximum parking time of large trucks.](#)

[Sec. 22-51. - Parking of certain commercial vehicles.](#)

[Sec. 22-52. - Designation and use of loading zones.](#)

[Sec. 22-53. - Officers may remove illegally parked or stopped vehicle.](#)

[Sec. 22-54. - Impounding and sale of abandoned vehicles.](#)

[Secs. 22-55—22-59. - Reserved.](#)

Sec. 22-40. - Stopping, etc., prohibited in specified places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a public safety officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway or so near thereto as to interfere with the unobstructed use of such driveway;
- (3) Within an intersection;

- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located on the side of a roadway;
- (8) Between a safety zone and the adjacent curb, or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless indicated for a different length by official signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (10) Within twenty (20) feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance;
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street or within a highway tunnel;
- (14) At any place where official signs prohibit stopping;
- (15) At any curb painted yellow; or
- (16) On unpaved areas of municipal parks.

No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1970, § 19-111)

Cross reference— Obstructing fire hydrants, § 15-45

State law reference— Similar provisions, Code 1976, § 56-5-2530.

Sec. 22-41. - Must park not more than six inches from curbs.

Every vehicle stopped or parked upon a roadway where there are adjacent curbs and where parking is authorized shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within six (6) inches of the right-hand curb, or, on one-way streets, with the left-hand wheels within six (6) inches of the left-hand curb, except where angle parking is permitted.

(Code 1970, § 19-112)

State law reference— Relevant provisions, Code 1976, § 56-5-2560.

Sec. 22-42. - Stopping, etc., in passenger zones, loading zones or truck zones.

It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle for a longer period of

time than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone. It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle for a longer period of time than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pickup and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading or unloading of materials exceed thirty (30) minutes. It shall be unlawful for any vehicle other than trucks or express trucks to park in zones laid off and marked with signs indicating time for trucks and express trucks to park and in these spaces trucks and express trucks will park only for the prompt loading and unloading of merchandise and materials, and in no case longer than thirty (30) minutes.

(Code 1970, § 19-113)

Sec. 22-43. - Parking to be incidental to use and operation of vehicle.

No vehicle shall be parked on any street except when such parking is incidental to the use and operation of the vehicle. The storage or parking on the streets of vehicles, by garages, dealers or other persons, when such storage or parking is not incidental to the bona fide use and operation of the vehicle is prohibited.

(Code 1970, § 19-114)

Cross reference— Parking for advertising, § 22-5 ; stopping for repair, § 22-4

Sec. 22-44. - Parking vehicles for sale.

It shall be unlawful for any person to park a vehicle displayed for sale on any street, unless permitted in writing by the council.

(Code 1970, § 19-115)

Sec. 22-45. - Double parking.

A person having charge of a vehicle shall not stop such vehicle abreast of, or opposite, another vehicle lengthwise of a street, or behind any vehicle parked at an angle in any street, except in case of accident or emergency.

(Code 1970, § 19-116)

Sec. 22-46. - Obstructing roadways.

(a) No person shall stop, stand, or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signal of a police officer.

(b) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.

(Code 1970, § 19-117)

State law reference— Parking outside of business or residence district, Code 1976, § 56-5-2510.

Sec. 22-47. - Unattended motor vehicle.

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 street.

(Code 1970, § 19-118)

State law reference— Similar provisions, Code 1976, § 56-5-2570.

Sec. 22-48. - Drivers of motor buses to pull to curb when stopping for passengers.

The driver of every motor bus, when stopping for the purpose of taking on or letting off passengers, shall pull to the right to within three (3) feet of the curb line before so stopping unless traffic conditions at the time and place render it inexpedient, from the standpoint of safety to the traveling public, for him to do so.

(Code 1970, § 19-119)

Sec. 22-49. - Responsibility of owner for vehicle found illegally parked.

If any vehicle is found upon a street in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

(Code 1970, § 19-121)

Sec. 22-50. - Maximum parking time of large trucks.

No trucks, trailers or other major transportation equipment shall be parked on a public right-of-way in any zone for longer period than twenty-four (24) hours without a special exception from the zoning board of adjustments.

(Ord. of 7-19-77)

Sec. 22-51. - Parking of certain commercial vehicles.

No person shall park any commercial vehicle, exceeding ten thousand (10,000) pounds gross weight, or thirty (30) feet in length, at any time upon any of the streets of the city, except when such vehicle is being used for the purpose of delivering or picking up materials or merchandise, or when such vehicle has an emergency breakdown. In the event of such emergency breakdown the vehicle must be moved within fourteen (14) hours.

(Code 1970, § 19-122)

Sec. 22-52. - Designation and use of loading zones.

The council may from time to time designate parking spaces as loading zones, and no vehicle shall be parked in such spaces except trucks and commercial vehicles for the purposes of loading or unloading cargo.

(Code 1970, § 19-123)

Sec. 22-53. - Officers may remove illegally parked or stopped vehicle.

Whenever any public safety officer finds a vehicle parked upon a street in violation of the provisions of this chapter, such officer may require the driver or other person in charge of the vehicle to move it to a position off the paved or main-traveled part of such street. Whenever any public safety officer finds a vehicle unattended upon a street, roadway, or public parking area in violation of the provision of this chapter, such officer may provide for the removal of such vehicle to a garage or other place of safety. All reasonable charges for towing and storage shall be paid by the owner prior to such vehicle being reclaimed.

(Code 1970, § 19-124; Ord. No. 83-14, § 1, 10-3-83)

State law reference— Similar provisions, Code 1976, § 56-5-2520.

