

CODE OF ORDINANCES
OF THE TOWN OF
RAVENEL, SOUTH CAROLINA

Published in 2023 by Order of the Town Council

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OFFICIALS

of the

TOWN OF

RAVENEL, SOUTH CAROLINA

AT THE TIME OF THIS RECODIFICATION

Stephen W. Tumbleston
Mayor

Bucky Waters, Mayor Pro Tempore
LaJuanda Brown
Robert L. Cochran
Andrea Gail Farris
Jim Rodgers Jr.
Terry Wilkinson
Town Council

Michael D. Hemmer
Town Planning and Zoning Administrator

Joseph C. Wilson IV, Esq.
Town Attorney

Tammy Wood
Town Clerk-Treasurer

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Ravenel, South Carolina.

Source materials used in the preparation of the Code were the 1988 Code, and ordinances subsequently adopted by the town council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1988 Code and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been provided catchlines to facilitate usage. Notes which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of

the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

SPECIAL ACTS	SA:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
SPECIAL ACTS INDEX	SAi:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such

amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Daniel F. Walker, Code Attorney, and Amanda Heath, Editor, of Municode, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Michael D. Hemmer, Town Planning and Zoning Administrator, for his cooperation and assistance during the progress of the work on this publication. It is hoped that his efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Title of Code.
- Sec. 1-2. Interpretation.
- Sec. 1-3. Application to future ordinances.
- Sec. 1-4. Definitions.
- Sec. 1-5. Rules of construction.
- Sec. 1-6. Severability.
- Sec. 1-7. Effect of repeal of ordinances.
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- Sec. 1-13. Ordinances repealed by this Code of Ordinances.
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- Sec. 1-15. Section histories.
- Sec. 1-16. Ordinance summons.
- Sec. 1-17. Amendments to Code.
- Sec. 1-18. General penalty.

Sec. 1-1. Title of Code.

(a) All ordinances of a permanent and general nature of the town as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the "Code of Ordinances of the Town of Ravenel, South Carolina," or "Ravenel Municipal Code" for which the designation "codified ordinances" or "Code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the Code.

(b) All references to codes, titles, chapters, and sections are to such components of the Code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "Sec." followed by the number, such as "10.01." Headings and captions used in this Code other than the title, chapter, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

(Code 1988, § 10.01)

Sec. 1-2. Interpretation.

(a) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of the South Carolina Code.

(b) Where a section of this Code is followed by a reference to the South Carolina Code, the reference indicates that the section is analogous or similar to the cited sections in the South Carolina Code.

(c) Footnotes, cross references, and other comments are by way of explanation only and should not be deemed a part of the text of any section.

(d) All provisions of this Code are limited in application to the territorial boundaries of the municipal corporation although the provisions may not be so limited specifically.

(e) Code, title, chapter, and section headings do not constitute any part of the law as contained in the Code.

(Code 1988, § 10.02)

Sec. 1-3. Application to future ordinances.

All provisions of this chapter not incompatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this Code unless otherwise specifically provided.

(Code 1988, § 10.03)

Sec. 1-4. Definitions.

For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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

Code. The term "Code" means the Code of Ordinances of the Town of Ravenel, South Carolina, as designated in section 1-1.

Council or town council. The term "council" or "town council" means the town council of the Town of Ravenel, South Carolina.

County. The term "county" means Charleston County, South Carolina.

Imprisonment. The term "imprisonment" means in the town or county jail.

May. The term "may" means the act is permissive, not obligatory.

Month. The term "month" means a calendar month.

Oath. The term "oath" means and includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in these cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Owner. The term "owner," applied to building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of the building or land.

Person. The term "person" means and includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" means and includes every species of property except real property as defined below.

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

Property. The term "property" means and includes real and personal property.

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

Roadway. The term "roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel.

S.C. Code 1976. The term "S.C. Code 1976" means and refers to the South Carolina Code of Laws 1976, as amended.

S.C. Code Reg. The term "S.C. Code Reg." means and refers to the South Carolina Code of Regulations, as amended.

Shall. The term "shall" means that an action is required, mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

Signature or subscription. The term "signature" or "subscription" means and includes a mark when the person cannot write.

State. The term "state" means the State of South Carolina.

Street. The term "street" means any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto within the town.

Tenant or occupant. The term "tenant" or "occupant," applied to a building or land, means and includes any person who occupies the whole or part of a 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.

Town. The term "town" means the Town of Ravenel, Charleston County, South Carolina.

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

Year. The term "year" means a calendar year.
(Code 1988, § 10.04)

Sec. 1-5. Rules of construction.

The construction of all ordinances of the town shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

- (1) Words and phrases shall be taken in their plain, ordinary, and usual sense. But technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (2) As used in the Code, unless the context otherwise requires:
 - a. The singular includes the plural, and the plural includes the singular.
 - b. Words of gender include all genders.
 - c. Words in the present tense include the future.
- (3) Act by assistants. When a statute requires an act to be done which, by law, an agent or deputy as well may do as the principal; such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

- (4) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.
- (5) Joint authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons, unless otherwise declared in the law giving such authority.
- (6) Exceptions. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

(Code 1988, § 10.05)

Sec. 1-6. Severability.

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

(Code 1988, § 10.06)

Sec. 1-7. Effect of repeal of ordinances.

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

(Code 1988, § 10.07)

Sec. 1-8. Computation of time.

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

(Code 1988, § 10.08)

Sec. 1-9. Official time.

The official time, as established by applicable state and federal law, shall be the official time within the town of the transaction of all town business.

(Code 1988, § 10.09)

Sec. 1-10. Reference to other sections.

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter is changed or materially altered by the amendment or revision.

(Code 1988, § 10.10)

Sec. 1-11. Reference to offices.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the town exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(Code 1988, § 10.11)

Sec. 1-12. Errors and omissions.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any words necessary to express the intention of the provisions affected; the use of words to which no meaning can be attached; or the use of words when another word was clearly intended to express such intent, such spelling shall be corrected and such words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

(Code 1988, § 10.12)

Sec. 1-13. Ordinances repealed by this Code of Ordinances.

This Code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code.

(Code 1988, § 10.13)

Sec. 1-14. Ordinances unaffected by this Code of Ordinances.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this Code shall remain in full force and effect unless herein repealed expressly or by necessary implication. Among the ordinances remaining in effect after adoption of this Code are:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of the ordinance adopting this Code;

- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligations assumed by the town;
- (3) The administrative ordinances or resolutions of the town not in conflict with the provisions of the Code;
- (4) Any ordinance or resolution fixing salaries of officers or employees of the town, unless superseded;
- (5) Any appropriation ordinance or resolution;
- (6) Any right of franchise granted by the council to any person, firm, or corporation;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, paving, widening, vacating, etc., any street or public way in the town;
- (8) Any ordinance or resolution establishing and prescribing the street grades of any streets in the town;
- (9) Any ordinance or resolution providing for local improvements or assessing taxes therefor;
- (10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the town, or providing regulations for the same;
- (11) Any ordinance annexing property to the town;
- (12) Any zoning ordinance or amendments thereto;
- (13) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures;
- (14) Ordinances or resolutions prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with this Code;
- (15) Any ordinance or resolution fixing utility rates and charges;
- (16) Any ordinance of agreement with another political subdivision;
- (17) Any ordinance concerning issuance of tax anticipation notes or other debt;
- (18) Any ordinance regulating adult entertainment or sexually oriented businesses;
- (19) Any ordinance concerning business licensing;
- (20) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect, or which is not codified in this Code.

(Code 1988, § 10.14)

Sec. 1-15. Section histories.

As history notes for the Code sections, the section number of the previous code is listed, followed by the ordinance numbers and adoption dates of ordinances which later amended that code section. A code section within this Code with no history note means that the section was originally adopted upon the adoption of this Code of Ordinances.

(Code 1988, § 10.15)

Sec. 1-16. Ordinance summons.

(a) Any person or entity violating any provision of this Code of Ordinances, or any code adopted pursuant thereto, within the corporate limits of the town, may be issued a uniform ordinance summons. Issuance of the uniform ordinance summons shall vest jurisdiction in the county magistrate's court to hear and dispose of the charge for which the uniform ordinance summons is issued and served. The uniform ordinance summons may be issued by any enforcement officer authorized by state law or any other municipal employees designated by the council as code enforcement officers. The bond amount for violation shall be prescribed by the chief magistrate court judge. Code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons. The uniform ordinance summons shall not be used to perform a custodial arrest.

(b) This section does not apply to any ordinance which regulates the use of motor vehicles on the public roads.

(Ord. No. 11-20, 9-29-2020)

Sec. 1-17. Amendments to Code.

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

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section ____ of the Code of Ordinances of the Town of Ravenel, South Carolina, is hereby amended to read as follows:" The new provisions shall then be set out in full as enacted.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances of the Town of Ravenel, 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.

(d) In lieu of the preceding paragraphs, a section in substantially the following language may be made a part of the ordinance: "Section _____. It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Ravenel, South Carolina, and the sections of this ordinance may be renumbered to accomplish such intention."

(e) 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. 1-18. General penalty.

Whenever in this Code or in any ordinance of the town, or in any rule, regulation, or order promulgated by any officer or agency of the town under authority duly vested in him, her or it, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code, or any such ordinance, rule, regulation, or order shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days, or both. Each day any violation of this Code or any such ordinance, rule, regulation, or order shall continue shall constitute a separate offense.

(Code 1988, § 10.99-2)

State law reference—General penalty for violation of ordinances and the like, S.C. Code 1976, § 5-7-30.

Chapter 2

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Sec. 2-22. Governing officers.

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Sec. 2-45. Taking and leaving of office.

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Sec. 2-75. Conference meetings.

Sec. 2-76. Mayor pro tempore.

Sec. 2-77. Quorum.

Sec. 2-78. Order of business.

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Sec. 2-80. Voting requirements.

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Sec. 2-83. Written agenda to be prepared.

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Secs. 2-85—2-106. Reserved.

Division 3. Ordinances and Resolutions

Sec. 2-107. Acting by ordinance in matter required by law.

Sec. 2-108. Form of ordinances, resolutions.

***State law references**—Powers conferred upon municipalities, S.C. Code 1976, § 5-7-30; general structure and functions of all municipalities, S.C. Code 1976, § 5-7-10 et seq.; municipal powers vested in council, S.C. Code 1976, § 5-7-160; local fee imposition limitations, S.C. Code 1976, § 6-1-330.

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- Sec. 2-109. Introduction of ordinances, resolutions.
- Sec. 2-110. Publishing notice of ordinances granting certain provisions.
- Sec. 2-111. Enactment of ordinances.
- Sec. 2-112. Adoption of resolutions.
- Sec. 2-113. Codification of ordinances.
- Secs. 2-114—2-134. Reserved.

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- Sec. 2-135. Special committees.
- Secs. 2-136—2-163. Reserved.

Division 5. Compensation

- Sec. 2-164. Salary of mayor and councilmembers.
- Secs. 2-165—2-181. Reserved.

Article IV. Officers and Employees

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- Secs. 2-182—2-191. Reserved.

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- Sec. 2-192. Oath of office.
- Sec. 2-193. Term of office.
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- Sec. 2-195. Compensation.
- Sec. 2-196. General powers and duties.
- Sec. 2-197. Mayor to direct town officers.
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- Sec. 2-246. Appointment.
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- Sec. 2-249. Custody of town seal.
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Division 5. Corporation Counsel

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Division 7. Planning and Zoning Administrator

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Article VIII. Procurement Code

- Sec. 2-448. Findings of facts.
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- Sec. 2-456. Procedures on procurements not exceeding \$20,000.00.
- Sec. 2-457. Sole source procurements.
- Sec. 2-458. Emergency procurements.
- Sec. 2-459. Cancellation of invitation for bids or request for proposals.
- Sec. 2-460. Right to protest; procedure; settlement of protest; administration review and decision; notice of decision; finality; stay of procurement pending; exclusivity of remedy.
- Sec. 2-461. Debarment or suspension.
- Sec. 2-462. Authority to resolve contract and breach of contract controversies.
- Sec. 2-463. Solicitations or awards in violation of the law.
- Sec. 2-464. Contract controversies.
- Sec. 2-465. Frivolous protest.

ARTICLE I. IN GENERAL

Secs. 2-1—2-20. Reserved.

ARTICLE II. MAYOR-COUNCIL FORM

Sec. 2-21. Form of government.

The form of municipal government provided for in the town is hereby known as the mayor-council form.

(Code 1988, § 30.01; Ord. No. 2-100, 9-9-1976)

Sec. 2-22. Governing officers.

(a) The town is hereby governed by an elected executive who is called mayor and by a elected legislative body which is called the town council, elected at large for two-year terms as provided in S.C. Code 1976, §§ 5-9-10 through 5-9-40.

(b) The town council shall be composed of six members.
(Code 1988, § 30.02; Ord. No. 2-100, 9-9-1976)

Secs. 2-23—2-42. Reserved.

ARTICLE III. TOWN COUNCIL**DIVISION 1. GENERALLY**

Sec. 2-43. Terms of office.

(a) All councilmembers shall be elected for terms of four years.

(b) If four-year terms are selected, they must be staggered so that not more than one-half of the council and mayor shall be elected in the same general election. One-half of the councilmembers may be elected for terms of two years and one-half of the councilmembers and mayor may be elected for terms of four years if it is necessary to establish staggered terms. Two-year terms shall not be staggered.

(Code 1988, § 31.01; Ord. No. 2.103, 9-9-1976)

Sec. 2-44. Oath of office.

All councilmembers must take the following oath before entering office:

"I do solemnly swear that I am duly qualified, according to the constitution of this State, to exercise the duties of the office to which I have been elected, that I will, to the best of my ability, discharge the duties thereof, and defend the Constitution of this State and of the United States. So help me, God."

(Code 1988, § 31.02; Ord. No. 2.104, 9-9-1976)

Sec. 2-45. Taking and leaving of office.

(a) Newly elected officers shall not be qualified pursuant to S.C. Code 1976, § 5-15-120, until at least 48 hours after the closing of the polls.

(b) The newly elected officers shall not take office until at least seven days after the time for protest has passed.

(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 1988, § 31.03; Ord. No. 2.103.1, 9-9-1976)

Secs. 2-46—2-73. Reserved.**DIVISION 2. MEETINGS OF COUNCIL****Sec. 2-74. Regular and special meetings.**

(a) Regular meetings of council shall be held at a date, time, and location as established, subject to state law requirements. Notice of regular meetings of council and public hearings, and written agenda, shall be provided according to S.C. Code 1976, § 30-4-80.

(b) Special meetings of council may be held on the call of the mayor or a majority of the members. Notice of a special meeting shall be posted and given to all available members and to the news media as early as practical.

(c) All regular and special meetings of council shall be open to the public.
(Code 1988, § 31.15; Ord. No. 2.304.1, 9-9-1976; Ord. of 11-25-2003; Ord. of 3-8-2016)

Sec. 2-75. Conference meetings.

(a) The town council may have conference meetings as permitted by the South Carolina Freedom of Information Act and this Code at such times and in such places as may be deemed necessary and in the public interest by the mayor or any member of the council.

(b) No formal vote shall be taken upon any matter under discussion at any such conference, but an informal polling of the council may be made if desired by any member of the council.

(c) The town clerk-treasurer may, if time permits, give notice to the news media that a conference meeting will be held pursuant to law without stating the specific matters to be discussed. When advance notice is not given, the clerk-treasurer may give notice of such meeting after it has been held. Notice shall be given in accordance with state law.

(d) No vote of the council shall be necessary to call a conference meeting.
(Code 1988, § 31.16; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-76. 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 not to exceed two 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 1988, § 31.17; Ord. No. 2.312, 9-9-1976)

Sec. 2-77. Quorum.

A majority of the councilmembers serving shall constitute a quorum for the conduct of business at any meeting. The mayor or mayor pro tempore shall preside, except that in the absence of both, the members present shall elect a presiding member.
(Code 1988, § 31.18; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-78. Order of business.

(a) In order to conduct the town's business smoothly and efficiently, parliamentary procedure will be followed. The rules of procedure for council meetings will be as follows in subsection (b) of this section.

(b) Immediately at the hour appointed for the meeting of the council, the mayor shall call the meeting to order, and the councilmembers shall take their seats and conduct themselves with propriety. If a quorum be present, business may proceed in the following order:

- (1) Reading of the minutes of the last meeting of council which shall be confirmed or corrected.
- (2) Report of financial status to council.
- (3) Petitions received and disposed with.
- (4) Reports or communications from town officers.
- (5) Reports from standing committees.
- (6) Reports from special committees.
- (7) Ordinances already in possession of council shall be considered.

- (8) Introduction of ordinances and resolutions.
- (9) Miscellaneous business not included in any of the preceding categories.
- (10) Executive session.
- (11) Adjournment.

(Code 1988, § 31.19; Ord. of 10-31-1972; Ord. of 11-29-1994)

Sec. 2-79. Robert's Rules of Order.

Except as otherwise required by state law or ordinance, all proceedings of the council shall be governed by Robert's Rules of Order and the corporation counsel shall act as parliamentarian. (Code 1988, § 31.20; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-80. Voting requirements.

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

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

(c) The vote on every question shall be by roll call and shall be recorded in the council minutes by the town clerk-treasurer or the town administrator.

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

(Code 1988, § 31.21; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-81. Minutes of meetings.

The town clerk-treasurer, and/or their designated representative, shall keep the minutes of all public meetings of council which shall be a matter of permanent public record. At each council meeting, the minutes of the previous meeting shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by council. Any member of council desiring to express a position on a matter voted upon by council in the minutes may do so by presenting the position in writing to the council not later than the next regular meeting. (Code 1988, § 31.22; Ord. No. 2.304.1, 9-9-1976; Ord. No. 8-20, § 31.22, 7-15-2020)

Sec. 2-82. Appearance of citizens.

Any citizen of the town shall be entitled to an appearance before the council at any regular meeting concerning any municipal matter with the exception of personnel matters, subject to

regulations and policies as determined by the mayor to be necessary for the orderly and timely conduction of council meetings. Persons desiring to speak must notify the clerk-treasurer or town administrator prior to the beginning of the meeting.

(Code 1988, § 31.23; Ord. No. 2.304.1, 9-9-1976; Ord. No. 8-20, § 31.23, 7-15-2020)

Sec. 2-83. Written agenda to be prepared.

Matters to be considered by council at a regular meeting shall be placed on a written agenda prepared by the mayor, town administrator, and/or their designated representative and publicly posted by the clerk-treasurer not later than 24 hours before the meeting, subject to state law requirements. Matters not on the agenda may be considered only if subject to the conditions set forth in S.C. Code 1976, § 30-4-80(A).

(Code 1988, § 31.24; Ord. No. 2.304.1, 9-9-1976; Ord. No. 8-20, § 31.24, 7-15-2020)

Sec. 2-84. Attendance of corporation counsel, town administrator, and clerk-treasurer required.

(a) The corporation counsel shall attend all meetings of the council unless excused by the council. He or she shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions, and documents presented to the council, and give opinions upon questions of procedure, form, and law to any member of the council.

(b) The town administrator shall attend all meeting of the council unless excused by the council. He or she shall call roll, record votes of council, assist the mayor in the orderly and timely conduction of the meetings, and provide any input or opinion regarding any aspect of town operations to any member of council.

(c) The clerk-treasurer shall be ex-officio clerk of the town council. The clerk-treasurer, and/or its designated representative, shall give notices of meetings, post the agenda, attend regular and special meetings, keep minutes of council meetings, and perform such other duties as may be assigned.

(Code 1988, § 31.25; Ord. No. 2.304.1, 9-9-1976; Ord. No. 8-20, § 31.25, 7-15-2020)

Secs. 2-85—2-106. Reserved.

DIVISION 3. ORDINANCES AND RESOLUTIONS

Sec. 2-107. Acting by ordinance in matter required by law.

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

- (1) Adopting or amending an administrative code or ordinance; creating, altering, or abolishing any municipal department, office, or agency;

- (2) Providing for a fine or other penalty or establishing a rule or regulation in which a fine or other penalty is imposed for violations;
- (3) Appropriating funds and adopting a budget;
- (4) Granting, renewing, or extending franchises, licenses, or rights in public streets or public property, and closing abandoned streets;
- (5) Authorizing the borrowing of money or the issuance of bonds;
- (6) Levying taxes, assessing property for improvements, or establishing charges for services;
- (7) Annexing area to the town;
- (8) Conveying or leasing or authorizing the conveyance or lease of any lands of the town; and
- (9) Amending or repealing any ordinance described in subsections (a)(1) through (8) of this section.

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

(Code 1988, § 31.35; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-108. Form of ordinances, resolutions.

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

- (1) A title briefly describing the content;
- (2) Findings, reasons, or basis for the ordinance, if desired and appropriate;
- (3) An enacting clause;
- (4) Citation of any ordinance repealed;
- (5) The provisions of the ordinance including section numbers if the ordinance is to be codified or amends an existing codified ordinance;
- (6) The effective date of the ordinance;
- (7) The name of the person requesting introduction of the ordinance;
- (8) The approval of the corporation counsel as to form and the assignment of an ordinance number;
- (9) Space for the signatures of the mayor or presiding member of council and the clerk-treasurer attesting notice, if required, and adoption.

(b) Written resolutions shall be in such similar form as deemed appropriate by the corporation counsel.

(Code 1988, § 31.36; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-109. Introduction of ordinances, resolutions.

(a) An ordinance may be proposed by any member of the council. A proposed ordinance shall be referred to the corporation counsel for approval as to form. The corporation counsel shall render assistance in the preparation of notices and ordinances. After an ordinance is in proper form and required notices have been given, the corporation counsel shall send the ordinance to the clerk-treasurer to be held for public inspection. An ordinance shall be deemed to be introduced when it appears on an agenda for a public meeting of council and its title is read.

(b) A voice motion of a member of council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation of the clerk-treasurer in the council minutes. A resolution proposed in writing shall be introduced in the same manner as an ordinance.

(Code 1988, § 31.37; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-110. Publishing notice of ordinances granting certain provisions.

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

(Code 1988, § 31.38; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-111. Enactment of ordinances.

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

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

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

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

(e) After the introduction of an ordinance, any member of council or any citizen of the town interested therein may request a public hearing which may be held at any time designated by council prior to final adoption.

(f) Upon final adoption by vote of the council, an ordinance shall be signed by the mayor or presiding member and attested by the clerk-treasurer, who shall file the original in the council minutes.

(Code 1988, § 31.39; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-112. Adoption of resolutions.

Written or oral resolutions may be adopted on one reading unless a public hearing is set by a majority of the members of the council present.

(Code 1988, § 31.40; Ord. No. 2.304.1, 9-9-1976)

Sec. 2-113. Codification of ordinances.

All ordinances relating to administration, health, safety, vehicles, streets (except franchises and encroachments), traffic, railroads, crimes and offenses, utilities, solicitations, pollution, municipal court, and any other ordinances or portions of ordinances so required by council shall be codified and updated not less than annually in a looseleaf code of ordinances. Standard codes, technical regulations, and zoning ordinances may be cited in the Code by reference and copies thereof shall be made available by the clerk-treasurer for distribution or for purchase at a reasonable price.

(Code 1988, § 31.41; Ord. No. 2.304.1, 9-9-1976)

Secs. 2-114—2-134. Reserved.

DIVISION 4. COMMITTEES

Sec. 2-135. Special committees.

The council may appoint a special committee to assist in or hold a public hearing for the council at any time upon any matter pending before it. Minutes or reports of hearings held by special committees shall be filed with the clerk-treasurer as public records.

(Code 1988, § 31.50; Ord. No. 2.304.1, 9-9-1976)

Secs. 2-136—2-163. Reserved.

DIVISION 5. COMPENSATION

Sec. 2-164. Salary of mayor and councilmembers.

(a) The annual salary of the mayor and a councilmember shall be as determined by the council by ordinance.

(b) No ordinance changing such salary shall become effective until the date of commencement of the terms of the mayor and councilmembers elected at the next general election following the change. The councilmembers may also receive payment for actual expenses incurred in the performance of their official duties.

(Code 1988, § 31.60; Ord. No. 2.102.1, 9-9-1976; Ord. of 5-30-2002; Ord. of 9-25-2007; Ord. of 7-28-2015)

Secs. 2-165—2-181. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Secs. 2-182—2-191. Reserved.

DIVISION 2. MAYOR

Sec. 2-192. Oath of office.

(a) The mayor must take the following oath before entering office:

"I do solemnly swear that I am duly qualified, according to the constitution of the state, to exercise the duties of the office to which I have been elected, that I will, to the best of my ability, discharge the duties thereof, and defend the Constitution of this State and of the United States. So help me, God."

(b) It is further ordained that the following oath must also be taken:

"As mayor (or Alderman) of the Town of Ravenel, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to the law, the purposes for which I have been elected."

(Code 1988, § 32.01; Ord. No. 2.104, 9-9-1976)

Sec. 2-193. Term of office.

(a) The mayor shall be elected for terms of four years.

(b) If four-year terms are selected, they must be staggered so that not more than one-half of the council and mayor shall be elected in the same general election.

(Code 1988, § 32.02; Ord. No. 2.103, 9-9-1976)

Sec. 2-194. Taking and leaving office.

(a) Newly elected officers shall not be qualified pursuant to S.C. Code 1976, § 5-15-120, until at least 48 hours after the closing of the polls.

(b) Newly elected officers shall not take office until at least seven days after the time for protest has passed.

(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 1988, § 32.03; Ord. No. 2.103.1, 9-9-1976)

Sec. 2-195. Compensation.

(a) The annual salary of the mayor shall be as determined by council by ordinance.

(b) No ordinance changing such salary shall become effective until the date of commencement of the terms of councilmembers elected at the next general election following the change.

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

(Code 1988, § 32.04; Ord. No. 2.102.1, 9-9-1976)

Sec. 2-196. General powers and duties.

The mayor shall be the chief executive officer of the town and, in addition to the powers and duties now exercised and required by him or her to perform by law or ordinance, it shall be the mayor's duty to be vigilant and active at all times in causing the laws for the government of the town to be duly executed and put in force, to inspect the conduct of all subordinate officers in the exercise and discharge of their duties, and, as for as in the mayor's power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished.

(1) *Powers of appointment.* State law gives the town council the power to make appointments to various boards, commissions, and offices. The mayor shall have the power for appointing committees of the council.

(2) *Power to call council meetings.* The mayor shall have the power to call meetings of the council for the transaction of business of the town whenever the mayor may deem it necessary.

- (3) *Power to vote on matters before council.* The mayor shall have a full vote on all questions coming before the council, providing the mayor has no personal interest in the outcome of such vote.

(Code 1988, § 32.05; Ord. No. 2.110.2, 10-31-1972; Ord. No. 2.110.4, 10-31-1972)

State law reference—Mayor as chief administrative officer, S.C. Code 1976, § 5-9-30.

Sec. 2-197. Mayor to direct town officers.

The mayor shall have power to give those directions to any of the executive officers of the town as may be necessary to carry the ordinances and the police laws and regulations into effect and to require them to attend him or her for this purpose, by night as well as by day, whenever the exigencies of the public business may, in his or her judgment, render their attendance necessary.

(Code 1988, § 32.06)

Sec. 2-198. Inspection of books and records.

The mayor shall have power to inspect the books, papers, and records of the public officers of the town and of the boards and committees under the authority of the town council as may, in the mayor's judgment, be of assistance to him or her in the discharge of his or her duties. The mayor may call upon any officer of the town and upon the boards to furnish him or her, in writing, with any information connected with any of their respective officers.

(Code 1988, § 32.07)

Sec. 2-199. Mayor to preserve order.

It is the special duty of the mayor to take prompt measures for the suppression of rows and riots and the preservation of good order in the town, for which purpose the mayor is authorized to require all town officers and, if necessary, the citizens to aid and assist him or her.

(Code 1988, § 32.08)

Sec. 2-200. Financial responsibilities of mayor.

The mayor shall be invested with the power to require timely audits and reports from any town officer to be prepared and presented to the town council, and that it will be the mayor's duty to ensure that the financial statements are published at the prescribed time and in the proper manner. The mayor shall also be delegated the duty of ascertaining the proper collection of taxes.

(Code 1988, § 32.09; Ord. No. 2.110.1, 10-31-1972)

Secs. 2-201—2-218. Reserved.

DIVISION 3. TOWN ADMINISTRATOR

Sec. 2-219. Appointment.

There shall be appointed by the council an officer whose designation shall be that of town administrator to assist the mayor with the administrative duties as delegated by the council pursuant to state law. The town administrator shall serve at the pleasure of the mayor and can only be dismissed with the consent of the town council. The town administrator may also fill the role of planning and zoning administrator.

