

## **CODE OF ORDINANCES**

### **Chapter 1**

#### **GENERAL PROVISIONS**

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions, rules of construction.
- Sec. 1-3. Provisions considered continuations of existing ordinances.
- Sec. 1-4. Catchlines, history notes, references.
- Sec. 1-5. Severability of parts of Code.
- Sec. 1-6. General penalty, continuing violations.
- Sec. 1-7. Prosecution where different penalties exist for same offense.
- Sec. 1-8. Liability of corporations, organizations, agents for violations.
- Sec. 1-9. Effect of repeal or expiration of ordinance.
- Sec. 1-10. Amendments to Code.
- Sec. 1-11. Supplementation of Code.
- Sec. 1-12. Certain ordinances not affected by Code.
- Sec. 1-13. Municipal seal.

1



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

The ordinances embraced in this and the following chapters and sections constitute and are designated as the "Code of Ordinances, Town of Williston, South Carolina," and shall be so cited. They may also be cited as the "Williston Town Code."  
(Code 1983, § 1.201)

**State law references**—Requirement that town codify ordinances, S.C. Code 1976, § 5-7-290; admissibility of Code in evidence, S.C. Code 1976, § 19-3-10.

**Sec. 1-2. Definitions, rules of construction.**

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

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

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

*Business district.* The term "business district" shall mean the territory contiguous to and including a street when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

*Code.* Reference to "this Code" or "the Code" shall mean and refer to the Code of Ordinances, Town of Williston, South Carolina, as designated in section 1-1.

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

**State law reference**—South Carolina Rules of Civil Procedure, Rule 6(a).

*Council, town council.* Whenever the words "council" and "town council" are used, they shall mean the mayor and town council as defined in S.C. Code 1976, § 5-11-20.

*County.* The words "the county" and "this county" mean Barnwell County, South Carolina.

*Emergency vehicle.* The term "emergency vehicle" shall mean vehicles of the fire and police departments, ambulances and/or emergency vehicles of the town or public service corporations as are designated or authorized by the state highway department or by the town council.

*Gender.* Words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.

**State law reference**—Similar provision, S.C. Code 1976, § 36-1-102(5)(b).

*May.* The word "may" shall be permissive.

*Month.* The word "month" shall mean a calendar month, unless otherwise defined.

*Municipality, town.* The words "municipality" and "town" may be used interchangeably and shall mean the entire area incorporated within the town limits.

*Number.* Words used in the singular include the plural, and the plural includes the singular number.

**State law reference**—Similar provisions, S.C. Code 1976, § 2-7-30.

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

*Owner.* The word "owner" shall mean and include, when applied to a building or land, any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

*Person.* The word "person" shall include a corporation, firm, partnership, association, organization and any other group as a unit, as well as an individual or individuals.

*Personal property.* The term "personal property" shall include every species of property, except real property as defined in this section.

**State law reference**—Personal property defined, S.C. Code 1976, § 15-1-40.

*Preceding, following.* "Preceding" and "following" shall mean next before and next after, respectively.

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

**State law reference**—Similar provisions, S.C. Code 1976, § 15-1-50.

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

*Residence district.* The term "residence district" shall mean territory contiguous to and including a street not comprising a business district when the property on such street for a distance of 300 feet or more is in the main improved with dwellings or dwellings and buildings in use with residences.

*Roadway.* The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

*Shall.* The word "shall" is mandatory.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

*Signature, subscription.* A "signature" or "subscription" shall include a mark when a person cannot write.

*State.* The word "state" shall mean the State of South Carolina, unless otherwise provided.

*Street.* The word "street" shall include streets, avenues, boulevards, highways, roads, alleys, lanes, bridges, and all other public thoroughfares and shall mean the entire width thereof

between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

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

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

*Town.* The word "town" shall mean the Town of Williston, South Carolina.

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

*Year.* The word "year" shall mean a calendar year, unless otherwise defined.  
(Code 1983, §§ 1.205, 1.206)

#### **Sec. 1-3. Provisions considered continuations of existing ordinances.**

The provisions appearing in this Code, as far as they are the same as those ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.  
(Code 1983, § 1.202)

#### **Sec. 1-4. Catchlines, history notes, references.**

(a) The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.  
(Code 1983, § 1.204)

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

It is hereby declared to be the intention of the mayor and council, hereinafter called "council," that if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code since the same would have been enacted without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.  
(Code 1983, § 1.203)

**Sec. 1-6. General penalty, continuing violations.**

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

(b) Except as otherwise provided in this Code, the violation of any rules, regulations or orders promulgated by any officer or agency of the council, under authority vested in him or it by law, or by the provisions of this Code or any ordinance or resolution, shall be unlawful.  
(Code 1983, §§ 1.207, 1.208)

**State law reference**—Penalty limits for violation of municipal ordinances, S.C. Code 1976, §§ 5-7-30, 14-25-65.

**Sec. 1-7. Prosecution where different penalties exist for same offense.**

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

(Code 1983, § 1.213)

**Sec. 1-8. Liability of corporations, organizations, agents for violations.**

Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this Code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

(Code 1983, § 1.209)

**Sec. 1-9. Effect of repeal or expiration of ordinance.**

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

(Code 1983, § 1.210)

**Sec. 1-10. Amendments to Code.**

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

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

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, Town of Williston, South Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section shall read as follows: . . . ." The new section shall then be set out in full as enacted, and the sections of the ordinance may be renumbered to accomplish such intention.

(d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.  
(Code 1983, § 1.211)

**Sec. 1-11. Supplementation of Code.**

(a) By contract or by town personnel, supplements to this Code shall be prepared on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.

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

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

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.

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

**Sec. 1-12. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money of the town, or authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness.
- (2) Any ordinance providing for public improvements and assessments therefor.
- (3) Any zoning ordinance or any ordinance regulating or otherwise relating to the subdivision of land.
- (4) Any appropriation ordinance or ordinance providing for an annual budget or for the transfer of funds and any ordinance levying or imposing taxes.
- (5) Any ordinance annexing territory to the town or discontinuing territory as a part of the town.
- (6) Any ordinance granting any franchise, permit or other right.
- (7) Any ordinance approving, authorizing or otherwise relating to any contract or agreement.
- (8) Any ordinance setting utility rates or fees.
- (9) Any ordinance setting salaries for town officials or employees.
- (10) Any personnel ordinance.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**Sec. 1-13. Municipal seal.**

The town shall have a common seal, to be in the custody of the clerk-treasurer which seal shall be affixed to all ordinances adopted by the council, to all deeds of real estate executed in behalf of the town and to all notes, bonds and other evidences of indebtedness executed in behalf of the town.

(Code 1983, § 1.214)



## Chapter 2

### ADMINISTRATION\*

#### Article I. In General

- Sec. 2-1. Form of government.  
Secs. 2-2—2-25. Reserved.

#### Article II. Town Council

##### Division 1. Generally

- Sec. 2-26. Composition, election.  
Sec. 2-27. Terms of office.  
Sec. 2-28. Compensation.  
Sec. 2-29. Mayor pro tempore.  
Sec. 2-30. Oath of office.  
Sec. 2-31. Compensation.  
Secs. 2-32—2-40. Reserved.

##### Division 2. Meetings

- Sec. 2-41. Time of regular meetings.  
Sec. 2-42. Special meetings.  
Sec. 2-43. Open to public.  
Sec. 2-44. Agenda.  
Sec. 2-45. Minutes.  
Sec. 2-46. Quorum; rules of order.  
Sec. 2-47. Interruption of meetings.  
Sec. 2-48. Order of business.  
Sec. 2-49. Appearance of citizens.  
Sec. 2-50. Voting.  
Sec. 2-51. How often members may speak.  
Sec. 2-52. Reasons for voting may be recorded.  
Sec. 2-53. Interested member or mayor shall not vote.  
Sec. 2-54. Presiding officer.  
Sec. 2-55. Executive sessions.  
Sec. 2-56. Appointment of committees.  
Sec. 2-57. Committee reports.  
Sec. 2-58. When motions must be in writing.  
Sec. 2-59. Certain motions not debatable.  
Sec. 2-60. Precedence of motions during debate.  
Sec. 2-61. Motions to reconsider.

\***Cross references**—Businesses, ch. 22; civil emergencies, ch. 26; courts, ch. 30; elections, ch. 34; fire department, § 42-31 et seq.; police department, § 46-26 et seq.; freedom of information act, app. A.

**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.

## WILLISTON TOWN CODE

Secs. 2-62—2-70. Reserved.