Sec. 22-54. - Impounding and sale of abandoned vehicles.

Whenever any vehicle shall be found by a public safety officer abandoned on a street of the city, it shall be the duty of such officer to cause such vehicle to be removed from the street and conveyed to a garage to be designated by the director of public safety.

The owner or person in whose name such vehicle is registered shall be given immediate notice, if such person is a resident of the city and, if not a resident of the city, and personal service cannot be had, such person shall be given written notice by registered or certified mail if such person's address can be ascertained.

If the place of residence of such owner cannot be ascertained, then it shall be the duty of the public safety director to advertise the fact that such vehicle has been impounded, giving an accurate description thereof, the name of the person in whose name the vehicle is registered and the circumstances under which the vehicle was found and removed from the streets of the city and calling upon the owner to reclaim the same within thirty (30) days. Such notice shall be published once a week for four (4) weeks in a newspaper having general circulation in the city.

In the event the vehicle is not reclaimed after such advertisement and notice, then the vehicle shall be sold at public outcry to the highest bidder for cash, at such place as may be specified. The expense of keeping and advertising such vehicle shall be paid out of the proceeds of the sale and the balance of the sale price, if any, shall be deposited in the city treasury, subject to the claim of the owner, which claim must be filed within twelve (12) months from the date of the sale, otherwise, the entire proceeds shall be forfeited to the city. It is the intent and purpose of this provision that the owner of any vehicle so abandoned shall be ascertained, if such be possible, before removing the vehicle from the streets, and only in the event the owner cannot be located within a reasonable time shall an officer impound any such vehicle. The public safety director shall account for all funds collected under the provisions of this section and shall pay them to the city treasurer. The director shall keep a record of the names of the owners of all vehicles impounded, the numbers of the state license plates and the circumstances under which such vehicles were impounded.

(Code 1970, § 19-125)

State law reference— Similar provisions, Code 1976, § 56-5-5630 et seq.

Secs. 22-55—22-59. - Reserved.

DIVISION 2. - PARKING CERTAIN VEHICLES ON RESIDENTIAL PROPERTY OR ADJACENT TO RIGHT-OF-WAY ^[44]

⁽⁴⁴⁾ **State Law reference**— Seizure and disposal of abandoned vehicles, Code 1976, § 56-5-5630 et seq.

[Sec. 22-60. - Definition of major commercial and recreational equipment](#)

[Sec. 22-61. - Purpose.](#)

[Sec. 22-62. - Prohibited location of major commercial and recreational equipment.](#)

[Sec. 22-63. - Occupancy of major recreational equipment.](#)

[Sec. 22-64. - Inoperable vehicles on private premises.](#)

[Sec. 22-65. - Large trucks, etc., in front yards.](#)

[Secs. 22-66—22-69. - Reserved.](#)

Sec. 22-60. - Definition of major commercial and recreational equipment

For the purposes of this division, "major commercial and recreational equipment" is defined as including commercial panel and box trucks, utility trailers, box trailers, storage trailers, boats and boat trailers, personal watercraft, all terrain vehicles, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, trailers for the transport of recreational vehicles, and the like, and cases and boxes used for transporting commercial and recreational equipment, whether or not occupied by such equipment. Automobiles including sedans and pickup trucks identified with signage as commercial vehicles are not included in the definition of major commercial and recreational equipment.

(Ord. of 7-19-77; Ord. No. 2008-19, § I.A., 12-1-08)

Sec. 22-61. - Purpose.

The purpose of this division is to prevent deterioration of the neighborhoods of the city by storage of vehicles and devices as described in this division. Neighbors have a responsibility to maintain their properties in a manner that permits mutual acceptance and does not cause erosion of property values.

(Ord. of 7-19-77)

Sec. 22-62. - Prohibited location of major commercial and recreational equipment.

No major commercial or recreational equipment shall be parked or stored on any lot, street, or other public right-of-way in a residential district except in a carport or enclosed building or behind the building line of that portion of the primary building the greatest distance from the street right of way. For the purposes of this section the building line of the structure is defined as the vertical wall or wall segments that are generally parallel to the front property line or, in the case of a corner lot, to both the front and street side property lines. Where inadequate side clearance exists that prevents access to a location behind the building line, an agreement between the property owner and the city may be negotiated. However, such equipment may be parked anywhere on residential premises, street, or other public right-of-way for a period not to exceed one hundred twenty (120) hours in any one thirty-day period.

(Ord. of 7-19-77; Ord. No. 87-14, § 1, 8-3-87; Ord. No. 2008-19, § I.B., 12-1-08)

Sec. 22-63. - Occupancy of major recreational equipment.

No major recreational equipment shall be used for continuous living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. However, such equipment may be occupied on residential premises for a period not to exceed one hundred twenty (120) hours in any one-hundred-eighty-day period.

(Ord. of 7-19-77; Ord. No. 2008-19, § I.C., 12-1-08)

Cross reference— Use of licensed mobile home parks or trailer parks only, § 13-2.

Sec. 22-64. - Inoperable vehicles on private premises.

(a) *Generally.* No vehicles of any type in inoperable condition or without current license plates and current date inspection sticker shall be parked or stored on any residentially zoned premises, without being in a completely enclosed building or a carport.

(b) *Written notice of violation.* Whenever it shall appear that a violation of this section exists, a duly authorized representative of the city shall give, or cause to be given, written notice to the owner or person in lawful possession or control of the private property upon which said inoperable vehicle is located, advising that such motor vehicle violates the provisions of this section and directing that such motor vehicle be moved to a place of lawful storage within seven (7) days. Such notice shall be by certified mail or personal service. If such owner or occupant cannot be found upon said property, the posting of the notice on the premises for seven (7) days shall be considered effective notice.