(Ord. No. 8-20, § 32.10, 7-15-2020)

Sec. 2-220. Salary.

The town administrator shall receive an amount of salary as is now or may hereafter be regulated by resolution of the council or by ordinance.

(Ord. No. 8-20, § 32.11, 7-15-2020)

Sec. 2-221. Duties.

(a) The town administrator serves as the chief administrative officer of the town.

(b) It shall be the duty of the town administrator, and/or their designated representative, to implement the day-to-day operations of the town and the policies of the council, including the following:

- (1) Assist the mayor, town council, and town boards and commission with the development of meeting agendas and the orderly and timely conduction of meetings, including roll calls and voting records;
- (2) Assist with the development of, and monitoring of, the budget;
- (3) Instruct, assign, review, and plan the work of other town employees;
- (4) Serve as project manager and contact for town projects including the development of specifications, procedures, bid advertisements, contracting recommendations, review and reports on the execution of work and contracts, and, upon approval of the mayor, has the authority to approve change orders of up to ten percent of the original contract cost;
- (5) Assist in the development of, and implementation of the responsibilities identified in the town's emergency plans and policies;
- (6) Where appropriate, assist in the town functions of parliamentary procedure, elections, ordinance drafting, human resources, insurance, financing, compliance, public communication, employee training, and other operational town needs which the administrator may be able to help address; and

(7) Respond to issues and questions from the public.
(Ord. No. 8-20, § 32.12, 7-15-2020)

Secs. 2-222—2-245. Reserved.

DIVISION 4. CLERK-TREASURER

Sec. 2-246. Appointment.

There shall be appointed by the mayor with the consent of council an officer whose designation shall be that of clerk-treasurer of the town. The clerk-treasurer shall serve at the pleasure of the mayor and can only be dismissed with the consent of the town council.

(Code 1988, § 32.20; Ord. No. 8-20, § 32.20, 7-15-2020)

Sec. 2-247. Salary.

The clerk-treasurer shall receive an amount of salary as is now or may hereafter be regulated by resolution of the council or by ordinance.

(Code 1988, § 32.21; Ord. No. 8-20, § 32.21, 7-15-2020)

Sec. 2-248. Duties.

(a) It shall be the duty of the clerk-treasurer to monitor the town's income and expenditures. They shall balance the books each month and render an account of the same to the town council at the next following council meeting in a profit and loss statement and balance sheet. The clerk-treasurer shall be responsible for depositing all monies, checks, and cash over \$500.00 in the night depository of the bank in which the town's account is kept. Furthermore, the clerk-treasurer shall submit the town books to a certified public accountant chosen for an annual audit to ensure the integrity of the town's financial statements, and the council shall approve the audit and have it available for viewing upon request.

(1) Petty cash on hand shall not exceed \$500.00.

(2) Cash disbursements require two signatures: the mayor and mayor pro tempore. In case one signer is not available, an alternate signer shall be chosen by council.

(b) The clerk-treasurer serves as the chief financial officer of the town. The clerk-treasurer shall execute internal audit controls to include monthly reconciliations of all bank statements, general ledgers and payroll accounts.

(c) The clerk-treasurer shall prepare employee payroll and pay all bills and invoices as ordered by the mayor or by statute and shall manage the finances and accounts of the town and assess investments of town money. On an annual basis, the clerk-treasurer shall prepare the town budget estimates for council review and adoption.

(d) The clerk-treasurer, and/or their designated representative, will assist the town administrator in the preparation and distribution of notices and agendas for meetings of the town council, planning commission, and board of appeals and serve as support staff at meetings, if needed. He or she will notify the media and the general public of town activities and will post and distribute meeting notices, agendas, and minutes as required by town ordinance and state law.

(e) It shall be the duty of the clerk-treasurer, and/or their designated representative, to attend all meetings of the council, keep a journal of the proceedings of the council meetings, and to record such proceedings in a book to be known as the minutes book of the town council.

(f) It shall be the duty of the clerk-treasurer, and/or their designated representative, to incorporate all ordinances in a book for ratification, which book shall be known as the Code of Ordinances of the Town of Ravenel, South Carolina, and which shall be indexed.

(g) The clerk-treasurer, and/or their designated representative, shall issue business and other licenses authorized by state statute and collect fees and penalties as fixed by ordinance. The clerk-treasurer shall notify business owners of upcoming license deadlines and filing requirements.

(h) The clerk-treasurer, and/or their designated representative, shall maintain contact, elected term, and appointment term information on all members of the council and town boards and commissions and shall summon the various members of the council whenever directed by the mayor to do so.

(i) The clerk-treasurer, with the assistance of the town administrator, shall oversee the conduct of elections, including posting and/or sending notices, acting as a liaison with the elections commission, collecting applications, petitions, and applicable fees, and other related duties.

(Code 1988, § 32.22; Ord. No. 8-20, § 32.22, 7-15-2020)

Sec. 2-249. Custody of town seal.

The clerk-treasurer shall have custody of the seal of the town and the same shall be carefully kept at all times in their office.

(Code 1988, § 32.23; Ord. No. 8-20, § 32.23, 7-15-2020)

Secs. 2-250—2-271. Reserved.

DIVISION 5. CORPORATION COUNSEL

Sec. 2-272. Election.

There shall be appointed by the town council an attorney whose designation shall be the corporation counsel of the town.

(Code 1988, § 32.30)

Sec. 2-273. Duties.

The duties of the corporation counsel shall be to enter appearance in all actions, cases, and special proceedings; conduct all suits in all courts in which the town is or shall be a party; and investigate titles and give opinions on questions of law when requested so to do by the town council or the mayor.

(Code 1988, § 32.31)

Sec. 2-274. Salary.

The salary of the corporation counsel shall, for the ordinary service to be rendered to the council and mayor, be that provided for and regulated by resolution or ordinance. For extraordinary services, such as appearing for the town in the courts of the state or the United States, counsel shall be entitled to make additional reasonable charges.

(Code 1988, § 32.32)

Secs. 2-275—2-291. Reserved.

DIVISION 6. CODE INSPECTOR

Sec. 2-292. Office position created.

The position of town code inspector is hereby created and conferred with the duties and powers necessary to enforce town code, zoning code, and ordinances. The town code inspector is not an appointment, but is a town employee that serves at the pleasure of the mayor, reports to the town administrator, supervises town subcontract labor, and whose duties may be combined with other employee positions as needed.

(Code 1988, § 32.40; Ord. No. 8-20, § 32.40, 7-15-2020)

Sec. 2-293. Salary.

The town code inspector shall receive an amount of salary as is now or may hereafter be determined by the mayor.

(Ord. No. 8-20, § 32.41, 7-15-2020)

Sec. 2-294. Duties.

(a) The town code inspector, and/or their duly deputized and designated representative, shall have the sole authority and duty to inspect any property within the town corporate limit and shall receive all consideration as afforded by chapter 20, article II.

(b) It shall be the duty of the town code inspector to inspect and investigate code violations and issue stop orders, warnings, violation notices, or must contact notices. The town code inspector will maintain records of all actions and follow-up in a timely manner on violations.

(c) It shall be the duty of the town code inspector to transmit records of violation activity to court officials as necessary and to attend, testify, and represent the town at any needed court proceedings regarding code violations.

(Ord. No. 8-20, § 32.42, 7-15-2020)

Secs. 2-295—2-316. Reserved.

DIVISION 7. PLANNING AND ZONING ADMINISTRATOR

Sec. 2-317. Appointment.

There shall be appointed by the mayor with the consent of council an officer whose designation shall be that of planning and zoning administrator of the town. The planning and zoning director shall serve at the pleasure of the mayor and can be dismissed only with the consent of the town council. The planning and zoning administrator may be referred to as the zoning administrator in the town or zoning code and the position and duties may be occupied by the town administrator if approved by the mayor and council.

(Ord. No. 8-20, § 32.50, 7-15-2020)

Sec. 2-318. Salary.

The planning and zoning administrator shall receive an amount of salary as is now or may hereafter be determined by the mayor. If the planning and zoning administrator also serves as town administrator, the salary shall be regulated by resolution of the council or by ordinance.

(Ord. No. 8-20, § 32.51, 7-15-2020)

Sec. 2-319. Duties.

(a) It shall be the duty of the planning and zoning administrator to administer and enforce the provisions of the zoning ordinance, grant required permits, act as support staff for council, boards, and commissions, and make or direct inspections necessary to enforce the zoning ordinance.

(b) It shall be the duty of the planning and zoning administrator to interpret the zoning code and ordinances, review and process applications for rezoning requests, variances, conditional uses, special exceptions, and other permits.

(c) It shall be the duty of the planning and zoning administrator to review proposed development, subdivision, and site plans for compliance with all town codes.

(d) It shall be the duty of the planning and zoning administrator to assist in the investigations of the town code inspector regarding interpretations, violations, and enforcement and follow-up actions.

(e) It shall be the duty of the planning and zoning administrator to maintain the official zoning map and the zoning ordinance.

(f) It shall be the duty of the planning and zoning administrator to manage the development, updates, and maintenance of the town's comprehensive plan.

(g) It shall be the duty of the planning and zoning administrator to develop policy and procedural recommendations regarding land-use and zoning regulations and to assist in the development and updating of the town comprehensive plan and other planning documents.

(h) The planning and zoning administrator will maintain contact and manage contracted building, inspection, and review services as may be provided by the county or other providers needed to administer planning and zoning services in the town.

(i) The planning and zoning administrator will maintain required public records and oversee required meeting details such as notices, postings, mailings, agendas, and minutes that are required to administer the various elements of the zoning ordinance.

(Ord. No. 8-20, § 32.52, 7-15-2020)

Sec. 2-320. Appeals.

Appeals to any decision of the planning and zoning administrator regarding the interpretation of any provision found in the zoning code or zoning ordinances may be made to, and heard by, the town board of zoning appeals by following the procedures as found in the zoning code.

(Ord. No. 8-20, § 32.53, 7-15-2020)

Sec. 2-321. Other staff.

For special projects or studies and to accomplish a broad scope of services, the mayor, with the consent of council, shall have the authority to employ full- or part-time staff persons to fulfill specific duties or to serve in an advisory role.

(Ord. No. 8-20, § 32.90, 7-15-2020)

Secs. 2-322—2-340. Reserved.

ARTICLE V. DEPARTMENTS, BOARDS, AND COMMISSIONS

Sec. 2-341. Board of zoning appeals established.

For provisions concerning the board of zoning appeals, see the zoning ordinance of the town.

(Code 1988, § 33.01; Ord. of 1-20-2000)

Sec. 2-342. Planning and zoning commission established.

For provisions concerning the planning and zoning commission, see the zoning ordinance of the town.

(Code 1988, § 33.02; Ord. of 1-20-2000)

Secs. 2-343—2-369. Reserved.**ARTICLE VI. FINANCE****Sec. 2-370. Indebtedness against town.**

No indebtedness shall be contracted against the town by any officer, person, or board, except upon the authority of the town council, except within the limits of the appropriation made therefor.

(Code 1988, § 35.01)

Sec. 2-371. Initiative or referendum required when undertaking financial obligations or making expenditures on behalf of town.

Before the town, through its town council or mayor, may undertake any financial obligations or make any expenditures when such undertakings or expenditures would exceed the amount of funds on hand available to the town or create deficit spending, an ordinance must be initiated and submitted to council by petition signed by qualified electors of the town equal in number to at least 15 percent of the registered voters at the last regular municipal election. If the council shall fail to pass an ordinance proposed by initiated petition or shall pass it in a form substantially different from that set forth in the petition, therefore, the adoption of the ordinance shall be submitted to the electors not less than 30 days nor more than one year from the date that council takes its final vote thereon. The council may, at its discretion, and if no regular election is to be held within such period, provide for a special election.

(Code 1988, § 35.02; Ord. of 10-9-1980)

Sec. 2-372. Adoption of budget.

The budget heretofore adopted by the town council and the estimated revenue for the payment of the same is hereby adopted and is made a part hereof as fully as if incorporated herein and a copy thereof is attached hereto.

(Code 1988, § 35.03; Ord. No. 6.101.6, 9-9-1976; Ord. of 12-15-1992; Ord. of 11-30-1993)

Sec. 2-373. Fiscal year.

(a) A tax to cover the period from January 1 to December 31 A.D. 1994, both inclusive, for the sums and in the manner hereinafter mentioned, is and shall be levied, collected, and paid into the treasury of the county, for the credit to the town, for the use and service thereof; that

is to say a tax rate of zero mils on the value of all real estate and personal property of every description owned and used in the town, except such as is exempt from taxation under the constitution and law of the state, is and shall be levied and paid into the county treasury for the credit to the town for the corporate purposes, permanent improvements, for the purpose of paying current expenses and for the payment of interest and retiring outstanding bonds of the said town. Such tax is levied on such property as assessed for taxation for county and state purposes.

(b) The billing dates, the penalty dates, and the amount of penalty which shall be levied for delinquent taxes shall be the same as those established by the county pursuant to state law.

(c) The mayor shall administer the budget and may authorize the following to achieve the goals of this budget:

- (1) Authorize the transfer of appropriated funds within and between departments and as necessary.
- (2) Controls shall be made by fund appropriation.
- (3) Designate continuing projects from fund balances.
- (d) Encumbrances will be carried over to the next year as a reserve to the fund balance.

(e) Expenditures approved by council shall automatically carry amendments to fund appropriation where necessary.

(f) If, for any reason, any sentence, clause, or provision of this article shall be declared invalid, such shall not affect the remaining provision hereof.

(Code 1988, §§ 35.03, 35.04, 38.03, 38.04; Ord. of 11-30-1993)

Secs. 2-374—2-399. Reserved.

ARTICLE VII. ELECTIONS*

Sec. 2-400. Qualifications of elector.

Every resident of the town shall be entitled to vote as an elector in a municipal election upon meeting the following qualifications:

- (1) Shall be of the age of 18 years and upwards;

***State law references**—Nominations and elections for municipal offices, S.C. Code 1976, § 5-15-10 et seq.; South Carolina Election Law, S.C. Code 1976, § 7-1-10 et seq.; functions, powers and duties of municipal election commission, S.C. Code 1976, § 5-15-100; composition and terms of members of municipal election commission, S.C. Code 1976, § 5-15-90; political activities prohibited by members of local election commissions, S.C. Code 1976, § 7-13-75; qualifications for office, dual-office-holding, S.C. Const. art. XVII, § 1A; no property qualifications, duelists prohibited, S.C. Const. art. XVII, § 1B.

(2) Meets the qualifications for registration as provided under S.C. Code 1976, § 7-5-120. Qualifications for registration; persons disqualified from registering or voting, of the Code of Laws of South Carolina, as amended;

(3) Has resided within corporate limits of the town for 30 days previous to any municipal election.

(Code 1988, § 36.01; Ord. of 10-31-1972; Ord. of 7-30-2002)

Sec. 2-401. Qualifications of candidates for elected office.

Ordinance 08-23; 06/27/23

(a) All candidates for elected office in the town shall be full time residents of the town. A person's residence is his or her domicile. The term "domicile" means a person's fixed home where the candidate has an intention of returning when absent. A person has only one domicile.

(b) All candidates for elected office shall have been a resident of and domiciled in the town for one year prior to the election of office for which the candidate is seeking.

(c) In order to demonstrate residency, all candidates for elected office shall submit an affidavit attesting to the following facts:

(1) The candidate is a resident of the town and is currently domiciled in the town;

(2) The candidate intends to remain a resident domiciled in the town;

(3) The candidate has been a resident and domiciled in the town for at least one year prior to the election of office for which the candidate is seeking; and

(4) The candidate will identify all of his or her addresses wherein he or she was domiciled for the past year.

(d) In addition, each candidate shall provide the following original, current, unexpired items showing the candidate's physical street address within the town as proof of residency:

(1) A government issued identification card, including a South Carolina driver's license or other identification issued by the department of motor vehicles, a vehicle registration, a hunting or fishing license, military identification, or student identification card;

(2) A utility bill; and

(3) A deed, mortgage bill, current lease, or current rental agreement.

(e) The town clerk-treasurer shall make an initial determination regarding the residency of the potential candidate based on the material provided by the potential candidate. If the town clerk-treasurer has a reasonable doubt regarding the candidate's residency, qualifications, or proof of same required by this article, the town clerk-treasurer shall inform the mayor of the same.

(f) Any elected official may charge any other candidate or elected official with a violation of this section. In the event that a charge is brought, a hearing will be held on ten days' notice to the charged candidate or official. At the hearing, the mayor will preside unless he or she is the charged official, and, in that event, the mayor pro tem will preside. A two-thirds vote by the mayor and council will be necessary to remove an official under this section with the charged official not voting.

(Code 1988, § 36.02; Ord. of 5-30-2017; Ord. No. 1-19, § 1, 5-28-2019)

Sec. 2-402. Date of general elections.

General elections for the officers of the town shall be held on the first Tuesday after the first Monday of November commencing on November 6, 2007, and, thereafter, there shall be general town elections held every two years on the first Tuesday after the first Monday in November. The oath of office will be administered on January 1 of the following year. Public notice of the general elections shall be given at least 60 days prior to each election.

(Code 1988, § 36.03; Ord. No. 84-02-28, 3-27-1984; Ord. of 6-27-2006)

Sec. 2-403. Statements of candidacy, economic interests.

Candidates must file a statement of candidacy and a statement of economic interests with the municipal election commission no later than 60 days prior to the election.

(Code 1988, § 36.04; Ord. of 7-30-2002)

Sec. 2-404. Voting place.

For the purpose of voting in a primary, general or special election in the town, the voting shall be held at the community hall, located at 5700 Conner Street, Ravenel, South Carolina.

(Code 1988, § 36.05; Ord. of 7-30-2002)

Sec. 2-405. Electing mayor, councilmembers at large.

(a) Members of the council shall be elected from the town at large.

(b) Regardless of the form of election adopted by the town, the mayor shall be elected at large.

(Code 1988, § 36.06; Ord. No. 2.601.1, 9-9-1976)

Sec. 2-406. Filing fee for mayor, councilmembers.

The town council has determined that a filing fee of \$125.00 for candidates for the office of mayor and \$50.00 for candidates for councilmember shall be established. Fees shall be due and payable in cash at time of filing.

(Code 1988, § 36.07; Ord. of 10-9-1980; Ord. of 7-30-2002)

Sec. 2-407. Holding two offices prohibited; exception.

No person shall hold two offices of honor or profit at the same time except as an officer in the militia or a notary public, a member of a lawfully and regularly organized fire department, a constable, or a delegate to a constitution convention. No mayor or councilmember shall hold any other municipal office or municipal employment while serving the term for which elected. (Code 1988, § 36.08; Ord. of 10-31-1972; Ord. of 7-30-2002)

Sec. 2-408. Transfer conduct of municipal elections.

The county board of elections and voter registration shall conduct the municipal elections in accordance with S.C. Code 1976, tit. 7 of the Election Laws unless otherwise specified by S.C. Code 1976, tit. 5. The board of elections and voter registration will certify the results of each election to the town immediately following the certification of the votes cast in each election. (Code 1988, § 36.09; Ord. of 7-28-2009, § 1)

Sec. 2-409. Reimbursement of expenses.

The town shall reimburse the county board of elections and voter registration for all costs incurred in providing ballots, advertising elections, printing costs, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the town. Poll managers will be paid at the standard rate set by the state election commission for all other elections. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the town shall pay all fees, costs, and expenses incurred in such protest or litigation. The county board of elections and voter administration shall provide invoices and/or other documentation to the town of all such costs and expenses incurred in the conduct of the town's municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this article. (Code 1988, § 36.10; Ord. of 7-28-2009, § 2)

Sec. 2-410. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances inconsistent with this article are hereby repealed to the extent of inconsistency. (Code 1988, § 36.11)

Sec. 2-411. Actions necessary to effect changes.

This provision shall take effect upon the successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder: Adoption of an appropriate ordinance by the county council accepting the authority being transferred hereunder. (Code 1988, § 36.13)

Secs. 2-412—2-447. Reserved.

ARTICLE VIII. PROCUREMENT CODE*

Sec. 2-448. Findings of facts.

As an incident to the adoption of the ordinance from which this article is derived, town council finds the following facts to exist:

- (1) The town has followed a procurement procedure and policy for purchases of equipment and services.
 - (2) The town council feels that the procedures and policies utilized in the procurement of equipment and services needs to be codified and made a part of this Code.
- (Code 1988, § 113.01)

Sec. 2-449. Purposes and policies.

The underlying purpose and policies of this article are:

- (1) To consolidate, clarify, and modernize the law governing procurement by the town;
 - (2) To permit the continued development of explicit and thoroughly considered procurement policies and practices;
 - (3) To require the adoption of competitive procurement laws and practices by the town;
 - (4) To promote increased public confidence in the procedures followed in public procurement;
 - (5) To ensure the fair and equitable treatment of all persons who deal with the procurement system of the town;
 - (6) To provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing values of funds of the town; and
 - (7) To provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process.
- (Code 1988, § 113.02)

***State law reference**—Local governments must adopt procurement laws, S.C. Code 1976, § 11-35-5320.

Sec. 2-450. Obligation of good faith.

Every contract or duty within this article imposes an obligation of good faith in its negotiation, performance or enforcement. The term "good faith" means honesty in fact in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

(Code 1988, § 113.03)

Sec. 2-451. Application of this article.

This article applies only to contracts solicited or entered into after the effective date of this Code unless the parties agree to its application to a contract entered into prior to its effective date.

(Code 1988, § 113.04)

Sec. 2-452. Public access to procurement information.

(a) Procurement information shall be a public record to the extent required by the South Carolina Freedom of Information Act with the exception that commercial or financial information obtained in response to a request for proposals which is privileged and confidential need not be disclosed.

(b) Privileged and confidential information is information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information.

(Code 1988, § 113.05; Ord. of 8-8-1995)

Sec. 2-453. Exemptions.

The following exemptions are hereby granted in this article:

- (1) Contracts for auditing or accounting services.
- (2) Contracts for the services of the attorney's fees.
- (3) Contracts for procurement involving appropriations awarded to the town, federally funded grants, and co-operative agreements. In the case of federally funded grants or co-operative agreements, the town hereby adopts and will comply with 40 CFR 31—36, as amended, of the federal procurement regulations, which is incorporated here within by reference and which applies to the procurement of all construction equipment, supplies and services secured under federal grant, this procurement code will be preempted by the federal procurement code requirement.

- (4) Contracts for procurement through state-funded grants. In the case of state-funded grants or co-operative agreements, the town hereby adopts and will comply with S.C. Code 1976, § 11-35-1410 et seq., as amended, which is incorporated here within by reference.
 - (5) Contracts with other governmental entities and cooperative purchasing plans.
 - (6) The town may also obtain goods and services from an awarded bidder in a competitive bidding process utilized within the preceding six months by another political subdivision of the state for substantially the same goods or services when the town has good reason to believe that the awarded bidder is the lowest qualified bidder at the time the town obtains such goods and services.
- (Code 1988, § 113.06; Ord. of 7-27-2004; Ord. No. 4-19, § 113.06, 7-30-2019)

Sec. 2-454. Competitive sealed bidding.

- (a) Contracts amounting to \$20,000.00 or more shall be awarded by competitive sealed bidding.
- (b) An invitation for bids shall be issued in an efficient and economical manner to at least three qualified sources and shall include specifications and all contractual terms and conditions applicable to the procurement. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
- (c) A notice inviting bids shall be published at least once in one or more public written communication mediums with a logical target audience for the solicitation at least ten business days preceding the last day set for the receipt of proposals. The notice shall include a general description of the goods or services to be purchased, shall state where bid blanks and specifications may be secured, and shall specify the time and place for opening of bids. The town employee or councilmember in charge of procurement may accept and maintain a list of responsible, interested suppliers and may solicit sealed bids from suppliers on the list.
- (d) All bids (including modifications) received prior to the time of opening shall be kept secure and unopened in a locked box or safe.
- (e) Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information, together with the name of each bidder, shall be tabulated. The tabulation shall be open to public inspection at that time.
- (f) Bids shall be accepted unconditionally without alternation or correction, except as otherwise authorized in this article.

(g) Correction or withdrawal of inadvertently erroneous bids before bid opening, withdrawal of inadvertently erroneous bids afterward, or cancellation and re-award of awards or contracts after award but prior to performance, may be permitted. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the town or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts after the award but prior to performance, shall be made by mayor and town council.

(h) If two or more bidders are tied in prices while otherwise meeting all of the required conditions, awards are determined as follows:

- (1) If there is a town resident individual or firm, tied with a nonresidential individual or firm, the award shall be made automatically to the town resident individual or firm.
- (2) Tie bids involving town resident individuals or firms shall be resolved by the flip of a coin in the office of the mayor, witnessed by all interested parties.

(i) Bids and proposals shall be evaluated by a designated town employee or councilmember using both price and the criteria stated in the request, and the appropriate evaluator may rank the bids based on the stated criteria. Bids that fail to substantively comply with bidding requirements set forth in the invitation for bids or proposals may be disregarded.

(j) Bids and proposals shall be awarded by a vote of the town council to the responsive offeror whose proposal is determined to be the most advantageous to the town, taking into consideration price and the criteria stated in the request. The council may also consider the following factors in awarding bids:

- (1) The ability, capacity and skill of the bidder to provide the services required;
- (2) The capability of the bidder to perform and the contractor to provide the services promptly, or within the time specified without delay or interference;
- (3) The character, integrity, reputation, judgement, experience and efficiency of the bidder;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
- (7) The quality, availability and adaptability of the suppliers or contractual services to the particular use required; and
- (8) The number and scope of conditions attached to the bid by the bidder, if any.

(k) The town council may reject any or all bids, in whole or in part, in order to protect any public interest.

(l) Notice of an intended award of a contract shall be given by posting such notice at town hall. The invitation for bids and the posted notice must contain a statement of the bidders' right to protest, and the date and location of posting must be announced at bid opening.

(m) A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the exact requirement of the invitation for bids having no effect or a trivial or negligible effect on total bid price, quality, quantity, or delivery of the supplies or performance of the contract, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to, bidders. The mayor shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive any such deficiency when it is to the advantage of the town. Such communication or determination shall be in writing.

(Code 1988, § 113.07; Ord. No. 4-19, § 113.07, 7-30-2019)

Sec. 2-455. Competitive sealed proposals.

(a) When the mayor and town council determine in writing that the use of competitive sealed bidding is either not practicable or not advantages to the town, a contract may be entered into by competitive sealed proposals subject to the provisions of the preceding section, unless otherwise provided for this section.

(b) Proposals shall be solicited from at least three qualified sources when such sources or available, through a request for proposals.

(c) Adequate public notice of the request for proposals shall be given in the same manner as provided in the preceding section.

(d) Proposals shall be opened publicly in accordance with regulations as provided in the preceding section. A tabulation of proposals shall be prepared in accordance with regulations, as provided in the preceding section, and shall be open for public inspection after contract award.

(e) Prior to soliciting proposals, the mayor and town council may issue a request for qualifications from prospective offerors. Such request shall contain at minimum a description of the goods or services to be solicited by the request for proposals and the general scope of the work and shall state the dead line for submission of information and how prospective offerors may apply for consideration. The request shall require information only on their qualifications, experience and ability to perform the requirements of the contract. After receipt of the responses to the request for qualifications from prospective offerors, the prospective offerors shall be ranked from most qualified to least qualified on the basis of the information provided. Proposals shall then be solicited from at least the top two prospective offerors by means of a request for proposals. The failure of a prospective offeror to be selected to receive the request for proposal shall not be grounds for protest.

(f) Adequate public notice of the request for qualifications shall be given in the manner provided in the preceding section.

(g) The request for proposals shall state the relative importance of the factors to be considered in evaluating proposals but shall not require a numerical weighting for each factor. Price may but need not be an initial evaluation factor.

(Code 1988, § 113.08; Ord. No. 4-19, § 113.08, 7-30-2019)

Sec. 2-456. Procedures on procurements not exceeding \$20,000.00.

(a) The mayor is authorized to make small purchases in amounts not to exceed \$2,500.00 and the same may be accomplished without securing quotations if the prices are considered to be reasonable. The mayor shall use a limited purchase order (LPO) signed by the mayor certifying that the price is fair and reasonable, the transaction is appropriate, and no abuse or unauthorized use has occurred.

(b) Small purchases over \$2,500.00 but not exceeding \$20,000.00 may be made without securing competitive quotations if the prices are considered to be reasonable. Solicitations of verbal or written quotes from a minimum of three qualified sources of supply must be made pursuant to a purchase requisition and documentation of the quotes attached to the purchase requisition. The award must be made to the lowest responsive and reasonable source unless the mayor determines that a different bidder has provided a more advantageous agreement with the town. Such determination must be documented with a statement of reasons that is attached to the purchase requisition. The purchase must be made using a LPO as set forth above.