### Division 3. Ordinances

- Sec. 2-71. Passage generally.
- Sec. 2-72. Enacting clause.
- Sec. 2-73. Certain ordinances required.
- Sec. 2-74. Emergency ordinances.
- Sec. 2-75. Codification of ordinances; standard codes, technical regulations.
- Sec. 2-76. Notice required.
- Sec. 2-77. Form.
- Sec. 2-78. Introduction.
- Sec. 2-79. Original ordinance entered in book.
- Sec. 2-80. Notation of amending or repealing ordinances.
- Sec. 2-81. Enactment.
- Secs. 2-82—2-90. Reserved.

### Division 4. Resolutions

- Sec. 2-91. Introduction.
- Sec. 2-92. Adoption.
- Secs. 2-93—2-115. Reserved.

## Article III. Officers and Employees

### Division 1. Generally

- Sec. 2-116. Enforcement of ordinances, laws, etc.
- Sec. 2-117. Right of entry.
- Sec. 2-118. Resisting, interfering with town officers or employees.
- Sec. 2-119. Council responsible for appointments, supervision, compensation, termination.
- Sec. 2-120. Council to establish departments.
- Sec. 2-121. Retirement system.
- Sec. 2-122. Nepotism.
- Sec. 2-123. At-will employment.
- Secs. 2-124—2-135. Reserved.

### Division 2. Town Attorney

- Sec. 2-136. Appointment; tenure.
- Sec. 2-137. Duties.
- Sec. 2-138. Salary.
- Secs. 2-139—2-150. Reserved.

### Division 3. Clerk-Treasurer

- Sec. 2-151. Appointment; tenure.
- Sec. 2-152. Bond.
- Sec. 2-153. Duties.
- Sec. 2-154. Clerk to act as treasurer.

## ADMINISTRATION

- Sec. 2-155. Treasurer to be bonded.
- Sec. 2-156. Duties of treasurer.
- Secs. 2-157—2-175. Reserved.

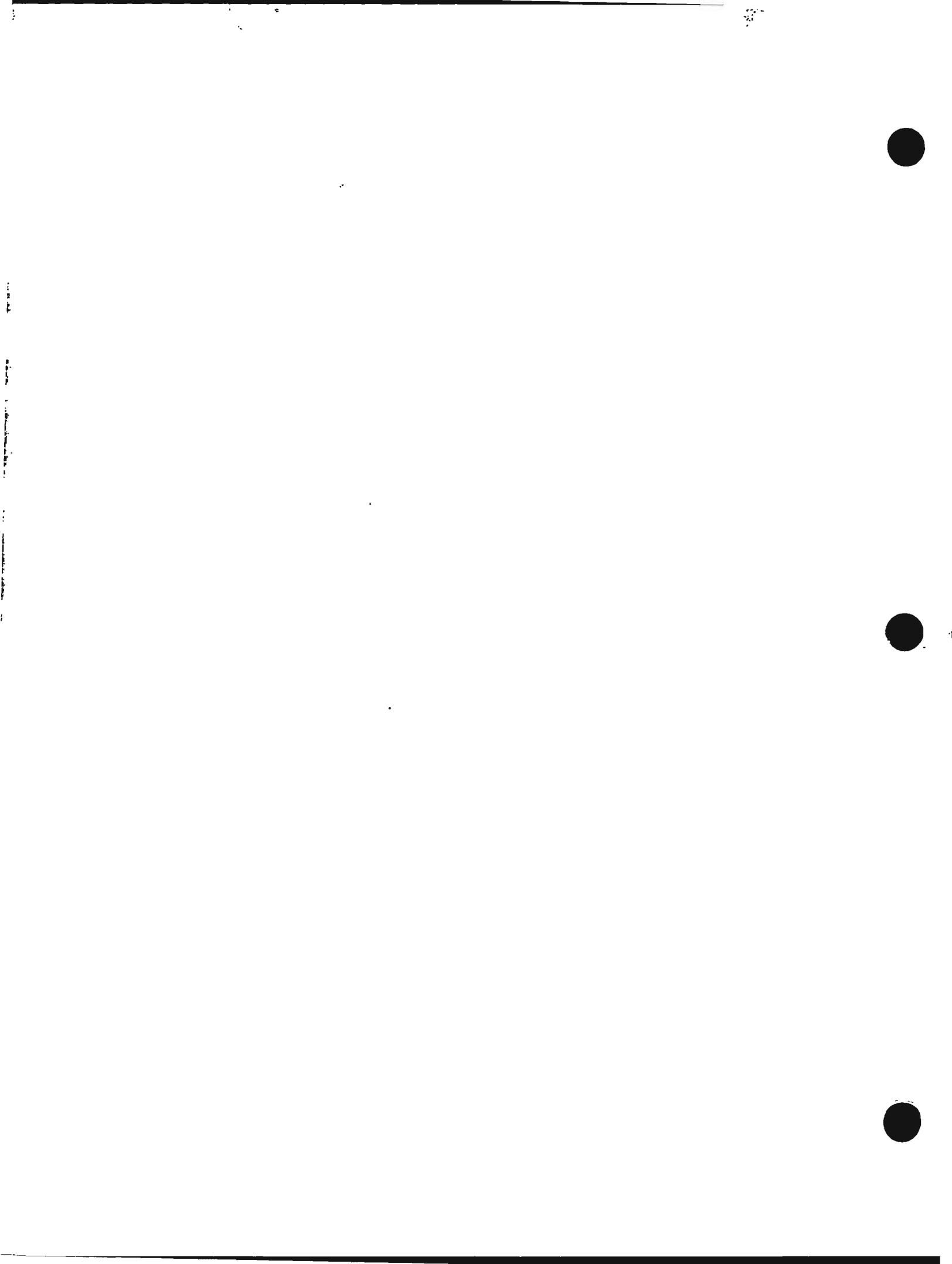
### Article IV. Finance

#### Division 1. Generally

- Sec. 2-176. Fiscal year.
- Sec. 2-177. Budget and accounting year.
- Sec. 2-178. Department heads to submit annual budget work program.
- Sec. 2-179. Preparation of budget, estimates of capital projects.
- Sec. 2-180. Budget summary.
- Sec. 2-181. Contingent expense shall not exceed five percent of budget.
- Sec. 2-182. Budget of water and sewer utilities.
- Sec. 2-183. Public hearing on budget.
- Sec. 2-184. Budget changes.
- Sec. 2-185. Final adoption of budget; records open for inspection.
- Sec. 2-186. Budget certification; filing.
- Sec. 2-187. Failure to adopt budget by ordinance.
- Sec. 2-188. Appropriations in budget.
- Sec. 2-189. Emergency appropriations.
- Sec. 2-190. When appropriations lapse.
- Sec. 2-191. Tax levy to be stated in budget; clerk-treasurer to notify county.
- Sec. 2-192. Monthly financial reports.
- Sec. 2-193. Disbursements to be by check.
- Sec. 2-194. Deposit of moneys.
- Sec. 2-195. Annual audit.
- Sec. 2-196. Issuance of notes for emergency appropriations.
- Sec. 2-197. Maturity, redemption of notes.
- Sec. 2-198. Sale of notes.
- Sec. 2-199. Payment of notes.
- Sec. 2-200. Borrowing in anticipation of collection of taxes.
- Secs. 2-201—2-210. Reserved.

#### Division 2. Purchasing

- Sec. 2-211. Purchasing agent; duties, powers.
- Sec. 2-212. Competitive bidding; emergencies exempt.
- Sec. 2-213. Award to lowest bidder; exception.
- Sec. 2-214. Sealed bids.
- Sec. 2-215. Local vendors; tie bids.
- Sec. 2-216. Performance, payment, labor and materiel bonds.
- Sec. 2-217. Financial interest of town officials, employees prohibited.
- Sec. 2-218. Supplies unsuitable for public use; sale or exchange.
- Sec. 2-219. Gifts, rebates.
- Sec. 2-220. Cooperative purchasing.
- Sec. 2-221. State purchases.



## ARTICLE I. IN GENERAL

**Sec. 2-1. Form of government.**

Pursuant to S.C. Code 1976, the form of government for the town shall be the council form of government.

(Code 1983, § 2.101)

**State law reference**—Council form of government, S.C. Code 1976, §§ 5-5-10(b), 5-11-10 et seq.

**Secs. 2-2—2-25. Reserved.**

## ARTICLE II. TOWN COUNCIL\*

## DIVISION 1. GENERALLY

**Sec. 2-26. Composition, election.**

The town council shall be composed of a mayor and councilmembers, six in number, all of whom shall be residents of the town and elected by the qualified electors at large at an election as provided by chapter 34.

(Code 1983, § 2.102)

**State law reference**—Similar provisions, S.C. Code 1976, § 5-11-20.

**Sec. 2-27. Terms of office.**

The mayor and all members of the council shall hold office for four years or until their successors shall be duly elected and qualified.