(c) *Impoundment of vehicle for noncompliance with notice.* If the property owner or occupant shall fail, neglect, or refuse to move or house such vehicle in accordance with the notice given pursuant to this section, a duly authorized representative of the city may forthwith impound and remove such vehicle to be held until released from impoundment. No vehicle shall be released from impoundment under any circumstances until all costs, charges, penalties, and/or fines due the City of North Augusta on account thereto have been fully paid. All costs associated with the impoundment of any vehicle shall be ascertained and charged to the property owner. Such costs shall become a lien upon the real estate and collectable in the same manner as municipal taxes.

(d) *Right of city to enter property for enforcement purposes.* A duly authorized representative of the city is hereby authorized to enter upon private property for the purpose of enforcing the provisions of this section. It shall be unlawful for any person to interfere with, hinder, or refuse to allow said official(s) to enter upon private property for the purpose of enforcing the provisions of this section.

(Ord. of 7-9-77; Ord. No. 87-17, § 1, 9-21-87)

Sec. 22-65. - Large trucks, etc., in front yards.

No large trucks, trailers, or other major transportation equipment shall be parked in any yard between the building line and a public street in any residential zone.

(Ord. of 7-19-77)

Secs. 22-66—22-69. - Reserved.

DIVISION 3. - HANDICAPPED PARKING

[Sec. 22-70. - "Handicapped" defined.](#)

[Sec. 22-71. - Parking in spaces designated for handicapped parking.](#)

[Sec. 22-72. - Parking sticker or placard required.](#)

[Sec. 22-73. - Application for parking sticker or placard.](#)

[Sec. 22-74. - Display of parking sticker or placard.](#)

Sec. 22-70. - "Handicapped" defined.

For the purposes of this division, "handicapped" shall mean any person who is totally blind, has a disability of incoordination resulting from brain, spinal or peripheral nerve damage, has an amputation of one or more of the lower extremities, has an obvious physical disability that requires the use of a wheelchair, braces, walker, crutches, prosthetic devices or any person who, in the opinion of a licensed physician, has a physical impairment which renders them restricted in their ability to move about freely, to include but not limited to persons of advanced age, or persons with respiratory, heart, or circulatory difficulties.

(Ord. No. 83-13, § 1, 10-3-83)

Sec. 22-71. - Parking in spaces designated for handicapped parking.

Any person who is handicapped as defined in this division or any person who regularly transports a handicapped person shall be allowed to park in spaces designated or specifically reserved for handicapped persons, in areas subject to public safety jurisdiction, such places being specifically marked by distinguishing letters or signs, provided either a state or county placard is displayed.

(Ord. No. 83-13, § 1, 10-3-83)

Sec. 22-72. - Parking sticker or placard required.

In order to qualify for this parking privilege, it shall be necessary that a vehicle used by a handicapped person or a vehicle used for transporting handicapped persons shall display a distinguishing parking sticker or placard designed by Aiken County or the placard which is officially issued by the State of South Carolina.

(Ord. No. 83-13, § 1, 10-3-83)

Sec. 22-73. - Application for parking sticker or placard.

Any person who is handicapped as defined in this division may make application for such a sticker from the clerk of county council. Such application may be made by mail or in person and must be accompanied by a physician's certificate that the applicant is handicapped as defined in this division. Only two (2) stickers and/or placards will be issued to each qualified applicant.

(Ord. No. 83-13, § 1, 10-3-83)

Sec. 22-74. - Display of parking sticker or placard.

The parking sticker described herein shall be displayed by affixing or placing it to the back left window. The placard will be placed on the driver's side of the front windshield of the vehicle transporting handicapped persons. When the sticker or placard is so displayed, all parking rights and privileges extended to vehicles displaying the parking sticker or placard pursuant to this division shall be applicable to the vehicle.

(Ord. No. 83-13, § 1, 10-3-83)

Chapter 23 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

ARTICLE II. - TAXICABS

ARTICLE III. - WRECKER SERVICE

ARTICLE I. - IN GENERAL

[Sec. 23-1. - Indemnity insurance required of all motor vehicles carrying passengers for hire; number of passengers.](#)

[Sec. 23-2. - Use of vehicles for advertising fee.](#)

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[Secs. 23-4—23-19. - Reserved.](#)

Sec. 23-1. - Indemnity insurance required of all motor vehicles carrying passengers for hire; number of passengers.

Each person within the city who operates a motor vehicle for the purpose of carrying passengers for hire is hereby required to comply with section 23-47 with reference to indemnity insurance and the number of passengers hauled, even though exempt for any cause from the payment of a license for "taxicab" or "automobile for hire".

(Code 1970, § 32-16)

Sec. 23-2. - Use of vehicles for advertising fee.

Subject to the rules and regulations of the city council, it shall be lawful for any person owning or operating a taxicab or other motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicab or motor vehicle for hire subject to the payment of the required license fee therefor.

(Code 1970, § 32-7)

Cross reference— Use of vehicle for advertising, § 22-5

Sec. 23-3. - Revocation of licenses for alcoholic beverage violation or for transporting persons for immoral purposes.

Any license issued for the operation of a public service automobile or bus business, or for driving a public service automobile or bus, plying the streets for hire, upon conviction of the driver of such vehicle of:

- (1) Transporting, having in possession, or selling any alcoholic liquors, or otherwise violating any of the alcoholic beverage ordinances of the city; or
- (2) Transporting from place to place within the city any person for immoral purposes

shall be immediately revoked by the recorder and no new license shall be granted such operator or driver during the calendar year to engage the same character or kind of business.