(c) For all purchases made pursuant to this section, and not exceeding \$20,000.00, the mayor must comply with the following procedures:

- (1) Names of all bidders and documentation of all quotes and bids, including any additional documentation related to the selection of the winning bid, must be noted on or attached to the LPO and/or purchase requisition and kept for a period of five years.
- (2) The mayor may seek input or a vote from council to approve the acceptance of any quote or bid.
- (3) Action to verify the reasonableness of the price need be taken only when the town council or a councilmember suspects that the price may not be reasonable by comparison to previous prices paid or personal knowledge of the item involved. Any member of the town council may call into question a purchase and demand a vote by council to approve the purchase or require full procurement procedures.

(Code 1988, § 113.09; Ord. No. 4-19, § 113.09, 7-30-2019)

Sec. 2-457. Sole source procurements.

A contract may be awarded for a supply, service, or construction item without competition when the mayor and town council determine in writing that there is only one source for the

required supply, service, or construction item. Any decision by the mayor and town council that a procurement be restricted to one potential vendor must be accompanied by an explanation as to why no other will be suitable or acceptable to meet the need.

(Code 1988, § 113.10)

Sec. 2-458. Emergency procurements.

Notwithstanding any other provision of this article, the mayor and town council may make emergency procurements only when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions; and provided that such emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of particular contractor shall be included in the contract file.

(Code 1988, § 113.11)

Sec. 2-459. Cancellation of invitation for bids or request for proposals.

An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or part as may be specified in the solicitation, when it is in the best interest of the town. The reasons for rejection, supported with documentation sufficient to satisfy external audit, shall be made a part of the contract file.

(Code 1988, § 113.12)

Sec. 2-460. Right to protest; procedure; settlement of protest; administration review and decision; notice of decision; finality; stay of procurement pending; exclusivity of remedy.

(a) *Right to protest; exclusive remedy.* Any prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the solicitation of a contract shall protest to the mayor and town council in the manner stated in subsection (b) of this section within 15 days of the date of issuance of the invitation for bids or requests for proposals or other solicitation documents whichever is applicable or any amendment thereto, if the amendment is at issue.

- (1) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest to the mayor and town council in the manner stated in subsection (b) of this section within 15 days of the date notification of award is posted in accordance with this article.
- (2) The rights and remedies granted in this article to a disappointed bidder, offeror, contractor, or subcontractor are to exclusion of all other rights and remedies of such disappointed bidder, offeror, contractor, or subcontractor against the town at common law or otherwise for the loss or potential loss of an award of a contract under this article.

(b) *Protest procedure.* A protest under subsection (a) of this section shall be in writing, submitted to the mayor and town council and shall set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issue to be decided.

(c) *Duty and authority to attempt to settle protest.* Prior to commencement of an administrative review as provided in subsection (d) of this section, the mayor and town council shall attempt to settle by mutual agreement a protest of an aggrieved bidder, offeror, contractor, or subcontractor, actual or prospective, concerning the solicitation or award of the contract. The mayor and town council shall have the authority to approve any settlement reached by mutual agreement.

(d) *Administrative review and decision.* If, in the opinion of the mayor and town council, after reasonable attempt, a protest cannot be settled by mutual agreement, the mayor and town council shall promptly conduct an administrative review and shall issue a decision in writing within ten days of completion of the review. The decision shall state the reasons for the actions taken.

(e) *Notice of decision.* A copy of the decision under subsection (d) of this section along with a statement of appeal rights shall be mailed or otherwise furnished immediately to the protestant and any other party intervening. The mayor and town council shall also post a copy of the decision at a date and place communicated to all parties participating in the administrative review, and such posted decision shall indicate the date of posting on its face and shall be accompanied by a statement of the right to appeal.

(f) *Finality of decision.* A decision under subsection (d) of this section shall be final and conclusive, unless fraudulent, or unless any person adversely affected by the decision requests a further administrative review within ten working days of posting of the decision. The request for review shall be directed to the mayor and the town council and shall be in writing, setting forth reasons why the person disagrees with the decision. The person may also request a hearing.

(g) *Stay of procurement during protest.* In event of a timely protest under subsection (a) of this section, the town shall not proceed further with the solicitation or award of the contract until a decision is rendered by the mayor and town council; provided, however, that solicitation or award of a protested contract will not be stayed if the mayor and town council make a written determination that the solicitation or awards of the contract without delay is necessary to protect the best interest of the town.

(Code 1988, § 113.13)

Sec. 2-461. Debarment or suspension.

(a) *Authority.* After reasonable notice to the person or firm involved and a reasonable opportunity for such person or firm to be heard, the mayor and town council shall have the authority to debar a person for cause from consideration for award of contracts, provided that

doing so is in the best interest of the town and there is probable cause for debarment. The mayor and town council may also suspend a person or firm from consideration for award or contracts during an investigation where there is probable cause for debarment. The period of debarment or suspension shall be as proscribed by the mayor and town council.

(b) *Causes for debarring or suspension.* The causes for debarment or suspension shall include, but not be limited to, the following:

- (1) Conviction for commission of criminal offense as an incident to obtaining or attempting to obtain a public or private contractor subcontract, or in the performance of such contract or subcontract;
- (2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or professional honesty, which currently, seriously, and directly affects responsibility as a town contractor;
- (3) Conviction under state or federal antitrust law arising out of the submission of bids or proposals;
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by the mayor and town council to be so serious as to justify debarment action: Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance used by acts beyond the control of the contractor shall not be considered to be basis for debarment;
- (5) Violation of an order of the mayor and town council; and/or
- (6) Any other cause the mayor and town council determine to be so serious and compelling as to affect responsibility as a contractor, including debarment by another governmental entity for any cause listed herein.

(c) *Decision.* The mayor and town council shall issue a written decision to debar or suspend within ten days of the completion of the review of the matter. The decision shall state the action taken, the specific reasons therefor, and the period of debarment or suspension, if any.

(d) *Notice of decision.* A copy of the decision under subsection (c) of this section and statement of appeal rights shall be mailed or otherwise furnished immediately to the debarred or suspended party and other party interviewing. The mayor and town council shall also post a copy of the decision at a time and place communicated to all parties participating in administrative review and such posted decision shall indicate the date of posting on its face and shall be accompanied by a statement of the right to appeal.

(e) *Finality of decision.* A decision under subsection (c) of this section shall be final and conclusive, unless fraudulent, or unless the debarred or suspended person requests further administrative review by the mayor and town council within ten working days of the posting of the decision. The request for review shall be directed to the mayor and town council and shall be in writing, setting forth the reasons why the person disagrees with the decision.
(Code 1988, § 113.14)

Sec. 2-462. Authority to resolve contract and breach of contract controversies.

(a) *Applicability.* This section applies to controversies between the town and a contractor (or subcontractor when the subcontractor is the real party in interest), which arise under or by virtue of a contract between them, including, but not limited to, controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or recession. The procedure set forth in this section shall constitute the exclusive means of resolving a controversy between the town and a contractor or subcontractor concerning a contract solicited and awarded under the provisions of this article.

(b) *Request for resolution, time for filing.* The contractor (or subcontractor when the subcontractor is the real party in interest) may initiate resolution proceedings before the mayor and town council by submitting forth the general nature of the controversy and the relief requested with enough particularity to give notice of the issues to be decided. A request for resolution of contract controversy must be filed within one year of the date the contractor last preformed work under the contract; provided, however, that in the case of latent defects a request for resolution of a contract controversy must be filed within one year of the date the requesting party first knows or should know of the grounds giving rise to the request for resolution.

(c) *Duty and authority to attempt to settle contract controversies.* Prior to commencement of an administrative review as provide in subsection (d) of this section, the mayor and town council shall attempt to settle by mutual agreement a contract controversy brought under this section, with the mayor and town council having authority to approve any settlement reached by mutual agreement.

(d) *Administrative review and decision.* If, in the opinion of the mayor and town council, after reasonable attempt, a contract controversy cannot be settled by mutual agreement, the mayor and town council shall promptly conduct an administrative review and shall issue a decision in writing within ten days of completion of the review. The decision shall state the reasons for the action taken.

(e) *Notice of decision.* A copy of the decision under subsection (d) of this section and a statement of appeal shall be mailed or otherwise furnished immediately to all parties participating in the administrative review proceedings. The mayor and town council shall also post a

copy of the decision at a time and place communicated to all parties participating in the administrative review, and such posted decision shall indicate the date of posting on its face and shall be accompanied by a statement of the right to appeal.

(f) *Finality of decision.* A decision under subsection (d) of this section shall be final and conclusive unless fraudulent or unless any person adversely affected requests a further administrative review within ten working days of the posting of the decision. The request for review shall be directed to the mayor and town council, and shall be in writing, setting forth the reasons why the person disagrees with the decision.

(Code 1988, § 113.15)

Sec. 2-463. Solicitations or awards in violation of the law.

(a) *Applicability.* The provision of the section applies where it is determined by the mayor and town council that a solicitation or award of a contract is in violation of the law. The remedies set forth herein may be granted by the mayor and town council after review.

(b) *Remedies prior to award.* If, prior to award of a contract, it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award may be:

- (1) Canceled;
- (2) Revised to comply with the law and rebid; or
- (3) Awarded in a manner that complies with the provisions of this article.

(c) *Remedies after award.* If, after an award of a contract, it is determined that the solicitation of award is in violation of law:

- (1) The contract may be ratified and affirmed, provided it is in the best interest of the town; or
- (2) The contract may be terminated and the payment of such damages, if any, as may be provided in the contract, may be awarded.

(d) *Entitlement to cost.* In addition to or in lieu of any other relief, when a protest is sustained, and it is determined that the pretesting bidder or offeror should have been awarded the contract under the solicitation but is not, then the protesting bidder or offeror may request and be awarded a reasonable reimbursement amount, including reimbursement of reasonable bid preparation costs.

(Code 1988, § 113.16)

Sec. 2-464. Contract controversies.

In a contract controversy, the mayor and town council may award such relief as is necessary to resolve the controversy as allowed by the terms of the contract or by applicable law.
(Code 1988, § 113.17)

Sec. 2-465. Frivolous protest.

(a) *Signature on protest constitutes certificate.* The signature of an attorney or party on a request for review, protest, motion, or other document constitutes a certificate by the signer that the signer has read such document, that to the best of the signers knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass, limit competition, or to cause unnecessary delay or needless increase in the cost of the procurement of the litigation.

(b) *Sanctions for violation.* If a request for review, protest, pleading, motion, or other document is signed in violation of this subsection on or after appeal to the mayor and town council, then the mayor and town council, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties, the amount of the reasonable expenses incurred because of the filing of the protest, pleading, motion, or other paper, including a reasonable attorney's fees.

(Code 1988, § 113.18; Ord. of 8-8-1995)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES

- Sec. 4-1. Definitions.
- Sec. 4-2. Time of sales.
- Sec. 4-3. Liquor sales.
- Sec. 4-4. Town-owned property.
- Sec. 4-5. Open container.

Sec. 4-1. Definitions.

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

Bar means a facility that sells beverages containing alcohol for consumption on the premises and where the dominant source of revenue is from alcohol beverage sales. This use also includes taverns, cocktail lounges, and member exclusive bars.

(Code 1988, § 139.02)

Sec. 4-2. Time of sales.

(a) Between the hours of 2:00 a.m. and 6:00 a.m., on the premises of any private or nonprofit club, any store, beer parlor, or any other place or entity of business or establishment authorized by law to sell beverages containing alcohol for the on-premises consumption thereof, it shall be unlawful:

- (1) For an owner, employee, or person in charge thereof to sell for consumption on the premises, offer for sale, give-away, barter, exchange, or in any manner dispense or permit the consumption of any beverages containing alcohol (as defined in S.C. Code 1976, § 61-4-10, as amended from time to time) on premises;
- (2) For any person to drink or possess in an open container any beverages containing alcohol on premises of the entity where purchased; or
- (3) To be open or operate any such club, store, beer parlor, or any other place or entity of business or establishment authorized by law to sell beverages containing alcohol for the on-premises consumption.

(b) The above provisions shall not prohibit during the aforesaid hours, the sale or possession in sealed containers of any beverage containing alcohol for consumption off premises.

(c) The above provisions shall not prohibit the operation after 2:00 a.m. of an establishment bona fide engaged primarily and substantially in the preparation and serving of meals, so long as there is no sale, give away, barter, exchange or other dispensation or consumption of any beverages containing alcohol on the premises.

(Code 1988, § 139.03)

Sec. 4-3. Liquor sales.

It shall be unlawful within the town limits for any person to sell beverages containing alcohol save and except in accordance with, and in conformity to, the existing state and federal laws for the method and procedure to obtain a license to sell beverages containing alcohol.

(Code 1988, § 139.04)

Sec. 4-4. Town-owned property.

It is hereby declared illegal and unlawful for any person to sell, publicly possess and/or consume any alcoholic beverages, including beer, ale and/or wine, in any town-owned buildings or other similar town-owned facility or on any property owned by the town.

(Code 1988, § 139.05)

Sec. 4-5. Open container.

It shall be unlawful to openly display or consume any beer, wine or any other alcoholic beverage in or from any container on any public street or sidewalk, in any public parking areas, recreation areas or at any public gathering places not lawfully licensed to sell such beverages.

(Code 1988, § 139.06)

Chapter 5

RESERVED

Chapter 6

ANIMALS*

- Sec. 6-1. Definitions.
- Sec. 6-2. Seizures and right-of-entry to protect abandoned, neglected or cruelly treated animals.
- Sec. 6-3. Vaccinations against rabies.
- Sec. 6-4. Enforcement of rabies control provisions.
- Sec. 6-5. Impoundment of pets running at large; disposition.
- Sec. 6-6. Redemption.
- Sec. 6-7. Animal care.
- Sec. 6-8. Impoundment without proper care due to incapacity or involuntary absence of owner.
- Sec. 6-9. Designation of animal shelter, disposal of impounded animals.
- Sec. 6-10. Adoptions.
- Sec. 6-11. Restraints.
- Sec. 6-12. Duties.
- Sec. 6-13. Uniform and badges required.
- Sec. 6-14. Notice of violations; procedure; punishment.
- Sec. 6-15. Penalties.

***State law references**— Municipal authority to enact ordinances for care and control of dogs, cats, and other animals, S.C. Code 1976, § 47-3-20; municipal powers not limited by state laws, S.C. Code 1976, § 47-3-70; required annual inoculation of pets against rabies, S.C. Code 1976, § 47-5-60; notice to health department of animal suspected of rabies, S.C. Code 1976, § 47-5-80; metal inoculation tag required, S.C. Code 1976, § 47-5-60; impoundment of strays, S.C. Code 1976, § 47-3-40; disposition of strays, S.C. Code 1976, § 47-3-60; duty to contact owners, S.C. Code 1976, § 47-3-55.

Sec. 6-1. Definitions.

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

Abandonment means a situation in which an owner of an animal or pet does not provide for humane disposal of the animal or pet, or does not transfer ownership to a responsible person, or who does not provide or arrange the adequate food, water and shelter care.

Animal control officers means the person designated by the county sheriff's office as enforcement officers pursuant to the provisions of this chapter.

Animal means any live, vertebrate creature, domestic or wild, which shall include all brute creatures that are owned by persons or kept as pets.

Animal shelter means any premises designated by the town's governing body for the purpose of impoundment, care or destruction of animals or pets found in violation of this chapter.

Animal shelter operation means any organization charged with the operation of an animal shelter (i.e., SPCA) under an agreement with the county government.

At large means an animal which is off the property and/or premises of the owner or keeper and not under physical control by owner or keeper by means of a leash or restraint.

Dangerous animal.

- (1) The term "dangerous animal" means an animal which:
 - a. The owner knows, or reasonably should know, has a property, tendency, or disposition to attack unprovoked, cause injury, otherwise endanger the safety of human beings or domestic animals.
 - b.
 1. Makes an unprovoked attack that causes bodily injuries to a human being and the attack occurs in a place other than the place where the animal is confined; or
 2. Commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being.
 - c. Is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.
- (2) The term "dangerous animal" does not include:
 - a. An animal used exclusively for agricultural purposes; or
 - b. An animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the property of another.

Injury or bodily injury means broken bones, lacerations and punctures of the skin, or any physical injury resulting in death.

Livestock means horses, bovine, sheep, goats and swine.

Owner means person who owns or has custody or control of the animal.

Pet means any animal which may legally be held as a pet by private citizens without special permit or permission required (i.e., dogs (*Canis lupus familiaris*), cats (*Felis catus*)). With the exception of dogs and cats, the following animals listed in subsections (1) through (6) of this definition are exotic pets or wildlife which requires special permits:

- (1) *Family Canidae* means coyote, wolves, foxes, dogs.
- (2) *Family Ursidae* means bears.
- (3) *Family Procyonidae* means raccoons and allies.
- (4) *Family Mustelidae* means marten, fisher, weasel, ferret, mink, ermine, tayra, grison, wolverine, badger, skunk, otter.
- (5) *Family Viverridae* means mongoose.
- (6) *Family Felidae* means cats and allies.

Restraint means when a pet or animal is confined to the premises of its owner or keeper by fence, chain, or other appropriate measure, on the premises of its owner or keeper, or when a pet is accompanied by its owner or keeper and is physically controlled by a leash or similar physical device.

Stray means any animal running at large without identification.

Town means the incorporated portions of the town.

Vaccination against rabies means the injection, subcutaneously, intramuscularly or otherwise, of anti-rabies vaccine as approved by the department of agriculture/veterinary biologics division, administered by a licensed veterinarian.

(Code 1988, § 135.02)

Sec. 6-2. Seizures and right-of-entry to protect abandoned, neglected or cruelly treated animals.

(a) Any animal control officer may lawfully take charge of any animal found abandoned, neglected or cruelly treated or unfit for use, and shall petition any magistrates court in the jury area wherein the animal is found, for a hearing which shall be a civil proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The animal control officer shall cause to be served upon the owner, if known and residing within the jurisdiction where such animal is found, written notice of at least five days prior to the hearing of the time and place of the hearing. If the owner is known but

residing out of the jurisdiction where such animal is found, written notice by any method or service of process as is provided by South Carolina Code of Civil Procedure shall be given. If the owner is unknown at the time of seizure, it shall be considered a stray. The animal control officer may provide for such animal until the owner is adjudged by the court able to adequately provide for such animal and a fit person to own the animal, in which case the animal shall be returned to its owner. If the owner is adjudged by the court unable to adequately provide for the animal or not a fit person to own the animal, then the court shall order the animal to be placed for adoption in a suitable home, or humanely destroyed. The court, in determining whether the owner is able to adequately provide for the animal or a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

(b) Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal or an animal identified as carrying or having an infectious or contagious conditions or disease or any unidentified animal deemed to represent a physical danger to the public, animal control, shelter staff, or other impounded animals may be humanely euthanized upon agreement by animal control and shelter staff.

(Code 1988, § 135.03)

Sec. 6-3. Vaccinations against rabies.

No person shall own, keep, or harbor any dog or cat within the town unless such pets have been vaccinated against rabies as provided herein. The provisions of this section shall only apply to dogs and cats over three months old.

- (1) All rabies vaccinations (as evidenced by certificate) shall be from a licensed graduate veterinarian using a vaccine which is good for a period longer than one year, provided such vaccine has been approved with longer period of time specified by the state department of health and environmental control after consultation with the executive committee of the state association of veterinarians.
- (2) The state department of health and environmental control certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each dog or cat, stating the name and address of owner, the name, breed or color and markings, age, sex of animal, and the veterinary or pharmaceutical control number of the vaccination.
- (3) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal tag bearing the same number and year as is on the certificate. The metal license tag shall bear the name of the veterinarian and shall at all times be attached to a collar or harness worn by the dog or cat for which the certificate and tag have been issued. Note: these tags shall be issued in accordance with the recommendation of the National Association of the Public Health Veterinarians as tag, shape and color.

- (4) The owner shall have a valid certificate of rabies vaccination readily available at all times for inspection by animal control officer or health official. In the event a rabies tag is lost, the owner shall obtain a duplicated tag within seven working days.
- (5) A certificate of rabies vaccination issued by a licensed veterinarian from another state will be accepted as valid evidence of vaccination, provided it is less than a year from the date of issue.

(Code 1988, § 135.04)

Sec. 6-4. Enforcement of rabies control provisions.

The provisions of this section relating to control of rabies and the provisions of S.C. Code 1976, § 47-5-10 et seq. (Rabies Control Act) shall be enforced by animal control officers and state health department rabies control officers.

- (1) Animals found running at large or having no valid rabies inoculation tags shall be impounded by the animal control officer, and disposed of after remaining unclaimed for five days.
- (2) Animals impounded under the provisions of S.C. Code 1976, § 47-5-10 et seq. (Rabies Control Act) may only be redeemed after showing proof of current rabies inoculation, or payment for rabies inoculation, payment for daily boarding cost assessed by animal control.

(Code 1988, § 135.05)

Sec. 6-5. Impoundment of pets running at large; disposition.

(a) Any pet or dangerous pet running at large may be impounded by the animal control officer or any of the persons empowered to enforce this chapter and transported to the county animal shelter, and there impounded and confined until redeemed or disposed of as hereinafter provided.

(b) Immediately after impounding any properly tagged pet, the animal control officer and/or an animal shelter officer shall make a reasonable effort to notify the owner in writing or by telephone of its impoundment and to inform the owner of the conditions whereby the owner can regain custody of the pet.

(c) At-large animals and pets shall be either euthanized after five working days, or placed for adoption at the discretion of the animal shelter operator (SPCA).

(d) It shall be the duty of the animal shelter operator to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody. Such records must be kept a minimum of two years.

(e) Any animals determined by the animal control officer to be abandoned shall be impounded by the animal control officer.

(f) Exempt dogs. No hunting dog is required to be constrained by a leash while it is actually engaged in hunting game and under supervision. As used in this section, the term "supervision" means that the owner of the hunting dog or the owner's designee is either in the vicinity of the hunting dog or in the process of trying to retrieve the hunting dog.

(Code 1988, § 135.06)

Sec. 6-6. Redemption.

(a) The owner shall be entitled to resume possession of a pet impounded under section 6-5 upon compliance with the rabies vaccination requirement, proper identification, and the payment of redemption fees herein set forth.

(b) The owner of an impounded pet must apply for the redemption of this pet. The pet may not be released unless authorized by the animal control officer or animal shelter operator with assurance from the owner that proper care custody will be maintained.

(c) Redemption fees. The fees set forth herein shall be collected from the owner by the animal control officer or animal shelter operator and turned over to the county treasurer, who shall make monthly accounting of such funds. Such fees shall go toward defraying the expense of operating the animal shelter. A redemption fee of \$25.00 will be charged for impounding and payment for daily boarding costs for animals, excluding livestock, as assessed by the county.

(d) The impoundment fee for livestock will be \$50.00, plus daily boarding costs, as assessed by the county.

(e) It shall be unlawful for any person to release from impoundment without proper authority any pet, or to resist an animal control officer engaged in the impoundment of any pet. (Code 1988, § 135.07)

Sec. 6-7. Animal care.

(a) No person or those owning, or having possession, charge, custody, or control of any animal, shall cause or fail to provide said animal with sufficient good and wholesome food, clean water, proper shelter, care and veterinary treatment when needed.

(b) An animal control officer shall issue a summons if there is probable cause to believe that a violation of any provision of this chapter has been violated, including the following violations:

- (1) Abandoning an animal, or causing to be abandoned;
- (2) Exposing any known poisonous substance, whether mixed with food or not, so that the same shall reasonably be expected to be eaten by any animal, fish, bird, fowl, or reptile; provided that it shall not be unlawful for a person to expose on said person's own property common rat poison mixed only with vegetable substances;

- (3) Cruelly beating, ill-treating, tormenting, overloading, overworking, or otherwise abusing an animal, or causing, instigating, or permitting any fight, or other combat between animals, or animal and human;
- (4) No person, except a licensed veterinarian shall perform an operation to crop, notch, or split an animal's ear or tail;
- (5) Failure to provide treatment or denial of treatment for any diseased, sick or injured animal;
- (6) Failure or denial of necessary substance, such as food in an inadequate amount to sustain flesh or permit normal growth, an inadequate amount of clean water, or water that is sour, filthy, or spoiled;
- (7) Failure or denial of proper confinement, to remove excrement and keep shelter or confinement area clean, odor free, and free of ticks, fleas, flies, or mosquitoes;
- (8) Tease, bait, or any animal not belonging to the person or legally under said person's control;
- (9) Failure or denial to provide shelter for any animal, fish, bird, fowl, or reptile of any kind in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use;
- (10) Selling, offering for sale, bartering, or giving away any animal, fowl, or reptile which cannot care for itself, which is un-weaned;
- (11) Allowing an animal to run free, break loose, or escape in any manner.

(c) Any person, as the operator of a vehicle, who strikes a dog or cat, should, if reasonably possible, report the accident to the owner, the animal control division, or the police department. (Code 1988, § 135.08)

Sec. 6-8. Impoundment without proper care due to incapacity or involuntary absence of owner.

When the animal control officer finds that any animal is, or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, until reclaimed by its owner. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the division. In no event shall the animal control officer be required to board an animal for more than 14 days, or any longer than 48 hours after the condition which is caused the important ceases to exist.

(Code 1988, § 135.09)

Sec. 6-9. Designation of animal shelter, disposal of impounded animals.

(a) It shall be the duty of the animal control officer or the officer's authorized representative under auspices of a veterinarian to order the humane destruction by any animal control officer or authorized representative, or any other animal lawfully taken into the custody of the animal control officer which is affected with any dangerous or communicable diseases, or which is facing death due to injury.

(b) The town hereby designates the John P. Ancrum SPCA Animal Shelter at 3861 Leeds Avenue, North Charleston, as the approved animal shelter for the town, pursuant to S.C. Code 1976, § 47-3-30.

(Code 1988, § 135.10)

Sec. 6-10. Adoptions.

(a) At the end of the detention periods set forth in this chapter, the ownership of (or title to) a pet impounded under the provisions of this chapter shall be transferred to the animal shelter operation (SPCA), which may attempt to adopt out the pet to a responsible new owner. All required fees must be paid at the time of adoption.

(b) No animal over three months of age shall be released or adopted until pre-payment is made for vaccination against rabies.

(c) All animals adopted by the shelter operator shall be surgically sterilized or have provisions made for the animal's surgical sterilization prior to release for adoption.

(Code 1988, § 135.11)

Sec. 6-11. Restraints.

(a) It shall be unlawful for any owner or custodian of any animal to permit the same to be unleashed or unfenced or to willfully or negligently run at large unless under the control of a competent person at any time within the town limits, including in or on the owner or custodian's property.

(b) Such owner or custodian shall comply with the definition of restraint in section 6-1.

(c) It shall be unlawful to keep a dangerous dog in any manner not allowed under the S.C. Code 1976, § 47-3-610 et seq.

(d) Every dog in heat and every cat in heat shall be confined.

(Code 1988, § 135.12; Ord. of 5-27-2014)

Sec. 6-12. Duties.

(a) The division of animal control shall be charged with the responsibility of:

- (1) Cooperating with the health officers of the various state governmental units and assisting in the enforcement of the laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs and cats against rabies;

- (2) Investigating all complaints with regard to animals covered by this chapter;
- (3) Enforcing within the incorporated area of the town all of the state laws, ordinances enacted by the town, and contracts entered into the town for care, control and custody of animals covered by this chapter;
- (4) Supervising and being in charge of animals impounded in the shelter, until such time as ownership of such animals is given to SPCA;
- (5) Enforcing provisions of state law regarding dangerous animals, S.C. Code 1976, § 47-3-710 et seq.

(b) The rabies control officer and staff as employees of the division of rabies control of the state department of health and environmental control (DHEC) are empowered to enforce the provisions of this chapter relating to rabies control. The provisions which they may enforce are specifically to subsection (a)(3) of this section only. The rabies control officer and staff shall:

- (1) Provide separate summons numbered forms clearly indicating that they are not officers of county animal control.
- (2) Coordinate all issuance of summons with magistrates in order to ensure proper scheduling of cases.
- (3) Account for all summons issued in the same procedure required of county animal control officers, as amended and adopted under County Ordinance Nos. 731, 4.02, and 745, 1.01, as amended.

(Code 1988, § 135.13)

Sec. 6-13. Uniform and badges required.