(Code 1983, § 2.103)

**State law reference**—Terms of office authorized, S.C. Code 1976, § 5-15-40.

**Sec. 2-28. Compensation.**

(a) The mayor shall be paid an annual salary of \$6,000.00. Other members of the council shall be paid an annual salary of \$3,600.00. No increases in salary shall take effect during the term of the incumbents in which such change is authorized; however, any increase in salary shall become effective upon the commencement date of the terms of two or more members elected at the next general election following the adoption of the ordinance, at which time it will become effective for all members whether or not they were elected in such election. Any decrease in salary shall take effect immediately if unanimously approved by all members of the council.

**\*State law reference**—Municipal powers vested in council, S.C. Code 1976, § 5-7-160.

(b) The mayor and each member of the council may receive payment for actual expenses incurred in the performance of official duties.

(Code 1983, § 2.104; Ord. of 9-9-91)

**State law reference**—Salaries and expenses of mayor and councilmembers, S.C. Code 1976, § 5-7-170.

**Sec. 2-29. Mayor pro tempore.**

At the first meeting of a newly constituted council, it shall elect one of its members as mayor pro tempore for a term not to exceed two years. He shall act as mayor during the absence or disability of the mayor or in case of a vacancy in the office of mayor.

(Code 1983, § 2.105)

**State law reference**—Election of mayor pro tempore, S.C. Code 1976, § 5-7-190.

**Sec. 2-30. Oath of office.**

The mayor and each member of the council, before entering upon the duties of their respective offices, shall take the following oath:

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

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

(Code 1983, § 2.106)

**State law references**—Oath required of mayor and council members, S.C. Code 1976, § 5-15-150; oath required under state constitution, S.C. Const. Art. VI, §§ 4, 5.

**Sec. 2-31. Compensation.**

The compensation for the office of mayor is hereby set at \$500.00 per month. The compensation for the office of council member is hereby set at \$300.00 per month.

(Ord. No. 2001-07, § 1, 9-10-01)

**Secs. 2-32—2-40. Reserved.**

## DIVISION 2. MEETINGS\*

**Sec. 2-41. Time of regular meetings.**

The regular meeting of the council shall be held at the town hall on the second Monday of each month at 7:30 p.m. unless otherwise set by the mayor, and reasonable notice given to each councilmember and 24 hours' notice posted on the town's bulletin board at town hall.

(Code 1983, § 2.301)

**Sec. 2-42. Special meetings.**

Special meetings shall be held whenever called by the mayor in cases of emergency or when, in his judgment, the good of the town requires it, or when notice is given in writing, signed by at least three members of the council. Such notice shall be all the notice required.

(Code 1983, § 2.301)

**Sec. 2-43. Open to public.**

All council meetings shall be open to the public as provided by the Freedom of Information Act.

(Code 1983, § 2.301)

**Sec. 2-44. Agenda.**

Matters to be considered by the council at a regular meeting shall be placed on a written agenda prepared by the clerk-treasurer not later than noon of the day prior to the meeting. Matters not on the agenda may be considered upon request of a member unless at least three members object.

(Code 1983, § 2.302)

**Sec. 2-45. Minutes.**

The clerk-treasurer shall keep the minutes of all public meetings of the council, and they 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 the council. Any member of the council desiring to express a position on a matter voted upon by the council in the minutes may do so by presenting the position in writing to the council not later than the next regular meeting. No person shall make any change in the minutes or remove same from town hall without prior approval of the mayor or council.

(Code 1983, § 2.303)

\*State law references—Council meetings, S.C. Code 1976, § 5-7-250; Freedom of Information Act, S.C. Code 1976, § 30-4-10 et seq.

**Sec. 2-46. Quorum; rules of order.**

A majority of the council serving shall constitute a quorum for the transaction of business at any meeting. Except as otherwise provided by state law or this Code, all proceedings of the council shall be governed by the latest edition of Robert's Rules of Order. The town attorney shall act as parliamentarian. In his absence, all questions of order shall be decided by the mayor or, in his absence, the presiding officer, without debate, subject to an appeal to the council.

(Code 1983, § 2.304)

**Sec. 2-47. Interruption of meetings.**

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

(Code 1983, § 2.305)

**Sec. 2-48. Order of business.**

The order of proceedings of council meetings shall be substantially as follows:

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

(Code 1983, § 2.306)

**Sec. 2-49. 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 except as may be prohibited by the Freedom of Information Act. Persons desiring to speak shall notify the clerk-treasurer prior to the beginning of the meeting.

(Code 1983, § 2.307)

**Sec. 2-50. Voting.**

(a) A show of hands or a voice vote shall be sufficient to record council votes. The yeas and nays on any question shall be recorded when required by any member. During the voting, no member shall leave the council chamber.

(b) All actions of the council shall be by majority vote of the members present.

(c) Every member present, including the mayor, shall have a vote on every question except when required to refrain from voting by state law. The mayor shall vote as other members.

(d) The result of each vote on every question shall be recorded in the minutes by the clerk-treasurer.

(Code 1983, § 2.308)

**Sec. 2-51. How often members may speak.**

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

(Code 1983, § 2.309)

**Sec. 2-52. Reasons for voting may be recorded.**

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

(Code 1983, § 2.310)

**Sec. 2-53. Interested member or mayor shall not vote.**

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

(Code 1983, § 2.311)

**Sec. 2-54. Presiding officer.**

The mayor shall preside at all council meetings, when present. In the absence of both the mayor and mayor pro tempore the duties of the mayor shall be performed by such member of the council as the council may designate.

(Code 1983, § 2.312)

**Sec. 2-55. Executive sessions.**

(a) The council may hold executive sessions as permitted by the South Carolina Freedom of Information Act at such times and places as the council may deem necessary and in the public interest.

(b) A majority vote of the council shall be necessary to call such sessions.

(c) Any formal action taken in executive session shall be ratified thereafter in public session, prior to such action becoming effective.

(Code 1983, § 2.313)

**Sec. 2-56. Appointment of committees.**

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

(Code 1983, § 2.314)

**Sec. 2-57. Committee reports.**

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

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

(Code 1983, §§ 2.315, 2.316)

**Sec. 2-58. When motions must be in writing.**

All motions shall be reduced to writing at the request of the mayor or any member of the council.

(Code 1983, § 2.317)

**Sec. 2-59. Certain motions not debatable.**

The following motions shall be without debate:

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

(Code 1983, § 2.318)

**Sec. 2-60. Precedence of motions during debate.**

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

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

The above motions shall have precedence in the order in which they are set forth.  
(Code 1983, § 2.319)

**Sec. 2-61. Motions to reconsider.**

A motion to reconsider shall not be entertained unless it is made by a member of the council who voted with the majority, and such motion shall be made only at the same or next succeeding meeting.  
(Code 1983, § 2.320)

**Secs. 2-62—2-70. Reserved.**

**DIVISION 3. ORDINANCES\***

**Sec. 2-71. Passage generally.**

It shall be the duty of the council to pass, from time to time, such ordinances as in its judgment shall best promote the interests of the citizens and property owners of the town.  
(Code 1983, § 2.107)

**Sec. 2-72. Enacting clause.**

The enacting clause of all ordinances shall be, in substance, as follows: "Be it ordained by the Council of The Twn of Williston, S.C. that: . . ."  
(Code 1983, § 2.108)

**Sec. 2-73. Certain ordinances required.**

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

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

---

\*State law reference—Municipal authority to adopt ordinances, S.C. Code 1976, § 5-7-30.

(9) Amend or repeal any ordinance described in subsections (1) through (8) above.

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

(Code 1983, § 2.109)

State law reference—Similar provisions, S.C. Code 1976, § 5-7-260.

**Sec. 2-74. Emergency ordinances.**

Emergency ordinances shall conform to the provisions of S.C. Code 1976, § 5-7-250(d) and section 2-81(c).

(Code 1983, § 2.110)

**Sec. 2-75. Codification of ordinances; standard codes, technical regulations.**

(a) All ordinances amending this Code and any other ordinances or portions of ordinances, as may be required by the council, shall be codified annually in this Code.

(b) Standard codes, technical regulations, business license ordinances and zoning ordinances may be cited in the Code by reference and copies thereof shall be made available by the clerk-treasurer for distribution or for purchase at a reasonable price.

(Code 1983, § 2.111)

State law references—Adoption of standard codes or technical regulations by reference, S.C. Code 1976, § 5-7-280; codification of municipal ordinances required, S.C. Code 1976, § 5-7-290.

**Sec. 2-76. Notice required.**

Prior to the introduction of an ordinance granting a franchise, license or right for the use of any street or public property, or for the permanent closing of any abandoned street, the applicant for such ordinance shall publish a notice in three separate issues of a newspaper having general circulation in the 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 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 council.

(Code 1983, § 2.112)

**Sec. 2-77. Form.**

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

- (1) A number.
- (2) A title briefly describing the contents.
- (3) Findings, reasons or basis for the ordinance, if desired and when appropriate.
- (4) An enacting clause as set forth in section 2-72.
- (5) A repealing provision, when appropriate.