(Ord. of 12-14-71, § 14)

Cross reference— Offenses involving morals, § 16-160

Secs. 23-4—23-19. - Reserved.

ARTICLE II. - TAXICABS

DIVISION 1. - GENERALLY
DIVISION 2. - TAXICAB LICENSE
DIVISION 3. - DRIVER'S LICENSE
DIVISION 4. - VEHICLES

DIVISION 1. - GENERALLY

[Sec. 23-20. - Definitions.](#)

[Sec. 23-21. - Rendition of efficient service required.](#)

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[Sec. 23-25. - Stands—Open stands.](#)

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[Sec. 23-34. - Passengers to be received and discharged only at the side of roadway.](#)

[Sec. 23-35. - Number of passengers; taking of additional passengers when taxicab already hired.](#)

[Sec. 23-36. - Selling liquor; soliciting business for house of ill repute; other unlawful use of vehicle.](#)

[Secs. 23-37—23-39. - Reserved.](#)

Sec. 23-20. - Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them:

Call box stand: A place alongside a street, or elsewhere, where the director of public safety has authorized a holder of a license to install a telephone or call box for the taking of calls and the dispatching of taxicabs.

Cruising: The driving of a taxicab on the streets or public places of the city in search of, or soliciting, prospective passengers for hire.

Director: The director of public safety unless otherwise provided.

Driver's license: The written permission granted to a person to drive a taxicab upon the streets of the city.

Holder: A person to whom a license has been issued.

Manifest: A daily record prepared by the taxicab licensee of all trips made by the driver licensee showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

Open stand: A public place alongside the curb of a street or elsewhere in the city, which has been designated by the director of public safety as reserved exclusively for the use of taxicabs.

Rate card: A card issued for display in each taxicab which contains the rates of fare then in force.

Taxicab: A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than eight (8) persons and not operated on a fixed route.

Taximeter: A meter instrument or device attached within a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

Waiting time: The time during which a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

(Code 1970, § 32-1)

Sec. 23-21. - Rendition of efficient service required.

All persons engaged in the taxicab business in the city shall render efficient service. Holders of licenses shall maintain a central place of business and keep it open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer calls received by them for services inside the

city as soon as they can do so and if such services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before their calls can be answered. Any holder who shall refuse to accept a call anywhere in the city at any time when such holder has available taxicabs; or who shall fail or refuse to give service, shall be deemed a violator of this chapter and the certificate granted to such holder may be revoked at the discretion of the director.

(Code 1970, § 32-22)

Sec. 23-22. - Requirements as to manifests.

(a) Every taxicab licensee shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. The forms for such manifest shall be of a character approved by the public safety department.

(b) Every taxicab licensee shall retain and preserve all manifests in a safe place for at least the calendar year next preceding the current calendar year, and they shall be available to the public safety department.

(Code 1970, § 32-23)

Sec. 23-23. - Records and reports.

(a) *Records:* Every licensee shall keep accurate records of receipts from operations, operating, and other expenses, capital expenditures, and such other operating information as may be required by the director. Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the director.

(b) *Reports generally:* Every licensee shall submit reports of receipts, expenses, and statistics of operation to the director for each calendar year.

(c) *Service contract reports:* It shall be mandatory for all licensees to file with the director copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, public conveyance station or other place of public gathering, whether such arrangement is made with the licensee or any corporation, firm or association with which the licensee may be interested or connected. Failure to file such copies within seven (7) days shall be sufficient cause for the revocation of a license of any offending licensee or the cancellation of any taxicab stand privileges.

(Code 1970, § 32-24)

Sec. 23-24. - Notice to public safety department when driver discharged; revocation of license for noncompliance.

When a driver is discharged, the taxicab owner shall notify the public safety department of such action. Any owner violating this section, shall have all licenses revoked in the discretion of the mayor.

(Code 1970, § 32-25)

Sec. 23-25. - Stands—Open stands.

(a) The director is hereby authorized and empowered to establish open stands in such places upon the streets of the city as deemed necessary for the use of taxicabs operated in the city. The director

shall not create an open stand without taking into consideration the need for such stands by the licensees and the convenience to the general public. The director shall prescribe the number of taxicabs that shall occupy such open stands. The director shall not create an open stand where such stand would tend to create a traffic hazard.

(b) Open stands shall be used by the different drivers on a first come first served basis. The driver shall pull on to the open stand from the rear and shall advance forward as the taxicab ahead pulls off. Drivers shall stay within five (5) feet of their taxicabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand.

(c) Nothing in this article shall be construed as preventing a passenger from boarding a taxicab of such person's choice that is parked at any open stand.

(Code 1970, § 32-4)

Cross reference— Creation of noise, § 12-36

Sec. 23-26. - Same—Call box stands.

(a) The director is hereby authorized to establish call box stands upon the streets in such places as in the director's discretion it deems proper. A holder desiring to establish a call box stand shall make written application to the committee. The applicant must attach to the application the written approval of the abutting property owners of such space, consenting to the creation of such stand. Upon filing of the application the public safety department shall make an investigation of the traffic conditions at such place and shall thereafter file its written recommendation. The director shall then either grant or refuse the application. When a call box stand has been established as herein provided, it shall be used solely by the holder to whom the same was granted and such holder's agents and servants and no other holder shall be permitted to use the same; provided, no holder shall obtain a permit for more than one such closed stand within the downtown business area.