Each person while performing his or her respective duties shall wear a uniform and a metallic badge of a size and design to be determined by the sheriff, as amended and adopted under County Ordinance Nos. 731, 4.02, and 745, 1.01, as amended.

(Code 1988, § 135.14)

Sec. 6-14. Notice of violations; procedure; punishment.

(a) In discharging their duties under this chapter, the animal control officer and authorized members of the division of animal control are hereby empowered to issue summons to any person if there is probable cause to believe that person has violated any of the provisions of this chapter. Summons so issued shall be delivered in person to the violator by the animal control officer or, if after due diligence, the person cannot be readily found, they may be mailed to the person so charged (by certified mail, return receipt excepted). Any notice so delivered or mailed shall direct the alleged violator to appear at a magistrate's court on a specific day and hour named in the notice. The court may set a bond which may be forfeited by the violator in lieu of an appearance in court.

(b) The animal control office of the division shall cause all notice forms to be serially numbered in triplicate and shall cause the records with respect to such notice forms and the disposition of the same to be so maintained that all such be capable of being accounted for.

(c) If an alleged violator of any section of this chapter does not appear in the court in response to the notice described in subsection (a) of this section and does not post bond, the sheriff shall cause a notice to be sent to such violator informing him or her of the violation and warning him or her that the alleged violator will be held responsible to appear in answer to such charges, and in the event that such notice is disregarded for a period of five days from the date of the mail of this second notice, a complaint will be filed and a warrant of arrest issued, as amended and adopted under County Ordinance No. 731, 5.01, as amended.

(Code 1988, § 135.15)

Sec. 6-15. Penalties.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to \$500.00 or 30 days in jail.

(Code 1988, § 135.16; Ord. of 8-8-1995)

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Secs. 8-1—8-20. Reserved.

Article II. Building Code

- Sec. 8-21. Statutory authorization.
- Sec. 8-22. Purpose.
- Sec. 8-23. Performance of building inspection services by county.
- Sec. 8-24. Zoning permit required prior to issuance of work permit.
- Secs. 8-25—8-46. Reserved.

Article III. Unfit Dwellings

- Sec. 8-47. Definitions.
- Sec. 8-48. Investigation and procedure to determine unfitness.
- Sec. 8-49. Standards for determining fitness of dwelling for human habitation.
- Sec. 8-50. Service of complaints or orders; posting and filing copies.
- Sec. 8-51. Rights of persons affected by orders.
- Sec. 8-52. Powers and authority of town administrator.
- Sec. 8-53. Sale of materials of removed or demolished dwelling.
- Sec. 8-54. Prohibitions on vacated dwellings.
- Sec. 8-55. Termination of utilities.
- Sec. 8-56. Emergency vacate order and termination of utilities.
- Sec. 8-57. Article provisions are cumulative.

ARTICLE I. IN GENERAL

Secs. 8-1—8-20. Reserved.

ARTICLE II. BUILDING CODE*

Sec. 8-21. Statutory authorization.

The legislature of the state has in S.C. Code 1976, §§ 6-9-10 et seq. and 5-7-280, as amended, authorized local governments to adopt building and related construction codes designed to promote the public health, safety, and general welfare of its citizenry.
(Code 1988, § 150.01; Ord. of 9-29-1987)

Sec. 8-22. Purpose.

This article is adopted in order to provide an orderly transition to municipal governance and to maintain continuity in the rules and standards regulating the construction and use of buildings and structures within the town.
(Code 1988, § 150.03; Ord. of 9-29-1987; Ord. of 7-31-2001)

Sec. 8-23. Performance of building inspection services by county. Ordinance 01-23; 02/28/23

The mayor and mayor pro tem are authorized to enter into an agreement between the county and the town for the performance of building inspection services by the county department of building inspection services on behalf of the town.
(Code 1988, § 150.05; Ord. of 9-29-1987)

Sec. 8-24. Zoning permit required prior to issuance of work permit.

No work permit shall be issued by the county department of building inspection services prior to the issuance of a zoning classification confirmation permit by the town and receipt of said zoning classification confirmation permit by the county department of building inspection services.

ADD 150.06 & 150.07....ordinance 01-23

(Code 1988, § 150.06; Ord. of 9-29-1987)

***State law references**—Building codes and fire prevention, S.C. Code 1976, § 5-25-10 et seq.; building, housing, electrical, plumbing and gas codes, S.C. Code 1976, § 6-9-10 et seq.; mandamus and injunctive relief for violation of code or regulation, S.C. Code 1976, § 6-9-80; codes applicable to building inspections, S.C. Code 1976, § 6-9-130; building codes modification procedure, S.C. Code Reg. 8-240; qualifications for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265; dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.; municipality may not enforce national building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); municipal responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B).

Secs. 8-25—8-46. Reserved.

ARTICLE III. UNFIT DWELLINGS

Sec. 8-47. Definitions.

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

Dwelling means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Governing body means the council or other legislative body charged with governing a municipality.

Municipality means any city or town regardless of population.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

Public authority means any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire or building regulations or to other activities concerning dwellings in the municipality.

(Ord. No. 12-20, § 157.100, 9-29-2020)

Sec. 8-48. Investigation and procedure to determine unfitness.

(a) Whenever a petition is filed with the town administrator by the town code inspector, by a public authority, or by at least five residents of the town charging that a dwelling, or any portion thereof, is unfit for human habitation or whenever it appears to the town administrator on the administrator's own motion that a dwelling, or any portion thereof, is unfit for human habitation, the town administrator shall make a preliminary investigation.

(b) If the town administrator's preliminary investigation discloses a basis for such charges, the town administrator shall issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the town administrator or designated agent at a place therein fixed not less than ten days nor more than 30 days after the serving of such complaint.

(c) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the town administrator.

(d) If, after such notice and hearing, the town administrator determines that the dwelling under consideration, or any portion thereof, is unfit for human habitation, the administrator shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof, and posted at the dwelling, an order to vacate and close the dwelling, or any portion thereof determined to be unfit for human habitation and informing the owner and occupants that utility services to the dwelling may be terminated. In addition:

- (1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, the order shall require the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a place for human habitation; or
- (2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, the order shall require the owner, within the time specified in the order, to remove or demolish such dwelling.

(e) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the town administrator may cause such dwelling to be repaired, altered or improved or to be vacated and closed at the owner's costs and expense. The town administrator may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." The order may apply to the entire dwelling or any portion thereof.

(f) If the owner fails to comply with an order to remove or demolish the dwelling, the town administrator may cause such dwelling to be removed or demolished.

(g) The amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the town administrator shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

(h) If the town in demolishing unfit dwellings as permitted by this article contracts with a third party not employed by the town to do the work, it must bid the work in conformity with the purchasing procedures set forth in chapter 2, article VIII.

(Ord. No. 12-20, § 157.101, 9-29-2020)

Sec. 8-49. Standards for determining fitness of dwelling for human habitation.

The town administrator may determine that a dwelling, or any portion thereof, is unfit for human habitation if it is found that conditions exist in such dwelling which are dangerous or

injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings, or other residents of the town. Such conditions include, but are not limited to, the following:

- (1) Defects therein increasing the hazards of fire, accident or other calamities;
- (2) Lack of adequate ventilation or light;
- (3) Unsafe electrical, water, or sewer facilities;
- (4) Lack of fresh water from a state department of health and environmental control approved well or from a public water system supplied to the individual building through an on-site water meter;
- (5) Lack of on-site sanitary waste disposal provided by a state department of health and environmental control approved septic system or from an approved private or public sewer system;
- (6) Dilapidation, disrepair, or uncleanness;
- (7) Structural defects, including a failure to comply with applicable building codes; and
- (8) The property on which the dwelling is built is unstable because of erosion, subsidence, inundation, or other natural forces.

(Ord. No. 12-20, § 157.102, 9-29-2020)

Sec. 8-50. Service of complaints or orders; posting and filing copies.

Complaints or orders issued by the town administrator shall be served upon persons either personally or by registered mail. If the whereabouts of such persons is unknown and cannot be ascertained by the town administrator in the exercise of reasonable diligence, and the town administrator shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the county and circulated in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the county clerk of court in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. It shall be unlawful for any person to remove, deface or otherwise tamper with any posted complaint or order.

(Ord. No. 12-20, § 157.103, 9-29-2020)

Sec. 8-51. Rights of persons affected by orders.

Any person affected by an order issued by the town administrator may, within 60 days after the posting and service of the order, petition the circuit court for an injunction restraining the town administrator from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the town administrator pending the final

disposition of the cause. Hearings shall be had by the court on such petitions within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the town administrator as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the town administrator shall be entitled to recover any damages for action taken pursuant to any order of the town administrator or because of compliance by such person with any order of the town administrator.

(Ord. No. 12-20, § 157.104, 9-29-2020)

Sec. 8-52. Powers and authority of town administrator.

The town administrator is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others granted in this Code:

- (1) To investigate the dwelling conditions in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries are made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees, including the town code inspector, as deemed necessary to carry out the purposes of the ordinances;
- (5) To delegate any of the functions and powers under the ordinances to such officers and agents, including the town code inspector, as the administrator may designate;
- (6) To issue building permits for repairs to the dwelling;
- (7) To revoke a certificate of occupancy;
- (8) To secure the dwelling to prevent entry;
- (9) To authorize temporary repairs or safeguards to make the dwelling safer or temporarily fit for human habitation while permanent repairs are made; and
- (10) To rescind or dismiss orders in whole or in part after the dwelling is rendered fit for human habitation following repairs.

(Ord. No. 12-20, § 157.105, 9-29-2020)

Sec. 8-53. Sale of materials of removed or demolished dwelling.

If a dwelling is removed or demolished by order of the town administrator, the administrator shall attempt to sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition. Any balance remaining shall be deposited in the circuit court by the town administrator, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

(Ord. No. 12-20, § 157.106, 9-29-2020)

Sec. 8-54. Prohibitions on vacated dwellings.

After an order to vacate a dwelling, or any portion thereof, has been issued by the town administrator and posted on the dwelling in accordance with this article, it shall be unlawful to:

- (1) Reside in such dwelling or the portion ordered vacated;
- (2) Enter the dwelling or the portion ordered vacated except with the prior written authorization of the town administrator to perform repairs or demolish the structure. No such person shall reside in the dwelling or the portion ordered vacated;
- (3) Rent or lease the dwelling or portion ordered vacated or otherwise allow any other person to use the dwelling or portion ordered vacated;
- (4) To remove, deface, or tamper with any complaint, order or other notice posted by the town administrator pursuant to this article;
- (5) To re-connect or attempt to re-connect any utility services terminated by the town administrator; or
- (6) To otherwise interfere with the enforcement of this article by the town administrator, public safety, the town code inspector, or any agent of the town.

(Ord. No. 12-20, § 157.107, 9-29-2020)

Sec. 8-55. Termination of utilities.

If the owner or any person occupying the dwelling fails to comply with an order to vacate and close the dwelling, or any portion thereof, the town administrator may contact any utility company serving the premises and direct the utility company to discontinue service to the dwelling, or any portion thereof, until further notice from the town. The town administrator shall notify the occupants of the dwelling of the intent to terminate utility services by posting a notice of same at the dwelling and, if possible, by providing the occupants in-person notice.

(Ord. No. 12-20, § 157.108, 9-29-2020)

Sec. 8-56. Emergency vacate order and termination of utilities.

(a) If the town administrator determines that a dwelling, or any portion thereof, presents an imminent danger to the life or health of the occupants, or is in imminent danger of failure or collapse, or when any dwelling or part of any dwelling has collapsed, failed, or fallen, the town administrator is hereby authorized and empowered to immediately order and require the occupants to vacate the dwelling, or any portion thereof. Upon a finding of imminent danger, the town administrator will cause to be posted at each entrance to such dwelling, a notice reading: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(b) Upon a finding of imminent danger, and after posting the notice required by this section, as well as a notice of intent to terminate utility services, and, if possible, notifying the occupants in person, the town administrator may also contact any utility company serving the premises and direct the utility company to discontinue service to the dwelling, or any portion thereof, until further notice from the town.

(c) Following an emergency order under this section, the town administrator shall undertake to notify the owner and occupants of the dwelling of the emergency order in writing as soon as practical thereafter and shall schedule the hearing required under this article at the earliest convenience of the owner.

(Ord. No. 12-20, § 157.109, 9-29-2020)

Sec. 8-57. Article provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the town administrator or the town to enforce any provisions of the town's ordinances, or to prevent or punish violations thereof, and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

(Ord. No. 12-20, § 157.110, 9-29-2020)

Chapter 9

RESERVED

Chapter 10

BUSINESSES AND BUSINESS REGULATIONS

Article I. In General

Secs. 10-1—10-20. Reserved.

Article II. Advertising

Sec. 10-21. Purpose.
Sec. 10-22. Definitions.
Sec. 10-23. Distribution of handbills.
Sec. 10-24. Billposters.
Sec. 10-25. Bills and posters.
Secs. 10-26—10-48. Reserved.

Article III. Business Licenses

Sec. 10-49. License required.
Sec. 10-50. Definitions.
Sec. 10-51. Purpose and duration.
Sec. 10-52. Business license tax, refund.
Sec. 10-53. Registration required.
Sec. 10-54. Deductions, exemptions, and charitable organizations.
Sec. 10-55. False application unlawful.
Sec. 10-56. Display and transfer.
Sec. 10-57. Administration of article.
Sec. 10-58. Inspection and audits.
Sec. 10-59. Assessments, payment under protest, appeal.
Sec. 10-60. Delinquent license taxes, partial payment.
Sec. 10-61. Notices.
Sec. 10-62. Denial of license.
Sec. 10-63. Suspension or revocation of license.
Sec. 10-64. Appeals to council or its designee.
Sec. 10-65. Consent, franchise, or license required for use of streets.
Sec. 10-66. Confidentiality.
Sec. 10-67. Violations.
Sec. 10-68. Severability.
Sec. 10-69. Classification and rates.
Secs. 10-70—10-91. Reserved.

Article IV. Business License Tax on Telecommunications

Sec. 10-92. Purpose.
Sec. 10-93. Application of business license tax.
Sec. 10-94. Payment due.

RAVENEL MUNICIPAL CODE

- Sec. 10-95. Interstate commerce.
- Sec. 10-96. Continuing obligation.
- Sec. 10-97. Authorizing municipal association to collect license taxes.

ARTICLE I. IN GENERAL

Secs. 10-1—10-20. Reserved.

ARTICLE II. ADVERTISING**Sec. 10-21. Purpose.**

This article is adopted in order to protect the people against the nuisance of the promiscuous distribution of handbills and circulars, particularly commercial handbills, the public interests, convenience, and necessity requires the regulation thereof, and to that end, the purposes of this section shall be as follows:

- (1) To protect the people against the activities or operations of persons representing themselves as solicitors, canvassers, or handbill distributors, by requiring the registration of all such solicitors, canvassers, or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees.
- (2) To protect local residents against trespassing by solicitors, canvassers, or handbill distributors on the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.
- (3) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.
- (4) To preserve to the people their constitutional rights to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by the promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive such handbills.

(Code 1988, § 110.01)

Sec. 10-22. Definitions.

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

Billposter means any person engaging in the business for hire of posting, fastening, nailing, or affixing any written, painted, or printed matter of any kind, containing a message of information of any kind, to any outdoor billboard, or on any bridge, fence, pole, post, sidewalk, tree, or on the exterior of any other structure. This definition shall not apply to or include any sign mounted on, fastened to, or suspended from the outside of any building or other structure,

in accordance with and authorized by any provision of this code or any statute, either for any public convenience or use or for regulating the construction or use of outdoor display signs whether the display signs are illuminated or not.

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) Advertises for sale any merchandise, produce, commodity, or thing;
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purposes of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under ordinary rules of decency, good morals, public peace, safety, and good orders, provided that nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of the state, or under any ordinances of the town; or
- (4) While containing reading matter other than advertisement, is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as an advertiser or a distributor.

Handbill distributor means any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers, thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Newspapers means any newspaper of general circulation as defined by general law, and newspaper duly entered with the post office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording office as provided by general law; and in addition thereto, means and includes any periodical or current magazine regularly published with no less than four issues per year, and sold to the public.

Noncommercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of commercial handbill or newspaper.

Private premises means any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenance to such dwelling, house, building, or other structure.

(Code 1988, § 110.02)

Sec. 10-23. Distribution of handbills.

(a) *Throwing or distributing handbills in public places.* No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street, or other public place within the town, or hand out or distribute or sell any commercial handbill in any public place; provided that any person may hand out or distribute or sell to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(b) *Placing commercial and noncommercial handbills on vehicle.*

- (1) No person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle.
- (2) This subsection (b) shall not prohibit any person in any public place from handing out or distributing, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(c) *Distributing handbills on streets, highways, and intersections.*

- (1) No person shall, in the course of distributing commercial or noncommercial handbills to occupants of vehicles temporarily stopped on town streets, highways, or intersections, distribute handbills if such actions:
 - a. Obstruct any public street, highway, or intersection by hindering, impeding, or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians;
 - b. Create or cause to be created a danger of breach of the peace; or
 - c. Create or cause to be created any danger to the life and safety of pedestrians or occupants of vehicles engaged in lawful passage on any street, highway or intersection.
- (2) Whenever any police officer or the town inspector shall, in the exercise of reasonable judgment, decide that the presence of any handbill distributor on a street, highway, or intersection is causing any of the conditions enumerated in subsection (c)(1) of this section, the police or inspector may, if deemed necessary for the preservation of the public peace and safety, order the person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer or the town inspector shall be guilty of a violation of this subsection.

(d) *Depositing commercial and noncommercial handbills on uninhabited or vacant premises.* No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant:

- (1) Where it is apparent that the property is unoccupied;
- (2) Where it is apparent that a previous day's distribution, of handbills have not been removed; or
- (3) Where the owner has not given permission to do so.

(e) *Distribution of commercial and noncommercial handbills at inhabited private premises.*

- (1) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises.
- (2) Any person may place or deposit any noncommercial handbill in or on inhabited private premises which are not posted, as provided in subsection (f) of this section, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises which are not posted, as provided in subsection (f) of this section, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be used when so prohibited by federal postal law or regulations.
- (3) This subsection (e) shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

(f) *Distributing handbills prohibited where premises properly posted.* No person shall throw, deposit, or distribute any commercial or noncommercial handbill on private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

(g) *Hours of distribution.* No person shall distribute or deposit any commercial or noncommercial handbills daily from 8:00 p.m. to 8:00 a.m. of the following morning.

(h) *Commercial distributors of handbills; license required.*

- (1) No person shall engage in the business of a handbill distributor for hire without first complying with the provisions of this article and all other relevant laws and regulations.
- (2) Nothing contained in this article shall apply to any person advertising business or activity on said person's own premises, if such business or activity is regularly established at a definite location in the town, and if a license has been obtained therefor, if a license is required under the terms of any applicable law or ordinance.

(i) *Application for commercial distributor's license; contents.*

- (1) Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire, shall make application to and receive from the town clerk-treasurer, a distributor's license. Such applicant shall make written application to the town clerk-treasurer on forms provided for such purpose by the town clerk-treasurer.
- (2) The forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.

(j) *License fees.* License fees for a commercial distributor's license shall be set by the town council.

(k) *Transferability of commercial distributor's license.* No license issued under this article shall be transferable to any other person.

(l) *Refund of license fees.* If any commercial distributor's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of part of the license fee.

(m) *Revocation of commercial distributor license.* The town council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this article or any other grounds specified by law.

(n) *Exemptions from section.* The provisions of this section shall not be deemed to apply to distribution of mail by the United States nor to newspapers.

(o) *Commercial handbills; names of printer and distributor required.* All commercial handbills which are distributed, deposited, scattered, handed out, or circulated in any place or under any circumstances shall have printed on the corner, front or back, thereof, the following information:

- (1) The name and address of the person who printed, wrote, compiled, or manufactured such handbill; and

(2) The name and address of the person who caused such handbill to be distributed.
(Code 1988, § 110.03)

Sec. 10-24. Billposters.

(a) *License required; exception.*

- (1) No person shall engage in the business of a billposter for hire without first complying with the terms of this article and all other relevant laws; and
- (2) Nothing contained in this article shall apply to any person advertising business or activity on said person's own premises, if such business or activity is regularly established at a definite location in such town, and also if a license has been obtained therefor, if such license is required under the terms of any applicable law or ordinance.

(b) *Application for billposter's license.*

- (1) Any person, desiring to engage, as principal, in the business of a billposter for hire, shall make application to and receive from the town clerk-treasurer a license in the manner and for the period prescribed by the terms of this article. Such applicant shall make written application to the town clerk-treasurer on forms provided for such purpose by the town clerk-treasurer.
- (2) The forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business. Such application shall be accompanied by the fee provided by the town council.

(c) *Transferability of billposter's license.* No license issued under this section shall be transferable to any other person.

(d) *Refund of license fee.* If any billposter's license is surrendered by the licensee, or is revoked for cause, neither the licensee named in such license, nor any other person, shall be entitled to any refund of any part of the license fee.

(e) *Revocation of billposter's license.* The town council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this article or any other grounds specified by law.

(Code 1988, § 110.04)

Sec. 10-25. Bills and posters.

(a) *Posting notices prohibited; exception.* No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or on any public structure or building, except as may be authorized or required by law.

(b) *Advertisements on sidewalks prohibited.* No person shall print or paint any signs or advertisements for any purpose whatsoever on the sidewalks of the town.

(c) *Bill posting without property owner's consent prohibited.* No person shall post, paint, burn, set up, or expose any bill, placard, or advertisement, or cause the same to be posted, painted, burned, set up, or exposed on the property or premises of any other person without first obtaining the consent of the legal owner or custodian of such property or premises.

(d) *Removing or defacing bills prohibited.* No person shall willfully or recklessly remove, tear down, deface, injure, or destroy any written or printed handbill, poster, or other notice or advertisement of like character legally posted or otherwise legally displayed, in any public place in the town, so long as the same shall be of value for the purposes thereof to the person who posted or displayed the same, or caused it to be posted or displayed.

(e) *Posting bills on utility poles.* No person shall paint, post, paste, or otherwise any manner attach any bills, posters, streamers, or display advertisements on any telephone, telegraph, or electric light poles located on the streets, thoroughfares, or alleys in the town.

(f) *Town inspector to remove bills or advertisements.*

(1) The town inspector shall tear down or remove any bills, posters, or display advertisements in any manner attached to any telephone, telegraph, or electric light poles.

(2) This section shall not apply to traffic signs.

(g) *Permits for signs and advertisements on and across streets.* No person shall erect, hang, or display signs and advertisements for any purpose whatsoever on and across the streets and public thoroughfares of the town, without first obtaining a permit from the town council.
(Code 1988, § 110.05)

Secs. 10-26—10-48. Reserved.

ARTICLE III. BUSINESS LICENSES*

Sec. 10-49. License required.

Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the town, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

(Ord. No. 17-21, § 1, 10-6-2021)

***State law reference**—Municipal license tax, imposition, collection, S.C. Code 1976, § 5-7-30.

Sec. 10-50. Definitions.

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

Business means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

Charitable organization means an organization that is determined by the Internal Revenue Service to be exempt from federal income taxes under 26 USC 501(c)(3), (4), (6), (7), (8), (10) or (19).

Charitable purpose means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

Classification means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the council.

Domicile means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this article, a licensee may be deemed to have more than one domicile.

Gross income means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the municipality. If the licensee has a domicile within the municipality, business done within the municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the municipality, business done within the municipality shall include only gross receipts or revenue received or accrued within the municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee's gross income for the purpose of computing the tax within the municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the state department of revenue, the state department of insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- (1) Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.

- (2) Except as specifically required by S.C. Code 1976, § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- (3) Gross income for manufacturers of goods or materials with a location in the municipality shall be calculated on the lesser of:
 - a. Gross revenues or receipts received or accrued from business done at the location;
 - b. The amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return; or
 - c. The amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

Licensee means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

License official means a person designated to administer this article. Notwithstanding the designation of a primary license official, the municipality may designate one or more alternate license officials to administer particular types of business licenses, including, without limitation, for business licenses issued to businesses subject to business license taxes under S.C. Code 1976, tit. 58, ch. 9, art. 20 (S.C. Code 1976, § 58-9-2200 et seq.), and tit. 38, chs. 7 and 45 (S.C. Code 1976, §§ 38-7-10—38-7-200, 38-45-10—38-45-195).

Municipality means the Town of Ravenel, South Carolina.

NAICS means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

Person means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

(Ord. No. 17-21, § 2, 10-6-2021)

Sec. 10-51. Purpose and duration.

The business license required by this article is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the 12-month period of May 1 to April 30. A business license issued for a construction contract

may, at the request of the licensee, be stated to expire at the completion of the construction project; provided any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including, but not limited to, a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this article and the rates herein shall remain in effect from year to year as amended by the council.

(Ord. No. 17-21, § 3, 10-6-2021)

Sec. 10-52. Business license tax, refund.

(a) The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of April 30 in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in section 10-60, except that admitted insurance companies may pay before June 1 without penalty.

(b) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's 12-month fiscal year preceding the due date, or on a 12-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.

(c) A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within 30 days after receipt of the request.

(Ord. No. 17-21, § 4, 10-6-2021)

Sec. 10-53. Registration required.

(a) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year, provided a new business shall be required

to have a business license prior to operation within the municipality, and an annexed business shall be required to have a business license within 30 days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

(b) Application shall be on the then-current standard business license application as established and provided by the director of the state revenue and fiscal affairs office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this article by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

(c) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the municipality have been paid.

(d) The municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the state revenue and fiscal affairs office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or licensee from existing business license or business license tax obligations.

(Ord. No. 17-21, § 5, 10-6-2021)

Sec. 10-54. Deductions, exemptions, and charitable organizations.

(a) No deductions from gross income shall be made except income earned outside of the municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

(b) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this article.

(c) Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.

(d) A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

(e) A charitable organization shall be deemed a business subject to a business license tax on its total gross income if any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this article, or any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this article. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

(Ord. No. 17-21, § 6, 10-6-2021)

Sec. 10-55. False application unlawful.

It shall be unlawful for any person subject to the provisions of this article to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this article.

(Ord. No. 17-21, § 7, 10-6-2021)

Sec. 10-56. 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 nonresident shall carry the license upon his or her person or in a vehicle used in the business readily available for inspection by any authorized agent of the municipality.

(b) A change of address must be reported to the license official within ten days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall

not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

(Ord. No. 17-21, § 8, 10-6-2021)

Sec. 10-57. Administration of article.

The license official shall administer the provisions of this article, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this article, and perform such other duties as may be duly assigned.

(Ord. No. 17-21, § 9, 10-6-2021)

Sec. 10-58. Inspection and audits.

(a) For the purpose of enforcing the provisions of this article, the license official or other authorized agent of the municipality is empowered to enter upon the premises of any person subject to this article to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.

(b) The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this article, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

(Ord. No. 17-21, § 10, 10-6-2021)

Sec. 10-59. Assessments, payment under protest, appeal.

(a) Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the municipality pursuant to the provisions of S.C. Code 1976, § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.

(b) The license official shall establish a uniform local procedure consistent with S.C. Code 1976, § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under S.C. Code 1976, tit. 58, ch. 9, art. 20 (S.C. Code 1976, § 58-9-2200 et seq.) and tit. 38, chs. 7 and 45 (S.C. Code, §§ 38-7-10—38-7-200, 38-45-10—38-45-195), the municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the municipal association of the state.

(Ord. No. 17-21, § 11, 10-6-2021)

Sec. 10-60. Delinquent license taxes, partial payment.

(a) For nonpayment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for 60 days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.

(b) Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(Ord. No. 17-21, § 12, 10-6-2021)

Sec. 10-61. Notices.

The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

(Ord. No. 17-21, § 13, 10-6-2021)

Sec. 10-62. Denial of license.

(a) The license official may deny a license to an applicant when the license official determines:

- (1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens;
- (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance

regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

- (4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the municipality or in another jurisdiction;
- (5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the municipality of any tax or fee;
- (6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- (7) The license for the business or for a similar business of the licensee in the municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

(b) A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

(Ord. No. 17-21, § 14, 10-6-2021)

Sec. 10-63. Suspension or revocation of license.

- (a) When the license official determines:
 - (1) A license has been mistakenly or improperly issued or issued contrary to law;
 - (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article;
 - (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
 - (4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
 - (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or
 - (6) A licensee is delinquent in the payment to the municipality of any tax or fee;

the license official may give written notice to the licensee or the person in control of the business within the municipality by personal service or mail that the license is suspended pending a single hearing before council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

(b) The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this article. (Ord. No. 17-21, § 15, 10-6-2021)

Sec. 10-64. Appeals to council or its designee.