- (6) The provisions of the ordinance including section numbers, when appropriate.
- (7) The effective date of the ordinance and dates of first and second readings.
- (8) Space for the signatures of the mayor or, in the absence of the mayor, the presiding member of the council and the clerk-treasurer attesting notice of adoption.

(Code 1983, § 2.113)

**State law reference**—Form and procedure for introducing and passing ordinances, S.C. Code 1976, § 5-7-270.

**Sec. 2-78. Introduction.**

An ordinance may be proposed by any member of the council. A proposed ordinance shall be referred to the town attorney, when appropriate, for approval as to legality and form, and he shall render assistance in the preparation of ordinances when requested to do so. After an ordinance is in proper form and the required notices have been given, the clerk-treasurer shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of the council, its title is read.

(Code 1983, § 2.114)

**Sec. 2-79. Original ordinance entered in book.**

The clerk-treasurer shall enter in an ordinance book the original copy of all ordinances passed by the council. The book shall be known as the ordinance book.

(Code 1983, § 2.115)

**Sec. 2-80. Notation of amending or repealing ordinances.**

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

(Code 1983, § 2.116)

**Sec. 2-81. Enactment.**

(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 six days 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 an affirmative vote of two-thirds of the 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 its 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 the council.

(e) After the introduction of an ordinance, any member of the council or any citizen-taxpayer interested therein may request a public hearing which shall be held at a time designated by the 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 in the absence of the mayor, and attested by the clerk-treasurer.  
(Code 1983, § 2.117)

**Secs. 2-82—2-90. Reserved.**

#### DIVISION 4. RESOLUTIONS

**Sec. 2-91. Introduction.**

A voice motion of a member of the council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the clerk-treasurer in the council minutes. However, a resolution proposed in writing shall be introduced in the same manner as an ordinance and in such form as may be recommended appropriate by the town attorney, when appropriate.

(Code 1983, § 2.118)

**Sec. 2-92. Adoption.**

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 1983, § 2.119)

**Secs. 2-93—2-115. Reserved.**

### ARTICLE III. OFFICERS AND EMPLOYEES

#### DIVISION 1. GENERALLY

**Sec. 2-116. Enforcement of ordinances, laws, etc.**

All officers and employees shall enforce obedience to all state statutes, provisions of this Code or any resolutions, rules and regulations or orders issued thereunder by instituting such procedures as may be necessary to such enforcement.

(Code 1983, § 2.401)

**Sec. 2-117. Right of entry.**

Whenever any officer or employee, in order to carry out his official duties, is required to enter any premises or vehicle, as authorized by statute, the provisions of this Code, or any ordinance, resolution, rule, regulation or order issued thereunder, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time, subject to lawful entry requirements.

(Code 1983, § 2.402)

**Sec. 2-118. Resisting, interfering with town officers or employees.**

It shall be unlawful for any person to resist or interfere with any member of the police department, fire department or any officer or employee in the discharge of official duties.

(Code 1983, § 2.403)

**Sec. 2-119. Council responsible for appointments, supervision, compensation, termination.**

The appointment, supervision, compensation and termination of services of all employees shall be the responsibility of the council, at the first meeting of a new council or as soon thereafter as possible.

(Code 1983, § 2.404)

**Sec. 2-120. Council to establish departments.**

The council may establish departments, offices and agencies and prescribe the functions thereof.

(Code 1983, § 2.405)

**State law reference**—Similar provisions, S.C. Code 1976, § 5-11-40.

**Sec. 2-121. Retirement system.**

All permanent full-time employees of the town shall be and are hereby included in the state retirement system.

(Code 1983, § 2.406)

**Sec. 2-122. Nepotism.**

(a) *Generally.* For the purpose of this section, the term "immediate family" refers to spouse, brother, sister, parent, grandfather, grandmother, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, grandson, granddaughter, uncle, aunt, niece, nephew, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law and brother-in-law.

(b) *Employment within same department or division.* No member of the immediate family of an employee may be hired, transferred, appointed or reinstated into the same department as the employee, and employees who marry one another, may not both continue to be employed in the same department.

(c) *Supervision of relatives.* Two or more members of the same immediate family may not be employees of the town at the same time if such employment would result in an employee directly or indirectly supervising a member of his immediate family, or if such employment would result in an employee reviewing the financial transactions of a member of his immediate family.

(Ord. No. 92-1, §§ 1—3, 5-11-92)

**Sec. 2-123. At-will employment.**

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

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

(Ord. No. 2003-18, § 1, 11-10-03)

**Secs. 2-124—2-135. Reserved.**

**DIVISION 2. TOWN ATTORNEY\***

**Sec. 2-136. Appointment; tenure.**

There shall be appointed by the council a lawyer of good and reputable standing as town attorney who shall hold office at the pleasure of council. The titles "town attorney" and "municipal attorney" may be used interchangeably.

(Code 1983, § 2.601)

**Sec. 2-137. Duties.**

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

---

\*State law reference—Appointment of municipal attorney, S.C. Code 1976, § 5-7-230.

(b) It shall be the duty of the town attorney to prosecute all cases before the municipal court when a jury trial is demanded or the defendant is represented by an attorney and defend the town against all civil suits.

(Code 1983, § 2.602)

**Sec. 2-138. Salary.**

The town attorney shall be paid such salary as may be fixed by the council.

(Code 1983, § 2.603)

**Secs. 2-139—2-150. Reserved.**

**DIVISION 3. CLERK-TREASURER**

**Sec. 2-151. Appointment; tenure.**

There shall be appointed by the council an officer who shall have the title of town clerk and who shall serve at the pleasure of the council.

(Code 1983, § 2.501)

**State law references**—Appointment and duties of municipal clerk, S.C. Code 1976, § 5-7-220; clerk duty to file certificate of existence of fire department, S.C. Code 1976, § 23-9-380.

**Sec. 2-152. Bond.**

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

(Code 1983, § 2.502)

**Sec. 2-153. Duties.**

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

(Code 1983, § 2.503)

**Sec. 2-154. Clerk to act as treasurer.**

In addition to all other duties, the clerk shall act also as the treasurer of the town and shall perform those duties commonly associated therewith, according to state statutes.

(Code 1983, § 2.504)

**Sec. 2-155. Treasurer to be bonded.**

Should the treasurer be other than the town clerk, he shall be bonded as provided for the clerk in section 2-152.

(Code 1983, § 2.505)

**Sec. 2-156. Duties of treasurer.**

(a) The town treasurer shall collect all taxes levied by the council, according to the laws and ordinances governing same. He shall collect and receive all revenue of the town derived from all sources and, after receipt thereof, shall be responsible for the same. He shall attest all executions issued for the collection of delinquent taxes due to the town and shall forthwith deposit to the credit of the town all moneys received by him belonging to the town in such bank as may be designated by the council for that purpose. He shall keep an official bank book wherein all deposits by him, as treasurer, shall be entered by the proper official of the bank, which book shall always be open for the inspection of the mayor or any member of the council or citizens of the town. He shall keep an account or record of his transactions together with all vouchers therefor, which shall be submitted to the council for each preceding month.

(b) All disbursements shall be by check which shall be given in numerical order, and corresponding stubs of same shall be kept by the treasurer. All checks shall be signed by the treasurer.

(Code 1983, § 2.506)

**Secs. 2-157—2-175. Reserved.**

**ARTICLE IV. FINANCE\***

**DIVISION 1. GENERALLY**

**Sec. 2-176. Fiscal year.**

The fiscal year shall begin on July 1 and shall end on the following June 30.

(Code 1983, § 8.101)

**Sec. 2-177. Budget and accounting year.**

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

(Code 1983, § 8.102)

---

\*State law references—Financial matters generally, S.C. Code 1976, § 5-21-10 et seq.; towns of over 200 population must publish financial statements, S.C. Code 1976, § 5-21-50; Municipal Bond Act, S.C. Code 1976, § 5-21-210 et seq.; annual independent audit required, S.C. Code 1976, § 14-1-208; bonded indebtedness of political subdivisions, S.C. Const. Art. X, Sec. 14.