(b) A holder operating a call box stand as provided for herein shall be allowed to have on duty at such stand a starter or other employee, for the purpose of assisting in the loading or unloading of passengers from taxicabs, for receiving calls and dispatching taxicabs, and for soliciting passengers at such stand. The words "at such stand" shall mean that part of the sidewalk immediately adjacent to and of equal length with such call box stand. It shall be unlawful for any such starter or other employee to go beyond the area herein designated for the purpose of soliciting passengers or assisting them in boarding such taxicabs.

(Code 1970, § 32-5)

Sec. 23-27. - Same—Restricted to taxicabs.

Private vehicles or vehicles other than taxicabs shall not at any time occupy any space upon the streets that has been established as either an open stand or a call box stand.

(Code 1970, § 32-6)

Sec. 23-28. - Rates of fare—Set rate card required.

(a) No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

- (1) *Hour rates:* Eight dollars (\$8.00) per hour for one or more passengers;
- (2) *Mileage rates, luggage:* Minimum sixty cents (\$0.60) for the first one-sixth (1/6) mile and ten cents (\$0.10) for each additional one-sixth (1/6) mile. This sum includes one briefcase or one piece of hand luggage. The charge for each additional piece of luggage shall be twenty-five cents (\$0.25);
- (3) *Waiting time:* Twenty cents (\$0.20) for each two (2) minutes of waiting time or fraction thereof.

(b) Every taxicab operated under this article shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers.

(Code 1970, § 32-2)

Sec. 23-29. - Same—Duty of passenger to pay; hiring taxicab with intent to defraud.

It shall be unlawful for any person to refuse to pay the legal fare for any vehicle mentioned in this article after having hired it, and it shall be unlawful for any person to hire any such vehicle with intent to defraud the person from whom it is hired of the value of such service.

(Code 1970, § 32-3)

Cross reference— Riding in public conveyance without paying fare, § 16-58

Sec. 23-30. - Same—Receipts for fares paid.

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges and date of transaction.

(Code 1970, § 32-40)

Sec. 23-31. - Transporting passengers by contract.

Nothing contained in this article shall be construed to prohibit persons licensed under the provisions of this article to engage in the business of hauling contract passengers, persons hauled for a weekly or monthly compensation, from their homes within the city to their places of employment outside the city, or from their homes outside the city to their places of employment in the city; provided, that such licensees comply with the provisions of this article and other applicable provisions of this chapter.

(Code 1970, § 32-26)

Sec. 23-32. - Cruising.

Drivers of taxicabs are hereby prohibited from cruising upon the streets of the city for the purpose of picking up passengers or for soliciting passengers upon the streets of the city or from operating their vehicles in such manner as to attract the attention of prospective passengers.

(Code 1970, § 32-36)

Sec. 23-33. - Solicitation of passengers; drivers to remain in or near their taxicabs.

(a) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to such driver's vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from such taxicab for not more than fifteen (15) consecutive minutes; but nothing herein shall be construed to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(b) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(c) No driver shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

(d) No driver of a taxicab shall solicit business for any hotel, or to attempt to divert patronage from one hotel to another.

(Code 1970, § 32-37)

Cross reference— Creation of noise, § 12-36 ; see also, § 23-25

Sec. 23-34. - Passengers to be received and discharged only at the side of roadway.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the street and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk, or side of the street in the absence of a sidewalk.

(Code 1970, § 32-38)

Sec. 23-35. - Number of passengers; taking of additional passengers when taxicab already hired.

(a) No driver shall permit more persons to be carried in a taxicab than the rated seating capacity of such driver's taxicab as stated in the certificate for such vehicle issued by the public safety department. A child in arms shall not be counted as a passenger.

(b) No driver shall permit any other person to occupy or ride in such driver's taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. No charge shall be made for an additional passenger to the same point of destination, but when the additional passenger rides beyond the first point of destination, such passenger shall pay for the additional distance travelled.

(Code 1970, § 32-39)

Sec. 23-36. - Selling liquor; soliciting business for house of ill repute; other unlawful use of vehicle.

No driver of a taxicab shall engage in selling intoxicating liquors or solicit business for any house of ill repute or use such vehicle for any purpose other than the lawful transporting of passengers.

(Code 1970, § 32-41)

Cross reference— Revocation of license for offense, § 23-3

State law reference— Transporting alcoholic liquor in taxicabs, and seizure and forfeiture of cabs for violation, see Code 1976, §§ 61-13-230, 61-13-240; soliciting for the purpose of prostitution, and use of vehicles for the purpose of lewdness, assignation or prostitution, § 16-15-90(9), (10).

Secs. 23-37—23-39. - Reserved.

DIVISION 2. - TAXICAB LICENSE

[Sec. 23-40. - License required.](#)

[Sec. 23-41. - No person under twenty-one may hold license to operate taxicab business.](#)

[Sec. 23-42. - Application for license—Generally.](#)

[Sec. 23-43. - Same—When applicant is firm or corporation.](#)

[Sec. 23-44. - Information to be furnished as to vehicles to be operated.](#)

[Sec. 23-45. - Investigation of applicant.](#)

[Sec. 23-46. - Issuance or denial of license; considerations; number of authorized licensees; renewal.](#)

[Sec. 23-47. - Indemnity bond or liability insurance required.](#)

[Sec. 23-48. - License fees.](#)

[Sec. 23-49. - Transferability of license.](#)

[Sec. 23-50. - Suspension and revocation of license.](#)

[Secs. 23-51—23-59. - Reserved.](#)

Sec. 23-40. - License required.

No person shall operate a taxicab business or permit a taxicab owned or controlled by such person to be operated as a vehicle for hire upon the streets of the city without having first obtained a license from the director so to do.