(a) Except with respect to appeals of assessments under section 10-59, which are governed by S.C. Code 1976, § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the council or its designee by written request stating the reasons for appeal, filed with the license official within ten days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.

(b) A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the council or its designee within ten business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the council, or, if by designee of the council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by council or its designee shall govern the hearing. Following the hearing, the council, by majority vote of its members present, or the designee of council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the municipality.

(c) Timely appeal of a decision of council or its designee does not effectuate a stay of that decision. The decision of the council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

(d) For business licenses issued to businesses subject to business license taxes under S.C. Code 1976, tit. 58, ch. 9, art. 20 (S.C. Code 1976, § 58-9-2200 et seq.) and tit. 38, chs. 7 and 45 (S.C. Code 1976, §§ 38-7-10—38-7-200, 38-45-10—38-45-195), the municipality may establish a different procedure by ordinance. (Ord. No. 17-21, § 16, 10-6-2021)

Sec. 10-65. Consent, franchise, or license required for use of streets.

(a) It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the council by ordinance that prescribes the term, fees, and conditions for use.

(b) The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

(Ord. No. 17-21, § 17, 10-6-2021)

Sec. 10-66. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this article.

(Ord. No. 17-21, § 18, 10-6-2021)

Sec. 10-67. Violations.

Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.

(Ord. No. 17-21, § 19, 10-6-2021)

Sec. 10-68. Severability.

A determination that any portion of this article is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this article and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code 1976, § 6-1-400 et seq., the Standardization Act shall control.

(Ord. No. 17-21, § 20, 10-6-2021)

Sec. 10-69. Classification and rates.

(a) The business license tax for each class of businesses subject to this article shall be computed in accordance with the current business license rate schedule which may be amended from time to time by the council.

(b) Hereafter, no later than December 31 of each odd year, the municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the municipal association of the state and adopted by the director of the state revenue and fiscal affairs office. Upon adoption by the municipality, the revised business license class schedule shall then be appended to this article.

(c) The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.

(d) A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk-treasurer.

(Ord. No. 17-21, § 21, 10-6-2021)

Secs. 10-70—10-91. Reserved.**ARTICLE IV. BUSINESS LICENSE TAX ON TELECOMMUNICATIONS****Sec. 10-92. Purpose.**

Notwithstanding any other provisions of article III of this chapter, the business license tax for a retail telecommunications services, including voice and data communications; radiotelephone services; cellular telephone services; paging and beeper services; leasing lines; fiber optic cables; microwave or satellite facilities; selling access and reselling use of facilities or methods to others, and as defined in S.C. Code 1976, § 58-9-2200, shall be at the maximum rate authorized by S.C. Code 1976, § 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.

(Code 1988, § 114.01; Ord. of 6-30-1998; Ord. of 10-26-2004)

Sec. 10-93. Application of business license tax.

(a) In conformity with S.C. Code 1976, § 58-9-2220, the business license tax for a 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 town and which are charged to a service address within the town 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 sales 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 town.

(b) For a business in operation for less than one year, the amount of business license tax shall be computed on a 12-month projected income.

(Code 1988, § 114.02; Ord. of 9-28-1999)

Sec. 10-94. Payment due.

(a) For years after 2005, the business license tax for a retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

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

(Code 1988, § 114.03; Ord. of 9-28-1999; Ord. of 10-26-2004)

Sec. 10-95. Interstate commerce.

Exemptions in article III of this chapter 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.

(Code 1988, § 114.04)

Sec. 10-96. Continuing obligation.

(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.

(Code 1988, § 114.05; Ord. of 10-26-2004; Ord. of 9-28-2009)

Sec. 10-97. Authorizing municipal association to collect license taxes.

As authorized by S.C. Code 1976, § 5-7-300, the agreement with the municipal association of the state for collection of current and delinquent license taxes from telecommunications

companies pursuant to S.C. Code 1976, § 58-9-2200 shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the municipal association of the state 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 the town on or before April 1, 2005, and thereafter as remaining collections permit.

(Code 1988, § 114.06)

Chapter 11

RESERVED

Chapter 12

CEMETERIES

- Sec. 12-1. Purpose.
- Sec. 12-2. Definitions.
- Sec. 12-3. Regulation of cemeteries.

Sec. 12-1. Purpose.

The town council finds it necessary to the public interest that cemeteries, burial grounds and any agreement or contract which has for a purpose the furnishing or delivering of any person, property of merchandise of any nature in connection with the final deposition of a dead human body, must be subject to sufficient regulation to ensure that sound business practices are followed and that the public's safety, health and welfare is protected.

(Code 1988, § 133.01)

Sec. 12-2. Definitions.

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

Cemetery means a place or area of land set apart for interment of a dead human body.

Person means any person, firm, corporation or association.

(Code 1988, § 133.02)

Sec. 12-3. Regulation of cemeteries.

(a) No person or legal entity may establish or engage in the business of operating a cemetery or bury any person without first obtaining a license from the state cemetery board and complying with all rules and regulations thereof and of relevant state law.

(b) All provisions of the town ordinance now in force or hereinafter enacted relating to and defining public offenses in the town, shall, insofar as the same be applicable, be in full force and effect in any cemetery located within the town limits.

(c) It shall be unlawful for any persons, other than duly authorized officers, officials or employees, to enter into or be upon any cemetery grounds located within the town limits during the time after sunset and before sunrise of any day without first obtaining the permission of the sexton or employee in charge of said cemetery. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established and opened entrances or gateways.

(d) It shall be unlawful for any person to loiter or trespass upon lots and graves of any cemetery located within the town limits of the town or for the parents or guardian of any child under the age of 16 years to permit such child to be within said cemetery grounds unless accompanied by an adult person. Provided that nothing herein shall be constructed to prohibit any person having lawful business in the cemetery in connection with improvement thereof or persons visiting the graves of relatives or friends from being in said cemetery in accordance with the rules.

(e) It shall be unlawful for any person to drive any vehicle in any cemetery located within the town limits faster than ten miles per hour.

(f) No person shall drive or move any vehicle within the cemetery except over a roadway opened for vehicular traffic or obstruct any path of driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through said grounds except for purpose of making deliveries in the cemetery, attending gravesite service or burial service or visiting and grave site. It shall be the duty of the cemetery sexton and assistants to direct all vehicular traffic and the sexton is authorized to direct the parking of outstanding of all vehicles in said cemetery. No person shall disobey or disregard the direction of the sexton relating to the movement or standing of all vehicles within said cemetery.

(g) It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter or debris of any kind in any cemetery located within the town.

(h) No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault, or mausoleum or decoration on any grave or place of burial therein. This shall not prohibit acts by cemetery officers and employees, or public officials, in carrying out their duties.

(Code 1988, § 133.03; Ord. of 6-25-1991)

Chapter 13

RESERVED

Chapter 14

LAND USE

Article I. In General

Secs. 14-1—14-20. Reserved.

Article II. Flood Damage Prevention

Sec. 14-21. Statutory authorization.

Sec. 14-22. Flood damage prevention to public and private property.

Secs. 14-23—14-42. Reserved.

Article III. Zoning Code

Sec. 14-43. Zoning code amended and ratified by town council.

ARTICLE I. IN GENERAL

Secs. 14-1—14-20. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION

Sec. 14-21. Statutory authorization.

The state legislature has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Code 1988, § 152.01; Ord. of 6-1-1987)

Sec. 14-22. Flood damage prevention to public and private property.

Charleston County Ordinance No. 2124, adopted October 6, 2020, and replacing Chapter 9 of the Code of Ordinances, Charleston County, entitled "Flood Damage Prevention and Protection" is hereby adopted by reference and declared to be as full a part of the Code of the town as if set forth herein.

(Code 1988, § 152.02; Ord. of 7-13-2004; Ord. No. 16-20, § 152.02, 11-24-2020)

Secs. 14-23—14-42. Reserved.

ARTICLE III. ZONING CODE

Sec. 14-43. Zoning code amended and ratified by town council.

On January 20, 2000, the town council amended and ratified the revised Zoning Ordinance, Land Development Regulations, Tree Regulations and related provisions. The Zoning Ordinance and amendments were subsequently moved to a new code book entitled the Zoning Code of the Town of Ravenel.

(Code 1988, ch. 153; Ord. of 8-17-1987; Ord. of 1-20-2000)

Federal law references—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited Federal preemption of state and local zoning laws affecting amateur radio facilities, *Memorandum Opinion and Order*, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

State law references—Zoning ordinances and purposes, S.C. Code 1976, § 6-29-710; zoning districts, S.C. Code 1976, § 6-29-720; board of zoning appeals, S.C. Code 1976, § 6-29-780; land development regulation, S.C. Code 1976, § 6-20-1110; local planning commission, S.C. Code 1976, § 6-29-310 et seq.

Chapter 15

RESERVED

Chapter 16

LAW ENFORCEMENT

(RESERVED)

Chapter 17

RESERVED

Chapter 18

MANUFACTURED HOUSING AND RECREATIONAL VEHICLES

Article I. In General

Secs. 18-1—18-20. Reserved.

Article II. Manufactured Homes

Sec. 18-21. Definitions.

Sec. 18-22. Notice to purchaser required; terms of notice.

Sec. 18-23. Zoning permit required prior to placement on permanent site.

Sec. 18-24. Exceptions.

Sec. 18-25. Penalty.

Secs. 18-26—18-48. Reserved.

Article III. Recreational Vehicles and Other Alternative Dwellings

Sec. 18-49. Definitions.

Sec. 18-50. Use of recreational vehicles and other alternative dwellings.

Sec. 18-51. Penalty.

ARTICLE I. IN GENERAL

Secs. 18-1—18-20. Reserved.

ARTICLE II. MANUFACTURED HOMES*

Sec. 18-21. Definitions.

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

Factory-built dwelling means any building which contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. This includes units meeting the standard building code requirements.

Manufactured home/mobile home means a manufactured single-family dwelling or an integral part over 35 feet in length, or over eight feet in width, so constructed that it may be transported from one site to another, temporarily or permanently affixed to real estate, made up of one or more components, and constructed with the same or similar electrical, plumbing, heating, and sanitary facilities as on-site constructed housing. This includes all units built to the HUD standards program only.

Modular unit means any unit or sectional portion of a unit manufactured or fabricated to be delivered to a building site other than those defined as a manufactured home/mobile home or factory-built dwelling above.

Unit means a manufactured home/mobile home, factory-built dwelling, or modular unit. (Code 1988, § 151.01; Ord. of 10-27-1987)

Sec. 18-22. Notice to purchaser required; terms of notice.

(a) It shall be unlawful for any person, firm, or legal entity desiring to sell a manufactured home/mobile home, factory-built dwelling, or modular unit to be located anywhere in the town to enter a binding contract regarding the sale of any such manufactured home/mobile home, factory-built dwelling, or modular unit without providing the potential purchaser the notice specified in subsection (b) of this section.

(b) Any person, firm, or legal entity desiring to sell a manufactured home/mobile home, factory-built dwelling, or modular unit or desiring to move or transport a manufactured home/mobile home, factory-built dwelling, or modular unit to be located anywhere in the town

***State law references**—Manufactured home installation requirements, S.C. Code Reg. 79-42; used manufactured home minimum habitability requirements, S.C. Code Reg. 79-43; national manufactured housing construction and safety standards, S.C. Code Reg. 79-40.

shall, prior to entering into any binding agreement, have the prospective purchaser of the manufactured home/mobile home, factory-built dwelling, or modular unit, sign a copy of the notice set forth below. The notice to be signed by purchaser shall state in bold, capital letters near the top of the first page of any such document a notice to the effect that the seller calls to the attention of the purchaser the existence of this article and its penalties. Such notice shall, at a minimum, call to the attention of the purchaser in clear, brief language, that such purchaser is required to first obtain, before moving the unit, a zoning permit from the town and a certificate from the county health department approving, respectively, the zoning and the intended method of sewage disposal for the town site involved. This notice provision shall not apply to any contract or purchase agreement involving a manufactured home/mobile home, factory-built dwelling, or modular unit not intended to be located in the town. If the buyer does not intend to locate the manufactured home/mobile home, factory-built dwelling, or modular unit in the town, the same shall be noted on the notice statement and initialed by the parties to the contract. The seller shall retain a copy of the signed notice in the seller's business records as part of the transaction for a period of two years from the date of signing.

(Code 1988, § 151.02; Ord. of 10-27-1987)

Sec. 18-23. Zoning permit required prior to placement on permanent site.

(a) It shall be unlawful for any person, firm, or legal entity selling a manufactured home/mobile home, factory-built dwelling, or modular unit or mobile home mover to deliver or place upon any prospective permanent site, a manufactured home/mobile home, factory-built dwelling, or modular unit without first having secured a copy of a zoning permit for the proposed permanent site from the purchaser. The seller and mobile home owner shall retain a copy of the zoning permit in their business records as part of the records of the transaction for a period of two years from the date that the unit was sold or moved.

(b) Such zoning permit and county health department certificate shall not be issued until evidence is presented, or the town zoning official so finds, that location of a manufactured home/mobile home, factory-built dwelling, or modular unit on the intended site will be in compliance with all zoning ordinances of the town and all health regulations and laws administered or enforced by the county health department.

(c) Such permit and certificate shall state the location of the approved site shall be valid only as to such site and, as to the permit, shall not be deemed valid unless signed by the town zoning official or the official's designee.

(Code 1988, § 151.03; Ord. of 10-27-1987)

Sec. 18-24. Exceptions.

The provisions of this article shall not apply to transactions involving the sale, purchase, or repossession of manufactured homes/mobile homes, factory-built dwellings, or modular units between manufacturers and licensed dealers of manufactured homes/mobile homes, factory-

built dwellings, or modular units, nor transportation of units from the manufacturer's location to the dealer's sales location, nor transportation between the sale site of the two licensed dealers nor transportation to a licensed sale site when a unit is purchased or repossessed from an individual.

(Code 1988, § 151.04; Ord. of 10-27-1987)

Sec. 18-25. Penalty.

Any person violating any of the provisions of this article, in any one or more particulars, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00 or imprisoned for not more than 30 days for each such violation. Each day after any unit is placed upon a permanent site not in compliance with the provisions of this article shall constitute a separate offense.

(Code 1988, § 151.99; Ord. of 10-27-1987)

Secs. 18-26—18-48. Reserved.

ARTICLE III. RECREATIONAL VEHICLES AND OTHER ALTERNATIVE DWELLINGS

Sec. 18-49. Definitions.

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

Recreational vehicle.

- (1) The term "recreational vehicle" means a vehicle that:
 - a. Is self-propelled or permanently towable;
 - b. Is capable of human habitation but designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use; and
 - c. Does not meet the definition of the term "manufactured home/mobile homes" set forth in article II of this chapter.
- (2) Campers, trailers, motor coaches, motor homes, fifth-wheels, truck campers, pop-up campers, travel trailers, camper shells, and camper trailers are all considered recreational vehicles.

(Ord. No. 5-19, § 156.01, 9-24-2019)

Sec. 18-50. Use of recreational vehicles and other alternative dwellings.

It is unlawful for any person to use a recreational vehicle, tent, treehouse, or any other unpermitted alternative dwelling as a permanent or temporary habitation or for a permanent or temporary commercial purposes within the town except as allowed herein.

- (1) A recreational vehicle may be stored and not in use on any property.
- (2) Recreational vehicles and tents can be used as temporary living quarters in approved campgrounds and on residential properties for a period not to exceed 30 days.
- (3) Recreational vehicles can be used as permanent residences in approved trailer parks.
- (4) Upon the approval of the zoning administrator and the issuance of a zoning permit in compliance with section 6.5 of the town zoning ordinance, recreational vehicles, manufactured homes, and mobile homes can be used on a temporary basis exceeding 30 days for the following purposes:
 - a. As a temporary dwelling on a residential lot during construction of a primary residence on the same property;
 - b. As a temporary sales or construction office during construction of residential units or a subdivision, but not to be used as office space for any other commercial business;
 - c. As a temporary dwelling on a residential lot for a caregiver caring for a family member related by blood or marriage and living in the primary residential structure on the same property. The physical and/or mental condition of the resident/applicant must warrant on-site care, and this must be confirmed in writing by an attending physician; or
 - d. With the approval of town council, as a temporary use for some other hardship which is not self-inflicted, but which arises from the character of the property for which the permit is sought, character of surrounding properties, or extreme and unusual personal circumstances.
- (5) The temporary uses of recreational vehicles, manufactured homes, and mobile homes allowed under subsection (4) of this section are all subject to the following conditions and requirements:
 - a. Approval by the zoning administrator by issuance of a zoning permit upon a determination that the unit complies with the requirements of this section and is not detrimental to the surrounding properties;
 - b. The zoning permit will be issued for a maximum period of one year. The zoning permit may be renewed once for an additional year upon a new application and compliance with all other requirements for the initial permit;

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- c. At the termination of the need for the temporary dwelling unit, such as the issuance of a certificate of occupancy, the unit must be removed within 30 days;
- d. The unit must comply with all local and state laws governing utilities, including a septic tank or sewer connection, well or water connection, and electrical connection, all approved by the zoning administrator;
- e. The unit must be so situated to meet the requirements for a zoning permit; and
- f. Only one unit may be placed on a lot.

(Ord. No. 5-19, § 156.02, 9-24-2019)

Sec. 18-51. Penalty.

Any person violating any of the provisions of this article, in any one or more particulars, including persons creating, placing, or inhabiting the unlawful structure, and persons owning or controlling the property on which the unlawful structure exists, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200.00 or imprisoned for not more than 30 days for each such violation. Each day after any unit is placed upon a site not in compliance with the provisions of this article shall constitute a separate offense. In addition, the town may permanently or temporarily revoke any licenses or permits issued by the town to the owner or person in control of the property or the recreational vehicle that is in violation of this article.

(Ord. No. 5-19, § 156.99, 9-24-2019)

Chapter 19

RESERVED

Chapter 20

OFFENSES*

Article I. In General

- Sec. 20-1. Adoption of criminal law of state.
- Sec. 20-2. Penalty.
- Secs. 20-3—20-22. Reserved.

Article II. Offenses Against Public Administration

- Sec. 20-23. Interference with, assaulting public official or town inspector prohibited.
- Sec. 20-24. Impersonating town inspector.
- Sec. 20-25. False reports or alarms.
- Sec. 20-26. Duty to assist town inspector or other town official.
- Secs. 20-27—20-55. Reserved.

Article III. Noise

- Sec. 20-56. Loud noises restricted.
- Sec. 20-57. Sound amplification devices.
- Sec. 20-58. Jake brakes.
- Secs. 20-59—20-89. Reserved.

Article IV. Abandoned or Junked Vehicles

- Sec. 20-90. Purpose.
- Sec. 20-91. Definitions.
- Sec. 20-92. Control of abandoned derelict and junk vehicles.
- Sec. 20-93. Notices of removal.
- Sec. 20-94. Fines, penalties.
- Secs. 20-95—20-116. Reserved.

Article V. Nuisance

- Sec. 20-117. Purpose.
- Sec. 20-118. Authority.
- Sec. 20-119. Definitions.
- Sec. 20-120. Accumulation prohibited.
- Sec. 20-121. Duty to owner to cut and remove.
- Sec. 20-122. Declaration of nuisance.

***State law references**—Crimes and offenses, S.C. Code 1976, tit. 16; preemption of most firearms-related matters from scope of local government authority, S.C. Code 1976, § 23-31-510; local government may regulate careless discharge of firearm or public brandishing of firearms, S.C. Code 1976, § 23-31-520.

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- Sec. 20-123. Notice to owner for compliance.
- Sec. 20-124. Failure to comply.
- Sec. 20-125. Abatement of nuisance.
- Sec. 20-126. Appeals.
- Sec. 20-127. Notice of discontinuance.
- Secs. 20-128—20-152. Reserved.

Article VI. Smoking of Tobacco Products

- Sec. 20-153. Purpose.
- Sec. 20-154. Definitions.
- Sec. 20-155. Prohibition of smoking in the workplace.
- Sec. 20-156. Smoking restrictions inapplicable.
- Secs. 20-157—20-180. Reserved.

Article VII. Panhandling Control Regulations

- Sec. 20-181. Purpose.
- Sec. 20-182. Obstructing public ways and means of ingress to and egress from private property.
- Sec. 20-183. Conducting of business during certain hours prohibited.
- Sec. 20-184. Sale of food or drink with any alcohol contained therein prohibited.
- Sec. 20-185. Approaching vehicular traffic prohibited.
- Sec. 20-186. Use of traffic islands, medians or other traffic control devices for storage or sale of tangible property prohibited.
- Sec. 20-187. Peddling, charitable soliciting, busking, and the selling of palmetto art products unlawful on private property.
- Sec. 20-188. Blocking rights-of-way.
- Sec. 20-189. Noise.
- Sec. 20-190. Littering.
- Sec. 20-191. Aggressive solicitation prohibited.
- Sec. 20-192. Prohibited areas for solicitors.
- Sec. 20-193. Fees.
- Sec. 20-194. Permit expiration.
- Sec. 20-195. Permit possession.
- Sec. 20-196. Transfer of permits prohibited.
- Sec. 20-197. Penalties.

ARTICLE I. IN GENERAL**Sec. 20-1. Adoption of criminal law of state.**

All acts and conduct that constitute violation of the statutory law, as set forth in the 1976 South Carolina Code of Laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the council.

Sec. 20-2. Penalty.

Any person violating any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be fined not more than \$500.00 or imprisoned not more than 30 days, or both. No penalty shall exceed the maximum permissible for an offense under state law.

(Code 1988, § 130.99)

Secs. 20-3—20-22. Reserved.**ARTICLE II. OFFENSES AGAINST PUBLIC ADMINISTRATION****Sec. 20-23. Interference with, assaulting public official or town inspector prohibited.**

(a) No person shall assault, resist, hinder, oppose, molest, or interfere with the town inspector or any other officer or employee of the town, or of any department or board of the town, in the discharge of official duties.

(b) During a riot or other civil emergency no person shall hinder, obstruct, endanger, or interfere with any person who is engaged in the operation, installation, repair, or maintenance of any essential public service facility within the town, including any facility for the transmission of electricity, gas, telephone messages, or water.

(Code 1988, § 131.01)

Sec. 20-24. Impersonating town inspector.

No person shall do or attempt any act to impersonate the town inspector.

(Code 1988, § 131.02)

Sec. 20-25. False reports or alarms.

(a) No person shall knowingly make or file, or cause to be made or filed, a false or misleading report, allegation, or complaint with the town inspector.

(b) No person shall make to cause to be made, with intent to deceive, any false alarm by means of the fire alarm system, public or private alarm systems, telephone, or by any other means of communication.

(c) No person shall willfully make or cause to be made any false call for an ambulance by any means of communication.

(d) This section shall not apply to any authorized personnel while installing, testing, or repairing alarm systems in the normal course of employment.

(Code 1988, § 131.03)

Sec. 20-26. Duty to assist town inspector or other town official.

It shall be the duty of every citizen of the town to assist the town inspector or other municipal officer to arrest violators of the law when commanded, and it shall be unlawful for any person to fail to do so.

(Code 1988, § 131.04)

Secs. 20-27—20-55. Reserved.

ARTICLE III. NOISE

Sec. 20-56. Loud noises restricted.

All unreasonably loud noises, either in the daytime or at night, which disturb the peace and quiet of the town, whether in the public streets or on the waterways, or within enclosures, public or private, are prohibited.

(Code 1988, § 136.01)

Sec. 20-57. Sound amplification devices.

It shall be unlawful for any person to play or operate, or cause to be played or operated, any radio or other apparatus making or reproducing musical or other sounds in such a manner as to be unreasonably loud outside of a car, in the public streets, or in any residence or building or enclosure used in whole or in part for residential purposes.

(Code 1988, § 136.02; Ord. of 8-8-1995)

Sec. 20-58. Jake brakes.

(a) *Purpose.* The purpose of this section is to prohibit the excessive, loud, unusual or explosive use of engine retarding and compressed air-braking devices within the town limits.

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

Engine compression brake means a "dynamic brake," "Jake brake," "Jacobs brake," "C-brake," "engine retarding brake," "PACCAR brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression in such a manner as to emit more than 80 decibels of noise within/at a distance of/more than 50 feet.

(c) *Prohibitions.* It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the town limits any engine compression brake, engine retarding brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger/emergency/to avoid injury or accident.

(d) *Exceptions.* Emergency vehicles shall be exempt from the application of this section. (Ord. No. 7-21, § 136.03, 4-27-2021)

Secs. 20-59—20-89. Reserved.

ARTICLE IV. ABANDONED OR JUNKED VEHICLES

Sec. 20-90. Purpose.

The purpose of this article is to prohibit the abandonment of inoperable vehicles on public or private property by providing the right to find and declare the vehicle a health or safety hazard and to ensure the proper disposition of the seized vehicle. However, the owner, lessee or occupant of the premises shall be afforded notice and provided an opportunity to be heard before the town council prior to the physical removal of the vehicle by the town.

(Code 1988, § 137.01)

Sec. 20-91. Definitions.

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

Abandoned vehicle means a vehicle that is inoperable, or is left unattended on private property, or public property, for a period of more than seven days without the consent of the owner or person, in control of the property.

Derelict vehicle means a vehicle:

- (1) Whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration, on record with the department of motor vehicles (DMV);
- (2) Whose major parts have been removed so as to render the vehicle inoperable, or whose operation would create such unsafe condition so as to endanger any person or property;
- (3) Whose manufacturer's serial plate, motor vehicle identification numbers, license plate numbers and any other means of identification have been removed so as to nullify efforts to locate the registered owner; or
- (4) Whose registered owner disclaims ownership or releases the owner's rights thereto.

Junk vehicle means any vehicle with such present value that it would not be economical to repair or restore it.

Salvage yard means a business or person who holds a license issued by the state required of all retailers, possesses ten or more derelict vehicles and regularly engages in buying or selling used vehicle parts.

(Code 1988, § 137.02)

Sec. 20-92. Control of abandoned derelict and junk vehicles.

It shall be unlawful for any owner of any residential or commercial property within the town to store a vehicle not having a current motor vehicle license tag and upon which property taxes have not been paid, to be brought upon, stored or to remain upon any public right-of-way or can it remain upon the owner's property unless and provided such vehicle is covered or sheltered so as to be protected from the forces of the elements and to prevent the infestation of such vehicle by mosquitoes and other insects or rats and other vermin or unless the property is so zoned so as to allow the storage of vehicles as a commercial salvage operation. No person shall salvage or otherwise maintain upon his or her property any inoperable vehicle for the purpose of taking parts therefrom, the purpose of storage or for repair without the motor vehicle having a current motor vehicle license tag unless and provided such vehicle is covered or sheltered so as to be protected from the forces of the elements or unless the property is so zoned so as to allow the storage of vehicles as a commercial salvage use.

(Code 1988, § 137.03)

Sec. 20-93. Notices of removal.

The town code inspector and the county law enforcement officers shall be vested with the power and charged with the duties of administering the provisions of this article. Whenever it

appears that a violation has occurred, written notice of the violation shall be served on the owner of the vehicle, if known, or on the owner of the property, requiring the owner to remove the vehicle or respond to the notification within 15 calendar days from the date of the notice. (Code 1988, § 137.04)

Sec. 20-94. Fines, penalties.

Any person who abandons a motor vehicle, either on public or private property, who, upon receipt of a notice of removal, fails to respond to the notice of removal, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00 and shall pay all costs of having such abandoned motor vehicle removed, stored, and sold as provided in S.C. Code 1976, § 56-5-5850. All such motor vehicles shall be removed and disposed of in accordance with S.C. Code 1976, §§ 56-5-5850 and 56-5-5860. (Code 1988, § 137.05; Ord. of 6-19-2001)

Secs. 20-95—20-116. Reserved.

ARTICLE V. NUISANCE

Sec. 20-117. Purpose.

The purpose of this article is to set forth standards and regulations for the control of garbage and litter and the growth of weeds and rank vegetation in the town in order to protect the health and welfare of its citizens and enhance the appearance and safety of all public and private property. (Code 1988, § 138.01)

Sec. 20-118. Authority.

This article is adopted pursuant to the provisions of S.C. Code 1976, § 5-7-80, as amended. (Code 1988, § 138.02)

Sec. 20-119. Definitions.

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

Commercial area means any property having a commercial use or zoned for commercial use.

Improved lot means a lot of record which has been cleared and grubbed.

Residential area means property that meets all the following conditions:

- (1) Zoned for residential use;
- (2) Construction of streets and roads has begun;

- (3) Installation of water and/or sewage treatment has begun.