**Sec. 2-178. Department heads to submit annual budget work program.**

Before the beginning of the budget year, the head of each office or department shall submit a budget work program for the ensuing year to the clerk-treasurer and mayor.  
(Code 1983, § 8.103)

**Sec. 2-179. Preparation of budget, estimates of capital projects.**

Each budget year, a budget shall be prepared by the town clerk-treasurer and mayor prior to the new fiscal year. For such purpose, he shall obtain from the heads of each office or department, and in such detail as he may require, estimates of expenditures and such other supporting data as he may request, together with estimates of all capital projects pending or which such department head believes should be undertaken within the budget year and within the next five succeeding years.  
(Code 1983, § 8.104)

**Sec. 2-180. Budget summary.**

The budget summary shall be in sufficient detail and summarized as to income and expenditures in such a manner as to present to taxpayers a simple and clear summary of the budget.  
(Code 1983, § 8.105)

**Sec. 2-181. Contingent expense shall not exceed five percent of budget.**

Separate provisions may be included in the operating budget for contingent expenses in an amount not to exceed five percent of the total amount stated for the administration, operation and maintenance of each office, department or agency.  
(Code 1983, § 8.106)

**Sec. 2-182. Budget of water and sewer utilities.**

The anticipated revenues and proposed expenditures of the water and sewer utility shall be stated in a separate section of the budget. All other provisions relating to the preparation and administration of the budget shall apply to the budget of the utility.  
(Code 1983, § 8.107)

**Sec. 2-183. Public hearing on budget.**

The council shall determine a place and time for a public hearing on the budget and shall post a notice of the place and time at town hall not less than five days before the date of the hearing.  
(Code 1983, § 8.108)

**Sec. 2-184. Budget changes.**

After the conclusion of a public hearing, the council may insert new items or may increase, decrease or delete the items of the budget; but, should the total proposed expenditures be

increased, it shall also increase the total anticipated revenues by an amount at least equal to such proposed total expenditures, except for items of capital outlay to be financed through a bond issue.

(Code 1983, § 8.109)

**Sec. 2-185. Final adoption of budget; records open for inspection.**

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

(Code 1983, § 8.110)

**Sec. 2-186. Budget certification; filing.**

A copy of the budget, as finally adopted, shall be certified by the clerk-treasurer and filed in his office.

(Code 1983, § 8.111)

**Sec. 2-187. Failure to adopt budget by ordinance.**

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

(Code 1983, § 8.112)

**Sec. 2-188. Appropriations in budget.**

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

(Code 1983, § 8.113)

**Sec. 2-189. Emergency appropriations.**

At any time in any budget year, the council may make emergency appropriations to meet a pressing need for public expenditure for other than a regular or recurring requirement to protect the public health, safety or welfare. Such appropriation shall be adopted by unanimous vote of all councilmembers present.

(Code 1983, § 8.114)

**Sec. 2-190. When appropriations lapse.**

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

(Code 1983, § 8.115)

**Sec. 2-191. Tax levy to be stated in budget; clerk-treasurer to notify county.**

From the effective date of the budget, the amount stated therein as the amount to be raised by property taxes shall constitute the determination of the amount of the levy for tax purposes in the corresponding tax year. It shall be the duty of the clerk-treasurer to notify the county board of assessment and equalization of any change in the tax millage rates by the council.  
(Code 1983, § 8.116)

**Sec. 2-192. Monthly financial reports.**

The clerk-treasurer shall furnish to the council at each regular monthly meeting a statement of all receipts and disbursements for the preceding month.  
(Code 1983, § 8.117)

**Sec. 2-193. Disbursements to be by check.**

All disbursements shall be by check to be signed by the treasurer.  
(Code 1983, § 8.118)

**Sec. 2-194. Deposit of moneys.**

All fees and moneys belonging to the town shall be placed only to the credit of the town in a local bank by the treasurer.  
(Code 1983, § 8.119)

**Sec. 2-195. Annual audit.**

Prior to the end of each fiscal year, the council shall designate a qualified certified public accountant who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the government and shall submit his report to the council. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the town government or of any of its officers. He shall, within specifications approved by the council, post-audit the books and documents kept by any office, department, board or agency of the town government.  
(Code 1983, § 8.120)

**Sec. 2-196. Issuance of notes for emergency appropriations.**

In the absence of unappropriated available revenues to meet emergency appropriations, the council may by ordinance authorize the issuance of notes, which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.  
(Code 1983, § 8.122)

**Sec. 2-197. Maturity, redemption of notes.**

No notes shall be made payable on demand but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.  
(Code 1983, § 8.123)

**Sec. 2-198. Sale of notes.**

All notes issued pursuant to this division may be sold at not less than par and accrued interest at private sale without previous advertisement by the council.  
(Code 1983, § 8.124)

**Sec. 2-199. Payment of notes.**

The power and obligation of the town to pay notes issued by it pursuant to this division shall be unlimited, and the town shall levy ad valorem taxes on all the taxable property within the corporate limits for the payment of such notes and interest thereon, without limitation of rate or amount. The full faith and credit of the town shall be pledged for the payment of the principal and interest on such notes issued pursuant to this division.  
(Code 1983, § 8.125)

**Sec. 2-200. Borrowing in anticipation of collection of taxes.**

The council may, during each calendar year, borrow money for the current expenses and pledge for the payment of any moneys so borrowed the taxes becoming payable during each calendar year.  
(Code 1983, § 8.126)

**Secs. 2-201—2-210. Reserved.**

**DIVISION 2. PURCHASING\***

**Sec. 2-211. Purchasing agent; duties, powers.**

There is appointed a purchasing agent who shall be appointed by the council. He shall be responsible for the purchase of supplies, materials and equipment required by any office, department or agent of the town government. He may establish and enforce specifications with respect to supplies, materials and equipment required and be responsible for the inspection upon delivery thereof to determine quality, quantity and conformance with specifications or other purchasing procedures that may be established.  
(Code 1983, § 8.401)

---

\*State law references—Municipalities required to adopt reasonable purchasing regulations, S.C. Code 1976, § 11-35-50; procurement and intergovernmental relations, S.C. Code Reg. 19-445.2155.

**Sec. 2-212. Competitive bidding; emergencies exempt.**

Before any purchases or contracts for supplies, materials and equipment are made, whenever possible, the purchasing agent shall give ample opportunity for competitive bidding, but with such exceptions as the council may authorize. Emergency purchases shall be exempt from this provision.

(Code 1983, § 8.402)

**Sec. 2-213. Award to lowest bidder; exception.**

Bids shall be awarded to the lowest responsible bidder, unless the best interests of the town will be served, in the opinion of the council.

(Code 1983, § 8.403)

**Sec. 2-214. Sealed bids.**

Sealed bids shall be obtained by the purchasing agent in all cases required by the council.

(Code 1983, § 8.404)

**Sec. 2-215. Local vendors; tie bids.**

Bids shall be awarded to the local vendor when tie bids are received. Tie bids from more than one local vendor shall be awarded by drawing lots.

(Code 1983, § 8.405)

**Sec. 2-216. Performance, payment, labor and materiel bonds.**

Performance bonds shall be obtained by the purchasing agent when required by the council. He shall have the authority to require payment, labor and materiel bonds, before entering into a contract to protect the best interest of the town.

(Code 1983, § 8.406)

**Sec. 2-217. Financial interest of town officials, employees prohibited.**

No member of the town council or any officer or employee of the town shall have a financial interest in any contract or in the sale to the town or to a contractor supplying any land or rights or interests in any land, material, supplies or services. When a majority of the council determines an exception in the best interest of the town, no councilmember whose interest is involved shall vote on the question. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the town shall render the contract voidable by the town council.

(Code 1983, § 8.407)

State law reference—Conflicts of interest, S.C. Code 1976, § 5-21-30.

**Sec. 2-218. Supplies unsuitable for public use; sale or exchange.**

The purchasing agent shall have the authority to sell all supplies which have become unsuitable for public use or to exchange the same for, or trade in the same on, new supplies. Such sales shall be made to the highest bidder at public auction after public notice is given therefor. All moneys received from such sales shall be paid into the treasury of the town.  
(Code 1983, § 8.408)

**Sec. 2-219. Gifts, rebates.**

The purchasing agent and every officer and employee of the town are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the town.  
(Code 1983, § 8.409)

**Sec. 2-220. Cooperative purchasing.**

The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans, when the best interests of the town would be served thereby.  
(Code 1983, § 8.410)

**Sec. 2-221. State purchases.**

The purchasing agent is authorized hereby to make purchases of supplies and equipment through the property division of the state budget and control board, without the formality of publication and receiving competitive bids.  
(Code 1983, § 8.411)

Chapters 3—5

**RESERVED**



Chapter 6

**ADVERTISING\***

- Sec. 6-1. Posting advertisements, notices on public property.
- Sec. 6-2. Posting in parks, streets, on utility poles, towers.
- Sec. 6-3. Posting on private property.
- Sec. 6-4. Erection of signs, signboards.
- Sec. 6-5. Distribution of handbills, placards.

---

\*Cross reference—Advertising in parks prohibited, § 58-30.

State law reference—Outdoor advertising, S.C. Code 1976, § 57-25-10 et seq.



Faint, illegible text or markings along the left edge of the page.

**Sec. 6-1. Posting advertisements, notices on public property.**

It shall be unlawful to place any advertisement, business, political or otherwise, or any notice or sign of any nature on public property within the corporate limits, by the use of a placard, picture, paper, circular, printing, or by any means or device whatsoever without prior approval of the council.