(Code 1970, § 32-10)

Sec. 23-41. - No person under twenty-one may hold license to operate taxicab business.

No license for the operation of a taxicab business shall be issued to any person under the age of twenty-one (21) years.

(Code 1970, § 32-11)

Sec. 23-42. - Application for license—Generally.

An application for a license shall be filed with the director upon forms provided by the city, verified under oath, and shall furnish the following information:

- (1) The name, trade name, age and address of the applicant.
- (2) The financial status of the applicant, including the amounts of all unpaid judgments and decrees against the applicant and the nature of the transaction or acts giving rise thereto, upon request of the director.
- (3) The experience of the applicant in the transportation of passengers.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a license.
- (5) The number of vehicles to be operated or controlled by the applicant and the location of proposed open stands.
- (6) The color scheme or insignia to be used to designate the vehicles of the applicant.
- (7) Such further information as the director may require.

(Code 1970, § 32-12)

Sec. 23-43. - Same—When applicant is firm or corporation.

If the applicant for a license to operate a taxicab business is a firm or corporation, the requirements of the sections 23-41 and 23-42 shall be applicable to each member of such firm or the principal or managing officer of such corporation in charge of actual operation of the business.

(Code 1970, § 32-13)

Sec. 23-44. - Information to be furnished as to vehicles to be operated.

At the time of issuing a license to operate a taxicab business, the licensee shall specify upon a blank furnished by the city, the make, body type, year model, state license tag number, and the motor serial number of each vehicle or taxicab to be operated under the license, together with such other information in regard thereto as may be required.

(Code 1970, § 32-19)

Sec. 23-45. - Investigation of applicant.

The public safety department may investigate the applicant for a license to operate a taxicab business and the facts stated in the application.

(Code 1970, § 32-14)

Sec. 23-46. - Issuance or denial of license; considerations; number of authorized licensees; renewal.

(a) If the director finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this article and other applicable provisions of this chapter and the rules promulgated by the director, then the director may authorize the city treasurer to issue a license stating the name and address of the applicant, the number of vehicles authorized under said license and the date of issuance; otherwise, the application shall be denied.

(b) In making the above findings, the director shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant; provided, that the number of taxicabs shall not exceed one hundred (100) at any time.

(c) The city treasurer shall renew licenses on application by the licensee and an authorization of the director.

(Code 1970, § 32-15)

Sec. 23-47. - Indemnity bond or liability insurance required.

(a) No taxicab license shall be issued or continued in operation unless there is in full force and effect an indemnity bond for each vehicle authorized, in the amount of fifteen thousand dollars (\$15,000.00) for bodily injury to any one person; in the amount of thirty thousand dollars (\$30,000.00) for injuries to more than one person which are sustained in the same accident, and ten thousand dollars (\$10,000.00) for property damage resulting from any one accident. Such bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a licensee or licensee's servants or agents. Such bonds shall be filed with the city clerk and be approved by the city treasurer, and shall have as surety thereon a surety company authorized to do business in the state and be countersigned by a licensed agent in the city.

(b) The city treasurer may, in such treasurer's discretion, allow the holder to file, in lieu of bond, a liability insurance policy issued by an insurance company authorized to do business in the state by a licensed agent in the city; and such policy shall conform to the provisions of this section relating to bonds.

(Code 1970, § 32-17)

State law reference— Required amounts, Code 1976, §§ 56-9-20(13), 56-9-820.

Sec. 23-48. - License fees.

No taxicab license shall be issued or continued in operation unless the holder thereof has paid such annual license fee prescribed by the council. Such license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to the licensee or the vehicles under licensee's operation and control and the drivers operating such vehicles.

(Code 1970, § 32-18)

Cross reference— See schedule referred to in § 15-1

Sec. 23-49. - Transferability of license.

No taxicab license may be sold, assigned, mortgaged or otherwise transferred without the consent of the director.

(Code 1970, § 32-20)

Sec. 23-50. - Suspension and revocation of license.

A license issued under the provisions of this division may be revoked or suspended by the director if the holder thereof has (1) violated any of the provisions of this article or other applicable provisions of

this chapter, (2) discontinued operations for more than ten (10) days, (3) violated any of the ordinances of the city or the laws of the United States or the state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the council.

(Code 1970, § 32-21)

Cross reference— Revocation for liquor or lewdness violation, § 23-3

Secs. 23-51—23-59. - Reserved.

DIVISION 3. - DRIVER'S LICENSE

[Sec. 23-60. - License required.](#)

[Sec. 23-61. - State driver's license as prerequisite.](#)

[Sec. 23-62. - Application for license, and accompanying health certificate; application fee.](#)

[Sec. 23-63. - Examination and supplemental investigation of applicant, etc.; state driver's license required; recommendations of police to committee.](#)

[Sec. 23-64. - Action on application.](#)

[Sec. 23-65. - Issuance and form of license.](#)

[Sec. 23-66. - License and physician's certificate required annually.](#)

[Sec. 23-67. - Minimum age; requirements as to personal appearance.](#)

[Sec. 23-68. - Display of license.](#)

[Sec. 23-69. - Suspension or revocation—For noncompliance with law.](#)

[Sec. 23-70. - Same—By municipal court.](#)

[Sec. 23-71. - Operating or driving after conviction of violation of any ordinance may be prohibited.](#)

[Secs. 23-72—23-79. - Reserved.](#)

Sec. 23-60. - License required.

No person shall drive a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a taxicab driver's license issued under the provisions of this division.