Solid waste means refuse, rubbish, trash, garbage, offal, junk, litter, building materials, demolition materials, scrap fallen trees, and any other matter deleterious to good health and public sanitation.

Unimproved lot means a lot upon which clearing and grubbing has not taken place.

Weeds and rank vegetation means dense, uncultivated, vegetative overgrowth, over ten inches in height, or uncultivated briars, vines, or other similar vegetation exceeding six feet in length. (Code 1988, § 138.03)

Sec. 20-120. Accumulation prohibited.

(a) *Weeds and rank vegetation.* It shall be unlawful for any owner, lessee, or occupant or any agent, representative, or employee of such owner (all persons hereinafter referred to as "owner") of any occupied or unoccupied improved lot which is located in a residential or commercial area within the town, to permit on any such lot the growth of weeds and rank vegetation. Any lot which has been improved may not be allowed to revert to unimproved status.

(b) *Solid waste.* It shall not be allowed for any owner of any occupied or unoccupied improved or unimproved lot which is located within the town to permit on any such lot the accumulation of solid waste. (Code 1988, § 138.04)

Sec. 20-121. Duty to owner to cut and remove.

(a) *Weeds and rank vegetation.* It shall be the duty of every owner of property which is located in a residential or commercial area within the town to cut, or cause to be cut, all weeds and rank vegetation, as described in this section, or to remove solid waste as often as may be necessary to prevent the growth of such weeds and rank vegetation or the accumulation of such solid waste. Any lot which has been improved may not be allowed to revert to unimproved status.

(b) *Solid waste.* It shall be the duty of the owner of any improved or unimproved lot which is located in any area of the town, to remove solid waste as often as may be necessary to prevent the accumulation of such solid waste. (Code 1988, § 138.05)

Sec. 20-122. Declaration of nuisance.

Weeds and other rank vegetation or solid waste allowed to accumulate and remain on lots as described above may be deemed and declared to be a public nuisance in the judgement of any duly appointed county environmental officer or of the town inspector. In the event such weeds

and rank vegetation or solid waste, as described herein, have not been deemed and declared to be a public health hazard by the county health department, any county environmental officer or the town inspector may nevertheless deem and declare the same to be detrimental to the health and welfare of the community.

(Code 1988, § 138.06)

Sec. 20-123. Notice to owner for compliance.

(a) Any county environmental officer or town inspector shall serve notice on the owner of the land to comply with the provisions of this article.

(b) It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of the notice in the United States mail, properly stamped, certified, and addressed to the owner of the property at the best address available, or to post a copy of the notice upon the premises.

(Code 1988, § 138.07)

Sec. 20-124. Failure to comply.

If the person to whom the notice is directed, under the provisions of section 20-123, fails or neglects to cause such weeds and rank vegetation to be cut and removed, or such solid waste to be removed from the premises within ten days after such notice has been served, he or she shall be guilty of a misdemeanor and subject to a fine of not more than \$500.00 or imprisonment of not more than 30 days. Each day that a condition is in violation of this section shall constitute a separate offense.

(Code 1988, § 138.08; Ord. of 3-25-2003)

Sec. 20-125. Abatement of nuisance.

After ten days have elapsed after notice has been served upon the owner, then the county public works department or a town-authorized or county-authorized agent or representative may enter upon any such lands and abate the nuisance by cutting and removing such weeds or other rank vegetation or solid waste, and the cost of doing so shall become a lien upon the real estate affected, and may be recovered by the county through judgement proceedings. Persons desiring to contest the abatement order may appeal the notice of abatement and request a hearing by filing a written request with the local magistrate's office (St. Paul's magistrate's office) prior to the time scheduled for abatement.

(Code 1988, § 138.09; Ord. of 3-25-2003)

Sec. 20-126. Appeals.

In the event that an owner requests a hearing in writing as set forth in section 20-125, the magistrate's office shall set a date of hearing and shall notify the owner. All proceedings in regard to the abatement notice shall be halted until after the appeal is brought before the magistrate.

- (1) Upon decision and that the initial notice for abatement is sustained the property owner shall have ten business days from the date of judgment in which to comply. Failure to comply may result in actions by the town or county as set forth in section 20-125 or any other remedies as may be available to the town.
- (2) Nothing herein shall prevent the town or county from taking such action as may be necessary and lawful to correct the conditions and to protect the public health, safety and welfare when emergency conditions exist.

(Code 1988, § 138.10)

Sec. 20-127. Notice of discontinuance.

The town may, at the discretion of town council, and upon 30 days notification, withdraw this agreement with the county. The county may also, following 30 days' notice, withdraw from this agreement.

(Code 1988, § 138.11; Ord. of 3-25-2003)

Secs. 20-128—20-152. Reserved.

ARTICLE VI. SMOKING OF TOBACCO PRODUCTS

Sec. 20-153. Purpose.

The town council finds that it is in the best interest of the people of the town to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, the town council declares that the purpose of this article is to preserve and improve the health, comfort and environment of the people of the town by limiting exposure to tobacco smoke in the workplace.

(Code 1988, § 140.01)

Sec. 20-154. Definitions.

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

Employee means any person who performs services for an employer in return for wages, profit, or other valuable consideration.

Employer means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any work place, work spaces, as defined herein, that employs one or more persons.

Enclosed means a space bounded by walls (with or without windows), and enclosed by doors, including, but not limited to, offices, rooms, foyers, waiting areas and halls.

Person means a customer or other visitor on the premises regulated herein.

Police department means the county police department.

Public building means any building owned, operated or leased by the town.

Secondhand smoke means the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "side stream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "second-hand smoking" or "involuntary smoking."

Smoking means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.

Smoking materials means and includes cigars, cigarettes and all other manners of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.

Workplace means any enclosed indoor area, structure, building or facility or any portion thereof at which one or more employee perform services for their employer, including, but not limited to, retail food stores; retail stores; restaurants; bars; cabarets, cafes, public or private clubs; pool halls; and bowling alleys.

Work space or *work spaces* means any enclosed area occupied by an employee during the course of his or her employment, including, but not limited to, offices; customer service areas; common areas; hallways; waiting areas; restrooms; lounges; and eating areas.
(Code 1988, § 140.02)

Sec. 20-155. Prohibition of smoking in the workplace.

(a) The employer shall provide a smoke free environment for all employees working in all "work space" and "work places" as those terms are defined herein. Further, the employer and all employees shall prohibit any persons present in said work space and work places from smoking tobacco products therein.

(b) Smoking shall be prohibited in all work space and work places in a workplace. This includes all common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other enclosed areas in the workplace.

(Code 1988, § 140.03; Ord. of 4-27-2010)

Sec. 20-156. Smoking restrictions inapplicable.

(a) *Generally.* In providing for the inapplicability of this section to subsections (a)(1) through (7) of this section, it is specifically recognized that such locations are addressed in the Clean Indoor Air Act, enacted by the general assembly of the state and codified in S.C. Code 1976, § 44-95-10 et seq. Therefore, this section shall not apply to:

- (1) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries;
- (2) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in S.C. Code 1976, § 63-13-20, which are licensed pursuant to S.C. Code 1976, § 63-13-10 et seq.;
- (3) Health care facilities as defined in S.C. Code 1976, § 44-7-130;
- (4) Government buildings as defined in S.C. Code 1976, § 44-95-20(4), except to the extent regulation by the town is authorized therein;
- (5) Elevators;
- (6) Public transportation vehicles, except for taxicabs;
- (7) Arenas and auditoriums of public theaters or public performing art centers.

(b) *Exceptions.* Notwithstanding the provisions of subsection (a) of this section, smoking may be permitted in the following places and/or circumstances:

- (1) Private residences.
- (2) Hotel, motel, inn, bed and breakfast and lodging home rooms that are rented to guests, designated as "smoking rooms" (rooms), provided that the total percentage of such rooms does not exceed 25 percent in such establishment. A room so designated shall have signs posted indicating that smoking is allowed therein.
- (3) Religious ceremonies where smoking is part of the ritual.
- (4) Retail tobacco stores.

(c) *Posting of signs.* The owner, manager or person in control of an establishment or area in which smoking is prohibited pursuant to this section shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking.

(d) *Reasonable distance.* Smoking outside a work space and/or work places, and any other indoor area where smoking is prohibited shall be permitted, provided that tobacco smoke does not enter the work space and/or work places through entrances, windows, ventilation systems or other means.

(e) *Jurisdiction, enforcement and penalties.*

- (1) The magistrate's court of the county shall collect the fines due hereunder for any infraction of the provisions of this article.
- (2) The police department, as well as all code enforcement personnel of the town, shall have the power to enforce the provisions of this article by issuing a uniform ordinance summons.
- (3) Penalties for infractions.
 - a. A person, employee or employer who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a civil fine of not less than \$10.00 nor more than \$25.00.
 - b. A person, employee or employer who owns, manages, operates, or otherwise controls a work place or work space and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a civil fine of not less than \$10.00 nor more than \$25.00.
 - c. In addition to the civil fines established by this section, repeated violations of this article by a person, employee or employer who owns, manages, operates, or otherwise controls a work place, work space, or the failure of a person, employee or employer who owns, manages, operates, or otherwise controls a work place work space to timely pay the civil fine for an infraction may result in the suspension or revocation of any occupancy permit or business license issued to the person, employee or employer 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 town by restraining order, preliminary and permanent injunction, or other means provided for by law, and the town may take action to recover the costs of the nuisance abatement.
 - e. Each violation of this article shall be considered a separate and distinct infraction.

f. In addition to or in lieu of assessing a civil fine, the town may institute an action in the court of common pleas for the county for an injunction to require compliance with this article or pursue any other remedy as may be permitted by law.

- (4) A business license shall not be renewed if there are delinquent fines owed hereunder by an employer.
- (5) If any provision, clause, sentence or paragraph of this section or the application thereof to any person circumstance shall be held invalid, that invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision, clause, sentence or paragraph or application thereof, and to this end, the provisions of this section are declared to be severable.

(f) *Nonretaliation.* No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this section or exercise any right conferred by this section.

(g) *Conflict with other laws, ordinances or regulations.* Nothing in this section shall be deemed to amend or repeal any applicable fire, health or other law, ordinance or regulation so as to permit smoking areas where it is prohibited by such applicable fire, health or other law, ordinance or regulation.

(h) *Waivers.*

- (1) Any employer, owner, manager or other person having control of a workplace subject to this section may apply to the town for a waiver of any provision of this regulation for a period not to exceed 90 days.
- (2) All waivers shall be submitted to the town, on an application form provided by the town along with \$100.00 nonrefundable filing fee.
- (3) The decision to grant such a waiver shall be in the sole discretion of the town, based upon its determination that such waiver is in the public interest. In so determining, the town may take into account, but is not limited to, the following:
 - a. The efforts that the employer, owner, manager or other person having control of a workplace has made toward compliance with this section;
 - b. Whether or not the workplace will be in compliance with all terms of this section within 90 days; and
 - c. Whether or not the granting of the waiver will result in an appreciable danger to the health of the public.
- (4) No employer, owner, manager or other person having control of a workplace shall be granted more than one waiver.

(Code 1988, § 140.04; Ord. of 4-27-2010; Ord. of 2-28-2012)

Secs. 20-157—20-180. Reserved.

ARTICLE VII. PANHANDLING CONTROL REGULATIONS

Sec. 20-181. Purpose.

The purpose of this article is to set forth regulations to protect the public health, safety, and welfare by enacting reasonable measures to accommodate varied uses by pedestrians and vehicular traffic on streets, sidewalks and other public places and to maintain safety and a free flow of traffic.

(Code 1988, § 141.01)

Sec. 20-182. Obstructing public ways and means of ingress to and egress from private property.

(a) Solicitors shall not obstruct or otherwise inhibit the free, safe and efficient flow of vehicular or pedestrian traffic on any public rights-of-way or public property even when transacting a sale.

(b) Solicitors shall not obstruct or otherwise inhibit the free, sage and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.

(Code 1988, § 141.02)

Sec. 20-183. Conducting of business during certain hours prohibited.

(a) No person shall engage in peddling or charitable soliciting between the hours of 8:00 p.m. and 8:00 a.m.

(b) No person shall engage in busking between the hours of 11:00 p.m. and 8:00 a.m.

(Code 1988, § 141.03)

Sec. 20-184. Sale of food or drink with any alcohol contained therein prohibited.

No person shall engage in the sale of food or drink with any alcohol contained therein. Notwithstanding the foregoing, the mayor may authorize the sale of food or drink containing alcohol during a town-sponsored event, and a permitted special event as set forth in the ordinances of the town.

(Code 1988, § 141.04)

Sec. 20-185. Approaching vehicular traffic prohibited.

Under no circumstances shall any moving vehicle be approached by a person soliciting.

(Code 1988, § 141.05)

Sec. 20-186. Use of traffic islands, medians or other traffic control devices for storage or sale of tangible property prohibited.

Solicitors shall not store, keep or offer for sale any tangible property or service on any traffic island, median or other traffic control device located within the corporate limits of the town.
(Code 1988, § 141.06)

Sec. 20-187. Peddling, charitable soliciting, busking, and the selling of palmetto art products unlawful on private property.

It shall be unlawful to engage in soliciting on any property where a sign is posted that states "No Trespassing," "No Peddlers," "No Solicitors," "No Buskers" or words of similar import.
(Code 1988, § 141.07)

Sec. 20-188. Blocking rights-of-way.

(a) Solicitors shall not block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, doors, stairways, curb cuts, handicapped access ramps or block access to buildings, parks, conveyances, businesses, traffic control poles containing pedestrian crosswalk button or be within 20 feet of any fire hydrant, fire department connection (FDC), or within 20 feet of any fire alarm or other emergency communication device, either by their location or by the location of any crowd that they may draw.

(b) Solicitors shall not attract a crowd sufficient to obstruct the public right-of-way; a police officer may disperse the portion of the crowd that is creating the obstruction. At a minimum, there shall be at least a five-foot passageway on the sidewalk as required by the Americans with Disabilities Act.

(c) Personal property used for soliciting shall not be left unattended on any public right-of-way or other publicly owned places.
(Code 1988, § 141.08; Ord. of 8-30-2016)

Sec. 20-189. Noise.

The conduct and behavior of all solicitors shall otherwise comply in all respects with existing noise ordinances at all times. Solicitors or groups of these shall not interfere with a special event.
(Code 1988, § 141.09)

Sec. 20-190. Littering.

Solicitors shall remove all trash and debris from the publicly owned rights-of-way and publicly owned property in the vicinity of their activities immediately after their activities have ended.
(Code 1988, § 141.10)

Sec. 20-191. Aggressive solicitation prohibited.

No person shall solicit in an aggressive manner on the public right-of-way or other publicly owned property.

(Code 1988, § 141.11)

Sec. 20-192. Prohibited areas for solicitors.

(a) Peddling and charitable soliciting may take place on all sidewalks, streets, or other publicly owned properties in the town except in the following districts:

- (1) All U.S. highways;
- (2) All state highways;
- (3) All county roads;
- (4) U.S. 17 and Hwy. 165 intersection; and
- (5) All town roads.

(b) There shall be no soliciting within 50 feet of the perimeter of:

- (1) An automatic teller machine;
- (2) Church grounds, while in session;
- (3) School grounds, while in session;
- (4) A library;
- (5) A hospital;
- (6) A funeral home;
- (7) A bank;
- (8) A dining area;
- (9) An entrance or exit of a performance venue; or
- (10) A special event.

(c) During times of construction work on the streets, sidewalks, and public infrastructure, the town may from time to time temporarily prohibit solicitors in the area near the construction work.

(Code 1988, § 141.12)

Sec. 20-193. Fees.

The fees, if any, for a peddler's permit, charitable solicitation permit, and palmetto artisan permit shall be set by the town council.

(Code 1988, § 141.13)

Sec. 20-194. Permit expiration.

Permits issued under the provisions of this article shall expire on December 31 in the year when issued or on the date specified on the permit, whichever date occurs first.

(Code 1988, § 141.14)

Sec. 20-195. Permit possession.

Peddlers, charitable solicitors, and palmetto artisans are required, while engaged in peddling charitable soliciting or selling palmetto art products, to have on their persons their permit.

(Code 1988, § 141.15)

Sec. 20-196. Transfer of permits prohibited.

No permit issued under the provisions of this article is transferable. The authority granted in the permit shall be conferred only on the permittee named in the sale permit.

(Code 1988, § 141.16)

Sec. 20-197. Penalties.

Any violation of this article shall be a misdemeanor punishable under the general penalties and fines of the town ordinances.

(Code 1988, § 141.17; Ord. of 8-30-2016)

Chapter 21

RESERVED

Chapter 22

PUBLIC WORKS AND UTILITIES*

Article I. In General

Secs. 22-1—22-20. Reserved.

Article II. Connection to Public Sewer

- Sec. 22-21. Required for proposed or existing buildings or structures on properties.
- Sec. 22-22. Unlawful to construct private sewage facility.
- Sec. 22-23. Commercial connection to sewer system; when required.
- Secs. 22-24—22-44. Reserved.

Article III. Sewer Use

- Sec. 22-45. Purpose.
- Sec. 22-46. Definitions.
- Sec. 22-47. Scope.
- Sec. 22-48. Annexation for sewer service.
- Sec. 22-49. Vandalism.
- Sec. 22-50. Waste disposal.
- Sec. 22-51. Private system required.
- Sec. 22-52. Connection permit.
- Sec. 22-53. Information requirements.
- Sec. 22-54. Wastewater service charge.
- Sec. 22-55. Authority and purpose.
- Sec. 22-56. Administration.
- Sec. 22-57. Inspections.
- Sec. 22-58. Notice of violations.
- Sec. 22-59. Discontinuance of service.
- Sec. 22-60. Penalty.
- Sec. 22-61. Fees.
- Secs. 22-62—22-90. Reserved.

***State law references**—Authority to purchase, construct system, S.C. Code 1976, § 6-21-50; authority to improve existing system, S.C. Code 1976, § 6-21-80; the term "system" defined, S.C. Code 1976, § 6-21-40; authority to establish municipal sewerage system, S.C. Code 1976, § 5-31-810; authority to enact relevant ordinances concerning sewerage system, S.C. Code 1976, § 5-31-900; enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code 1976, § 5-31-2030; development of subdivision water supply, sewage treatment and disposal systems, S.C. Code Reg. 61-57; onsite wastewater systems, S.C. Code Reg. 61-56.

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Article IV. Sewer Capacity Impact Fee

- Sec. 22-91. Purpose.
- Sec. 22-92. Codes adopted.
- Sec. 22-93. Demands placed on sewer system.
- Sec. 22-94. Wastewater master plan.
- Sec. 22-95. Imposition of fees in two tiers.
- Sec. 22-96. Impact fee payment.
- Sec. 22-97. Exemptions.
- Sec. 22-98. Applicability.
- Sec. 22-99. Impact fee payment determination and administration.
- Sec. 22-100. Appeals.
- Sec. 22-101. Impact fee accounts.
- Sec. 22-102. Use of impact fee proceeds.
- Sec. 22-103. Refunds.
- Sec. 22-104. Modifications to impact fees.
- Sec. 22-105. Mobile home parks temporary reduction of impact fees.
- Sec. 22-106. Use of wastewater system.
- Sec. 22-107. Small diameter force mains and grinder pump stations.
- Sec. 22-108. Special conditions.

ARTICLE I. IN GENERAL

Secs. 22-1—22-20. Reserved.

ARTICLE II. CONNECTION TO PUBLIC SEWER

Sec. 22-21. Required for proposed or existing buildings or structures on properties.

All properties for which a public sewer connection is or becomes available, defined as properties with an existing or proposed structure that abut on any street, alley, or other right-of-way in which there is now or shall be located a public sanitary sewer system of the town within 300 feet of the existing or proposed structure, including properties currently serviced by a private sewage disposal system, shall be subject to mandatory connection to the public sewer system as it becomes available as required below:

- (1) Mandatory connection (new construction). All new construction requiring a building permit is required to connect to the town public sewer system at the time of construction if the system is determined to be available, as defined within this section.
- (2) Mandatory connection (existing structures prior to adoption of ordinance). A mandatory connection is required when a property is subject to any of the following conditions and a public sewer connection is determined to be available, as defined within this section:
 - a. Any nonresidentially zoned property, or structure located thereon, that is expanded, or undergoes a change in use or intensity of use that results in an increased sewer system load as determined by the town and county water system based on the department of health and environmental control wastewater system loading guidelines;
 - b. Any residentially zoned property, or structure located thereon, that is rezoned to a nonresidential zoning classification;
 - c. Any nonresidential property, or structure located thereon, with a failed septic system; or
 - d. Any property required to connect by resolution of the town council.
- (3) In the case of an existing building, the property owner shall connect to the town sewer system within 180 days from the date of sewer availability or from the event requiring a mandatory connection as noted in subsection (2) of this section.
- (4) All newly constructed buildings are required to be connected to the available town sewer system prior to the issuance of a certificate of occupancy.

- (5) For any property subject to mandatory connection, any septic tanks, cesspools and similar private sewage disposal facility shall be abandoned and removed according to department of health and environmental control standards.

(Code 1988, § 50.02; Ord. No. 2-19, § 50.02, 6-25-2019; Ord. No. 6-19, § 50.02, 9-24-2019; Ord. No. 14-21, § 50.02, 9-28-2021)

Sec. 22-22. Unlawful to construct private sewage facility.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage where public sewers are reasonably available.

(Code 1988, § 50.03)

Sec. 22-23. Commercial connection to sewer system; when required.

The owner of any building used for employment or commercial activities and abutting on any street, alley, or right-of-way in which there is now or shall be located a public sanitary sewer system of the town, is hereby required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer within 90 days after the date of written notice from the town to the property owner requiring such property owner to make connection thereto, provided that the public sewer is within 300 feet of the property line.

(Code 1988, § 50.04; Ord. of 3-9-2006)

Secs. 22-24—22-44. Reserved.

ARTICLE III. SEWER USE

Sec. 22-45. Purpose.

The purpose of this article is to provide for the maximum possible beneficial public use of the town's wastewater sewer system through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the wastewater system; and to provide procedures for complying with the requirements contained herein. All or parts of the ordinances and resolutions of the town in conflict with the provisions of this article are repealed to the extent of such conflict.

(Code 1988, § 51.01)

Sec. 22-46. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All other words shall be construed as having the meaning defined in the most recently published

volume of the Water and Wastewater Control Engineering Glossary, published by the Water Pollution Control Federation (now known as the Water Environment Federation), Washington, D.C. or by their general usage, if undefined.

Act means the Federal Clean Water Act, as amended being 33 USC 1251 et seq.

ASTM means the American Society for Testing and Materials.

BOD means as follows:

- (1) Abbreviation for biochemical oxygen demand. The quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature, and under specified conditions.
- (2) A standard test used in assessing wastewater strength.

Building sewer, in plumbing, means the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

Day means the 24-hour period beginning at 12:01 a.m.

Domestic users means all premises used only for human residency and that are connected to the wastewater facilities.

Easement means an acquired legal right for the specific use of land owned by others.

EPA means the United States Environmental Protection Agency.

Garbage means the solid animal and vegetable wastes resulting from the domestic or nondomestic handling, storage, dispensing, preparation, cooking, and serving of foods.

Groundwater means water within the earth.

Impact fee means fee charged by the town and applied toward a capital improvements fund whereby it may defray some costs associated with later expansions to any facilities under the jurisdiction of the town.

Interference means inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or any other body of surface water or groundwater.

Nondomestic user means any user of the wastewater system whose wastewater is not classified as domestic.

NPDES means National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the state.

Operator means the person or company retained by the town to operate and maintain the sewer system. Such person may be an employee of the town or serve as a contractor to the town.

Owner means the persons who legally own, lease, or occupy private property with wastewater facilities that discharge, or will discharge, to the town's wastewater system.

Person means any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group. This does not apply to employees, agents, or representatives of the town.

pH means the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution, as determined by standard methods.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharging to the town's wastewater system.

Properly shredded garbage means garbage that has been shredded such that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than one-half inch in any dimension.

Reclaimed wastewater means wastewater used for some beneficial purpose, usually after some degree of treatment tailored to the intended purpose.

Sanitary wastewater means wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

Standard methods means the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the Water Pollution Control Federation, and the American Water Works Association.

Storm drain means a sewer for conveying stormwater, surface water, and other waters that are not intended to be transported to a wastewater treatment facility.

Surface water means water that occurs, when the rate of precipitation exceeds the rate at which water may percolate into the soil.

Suspended solids means the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by 40 CFR 136.

Toxics means any of the pollutants designated by federal regulations pursuant to section 307(a)(1) of the Act.

Wastewater means a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

Wastewater sewer means the structures, processes, equipment, and arrangements necessary to collect and transport wastewaters to the wastewater treatment facility.

Wastewater system means the combination of wastewater sewers and treatment facilities.

Wastewater treatment facility means the structures, processes, equipment, and arrangements necessary to treat and discharge wastewaters.

WEF means the Water Environment Federation (formerly the WPCF, Water Pollution Control Federation).

(Code 1988, § 51.02)

Sec. 22-47. Scope.

(a) The definitions of terms used in this article are found in section 22-46. The provisions of this article shall apply to the discharge of all wastewater to the town's wastewater sewers. This article provides for use of the wastewater sewers, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, reclaimed wastewater, sludge reuse, equitable distribution of costs, sewer construction plans, issuance of wastewater discharge permits, minimum sewer construction standards and conditions, and penalties and other procedures in cases of violation of this article. This article shall apply to the town and to persons outside the town, who are, by contract or agreement with the town, users of the wastewater sewers.

(b) Each and every owner will be held fully responsible and liable by and to the town for all that is done or omitted on, in, or about any premises by any agent or tenant or other persons not employed by the town who may gain access thereto. The tenant in or upon any premises of any owner shall at all times, and for all purposes connected with or arising from the town's wastewater service to and for such premises, except the making of the original application for wastewater service pipe and contract, be taken and construed to be the properly constituted agent of the owner.

(Code 1988, § 51.03)

Sec. 22-48. Annexation for sewer service.

(a) *Contiguous properties.* Annexation into the town is required as a condition prior to the town providing sanitary sewer service to any lot, parcel, or piece of land which is located outside the corporate limits of the town and is contiguous to the town limits (for exemptions, see article IV of this chapter).

(b) *Denied properties.* If a formal annexation petition on any lot, piece, or parcel of land is denied by the town or if the town council makes such a determination on its own motion without a petition, sanitary sewer services may be provided to such property notwithstanding subsection (a) of this section.

(Code 1988, § 51.04; Ord. of 8-25-2008)

Sec. 22-49. Vandalism.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the town's wastewater system. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, punished by a fine as provided for in this article.

(Code 1988, § 51.05)

Sec. 22-50. Waste disposal.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human excrement, garbage, or other objectionable waste.

- (1) *Wastewater discharges.* Wastewater discharges to the wastewater system are not authorized unless approved by the town in accordance with provisions of this article.
- (2) *Wastewater disposal.* Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (3) *Connection to sewer required.* If a town's wastewater sewer is within 300 feet of a commercially zoned lot or a residential lot where a new house will be built the owner of such building is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly to the proper sewer in accordance with the provisions of this article, within 90 days after notice from the town to do so. Charges for sewer service (including any special assessments) will commence at the end of the 90-day period for which notice is given should the owner of the property fail to connect to the town's wastewater system. Such action to collect charges for sewer service in no way eliminates the owner's responsibility to connect to the wastewater system if so mandated by the town.
- (4) *Authorization to discharge required.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or polluted industrial process waters to or into the wastewater system. Any connection, drain, or arrangement that will permit such waters to enter any wastewater sewer shall be deemed to be in violation of this article except as authorized to discharge.
- (5) *Restricted discharges.* No person shall discharge or cause to be discharged to the wastewater system any substances, materials, waters, or wastes in quantities or concentrations that will:
 - a. Create a fire or explosive hazard, including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

- b. Cause corrosive damage or hazard to structures, equipment, or personnel of any wastewater system, and in no case will discharges be allowed with a pH lower than 6.5 or higher than 8.5;
 - c. Cause obstruction to the flow in sewers, or other interference with the operation of the wastewater system due to any accumulation of solid or viscous materials;
 - d. Constitute a rate of discharge or substantial deviation from normal rates of discharge ("surge discharge") sufficient to cause interference in the operation and performance of the wastewater system;
 - e. Contain heat in amounts that will accelerate the biodegradation of wastes, causing excessive amounts of hydrogen sulfide to form in the wastewater sewer, or inhibit biological activity in the wastewater treatment facilities, and in no case shall the discharge of heat cause the temperature in the sewer to exceed 66 degrees Celsius (150 degrees Fahrenheit) or the temperature of the influent to the treatment facilities to exceed 40 degrees Celsius (104 degrees Fahrenheit);
 - f. Contain more than 100 milligrams per liter of oils or grease of petroleum, mineral, animal or vegetable origin whether emulsified or not;
 - g. Contain floatable oils, fat, grease, and the like;
 - h. Contain noxious, malodorous gas, or substance in quantities that create a public nuisance or a hazard to life;
 - i. Contain radioactive wastes in harmful quantities as defined by applicable state and federal guidelines;
 - j. Contain any garbage that has not been properly shredded;
 - k. Contain any odor or color producing substances exceeding concentration limits that may be established by the town and/or the NPDES permit;
 - l. No discharge shall be allowed that contains toxic or poisonous substances, or any substances that may impact the county water system's ability to beneficially reuse its effluent or sludge.
- (6) *Establishment of limits.*
- a. The town shall establish discharge restrictions, discharge limits, or pretreatment standards for nondomestic users in accordance with section 22-53 as necessary to protect the effluent and sludge for beneficial reuse.
 - b. The town may, in lieu of concentration limits, establish mass limits of comparable stringency for a nondomestic user.