(Code 1983, § 16.101)

**Sec. 6-2. Posting in parks, streets, on utility poles, towers.**

It shall be unlawful to place any advertisement, notice or sign of any nature in any park, street or any other property such as telephone poles, telegraph poles, electric poles or towers, and the like thereof.

(Code 1983, § 16.102)

**Sec. 6-3. Posting on private property.**

It shall be unlawful to place any such item listed in section 6-1 on private property, without written consent of the owner or lessee of the property.

(Code 1983, § 16.103)

**Sec. 6-4. Erection of signs, signboards.**

It shall be unlawful for any person to erect or maintain any sign or signboard which is less than ten feet from the pavement or which extends more than five feet across any sidewalk. None shall extend into the street. The construction and placement of any such sign or signboard shall be subject to approval by the council.

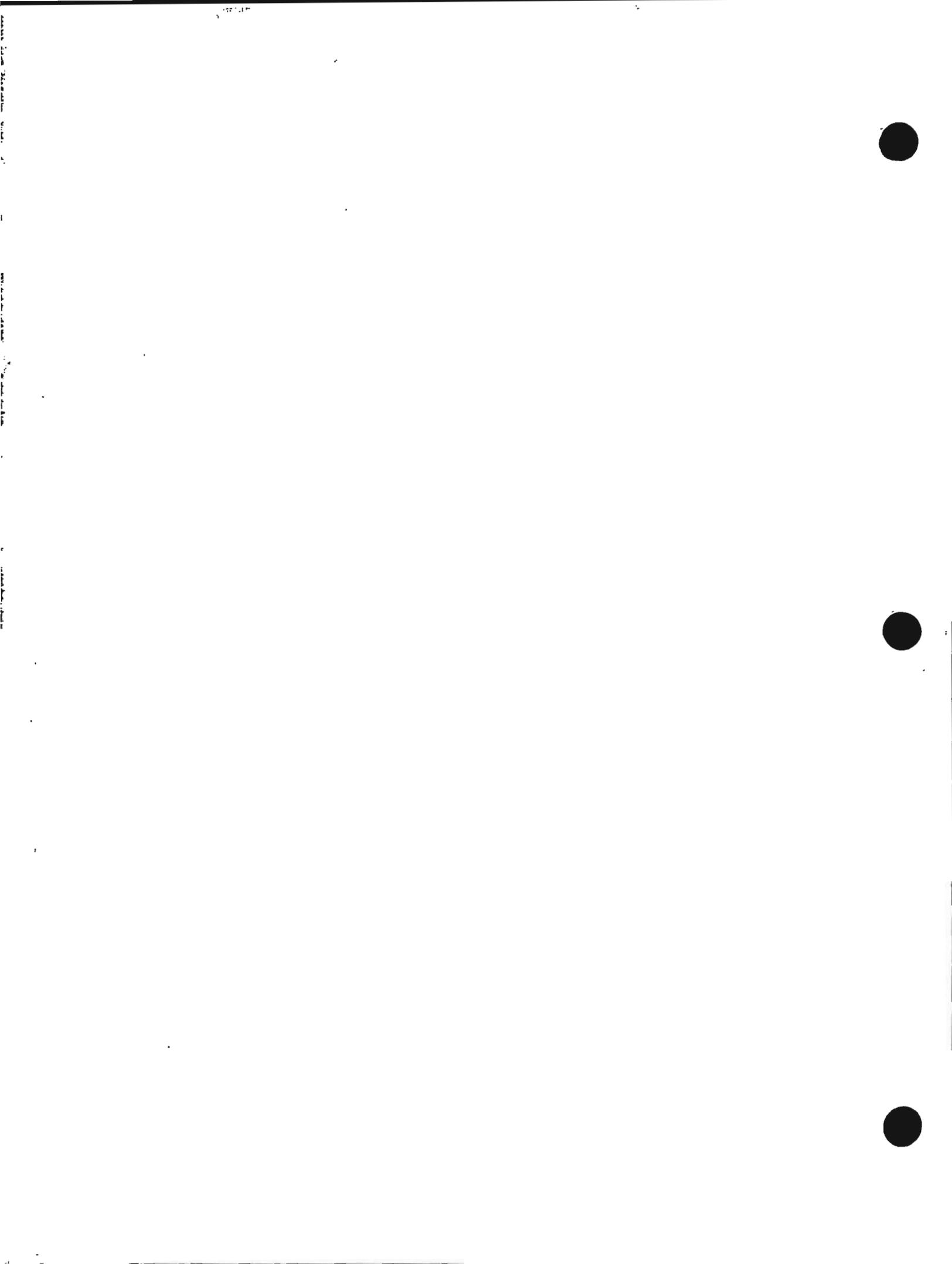
(Code 1983, § 16.104)

**Sec. 6-5. Distribution of handbills, placards.**

(a) When authorized by the council, no handbill or placard shall be distributed within the corporate limits unless it is deposited in a secure place where the wind will not blow it away. The placing of a handbill or placard under a windshield wiper of a motor vehicle shall not be construed as a deposit of same in a secure place.

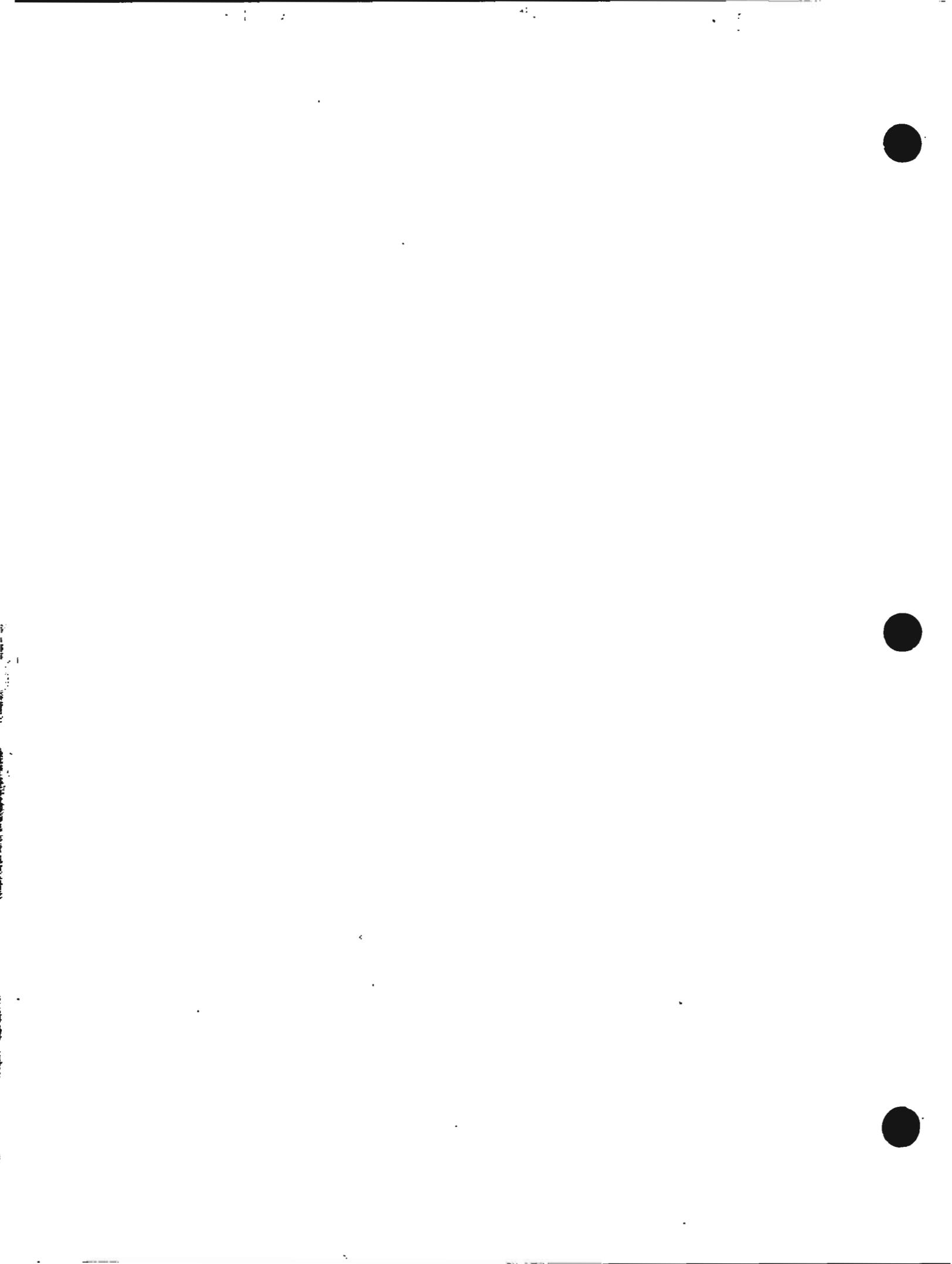
(b) The attachment in any way of a handbill or placard to public property or a pole or other equipment of a public utility is prohibited.