(Code 1970, § 32-27)

Sec. 23-61. - State driver's license as prerequisite.

The possession of a current and valid driver's license issued by the state shall be a condition precedent to the issuance of a city taxicab driver's license.

(Code 1970, § 32-28)

Sec. 23-62. - Application for license, and accompanying health certificate; application fee.

(a) An application for a taxicab driver's license shall be filed with the public safety department on

forms provided by the city, and such application shall be verified under oath and shall contain the following information:

- (1) The full name, age and home address of the applicant and a statement as to whether applicant is sound of body, has good eyesight and good hearing, and whether or not applicant uses intoxicating liquors, drugs or narcotics. The application shall state whether or not the applicant has ever been convicted of the violation of any ordinance of the city or any state or federal law and, if so, the number of times and the nature of such violations.
- (2) The names and address of two (2) residents of the city who have known the applicant for a period of five (5) years and who will vouch for the sobriety, honesty, and general good character of the applicant.
- (3) The experience of the applicant in the transportation of passengers.
- (4) The educational background of the applicant.
- (5) A concise history of applicant's employment.
- (6) Such other information as may be required by the director.

(b) Each application shall be accompanied by a certificate from a reputable physician of the city certifying that, in such physician's opinion, the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver. At the time the application is filed the applicant shall pay to the city treasurer the sum of five dollars (\$5.00). The council may require additional periodic examinations in its discretion.

(Code 1970, § 32-29)

Sec. 23-63. - Examination and supplemental investigation of applicant, etc.; state driver's license required; recommendations of police to committee.

(a) Before any application for a taxicab driver's license is finally passed upon by the director, the applicant shall be required to pass a satisfactory examination as to applicant's knowledge of the city and to show that applicant has a current motor vehicle driver's license issued by the state.

(b) Each applicant shall first furnish the director a picture of such applicant with name, address, age, weight, height, sex, color of hair and eyes, and a certificate from two (2) reputable citizens of the city as to the character of the applicant, and before the license is issued, the director shall certify that such has been done.

(c) The public safety department shall investigate the reputation of the drivers of said automobiles for hire as to sobriety, careful driving, and knowledge of driving, and should such investigation reveal such driver not to bear a good reputation for sobriety, careful driving and knowledge of driving, the department shall decline to recommend issuance of the license. A report of such investigation and a copy of the traffic and police record, if any, shall be attached to the application for consideration by the director.

(Code 1970, § 32-30)

Sec. 23-64. - Action on application.

The director, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the council to offer evidence why such application should be reconsidered.

(Code 1970, § 32-31)

Sec. 23-65. - Issuance and form of license.

Upon approval of an application for a taxicab driver's license the director may instruct the city treasurer to issue a license to the applicant which shall bear the name, address, color, weight, height, age, color of hair and eyes, signature and photograph of the applicant.

(Code 1970, § 32-32)

Sec. 23-66. - License and physician's certificate required annually.

A taxicab driver's license issued to an applicant for the first time shall be in effect for the remainder of the calendar year. A license shall be obtained for every calendar year thereafter from the city treasurer and a physician's certificate as to the health of the applicant, particularly with respect to licensee's hearing, sight, heart and physical handicaps and communicable diseases, shall be required; but if licensee's license for the preceding year has been revoked the treasurer may refuse to reinstate it or to grant another license.

(Code 1970, § 32-33)

Sec. 23-67. - Minimum age; requirements as to personal appearance.

Every driver licensed shall be at least twenty-one (21) years of age. Licensee shall maintain a personal appearance of neatness and cleanliness. Failure to do so will justify the presiding officer of the municipal court suspending or revoking a license.

(Code 1970, § 32-34)

Sec. 23-68. - Display of license.

Every driver licensed under this division shall post such licensee's driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Code 1970, § 32-35)

Sec. 23-69. - Suspension or revocation—For noncompliance with law.

Every driver licensed under this division shall comply with all city, state and federal laws. Failure to do so will justify the recorder in suspending or revoking the license.

(Code 1970, § 32-42)

Cross reference— Revocation for liquor or lewdness violation, § 23-3

Sec. 23-70. - Same—By municipal court.

The presiding officer of the municipal court is hereby given the authority to suspend any driver's license issued under this division for a driver failing to comply with the provisions of this article and other applicable provisions of this chapter, such suspension to last for a period of not more than thirty (30) days; and such judicial officer is also given authority to revoke any driver's license for failure to comply with the provisions of this article and other applicable provisions of this chapter; provided, that a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in such licensee's behalf.

(Code 1970, § 32-43)

Sec. 23-71. - Operating or driving after conviction of violation of any ordinance may be prohibited.

Should any driver or operator of a vehicle for hire be convicted of the violation of any of the ordinances of the city it shall be unlawful for such person to further operate or drive any vehicle for hire upon order of the director, and licensee's photograph placed in such vehicle and other informative matter concerning licensee shall be taken up by the public safety department.

(Code 1970, § 32-44)

Secs. 23-72—23-79. - Reserved.

DIVISION 4. - VEHICLES

[Sec. 23-80. - Inspection required prior to use; laws governing; regulations.](#)

[Sec. 23-81. - Certificate of inspection.](#)

[Sec. 23-82. - Periodic inspections.](#)

[Sec. 23-83. - Maintenance in clean and sanitary condition required.](#)

[Sec. 23-84. - Markings and color schemes; conflicts.](#)

[Sec. 23-85. - Taximeters.](#)

[Sec. 23-86. - Identity lights.](#)

[Secs. 23-87—23-89. - Reserved.](#)

Sec. 23-80. - Inspection required prior to use; laws governing; regulations.