- (7) *Nondomestic user.*
- a. Nondomestic user shall include any facility that discharges wastewater containing toxic or poisonous substances as defined in sections 307 and 502 of the Clean Water Act, or any substance causing interference in the wastewater facilities.
 - b. Nondomestic user shall include any nonresidential user who:
 1. Is subject to national categorical pretreatment standards;
 2. Has a nondomestic flow of 25,000 gallons or more per average work day;
 3. Contributes more than five percent of the average dry weather capacity of the smallest capacity wastewater pump stations through which the user's flow passes.
 - c. A nondomestic user is determined by the state regulatory agency or the town to have the potential to adversely affect the wastewater facility.
- (8) *Special agreement.* Nothing in subsections (4) through (7), (9) and (10) of this section shall be construed as preventing any special agreement or arrangement between the town and any user of the wastewater facilities, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any applicable payments or user charges.
- (9) *Water conservation.* The conservation of water shall be encouraged by the town. In establishing discharge restrictions for users, the town shall consider already implemented or planned conservation steps revealed by the nondomestic user. At the town's request, each nondomestic user will provide pertinent information showing that the quantities of substances or pollutants have not been, and will not be, increased as a result of the conservation steps. After such a showing is deemed satisfactory, the town shall adjust the discharge restrictions, which have been based on concentrations, to reflect the conservation steps.
- (10) *Reclaimed wastewater.* The town shall have the authority to develop, adopt, and amend guidelines related to reclaimed wastewater from the county water system. The guidelines for reclaimed wastewater so adopted and amended are incorporated into and made a part of this article.

(Code 1988, § 51.06)

Sec. 22-51. Private system required.

(a) Where a public wastewater sewer is not available according to the provisions of this article, at the owners' expense, building sewers shall be connected to private wastewater disposal systems subject to the requirements of this article and the South Carolina Department of Health and Environmental Control (SCDHEC).

(b) Where the town assumes responsibility for the operation and maintenance of a new wastewater treatment system and/or pump station, the facilities shall be designed and constructed in accordance with the town's requirements and shall be subject to its review and approval. Where the owner desires the town to assume responsibility for an existing wastewater treatment system and/or lift station, the existing facilities shall have been designed, constructed and operated in compliance with any applicable SCDHEC requirements. Therefore, at the town's discretion and subject to mutually agreed on terms, the town may assume ownership and responsibility for the operation and maintenance of wastewater treatment systems and lift stations, or may assume responsibility for operation and maintenance only without the transfer of ownership. In the latter case, the owner assumes future responsibility for expansion of the plant, demolition of the plant and future restoration and recovery of the plant site.

(c) For the town to approve a proposed sewage pumping facility, assume ownership of such facility or provide operation and maintenance of any private system, the applicant shall:

- (1) For individual, residential pump stations (typically grinder stations), contract with the town to operate and maintain such facilities and shall pay a monthly fee for such service that is over and beyond the monthly sewer use fee.
- (2) For any pump station, of any type, location or capacity proposed along the Highway 17 sewer corridor that will connect directly into the sewage force main located along Highway 17, to potentially reduce the number of such stations the owner is encouraged to coordinate with adjoining land owners to jointly plan land uses, as applicable, and to collectively participate in the capacity and cost of the pumping facility. In doing so each party participating in the capacity and size of such stations to the build-out capacity of their property and approved (by town) planned use and density will receive a 15 percent discount on the sewer impact fees that will be due on each participant's property per the approved use and density within five years from the date the pump station is placed in service.

(d) Design requirements. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the SCDHEC, or applicable federal law. A copy of the SCDHEC permit shall be filed with the town. No permit shall be issued for any private wastewater disposal system employing subsurface soil disposal facilities where the site is deemed unsuitable. Septic tank or cesspool discharges require the use of subsurface disposal. This requirement excludes deep well disposal as defined by state and federal laws.

(e) Construction of system. Before beginning construction of a private wastewater disposal system required under this section, the owner shall first pay the town all related fees. After the town has reviewed the SCDHEC construction permit with any supplementary information deemed necessary by the town and received all fees due, a letter of approval will be issued to the owner.

(f) Operating the system. Before beginning operation of a private wastewater disposal system, the owner shall obtain a permit to operate signed by SCDHEC and shall satisfy any town requirements. The operating permit shall not become effective until the installation is completed to the satisfaction of the town. The town shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the operating permit shall notify the town when the work is ready for final inspection and before any underground portions are covered.

(g) Connection to the wastewater system when available. At such time as a wastewater sewer becomes available within 300 feet of a property to be developed, if developed or if property is served by a private wastewater disposal system, a direct connection shall be made to the public sewer system within 90 days of notice issued by the town, and any septic tanks, cesspools, and similar wastewater disposal facilities shall be emptied as prescribed by local regulations and filled with suitable material or otherwise cleaned and demolished. Such notice may not be issued if there is inadequate capacity available from the county water system for treatment of such wastewater volumes. Further, where existing residential septic tanks exist which are operating properly as confirmed by the SCDHEC such connection to the public system shall not be required until such time that there is a malfunction of the waste disposal leach field. The cost of connecting to the public system including all current and back fees, if any, and costs of physical facilities to connect to the public sewer system shall be borne fully by the developer or property owner, as applicable.

(h) Sanitary operation required. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times in accordance with the conditions of the operating permit and at no expense to the town. Such facilities shall be subject to inspection by the town at reasonable times.

(i) Compliance with authority. No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by any other applicable authorities.

(Code 1988, § 51.07)

Sec. 22-52. Connection permit.

(a) *Required.* No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any wastewater sewer without first obtaining a written permit from the town.

(b) *Application, fee.* The owner shall make application for a permit to connect to the wastewater system on a form furnished by the town. The permit application shall be supplemented by wastewater information required to administer this article. An administration and inspection fee (in accordance with the town's current rate schedule) shall be paid to the town when the application is filed.

(c) *Connection costs.* The costs and expenses incidental to the building sewer installation and connection to the wastewater system shall be borne by the owner. The owner shall indemnify the town from any loss or damage that directly or indirectly may result from the installation of the building sewer.

(d) *Existing building sewers.* If a building connected to the public sewer system is abandoned or demolished, the existing sewer lateral must be plugged by the property owner to prevent any water from entering the wastewater sewer and inspected by the town. Prior to the county's issuance of a building permit for the reconstruction of a building, the sewer lateral shall be inspected and approved for use by the town.

(e) *Building sewer design.* Whenever practical, the building sewer shall be brought to a building at an elevation below the lowest drain. In buildings where a drain is too low to permit gravity flow to the town's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the town's sewer.

(f) *Surface runoff and groundwater drain.* No person shall maintain or connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer that is connected to the town's wastewater system unless such connection is authorized in writing by the town.

(g) *Conformance to applicable codes.*

- (1) The connection of a building sewer into a wastewater sewer shall conform to the requirements of the applicable building and plumbing code, town guidelines and specifications and the procedures set forth in appropriate specifications of the ASTM or the WEF. The connections shall be made gastight and watertight and verified by proper testing. The town shall have the authority to develop, adopt, and amend guidelines related to construction and use of the town's wastewater system. The Guidelines for Builders and Developers and Sewer Specifications, so adopted and as may be amended from time to time, are incorporated into and made a part of this article. Any deviation from the prescribed procedures and materials must be approved in writing by the town before installation.
- (2) The connection of a surface runoff or groundwater drain to a wastewater sewer under special permit, as provided under subsection (f) of this section, shall conform to the requirements specified by the town as a condition of approval of such permit.

(h) *Connection inspection.* The applicant for a building sewer or other drainage connection permit shall notify the town when such sewer or drainage connection is ready for inspection before connecting to the wastewater sewer system. Such connection and testing, as deemed necessary by the town, shall be made under the supervision of the town.

(i) *Barricades and lights; property restoration.* Excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town, county and the SCDOT, as applicable.

(j) *Protection of capacity for existing uses.* The town shall not issue a permit for any connection to the wastewater sewer facilities unless there is sufficient capacity, not committed to other users, in the town's wastewater sewer, Town of Hollywood's wastewater sewer transmission facilities and from the county water system (CWS) for treatment facilities to convey and adequately treat the quantity of wastewater that the requested connection will add to the system. The town may permit such a connection if there are legally binding commitments to provide the needed capacity. The town may reserve a portion of capacity allocated for treatment by the county water system for several classes of potential users, such as, but not limited to, low- to moderate-income residential, existing residential with failing on-site treatment systems, new residential, commercial, etc.

(Code 1988, § 51.08)

Sec. 22-53. Information requirements.

(a) All nondomestic users shall file with the town all wastewater information deemed necessary by the town for determination of compliance with this article, the CWS's NPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the town and by supplements thereto as necessary.

(b) A person who owns, operates, or occupies properties designated as a nondomestic user at more than one location shall submit separate information for each location as may be required by the town.

(c) Provisions for monitoring. When required by the town, the owner of any property serviced by a building sewer carrying nondomestic wastewater discharges shall provide suitable access and necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurements of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the town. The access shall be provided and maintained at the owner's expense to be safe and accessible at reasonable times.

(d) The town shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and cost effectiveness in determining whether access and equipment for monitoring nondomestic wastewater discharges shall be required.

(e) When the town determines that access and equipment for monitoring or measuring nondomestic wastewater discharges are not practicable, reliable, or cost effective, the town may specify alternative methods of determining the characteristics of the wastewater's discharge that will, in the town's judgment, provide an equitable measurement.

- (f) Determination of wastewater characteristics.
- (1) Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this article shall be determined in accordance with 40 CFR 136 methods approved by the town and shall comply with state and federal law. Sampling locations, times, durations, and frequencies shall be determined on an individual basis subject to approval by the town. The user shall have the option to use, at the user's own expense, more completely approved sampling methods, locations, times, durations, and frequencies than specified by the town. Any additional results beyond those required by the town are also to be reported to the town.
 - (2) Measurements, tests, and analyses of the characteristics of wastewater required by this article shall be performed by a qualified laboratory. When such analyses are required of a user, the user shall make arrangements with a qualified laboratory to perform such analysis.
 - (3) Monitoring of wastewater characteristics for any purpose shall be conducted on a frequency deemed necessary by the town, unless more frequent monitoring is required by an authority other than this article.
 - (4) Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the town may reduce the monitoring frequency as may be required by an authority other than this article. In no case shall the frequency of monitoring be less than semiannual for determining compliance with federal, state, or town's pretreatment standards.
 - (5) In determining the discharge characteristics, factors such as continuous batch or seasonal operation, as well as the information requirements of other provisions in this article, shall be considered by the town. The town may obtain wastewater samples as required to verify the consistency of discharge characteristics.
 - (6) Fees for any given measurement, test, or analysis of wastewater required by this article and performed by the town shall be the same for all users, regardless of the quantity or quality of the discharge, and shall reflect only direct cost. Costs of analysis performed by an independent laboratory at the option of the user shall be borne by the user.
- (g) Wastewaters with special characteristics.
- (1) The town shall prohibit the discharge of any wastewater that could restrict beneficial reuse of the effluent and/or sludge by the CWS. All dischargers shall be required to implement a zero discharge treatment system (closed loop) if necessary to protect the town's effluent and sludge for beneficial reuse.

- (2) The town may rely on the federal categorical pretreatment standards to protect the wastewater system and receiving waters, as follows:
- a. No person shall discharge or cause to be discharged to the wastewater system, wastewaters containing substances in excess of the quantity prescribed by the applicable federal categorical pretreatment standard promulgated by EPA, except as otherwise provided in this article. Compliance with such applicable pretreatment standards shall be made within three years of the date the standard is promulgated for existing systems; however, compliance with a categorical pretreatment standard for new sources shall be required upon connection to the wastewater system.
 - b. Upon application by a nondomestic user, the town shall establish limitations for substances specified in the applicable pretreatment standards to require removal of the substances by the applicant's wastewater treatment system. The discharge limit for specified substances shall, at a minimum, be derived in accordance with federal law.
 - c. Upon application by a nondomestic user, the town shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such users that are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Requests for and determinations of fundamentally different adjustments shall be in accordance with federal law.
- (3) Compliance.
- a. The town shall notify any nondomestic user affected by the provisions of this section and establish an enforceable compliance schedule for each. However, if any wastewater contains substances or characteristics shown to have deleterious effect on the town's, Town of Hollywood's or CWS's wastewater system, receiving waters, effluent, or sludge reuse, or that constitutes a public nuisance or hazard if discharged or proposed for discharge to the wastewater system, the town may:
 1. Require control over the quantities and rates of discharges;
 2. Require payment to cover added cost of handling and treating the waste waters not covered by existing fees and charges;
 3. Require pretreatment to a condition acceptable for discharge to the wastewater system;
 4. Require the development of compliance schedules to meet any applicable pretreatment requirements;
 5. Require the submission of reports necessary to ensure compliance with applicable pretreatment schedules;

6. Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
 7. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in this article, or appropriate criminal penalties; or
 8. Reject the wastewater if evidence indicates the discharge will create unreasonable hazards, have a deleterious effect on the wastewater system or effluent and sludge reuse.
- b. When considering the above alternatives, the town, together with the CWS, shall ensure that conditions of the CWS's NPDES permit are met. The town also shall consider the cost effectiveness and the economic impact of the alternatives on the discharger. If the town allows the pretreatment or equalization of wastewater flows, the installation of necessary facilities shall be subject to review by the town.
 - c. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.
- (h) Compliance with pretreatment requirements.
- (1) Persons required to pretreat wastewater in accordance with subsection (g) of this section shall provide a statement to be reviewed by an authorized representative of the user and certified by a qualified person as determined by the town. Such statement shall indicate whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment needed for the user to meet the pretreatment requirements.
 - (2) If the user needs to provide additional pretreatment or operation and maintenance improvements to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the town. The plan (including schedules) shall be consistent with applicable conditions of the town's requirements, CWS's NPDES permit or other local, state, or federal laws.
 - (3) Monitoring requirements. Discharges of wastewater to the town's wastewater system from any user shall be monitored in accordance with the provisions of subsections (c) and (d) of this section.

(Code 1988, § 51.09)

Sec. 22-54. Wastewater service charge.

- (a) The town may place into effect and revise from time to time a schedule of sewer service, impact, connection, tap, and other fees, charges, and assessments (including special assessments).

(b) All fees and charges payable under the provisions of this article shall be paid to the town. Such fees and charges shall be as established in the latest edition of the town's wastewater service charge ordinance.

(c) All fees, penalties, and charges collected under this article (and the wastewater service charge resolution) shall be used for the sole purpose of constructing, administering, operating, or maintaining the wastewater system, or the retirement of debt incurred for the same. This subsection shall not apply to fines collected by the town.

(d) All fees and charges payable under the provisions of this article are due and payable on the mailing of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as outlined in the latest edition of the town's wastewater service charge resolution.

(e) If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the town's wastewater system, the town shall cause the deposit or obstruction to be removed or cause the damage to be repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person causing such deposit, obstruction, or damage.

(Code 1988, § 51.10)

Sec. 22-55. Authority and purpose.

(a) The town council is the governing body of the town and, as such, is empowered to enact such policies and ordinances as shall appear necessary and proper in order to provide for the health, safety, and general welfare of the citizens and community of the town.

(b) The town council consists of representatives elected by the residents of the town and are thereby charged with the primary responsibility of promoting and providing for the best interests of the citizens and community of the town. Accordingly, the town council recognizes that sanitary sewer service in the town is a matter of concern, especially with respect to fiscal constraints, cost effectiveness, health, population growth, environmental impacts, including, but not limited to, concerns over the continued use of septic tanks, and the levels of quantity and quality of sewer service now and in the future.

(Code 1988, § 51.11)

Sec. 22-56. Administration.

Except as otherwise provided herein, the town shall administer, implement, and enforce the provisions of this article.

(Code 1988, § 51.12)

Sec. 22-57. Inspections.

(a) The town's representative, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the wastewater system is in accordance with the provisions of this article and the town's rules and regulations.

(b) Easement.

(1) The town's representative, bearing proper credentials and identification, shall be permitted, at reasonable times, to enter all private property through which the town holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of the wastewater system within the easement.

(2) All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Code 1988, § 51.13)

Sec. 22-58. Notice of violations.

Except as provided herein, any person found in violation of this article, or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the town. When the address is unknown, service may be made on the owner of record of the property involved.

(Code 1988, § 51.14)

Sec. 22-59. Discontinuance of service.

(a) Wastewater service (hereinafter "service") may be refused or discontinued to any property for any of (but not limited to) the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time, not to exceed seven days, in which to comply with the rule before service is discontinued.

(1) Without notice in the event of a condition determined by the town to be hazardous or dangerous.

(2) Without notice in the event of customer use of equipment in such a manner as to affect adversely the town's service to others.

(3) Without notice in the event of unauthorized use of the town's service.

(4) For customer tampering with equipment furnished and owned by the town. The customer shall make every reasonable effort to prevent tampering and shall notify the town immediately of any tampering with, damage to, or removal of any equipment.

- (5) For violation of and/or noncompliance with any rule, regulation, and ordinance of DHEC and/or the town.
- (6) For failure of the customer to fulfill contractual obligations for service and/or facilities subject to regulation by the town.
- (7) For failure of the customer to allow the town reasonable and safe access to its equipment.
- (8) For failure of the customer to furnish permits, certificates, and rights-of-way as necessary to obtain and maintain service, or in the event such permissions are withdrawn or terminated.
- (9) For illegal misuse of the town's service by the customer.
- (10) For tampering with any part of the wastewater system or for illegally making connection into any wastewater sewer for the disposal of drainage surface waters.
- (11) Where the customer who, at the time of such application for service, is indebted under a disputed bill to the town for wastewater service, or any other service previously furnished for such customer or furnished to any other member of the customer's household.
- (12) Where the customer is in arrears on an account for service at another premises, unless the customer pays a reasonable amount of the arrears account and makes reasonable arrangements with the town to amortize the balance of such past-due account over a reasonable length of time, not to exceed 12 months.
- (13) Where all bills, fees, and charges, including the impact fee, have not been paid on behalf of the property.
- (14) The customer's use of the town's service conflicts with or violates orders, ordinances, or laws of the state, any political subdivision thereof, or the United States Government.

(b) Except in those cases outlined in subsections (a)(1) through (3) of this section, the town will give the customer written notice of its intention to deny or discontinue service and the reasons therefor, with copies forwarded to the SCDHEC. At the expiration of the notice period, the town may discontinue service to the customer at any time without further notice. After the physical discontinuance of any service, the SCDHEC shall immediately be notified of the action and the name and address of the customer.

(Code 1988, § 51.15)

Sec. 22-60. Penalty.

(a) Any person who violates provisions of this article, for which another penalty is not provided, may be charged with commission of a misdemeanor and, after conviction thereof, shall be subject to the penalty. Each day or portion thereof a violation continues, shall constitute a separate offense.

(b) A violation of any provision of this article or failure to comply with any of the requirements thereof shall constitute a misdemeanor. Every person who violates any of the provisions of this article or fails to comply with any of the requirements thereof shall, upon conviction thereof, be subject to a fine not to exceed \$500.00 or imprisonment for 30 days, and in addition pay all costs and expenses involved in the case. Nothing herein contained shall prevent the town from taking such other lawful actions as is necessary to prevent any violation.

(c) Civil penalty. Any person violating any resolution or regulation of the town or any permit, permit condition, or final determination of the town as required by state or federal law is subject to a civil penalty not to exceed \$500.00 for each day of violation plus other remedies allowed by law.

- (1) The town, prior to the imposition of any civil penalty, shall issue a rule to show cause requiring the person to appear and show cause why civil penalties should not be imposed and specifying which violations are charged. A hearing upon the rule must be held before the town council.
- (2) In addition to the civil penalties provided herein, the town may determine reasonable attorney's fees, court costs, court reporter's fees and other expenses incurred by the town for any hearings or enforcement procedure.
 - a. The hearing procedure required under the provisions of this section must be in accordance, as practicably possible, with the procedures as prescribed by regulation 61-72 (S.C. Code Reg. 61-72) of the state department of health and environmental control.
 - b. All appeals from the decision of the town under the provisions of this section must be heard in the court of common pleas for the county.
 - c. All penalties assessed under the provisions of this section must be held as debt and payable to the town by the person against whom they have been charged.

(Code 1988, § 51.16; Ord. of 7-17-2007)

Sec. 22-61. Fees.

Fees and charges shall be as established from time to time.

Secs. 22-62—22-90. Reserved.

ARTICLE IV. SEWER CAPACITY IMPACT FEE

Sec. 22-91. Purpose.

This article is adopted in order to establish sewer impact fees and to maintain continuity in the rules and standards regulating sewer impact fees within the town. This article establishes a sewer capacity impact fee thereby requiring all existing and new residential, commercial,

institutional and industrial development within the town's sewer service area, initially town limits, to pay for its appropriate share of the initial and future capital improvements to the town's sewer collection system through the imposition of the sewer impact fees established herein and which may be altered from time to time. Such impact fees shall be used solely to finance, defray, and/or reimburse the town for all or a portion of the costs of capital improvements to the town's initial and future sewage system.

(Code 1988, § 53.01; Ord. of 7-17-2007)

Sec. 22-92. Codes adopted.

The following codes for the establishment of sanitary sewer system impact fees are hereby adopted by reference and declared to be as fully a part of this article as if set forth herein.

(Code 1988, § 53.02)

Sec. 22-93. Demands placed on sewer system.

(a) The demands placed on the sewer system by residential, commercial, institutional and industrial development existing on or prior to enactment of the ordinance from which this article is derived have contributed to the design and construction costs of the initial system. Accordingly, the financial burden on such future sewer customers should not be more than their fair share to reimburse the general fund for its advanced funding of the Phase I sewer system.

(b) The demands placed on the sewer system by new development, as served partially as described above for the town's initial funding of the Phase I sewer system but also by an additional cost component, if any, that results from the town incurring additional responsibility for financing facilities as the town may project to be needed for the town's sewer service for new development/customers located in the town after the adoption date of the ordinance from which this article is derived.

(Code 1988, § 53.03)

Sec. 22-94. Wastewater master plan.

(a) The town will prepare a wastewater master plan for the current town limits. The plan shall identify future sewerage facilities in four master plan components including a projected schedule for implementation of each component along with the capital cost estimate associated with each. The four components are as follows:

- (1) Component I: The sewer transportation system presently under design.
- (2) Component II: The systems to service the known LMI development areas.
- (3) Component III: The systems required to provide service to the remaining core town area (the area represented in the year 2002 sewer feasibility study).

- (4) Component IV: The systems expected to be required to support new development which is substantially beyond the nearby conveyance needs of such development.

(b) The town finds that the implementation of sewer capacity impact fees both to reimburse the general fund for its advancement of funds to develop Component I, above, and for new development, an additional component to support development of future wastewater collection, transportation and treatment systems, as applicable, per Component IV. Components II and III are anticipated to be funded over time through state and federal financial assistance. (Code 1988, § 53.04)

Sec. 22-95. Imposition of fees in two tiers.

The mayor and council believe that the imposition of a sewer capacity impact fee, administered in two tiers, is in the best interest of the town and its residents, that such fees will be equitable to all parties and that it will not impose an unfair burden on existing residents and businesses nor on new developments. The tiers are as follows:

- (1) Tier 1: A sewer capacity impact fee that applies to each connection by an existing residence, commercial establishment, institution or industry as defined in section 22-93. Future impact fees for these establishments will be based upon the level of town funding required to service only these residents and establishments.
- (2) Tier II: A sewer capacity impact fee that applies to each connection by a residence, commercial establishment, institution or industry that locates in the town sewer service area after the date described in section 22-93. Future impact fees for these establishments and residents shall be based upon the level of town funding required to service such future residents and business establishments.

(Code 1988, § 53.05)

Sec. 22-96. Impact fee payment.

(a) Any person who, on the effective date of the ordinance from which this article is derived, is an existing resident or represents an existing business or institutional establishment, as defined in section 22-93, shall pay a sewer capacity impact fee at the Tier I rate, and other related connection fees as established in the town's sewer rate ordinance prior to receiving a connection permit.

(b) Any person who, after the effective date of the ordinance from which this article is derived, undertakes new residential, commercial, institutional or industrial development shall pay a sewer capacity impact fee, at the Tier II rate, to the town prior to receiving a building permit from the county or plat approval from the county planning department.

(Code 1988, § 53.06)

Sec. 22-97. Exemptions.

The types of building and development activities listed below are exempt from the requirements of this article. Any claim of exemption must be made by the applicant in writing to the town engineer, no later than the time of application for a building permit. Any claim not so made shall be deemed to be waived.

- (1) Any new development where no additional sewage or wastewater volumes are generated (exempt from additional Tier I and II).
- (2) Renovations/expansions to or replacement of existing buildings where no additional wastewaters will be generated (exempt from Tier II).
- (3) Installation of a fire suppression system, e.g., building sprinklers (exempt from Tier I and II).
- (4) Alternate site replacement of a demolished structure with a new structure where no additional wastewater volumes will be generated. This exemption represents a simple transfer of the previously paid impact fee from the first site to the new site. Once granted, impact fees for the first site must be paid prior to replacement development of that site unless no wastewaters will be generated from the new use.

(Code 1988, § 53.07)

Sec. 22-98. Applicability.

The administration of this article is subject to the availability of sewer service capacity from the county water system, by the capacity available to the town in Hollywood's pump station No. 7 and by the REU distribution limits. Any one of these three control subjects may limit the town's ability to issue sewer taps, either in the short term or long term.

(Code 1988, § 53.08; Ord. of 7-17-2007)

Sec. 22-99. Impact fee payment determination and administration.

(a) Initial sewer capacity impact fees are presented in Exhibit A attached to the ordinance from which this section is derived. The basis for such fees shall be the residential equivalent unit (REU) value for each establishment connecting to the town's sewer.

(b) Impact fees shall be re-evaluated from time to time, but in no case more often than every two years and no less often than every five years. Such fees may be increased or decreased based upon revised ten-year capital improvement forecasts. Sewer taps for which impact fees have been collected by the town will not be subject to any increase nor will rebates be paid should fees be lowered at the review interval.

(Code 1988, § 53.09)

Sec. 22-100. Appeals.

An applicant may appeal the amount of the impact fees pursuant to this section by filing written notice to the mayor or town administrator within ten days of receiving notice of the amount of impact fees imposed by the town. The notice of appeal shall be entitled "Notice of Appeal of Sewer Impact Fee" and shall include a detailed statement of the nature and reasons for the appeal. The applicant bears the burden of proof to demonstrate that the amount of the impact fee was not calculated according to the procedures established by this article.

(Code 1988, § 53.10)

Sec. 22-101. Impact fee accounts.

The town shall establish separate impact fee accounts for sewer and for any other capital program impact fees, and impact fees shall be deposited in the appropriate accounts. The funds of the accounts shall not be co-mingled with other funds of the town. The impact fee accounts shall be interest bearing and the accumulated interest shall become part of the specific impact fee account.

(Code 1988, § 53.11)

Sec. 22-102. Use of impact fee proceeds.

Impact fees shall be expended only for the use for which they were imposed. Impact fees may be used to pay obligations related to sewer service undertaken by or on behalf of the town as well as the principal, interest and other costs of bonds, notes and other obligations issued by or on behalf of the town to finance such improvements.

(Code 1988, § 53.12)

Sec. 22-103. Refunds.

(a) Except as described herein, upon application of the property owner, the town shall refund that portion of any impact fee which has been on deposit for more than ten years and which is unexpended and uncommitted. The refund shall be made to the current owner of lots or units in the development.