(Code 1983, § 16.105)



Chapters 7—9

**RESERVED**



Chapter 10

**AMUSEMENTS AND ENTERTAINMENTS\***

**Article I. In General**

- Sec. 10-1. Penalty.
- Sec. 10-2. Amusement places shall have entrances opening onto street for safety purposes.
- Sec. 10-3. Creating a disturbance.
- Sec. 10-4. Carnivals, street shows prohibited without permit.
- Sec. 10-5. Hours of operation.
- Sec. 10-6. Dance halls closed on Sundays.
- Secs. 10-7—10-30. Reserved.

**Article II. Musical Devices**

- Sec. 10-31. Hours of operation.
- Sec. 10-32. Hours of sale.
- Sec. 10-33. Creation of disturbance by loud noise.
- Secs. 10-34—10-55. Reserved.

**Article III. Pool and Billiards**

- Sec. 10-56. Poolrooms; license required, minors, closing hour.
- Sec. 10-57. Maintaining pool table.

---

\*Cross references—Businesses, ch. 22; parks and recreation, ch. 58.  
State law reference—Amusements and athletic contests, S.C. Code 1976, § 52-1-20 et seq.



**ARTICLE I. IN GENERAL****Sec. 10-1. Penalty.**

The violation of this article shall be deemed a misdemeanor and the violator shall be subject to punishment in accordance with section 1-6 and the revocation of the license of the business where the offense occurred.

(Code 1983, § 14.211)

**Sec. 10-2. Amusement places shall have entrances opening onto street for safety purposes.**

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

(Code 1983, § 14.210)

**Sec. 10-3. Creating a disturbance.**

It shall be unlawful for any person to behave disorderly in any public hall or other place of amusement, entertainment or gathering or to enter the same in a drunken condition or to interrupt any play, performance, lecture, entertainment or service therein or any player, speaker or other person taking part therein.

(Code 1983, § 14.204)

**Sec. 10-4. Carnivals, street shows prohibited without permit.**

All carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the council. The permit shall specify the date, time, place, length of show, duration of appearance and all other details required by the council.

(Code 1983, § 14.205)

**Cross reference**—Streets and sidewalks, ch. 66.

**State law references**—Circuses, carnivals and other traveling shows, S.C. Code 1976, § 52-1-20 et seq.; local permit required, S.C. Code 1976, § 53-1-10.

**Sec. 10-5. Hours of operation.**

It shall be unlawful for any person to exhibit to the public, between the hours of 12:00 midnight and 6:00 a.m., any motion picture, theatrical performance, stage play or any such exhibition.

(Code 1983, § 14.206)

**Sec. 10-6. Dance halls closed on Sundays.**

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

(Code 1983, § 14.207)

State law reference—Similar provisions, S.C. Code 1976, § 52-13-10.

**Secs. 10-7—10-30. Reserved.**

**ARTICLE II. MUSICAL DEVICES\*****Sec. 10-31. Hours of operation.**

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

(Code 1983, § 14.201)

**Sec. 10-32. Hours of sale.**

It shall be unlawful for any place of business having in its possession for use or sale any piccolo, nickelodeon, radio, television or other music-making machine, to be open between the hours of 12:00 midnight and 5:00 a.m. the following day.

(Code 1983, § 14.202)

**Sec. 10-33. Creation of disturbance by loud noise.**

It shall be unlawful to operate, after 12:00 midnight and prior to 8:00 a.m., or at any time during Sunday, any musical device of any nature, however operated, that is operated so loudly as to make a noise to disturb the repose of the community; provided, that this section shall not prohibit the operation of a radio, television, electronic games or other such instruments in the home, which are so operated as not to disturb the peace.

(Code 1983, § 14.203)

Cross reference—Noise, § 38-26 et seq.

**Secs. 10-34—10-55. Reserved.**

**ARTICLE III. POOL AND BILLIARDS†****Sec. 10-56. Poolrooms; license required, minors, closing hour.**

(a) It shall be unlawful for any person to operate or maintain any public billiard or poolroom without having first obtained a license therefor. The license shall be issued by the clerk-treasurer upon the payment of such license tax as may be fixed by the council. Poolrooms shall be located on the ground floor, and no screen obstructions of any kind shall be allowed.

\*State law reference—Coin-operated machines and devices and other amusements, S.C. Code 1976, § 12-21-2710.

†State law reference—Billiard or pocket billiard license, S.C. Code 1976, § 12-21-2730.

(b) No minor under the age of 18 shall be allowed to play therein; except in private homes or clubs where such games are played for social purposes only and without charge therefor.

(c) Pool halls shall close from 11:00 p.m. to 6:00 a.m. and Sundays.  
(Code 1983, § 14.208)

**Sec. 10-57. Maintaining pool table.**

It shall be unlawful to maintain any pool table, regardless of size or whether it is coin-operated, unless same is unplugged if electrically operated, and unless it is covered with a fabric during the hours of closure as set forth in section 10-56.

(Code 1983, § 14.209)



Chapters 11—13

**RESERVED**



## Chapter 14

### ANIMALS\*

#### Article I. In General

- Sec. 14-1. Definitions.
- Sec. 14-2. Cruelty to animals.
- Sec. 14-3. Disposal of dead animals.
- Sec. 14-4. Resisting, hindering police, other officers.
- Sec. 14-5. Driving, racing animals.
- Sec. 14-6. Domestic animals, fowl running at large.
- Sec. 14-7. Diseased animals restricted.
- Sec. 14-8. Nuisances.
- Secs. 14-9—14-30. Reserved.

#### Article II. Dogs

- Sec. 14-31. Animal hospitals, veterinarians excluded from provisions.
- Sec. 14-32. Noisy pets prohibited.
- Sec. 14-33. Condition of dogs, sanitation of pens.
- Sec. 14-34. Rabies inoculation, tags required.
- Sec. 14-35. Tampering with dog collar prohibited; tags must be current.
- Sec. 14-36. Duty of owner in detecting rabies symptoms.
- Sec. 14-37. Police authority when rabies suspected.
- Sec. 14-38. Failure to comply with police orders.
- Sec. 14-39. Destruction of rabid animals.
- Sec. 14-40. Running at large prohibited.
- Sec. 14-41. Bitches in heat.
- Secs. 14-42—14-60. Reserved.

#### Article III. Livestock

- Sec. 14-61. Approval required for keeping.
- Sec. 14-62. Impoundment when found running at large.
- Sec. 14-63. Notice of impounding.
- Sec. 14-64. Sale of impounded animals.
- Sec. 14-65. Redemption of impounded animals; fees.
- Sec. 14-66. Keeping swine prohibited.
- Secs. 14-67—14-85. Reserved.

\*Cross reference—Removal of dead animals, § 62-37.

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; state falconry permit regulations, S.C. Code Reg. 123-170.

**WILLISTON TOWN CODE**

**Article IV. Bird Sanctuary**

- Sec. 14-86. Establishment.**
- Sec. 14-87. Unlawful interference with birds.**
- Sec. 14-88. Birds constituting a nuisance.**
- Sec. 14-89. Farm lands, swamps excluded.**

## ARTICLE I. IN GENERAL

**Sec. 14-1. 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:

*Animal* means all brute creatures and domestic pets.

*At large* means off the premises of the owner or not under physical or voice command control by the owner.

*Dog* shall include all members of the canine family four months or more of age, including foxes and other canines.

*Owner* means any person, firm, association or corporation owning, keeping or harboring a domestic animal.

*Pet* means all domestic animals, including but not limited to dogs and cats and is intended to mean both male and female.

*Private premises* means any dwelling, house, structure or building designed or used either wholly or in part for private residential or business purposes whether inhabited or temporarily or continuously uninhabited or vacant.

(Code 1983, §§ 3.101, 3.201)

**Cross reference**—Definitions generally, § 1-2.

**State law reference**—Similar definitions, S.C. Code 1976, §§ 47-1-10, 47-3-10.

**Sec. 14-2. Cruelty to animals.**

It shall be unlawful for any person to inflict unnecessary cruelty upon any animal or to ride, drive or work it when sick or unfit for work, to override, overwork, overload, ride when overworked, torture, torment, or to beat or whip cruelly any animal, and it shall be unlawful for any such person owning or having charge of any animal to fail to provide it with proper food, drink, shelter or protection from the weather.