Prior to the use and operation of any vehicle under the provisions of this article such vehicle shall be thoroughly examined and inspected by the public safety department and found to comply with the provisions of this article, and all applicable provisions of state law as to equipment and condition, and with such reasonable rules and regulations, not inconsistent with state law or this Code, as may be prescribed by the public safety department to provide safe transportation and specifying such safety equipment and regulatory devices as the department shall deem necessary therefor.

(Code 1970, § 32-45)

Sec. 23-81. - Certificate of inspection.

When, upon inspection as provided herein, the public safety department finds that a vehicle has met the standards established, it shall issue a certificate to that effect, which shall also state the authorized seating capacity of the vehicle.

(Code 1970, § 32-46)

Sec. 23-82. - Periodic inspections.

Every vehicle operating under this article shall be periodically inspected by the public safety department at such intervals as shall be established by the director to insure the continued maintenance of safe operating conditions.

If, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the director, in conflict with or imitate any color scheme, identifying design, monogram, or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab shall be suspended or revoked.

(Code 1970, § 32-49)

Sec. 23-83. - Maintenance in clean and sanitary condition required.

Every vehicle operating under this article shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the public safety department.

(Code 1970, § 32-48)

Sec. 23-84. - Markings and color schemes; conflicts.

(a) It shall be unlawful for any licensee under this article to operate any motor vehicle for hire without having such vehicle printed or painted on both sides and the rear of the body proper the words "Taxi," "Taxicab" or "Automobile for Hire."

(b) Each taxicab shall bear on the outside of each front or rear door, in painted letters not less than six (6) inches nor more than eight (8) inches in height, the name of the company; and, in addition, may bear an identifying design approved by the public safety director. No vehicle covered by the terms of this article shall be licensed, the color scheme, identifying design, monogram or insignia of which shall, in the opinion of the director, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle already operating under this article, in such a manner as to be misleading or tend to deceive or defraud the public.

(Code 1970, § 32-49)

Sec. 23-85. - Taximeters.

All taxicabs operated under authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Each taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. The taximeter shall be sealed at all points and

connections, which, if manipulated, would effect correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a nonrecording position at the termination of each trip. All taximeters shall be subject to inspection from time to time by the public safety department. Any inspector or other officer of that department is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation thereof. Thereupon such taxicab shall be kept off the streets until the taximeter is repaired and in the required working condition. All taximeters shall be installed, properly connected, and repaired as prescribed by the manufacturer of such meter.

(Code 1970, § 32-50)

Sec. 23-86. - Identity lights.

Every taxicab shall be equipped with an identity light attached to the top thereof. Such identity light shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the company name, "Taxi," "Taxicab," or "For Hire." The overall dimensions of such identity light shall not exceed six (6) inches in height by twenty (20) inches in length. The lights of the identity light unit shall be connected to a contact switch attached to the taximeter and such contact switch shall operate automatically to illuminate such identity light when the taximeter is not in operation indicating that the taxicab contains no passengers and to extinguish such identity light when the taximeter is in operation. It shall be unlawful to drive or operate any taxicab with such identity light illuminated while carrying passengers for compensation, and it shall be unlawful to drive, operate, or be in charge of any taxicab unless such identity light is illuminated when such taxicab is for hire.

(Code 1970, § 32-51)

Secs. 23-87—23-89. - Reserved.

ARTICLE III. - WRECKER SERVICE

[Sec. 23-90. - Soliciting business.](#)

[Sec. 23-91. - Police consent to towing.](#)

[Sec. 23-92. - Rotation list.](#)

Sec. 23-90. - Soliciting business.

(a) It shall be unlawful for the operator or driver of any wrecker or vehicle used primarily for the towing or lifting of another vehicle, to park, stand or permit it to park or stand within five hundred (500) feet of the site of an accident involving one or more vehicles or to operate said wrecker within five hundred (500) feet of a wrecked or disabled vehicle for the purpose of soliciting the business of towing or riding, for a fee or compensation, the wrecked, disabled or damaged vehicle, unless the operator or driver of the wrecker shall have first been requested to perform wrecker service by the operator of the wrecked or disabled vehicle, the operator's representative, or by a police officer.

(b) It shall be unlawful for a representative of a wrecker service to solicit, at the site of an accident or within five hundred (500) feet thereof, the business of the wrecker service.

(Ord. of 12-19-78)

Sec. 23-91. - Police consent to towing.

It shall be unlawful for the operator or driver of any wrecker or vehicle used primarily for the towing or lifting of another vehicle to remove any vehicle involved in an accident until a police officer of the city has reached the scene of such accident and made investigation thereof, and a police officer has given consent to the removal of such vehicle.

(Ord. of 12-19-78)

Sec. 23-92. - Rotation list.

It shall be the policy of the city that at such times the services of an operator or driver of any wrecker or vehicle used primarily for the towing or lifting of a disabled vehicle are requested by a police officer, police shall make such request on a rotating basis among those qualified business concerns who have a current city business license and regularly maintain a wrecker or vehicle used primarily for the towing or lifting of other vehicles within the city or within a radius of two (2) miles of the city.

(Ord. of 12-19-78)

Chapter 24 - RESERVED ^[45]

⁽⁴⁵⁾ **Editor's note**— Ord. No. 2010-10, § I.C., adopted May 17, 2010, repealed ch. 24 in its entirety. The former ch. 24 pertained to zoning and development standards and derived from Ord. No. 96-15, adopted Nov. 18, 1996; and Ord. No. 2007-22, §§ I—VII, adopted Dec. 17, 2007.