(b) If a property owner is entitled to a refund, the town shall notify the property owner by first class mail, U.S. Postal Service. The property owner must submit a request for a refund to the town within one year of the date of the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended or encumbered within the time limitations established herein, and for which no application for a refund has been made within this one-year period, shall be retained and expended in accordance with this section.

(c) If fees in any impact fee account are uncommitted for five or more years after deposit, the town shall make findings, at least once each fiscal year while such condition prevails, to identify the purpose to which such funds shall be put and to show an approximately proportional and reasonable relationship between the fee and the purpose for which it was collected. If the town makes such findings, the fees are exempt from the refund requirement.

(d) The town may refund by direct payment, by offsetting the refund against other impact fees due the development projects by the owner of the same or other property, or otherwise by agreement with the owner.

(e) An applicant which has paid an impact fee for which the necessary county building permit has expired prior to construction, for which the building permit has been revoked prior to construction, or for which the building permit has been cancelled prior to construction, shall be eligible to apply for a refund of impact fees formerly paid to the town. The applicant must submit a request within one year of the date the subject permit expired, was revoked, or was cancelled. Any impact fees, for which no application for a refund has been made within this one-year period, shall be retained and expended by the town in accordance with this section. (Code 1988, § 53.13)

Sec. 22-104. Modifications to impact fees.

The modifications of impact fees are hereby adopted as established from time to time. (Code 1988, § 53.15)

Sec. 22-105. Mobile home parks temporary reduction of impact fees.

(a) All mobile home parks having a business license previous to 2010, shall be considered residential customers for purposes of impact fee assessment; provided, however, that if any septic system servicing any individual lot in an existing mobile home park is deemed unusable by DHEC or the septic system permit is revoked by DHEC or the mobile home park owner/operator increases the lot size, the said lot shall be subject to mandatory connection and any and all fees in existence at the time.

(b) Notwithstanding anything contained in subsection (a) of this section, mobile home parks may immediately tie into the wastewater system subject to the residential impact fees set forth as established from time to time. (Code 1988, § 53.16; Ord. of 6-12-2012)

Sec. 22-106. Use of wastewater system.

(a) In all cases of property subdivision, connection to the public wastewater system will be mandatory unless the town engineer determines otherwise. Reasons for connection being non-mandatory are, but are not limited to, as follows:

- (1) The town has inadequate wastewater capacity with CWS or in Hollywood's pump station No. 7 to serve the proposed establishment or development.
- (2) When wastewater capacity exists but the town has allocated all of the capacity that it reserved originally for the type development being considered for such service.

- (3) When the only wastewater service abutting a property (containing a house or building whose usage is one residential unit (REU) or less) is a transmission force main, mandatory connections of a new single-family residence shall not apply.

(b) Authorization to use the system is at the sole discretion of the town. It is the town's intent, subject to availability of sewer capacity and when sewer is within 300 feet of any property, to make connection to the wastewater collection system mandatory for various classes of customers, including, but not limited to, all existing commercial, all new commercial regardless of REU usage, and all new private residential developments, single and multifamily. (Code 1988, § 54.11)

Sec. 22-107. Small diameter force mains and grinder pump stations.

Installation and maintenance of small diameter force mains and grinder pump stations. In an effort to ensure that wastewater service is available, the town may allow the use of private force mains and grinder pump stations.

- (1) Individual grinder pumps must be installed in accordance with the town's specifications. Installations shall be performed by a plumber/contractor licensed by the state.
- (2) It will be the applicant's responsibility to obtain a SCDHEC construction permit.
- (3) The following items must be received prior to the town accepting the grinder pump station for maintenance:
 - a. SCDHEC operating permit.
 - b. 24-month maintenance bond equal to ten percent of the construction cost of the system must be posted.
 - c. Standard maintenance contract for small diameter force mains and individual wastewater pumps must be executed, recorded in the RMC office for the county, and the original recorded document returned to the town.

(Code 1988, § 54.12)

Sec. 22-108. Special conditions.

(a) *Pretreatment.* The town accepts only domestic wastewater. All other wastewater must be pretreated to meet domestic wastewater standards in accordance with CWS's pretreatment program. Plans must be approved by the town. The CWS can be contacted for a copy of their pretreatment program and guidance documents.

(b) *Wetlands.* Wetland areas shall be delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Delineation of said wetlands shall be done at the developer's expense. Developers will be responsible for obtaining necessary permits from regulatory agencies and complying with the conditions of those permits.

(c) *Stormwater management.*

- (1) All construction must be made in accordance with the SCDHEC OCRM guidelines for stormwater management. Project designs shall incorporate proper erosion and sediment control procedures.
- (2) All new developments must be approved by SCDHEC OCRM.

(d) *Upgrade of proposed line installations.*

- (1) As a result of the review of construction plans, the town reserves the right to require that wastewater lines be increased in size and/or deepened to accommodate future growth. Lines should be sized to meet the developer's minimum needs and separately to meet the town's master plan, if on file at the time of development.
- (2) If the town requires a developer to increase the size or deepen the wastewater lines, the town will reimburse the developer for an agreed upon portion of such work. The town will require bid prices for both line sizes and/or cost to deepen the line. The cost sharing formula is based on either:
 - a. The bid price difference; or
 - b. The proportionate capacity (cross section area of pipe 1 versus cross section area of pipe 2).

The developer's share will be the least cost option. The town, at its option, will pay the developer the price difference when the line is approved for service or by making other financial arrangements.

- (3) For lines that are part of the town's master plan and are included in the impact fee calculation but are planned for some time in the future, the developer will front the total costs of the line. The town will pay the developer for the actual cost of the line during the fiscal year when the line was originally scheduled in the town's capital improvement plan (CIP) or in the absence of such a plan in the year the line is used by other developments, at no interest.
- (4) All of the above conditions must be written into the developer's contract. Wastewater contracts will be modified to reflect financial contributions to be made by the town.

(e) *Pump stations.*

- (1) *Pump station fencing.* Developers or homeowners' associations desiring to construct a fence around a pump station site using a different material than what is specified in the town's standard specifications will be required to execute a maintenance agreement.

- (2) *Pump station landscaping.* The town will reimburse the developer or homeowners' associations for costs associated with landscaping the town's pump station sites, provided the following conditions have been met:
- a. A landscape plan and associated cost estimate has been submitted and approved by the town along with written proposal.
 - b. A maintenance agreement has been executed by the developer or homeowners' association stating that they will be responsible for perpetual maintenance of the landscaping at their expense.
- (Code 1988, § 54.13; Ord. of 7-17-2007)

Chapter 23

RESERVED

Chapter 24

SOLID WASTE

- Sec. 24-1. Definitions.
- Sec. 24-2. Duty to keep property clean; compliance.
- Sec. 24-3. Notices, citations and liens.
- Sec. 24-4. Penalty.

Sec. 24-1. Definitions.

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

Bulk means bulky wastes, including appliances, furniture, mattresses, large auto parts and tires.

Container means a watertight receptacle made of metal, heavy-duty plastic or material of similar strength with a tight-fitting cover for storage and disposal of solid waste.

Dilapidated means to become or cause to become partially ruined and in need of repairs, as through neglect; or falling to pieces or into disrepair; broken down; shabby and neglected.

Garbage means all perishable refuse, household rubbish, including paper, boxes, rags, plastic and cloth, glass, bottles and cans and any similar waste and small dead animals.

Litter means any quantity of solid waste which is not properly disposed of.

Private property means and includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions, or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

Solid waste means all refuse including bulk, debris, garbage, rubbish, and trash.

Trash means all ashes, yard rubbish, such as leaves, grass, bushes, vines, large pieces of metal, bricks, stones and dirt, trees, branches and stumps.

Unightly growth, on property, means unsightly, unsanitary growth of grass, bushes, shrubs, trees, weeds, vines, leaves and the like.

(Code 1988, § 134.01; Ord. of 6-24-1950; Ord. of 4-14-1992)

Sec. 24-2. Duty to keep property clean; compliance.

(a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public areas free of litter, trash and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planter areas, borders, embankments and other lodging points. It shall further be the duty of the owner, agent, occupant or lessee to remove any dilapidated buildings and/or vehicles from the property.

(b) Owners, agents, occupants or lessees whose properties face on a town right-of-way shall be responsible for keeping up to, and including, the curb, gutter, and street line free of litter and unsightly growth, subject to special exceptions which may apply to health hazard areas.

(c) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage system.

(d) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter and unsightly growth.

(e) If an owner, agent, occupant or lessee fails to remove litter or unsightly growth from any private or public property or to repair/remove the buildings or vehicles which are in a dilapidated condition, the town shall be authorized to serve written notice to the owner or appointed agent to correct such violation within five days. Failure to comply shall constitute grounds for prosecution.

(f) It shall be unlawful for the owner of any property in the town to disobey or fail to comply with any provisions of this chapter.

(Code 1988, § 134.02; Ord. of 6-24-1950; Ord. of 4-14-1992)

Sec. 24-3. Notices, citations and liens.

(a) The mayor is hereby empowered to issue administrative regulations empowering specified employees of the town to issue notices or citations to any person if there is probable cause to believe he or she has violated this chapter. Notices and citations so issued shall be personally delivered to the alleged violator, or sent by certified mail if the alleged violator cannot be found, and shall direct the alleged violator to take such corrective action as may be necessary and to appear at the municipal court at a specified day and time, not less than ten days from the date of the notice or citation. The chief judge of the municipal court is empowered to set bonds for violations of the provisions of this chapter, which bonds may be forfeited by the violator in lieu of an appearance in court, provided that nothing herein shall preclude the town's taking appropriate action if the violation charged hereunder is not timely corrected or is repeated.

(b) All notice and citation forms are to be serially numbered in triplicate and the records with respect to the forms and the disposition of the same shall be maintained by the town's sanitation division.

(c) The citation shall contain the following information:

- (1) The identification of the violator and the violation committed;
- (2) The procedure to follow if the violator elects to appear in court;
- (3) The bond set by the municipal court for each violation and the procedure for posting and forfeiting the bond;
- (4) A description of the action necessary to correct the violation and a direction to take such action before a specified date; and
- (5) A warning of the town's powers under subsection (d) of this section.

(d) If the required bond is not posted, or action taken to correct a violation of section 24-2 or court appearance made, according to the terms of the citation, then the town shall have the right immediately to issue an arrest warrant and/or to enter onto the premises and take the necessary corrective action, charging the costs thereof as a lien against the property.

(e) In the event that the town, by its agents or employees enters onto the property to take corrective action, the amount of the cost for correcting the conditions on said property, or of the removal of any litter, trash or other unhealthy or unsightly material, or of any other actions reasonably taken by the town to abate the same or to remove the threat to the public's health and safety, shall be a lien against the real property upon which such cost was incurred. All costs incurred by the town in preparing, recording, collecting and defending such lien shall be included therein, including, but not limited to, reasonable attorney's fees, costs and disbursements.

(f) Nothing herein shall prevent the town from taking such other action as may be necessary and lawful to protect the public health, safety or welfare when emergency conditions are obtained and nothing herein shall be construed to prevent the establishment of administrative procedures concerning the issuance of courtesy notices in an effort to encourage voluntary compliance with the terms and provisions of this chapter.

(Code 1988, § 134.03; Ord. of 4-14-1992)

Sec. 24-4. Penalty.

In the event that criminal sanctions are invoked hereunder, violation of any section of this chapter shall be punishable by a fine not exceeding \$500.00 or imprisonment not to exceed 30 days as provided under section 1-18. Each day such a violation of this chapter shall continue shall constitute a separate offense.

(Code 1988, § 134.99; Ord. of 4-14-1992)

Chapter 25

RESERVED

Chapter 26

STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY

Article I. In General

Secs. 26-1—26-20. Reserved.

Article II. Parades and Processions

- Sec. 26-21. Definitions.
- Sec. 26-22. Driving through or obstructing parade.
- Sec. 26-23. Parking on a parade route.
- Sec. 26-24. Accompanying parade.
- Sec. 26-25. Permit required; exceptions.
- Sec. 26-26. Permit application; filing.
- Sec. 26-27. Standards for issuance of permit.
- Sec. 26-28. Notice of rejection; appeal.
- Sec. 26-29. Alternate permits.
- Sec. 26-30. Content of permit.
- Sec. 26-31. Notification of town officials.
- Sec. 26-32. Revocation of permit.
- Sec. 26-33. Possession of permit by parade chairperson.
- Sec. 26-34. Compliance with permit.
- Sec. 26-35. Funeral processions.
- Sec. 26-36. Driving through funeral procession.
- Sec. 26-37. Penalty.
- Secs. 26-38—26-57. Reserved.

Article III. Prohibited Large Truck Traffic on Certain Roads

- Sec. 26-58. Definitions.
- Sec. 26-59. Truck prohibitions.
- Sec. 26-60. Exemptions.

ARTICLE I. IN GENERAL

Secs. 26-1—26-20. Reserved.

ARTICLE II. PARADES AND PROCESSIONS**Sec. 26-21. Definitions.**

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

Mayor means the mayor of the town.

Parade means any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, including the sidewalk area thereof, park, or other public place in the town.

Parade permit means a permit as required by section 26-25.
(Code 1988, § 70.01; Ord. of 3-28-1989)

Sec. 26-22. Driving through or obstructing parade.

(a) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion or conspicuously designated as a parade, except that this subsection shall not apply to single file parades on the sidewalk areas of the town, where vehicular traffic and those constituting the parade shall be required to obey all traffic control signals unless otherwise directed by the mayor or other authorized town official.

(b) No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.
(Code 1988, § 70.02; Ord. of 3-28-1989)

Sec. 26-23. Parking on a parade route.

The mayor shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a street or part thereof constituting a part of the route of parade. The mayor shall post signs to this effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.
(Code 1988, § 70.03; Ord. of 3-28-1989)

Sec. 26-24. Accompanying parade.

No person, not part of or directly connected therewith, shall accompany any band of music, parade, procession of any kind, or any street show, form of advertisement, sight, or amusement through the public streets of the town.

(Code 1988, § 70.04)

Sec. 26-25. Permit required; exceptions.

(a) No person shall engage in, participate in, aid, form, or start any parade unless a parade permit shall have been obtained from the mayor. Any person engaging in any parade for which a parade permit has been issued shall not violate any of the conditions or provisions of the permit.

(b) Subsection (a) of this section shall not apply to:

- (1) Funeral processions.
- (2) Students going to and from school classes or participating in educational activities, providing the conduct are under the immediate direction and supervision of the proper school authorities.
- (3) A governmental agency, acting within the scope of its functions.

(Code 1988, § 70.05; Ord. of 3-28-1989)

Sec. 26-26. Permit application; filing.

(a) A person seeking issuance of a parade permit shall file an application with the mayor on forms provided by this office. An application for a parade permit shall be filed with the mayor not less than either three days, nor more than 30 days, before the date on which it is proposed to conduct a parade.

(b) The application for a parade permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct the parade.
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorizing and responsible head of the organization.
- (3) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct.
- (4) The date when the parade is to be conducted.
- (5) The route to be traveled, the starting point, and the termination point.
- (6) The approximate number of persons who, and animals and vehicles which, will constitute the parade; the type of animals and description of the vehicles.

- (7) The hours when the parade will start and terminate.
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- (9) The location by streets of any assembly areas for the parade.
- (10) The time at which the units of the parade will begin to assemble at any assembly area.
- (11) The interval of space to be maintained between units of the parade.
- (12) Any additional information which the mayor shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(c) If the parade is designed to be held by and on behalf of, or for any person other than the applicant, the applicant for the permit shall file with the mayor a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on that person's behalf.

(d) The mayor, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than three days before the date the parade is proposed to be conducted.

(Code 1988, § 70.06; Ord. of 3-28-1989)

Sec. 26-27. Standards for issuance of permit.

(a) The mayor shall issue a permit as provided for hereunder when, from a consideration of the application and other information as may otherwise be obtained, the mayor finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic, pedestrian and vehicular, contiguous to its route.
- (2) The conduct of the parade will not require the diversion of so great a number of authorized officials of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town.
- (3) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of areas contiguous to the assembly areas.
- (4) The conduct of the parade will not interfere with the movement of firefighting equipment in route to a fire.
- (5) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or create a disturbance.
- (6) The parade is scheduled to move from its point of origin to its point of termination expeditiously, without unreasonable delays en route and without passing by any location more than once.

(7) If the parade is to be solely on the sidewalk areas of the town, the parade shall be in single file only of persons participating, with no animals, vehicles, or other nonhuman objects except reasonably sized signs individually carried in the line of procession.

(b) No permit shall be granted for a parade to convene before 8:00 a.m. or terminate after 8:00 p.m.

(Code 1988, § 70.07; Ord. of 3-28-1989)

Sec. 26-28. Notice of rejection; appeal.

(a) The mayor shall act upon the application for a parade permit within two days after the filing thereof. If the mayor disapproves the application, the mayor shall mail to the applicant within two days after the date upon which the application was filed a notice of the mayor's action, stating the reasons for the mayor's denial of the permit.

(b) Any person aggrieved shall have the right to appeal the denial of a parade permit to the town council. The appeal shall be taken within 48 hours after notice. The town council shall act upon the appeal at its next regularly scheduled meeting, but no later than 20 days from the time of receipt of the appeal.

(Code 1988, § 70.08; Ord. of 3-28-1989)

Sec. 26-29. Alternate permits.

The mayor, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a day, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall within two days after notice of the action of the mayor file a written notice of acceptance with the mayor. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

(Code 1988, § 70.09; Ord. of 3-28-1989)

Sec. 26-30. Content of permit.

Each parade permit shall also state the following information:

- (1) Starting time.
- (2) Minimum speed.
- (3) Maximum speed.
- (4) Maximum interval of space to be maintained between units of the parade.
- (5) The portion of the streets to be traversed that may be occupied by the parade.
- (6) The maximum length of the parade in miles or fractions thereof.

(7) Other information as the mayor shall find necessary for the enforcement of this article.
(Code 1988, § 70.10; Ord. of 3-28-1989)

Sec. 26-31. Notification of town officials.

Immediately upon the issuance of a parade permit the mayor shall send a copy thereof to the following:

- (1) The town administrator.
 - (2) The fire chief.
 - (3) The general manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.
- (Code 1988, § 70.11; Ord. of 3-28-1989)

Sec. 26-32. Revocation of permit.

The mayor shall have the authority to revoke a parade permit issued hereunder upon the violation of the standards for issuance as set forth in section 26-27.
(Code 1988, § 70.12; Ord. of 3-28-1989)

Sec. 26-33. Possession of permit by parade chairperson.

The parade chairperson or other person heading or leading the activity shall carry the parade permit upon them person during the conduct of the parade.
(Code 1988, § 70.13)

Sec. 26-34. Compliance with permit.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
(Code 1988, § 70.14)

Sec. 26-35. Funeral processions.

Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as close as is practical and safe. Each vehicle in the funeral procession shall have the headlights turned on during the procession.
(Code 1988, § 70.15)

Sec. 26-36. Driving through funeral procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral procession.
(Code 1988, § 70.16)

Sec. 26-37. Penalty.

Any person who violates any provision of this article for which another penalty is not already otherwise provided shall, upon conviction, be punished by a fine of not more than \$100.00 or by imprisonment for not more than 30 days, pursuant to S.C. Code 1976, § 56-5-6190. Each day of violation shall constitute a separate offense.

(Code 1988, § 70.99)

Secs. 26-38—26-57. Reserved.

ARTICLE III. PROHIBITED LARGE TRUCK TRAFFIC ON CERTAIN ROADS

Sec. 26-58. Definitions.

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

Large truck means as any vehicle with more than two axles.

(Code 1988, § 74.01)

Sec. 26-59. Truck prohibitions.

No large truck, as defined in this article, may utilize Old Jacksonboro Road from United States Highway 17 West to New Road.

(Code 1988, § 74.02)

Sec. 26-60. Exemptions.

Large trucks may utilize Old Jacksonboro Road only for purposes of making deliveries, providing services or picking up merchandise from a destination within the town limits. Large trucks may also proceed to private, residentially zoned property for purposes of parking the vehicle overnight, provided the trailer portion of the vehicle is first detached and left on private property that is zoned general commercial or industrial. Furthermore, public utility and emergency vehicles are exempt from the requirements of this article.

(Code 1988, § 74.03; Ord. of 1-30-2001)

Chapter 27

RESERVED

Chapter 28

TRAFFIC AND VEHICLES

Article I. In General

Secs. 28-1—28-20. Reserved.

Article II. Careless Driving

Sec. 28-21. Unlawful operation on public ways.

Sec. 28-22. Penalties.

Sec. 28-23. Exclusion.

Secs. 28-24—28-44. Reserved.

Article III. Public Assembly

Sec. 28-45. Purpose.

Sec. 28-46. Definitions.

Sec. 28-47. Permit required; applicability.

Sec. 28-48. Application, conditions.

Sec. 28-49. Fees.

Sec. 28-50. Penalty.

Secs. 28-51—28-68. Reserved.

Article IV. Bennett Park Road

Sec. 28-69. Purpose.

Sec. 28-70. Penalty.

ARTICLE I. IN GENERAL

Secs. 28-1—28-20. Reserved.

ARTICLE II. CARELESS DRIVING

Sec. 28-21. Unlawful operation on public ways.

It shall be unlawful to operate any vehicle upon a public way negligently, heedlessly, and without due caution in a manner so as to endanger any person or property.

(Code 1988, § 71.01)

Sec. 28-22. Penalties.

Any person who violates this article shall, upon conviction thereof, be fined not more than \$200.00, or imprisoned for not more than 30 days. However, if the court, in its discretion, finds that a fine or imprisonment, or a portion thereof, is inappropriate under the circumstances, the violator may be sentenced up to 30 days of public service for the county in lieu of the fine or imprisonment.

(Code 1988, § 71.02)

Sec. 28-23. Exclusion.

This offense shall in no way whatsoever be used as an alternative or lesser charge for driving under the influence of intoxicants, driving under suspension of driving license, passing a stopped school bus, or reckless driving.

(Code 1988, § 71.03; Ord. of 8-8-1995)

Secs. 28-24—28-44. Reserved.

ARTICLE III. PUBLIC ASSEMBLY

Sec. 28-45. Purpose.

The purpose of this article is to secure the public safety, health and general welfare and protect public interest through standards for the stability, sanitation and safety to life and property for fire and other hazards incidental to the congregation of persons at outdoor assemblies.

(Code 1988, § 72.01)

Sec. 28-46. Definitions.

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

Applicant means a person submitting an application for a permit for public assembly.

Assembly means a gathering or congregating of persons at any place within the town for a common purpose, such as, but not limited to, sports events, circuses, carnivals, music festivals and religious observances.

(Code 1988, § 72.02)

Sec. 28-47. Permit required; applicability.

(a) No person shall, allow, let or permit to be used property for the assembly of persons in excess of 200 persons nor shall any person use, allow, let or permit to be used property for any part or portion of such assembly of persons, which total assembly in the aggregate is in excess of 200 persons, unless written permit authorizing such use and assembly approved by town council and issued by the town clerk-treasurer.

(b) This article shall apply only to outdoor events, such as musical concerts, fairs, carnivals, and other gatherings of persons for civic, social or religious functions and shall not apply to a personal residence.

(Code 1988, § 72.03)

Sec. 28-48. Application, conditions.

(a) *Application of permit; to be filed with town.* Application for a permit for public assembly or a special event shall be filed with the town at least 30 days prior to the date of the event. The town council shall act upon the application within 20 days after its submission.

(b) *Application contents.* Approval of the application shall be dependent on submission of the following conditions:

- (1) The name of the person or organization sponsoring the event (if the applicant is a corporation, include the name and addresses of its directors and officers). If the applicant does not reside or have a place of business in the town, a resident of the town or an owner of a business within the town shall agree in a verified statement to accept notices or summonses issued with respect to the application, the conduct of the assembly or use in any manner involving it arising out of the application, construction or application of this section.
- (2) A statement of the purpose of the assembly and number of attendees expected.
- (3) Name, address, and telephone number of applicant.
- (4) Location (street address and the county tax map number), date and time of event.

- (5) Name and address of property owner and signature of owner agreeing to accept responsibility for any violations incurred and not remedied by applicant.
- (c) *Conditions.*
- (1) *Site plan.* A site plan shall be submitted showing the size of the property, streets for access, locations of any buildings on property and the proposed placement of bleachers, sanitary facilities, garbage disposal areas, layout of parking for motor vehicles including internal driveways, placements of tents, vendors, etc.
 - (2) *Liability/insurance.* The sponsor shall assume all liability for damage or loss occurring from any wrongful act and/or negligence resulting from the event. The town shall be furnished with a copy of a comprehensive liability insurance policy insuring the town (and naming the town as additional insured) against liability for damage to person or property with limits of not less than \$500,000.00 to \$1,000,000.00 for bodily injury, death or property damage.
 - (3) *Hours of operation.* Hours of event at outdoor public assembly shall fall between the hours of 10:00 a.m. and 11:00 p.m.
 - (4) *Security and safety.* Sponsor is responsible for hiring a minimum of two law enforcement officers or private security officers per 1,000 anticipated persons in attendance. For each 500 persons over 1,000, one additional security officer shall be required. Additionally, two traffic enforcement officers shall be posted on the public road to direct traffic and prevent parking on public right-of-way.
 - (5) *Notification of local authorities.* The sponsor will notify the county sheriff's office and EMS and the St. Paul's Fire Department of the location, date and time of event.
 - (6) *Sanitation.* The sponsor will provide adequate sanitary facilities for anticipated attendance in the amount of one unit per every 50 persons or as approved by the county department of health.
 - (7) *Solid waste disposal.* The sponsor of the event shall be responsible to ensure that garbage and trash cans are provided and that all solid waste and litter is removed from the site following the event and disposed of at the county landfill. Within 24 hours of the close of the event, all trash and waste material shall be removed by the applicant.
 - (8) *Parking.* Adequate off-street parking shall be provided on-site for the anticipated number of persons attending at any one time at the rate of one space per four persons. Adjacent parcels (on either side of subject property) may be used for parking if a signed contract with the owner of the property to allow parking is submitted. Vehicles shall not be parked on public right-of-way or in any manner that would create a traffic hazard.

(9) *Tents, bleachers.* All bleachers, tents and similar structures at outdoor public assemblies shall be erected in compliance with the provisions of the building code as adopted by the county. No tent shall be located no closer than 50 feet to a public right-of-way or be situated in such a manner that it could create a fire or traffic hazard.

(10) *Display of permit.* A permit to operate shall be posted in a conspicuous place for public officials to see.

(Code 1988, § 72.04)

Sec. 28-49. Fees.

Each application shall be accompanied by a fee at the time of submission of \$50.00. If the planned event will have on-site vendors, the application fee shall be \$100.00. This fee shall cover the cost of application processing and the cost of the zoning permit and temporary business license. Application fee is nonrefundable.

(Code 1988, § 72.05)

Sec. 28-50. Penalty.

Any person who shall use, allow, let or permit to be used property for the assemble of persons in excess of 200 or who shall use, allow, let or permit to be used property for any part or portion of assembly, which total assembly in the aggregate is in excess of 200 persons, or any person who shall cause the gathering, collecting or congregating of persons in excess of 200 at any place within the town without first obtaining a written permit in accordance with the provisions of this article shall be deemed to have violated this article and shall, upon conviction, be subject to a fine of not more than \$500.00 or by imprisonment for not more than 30 days. Each day of violation shall constitute a separate offense.

(Code 1988, § 72.06; Ord. of 7-29-2003)

Secs. 28-51—28-68. Reserved.

ARTICLE IV. BENNETT PARK ROAD

Sec. 28-69. Purpose.

Notwithstanding any other provisions of the traffic rules ordinance, the road currently known as Bennett Park Road is hereby designated as a no parking zone on both shoulders and sides of the aforementioned road.

(Code 1988, § 73.01)

Sec. 28-70. Penalty.

Any violation of this article shall be enforced by the town inspector, who shall have the authority to assess fines in accordance with section 26-37 and/or, in the inspector's discretion, have all improperly parked vehicles towed, at the owner's expense, by a towing service of the owner's choice that is licensed to do business in the town.

(Code 1988, § 73.02; Ord. of 7-25-2000)

CODE COMPARATIVE TABLE

1988 CODE

This table gives the location within this Code of those sections of the 1988 Code which are included herein. Sections of the 1988 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances and other legislation adopted subsequent thereto, see the table immediately following this table.

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51.05	22-49	72.01	28-45
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LEGISLATION

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

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Ord. of 6-24-1950	6-24-1950	—	24-1, 24-2
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Ord. No. 2.110.2	10-31-1972	—	2-196
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STATE LAW REFERENCE TABLE

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