(Code 1983, § 3.103)

**State law reference**—Ill treatment of animals, S.C. Code 1976, § 47-1-40.

**Sec. 14-3. Disposal of dead animals.**

It shall be unlawful for any person who has possession, ownership or custody of any animal that may die from any natural or other cause to permit such dead animal to remain for a longer period than may be necessary under the circumstances to remove such dead animal, and under no condition longer than 24 hours. Any dead animal not so removed within 24 hours shall be removed at the expense of the person in whose possession the animal died.

(Code 1983, § 3.104)

**Sec. 14-4. Resisting, hindering police, other officers.**

It shall be unlawful for any person to resist, hinder or oppose any police officer or any other person acting under their authority in the performance of any of the duties imposed upon them by this chapter.

(Code 1983, § 3.105)

State law reference—Obstruction of state veterinarian, S.C. Code 1976, § 47-13-120.

**Sec. 14-5. Driving, racing animals.**

It shall be unlawful for any person to drive horses or other animals at a dangerous speed or to race horses or other animals on the public streets.

(Code 1983, § 3.106)

**Sec. 14-6. Domestic animals, fowl running at large.**

It shall be unlawful for any person to allow any domestic animal or fowl to run at large on the public streets or in public places.

(Code 1983, § 3.107)

State law reference—Similar provisions, S.C. Code 1976, § 47-7-110.

**Sec. 14-7. Diseased animals restricted.**

It shall be unlawful for any person to bring or keep within the town any horse or other animal having any contagious or infectious disease, or any cow having a disease known as tuberculosis; or to sell any milk, butter or other produce from any cow or other animal affected with such disease or other contagious or infectious disease within the limits of the town.

(Code 1983, § 3.108)

State law reference—Animal diseases and infections, S.C. Code 1976, § 47-13-10 et seq.

**Sec. 14-8. Nuisances.**

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

(b) Any person harboring, keeping or possessing or having in custody or control any fowl, bird or animal which constitutes a nuisance as defined in subsection (a) of this section, who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing to do so by the chief of police, shall be guilty of a misdemeanor.

(Code 1983, §§ 3.308, 3.309)

Cross reference—Nuisances, § 38-46 et seq.

**Secs. 14-9—14-30. Reserved.**

**ARTICLE II. DOGS\*****Sec. 14-31. Animal hospitals, veterinarians excluded from provisions.**

The provisions of this article shall not apply to animal hospitals or kennels which now or hereafter may be maintained and operated by licensed veterinarians on locations approved by the county board of health.

(Code 1983, § 3.202)

**Sec. 14-32. Noisy pets prohibited.**

It shall be unlawful for any owner of a pet, or any person who has custody thereof, to allow the pet to make a noise to such an extent as to disturb his neighbor's peace. Such disturbance shall constitute a public nuisance.

(Code 1983, § 3.203)

**Cross reference**—Noise, § 38-26 et seq.

**Sec. 14-33. Condition of dogs, sanitation of pens.**

All owners of dogs shall keep their dog pens in a sanitary condition. No owner shall be permitted to keep a diseased, mangy, badly sick or injured dog or other pet unless the same is under the care of a registered veterinarian.

(Code 1983, § 3.204)

**Sec. 14-34. Rabies inoculation, tags required.**

All dogs within the corporate limits shall be inoculated, wear a collar on which is attached metal tags as proof of such inoculation and owners of such dogs shall adhere to all rules and regulations of the county health department.

(Code 1983, § 3.205)

**State law reference**—Annual inoculation of pets against rabies, S.C. Code 1976, § 47-5-60.

**Sec. 14-35. Tampering with dog collar prohibited; tags must be current.**

It shall be unlawful for any person to wrongfully remove the collar from any dog or to deface the same. Tags shall be for the current year.

(Code 1983, § 3.206)

**Sec. 14-36. Duty of owner in detecting rabies symptoms.**

It shall be the duty of any person owning, or having in his possession, any dog or animal which the person knows, or should have reason to know, has developed any symptoms of rabies to immediately notify the police department and county health department of such condition and to immediately confine the dog or animal securely in such a manner that there will be no

**\*State law reference**—Dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.

opportunity for it to come into contact with other animals and keep it segregated and confined until notification by either department of proper disposition. The dog or other animal shall be kept under observation for a period of at least ten days at the owner's expense.

(Code 1983, § 3.207)

State law reference—Similar provisions, S.C. Code 1976, § 47-5-100.

**Sec. 14-37. Police authority when rabies suspected.**

The police department shall have the power, and it shall be its duty, to prevent the spread of rabies, to order all dogs or other domestic pets locked up, restrained by a leash or muzzled, or shall order all owners or keepers of such dogs or domestic pets to take such preventive measures as the police may deem necessary, or both.

(Code 1983, § 3.208)

**Sec. 14-38. Failure to comply with police orders.**

If any owner or keeper of any dog or domestic pet shall knowingly fail or refuse to comply with an order of the police department, as authorized in section 14-37, it shall be the prerogative of the police department to seize the dog and take whatever steps it deems appropriate which are not inconsistent with state laws governing the duties of the county health department in like situations.

(Code 1983, § 3.209)

**Sec. 14-39. Destruction of rabid animals.**

When the determination has been made that any animal has rabies or exhibits the symptoms of rabies, it shall be the duty of the police department to destroy such animal.

(Code 1983, § 3.210)

**Sec. 14-40. Running at large prohibited.**

No person having the ownership, possession or control of any dog shall allow such dog to run at large. Any dog off the property of the person having the ownership, possession or control of such dog shall be under the control of the person having custody of such dog.

(Code 1983, § 3.211)

**Sec. 14-41. Bitches in heat.**

It shall be the duty of the owner, or any person having the control of any bitch to securely confine her and keep her concealed from view while she is in heat. It shall be the duty of any police officer, if any such bitch is found running at large or in a public place, to notify the owner thereof or, if no owner can be found, to impound such bitch at the county pound.

(Code 1983, § 3.212)

**Secs. 14-42—14-60. Reserved.**

**ARTICLE III. LIVESTOCK\*****Sec. 14-61. Approval required for keeping.**

No livestock shall be kept within the town without specific approval of the council. No approval shall be granted or continued if such keeping shall constitute a menace to the health or welfare of the public.

(Code 1983, § 3.301)

**Sec. 14-62. Impoundment when found running at large.**

It shall be the duty of police officers to capture and impound any such animal referred to in section 14-61 found running at large.

(Code 1983, § 3.302)

**State law reference**—Livestock trespassing or running at large, S.C. Code 1976, § 47-7-10 et seq.

**Sec. 14-63. Notice of impounding.**

It shall be the duty of the police chief, immediately after impounding any cattle found running at large, to notify the owner by personal communication, or, if unknown, in a newspaper of local general circulation or to post such notice in three public places in the town describing the cattle or fowl so impounded. Such notice shall be posted for not less than five days.

(Code 1983, § 3.303)

**Sec. 14-64. Sale of impounded animals.**

After the lapse of five days, if cattle impounded pursuant to this article are not redeemed, they shall be sold at public auction or otherwise, by the police chief, to defray the expense of keeping them. Any surplus from such sale, over and above the expenses, shall be paid to the owner of the impounded animal but, if the owner is unknown, the town shall retain the surplus funds.

(Code 1983, § 3.304)

**Sec. 14-65. Redemption of impounded animals; fees.**

The owner of any animal impounded under this article may redeem such animal at any time before sale by paying the currently required fee for each and every head of cattle, and the currently required fee for other impounded animals before the animals can be released. For each day after the first day, the owner shall pay an additional \$1.00 for each animal to repay the town for the daily feeding of the animal.

(Code 1983, § 3.305)

**State law reference**—Liability of owner for maintenance, S.C. Code 1976, § 47-7-150.

**\*State law references**—Livestock trespassing or running at large, S.C. Code 1976, § 47-7-10 et seq.; livestock generally, S.C. Code 1976, § 47-9-10 et seq.

**Sec. 14-66. Keeping swine prohibited.**

It shall be unlawful for any person to have, keep or maintain hogs or pigs within the corporate limits.

(Code 1983, § 3.307)

**Secs. 14-67—14-85. Reserved.**

**ARTICLE IV. BIRD SANCTUARY\***

**Sec. 14-86. Establishment.**

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

(Code 1983, § 3.401)

**Sec. 14-87. Unlawful interference with birds.**

Subject to section 14-88, it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way any bird or wildfowl or to rob bird nests or wildfowl nests.

(Code 1983, § 3.402)

**Sec. 14-88. Birds constituting a nuisance.**

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property, in the opinion of the county board of health, the council shall meet with the health authorities to resolve the problem. At such meeting, if no satisfactory course of action is found to abate such nuisance, the birds may be destroyed in such manner and in such numbers as is deemed advisable by the health authorities under the supervision of the chief of police and as approved by the council.

(Code 1983, § 3.403)

**Sec. 14-89. Farm lands, swamps excluded.**

The provisions of this article shall not apply to farm lands or to swamplands situated within the corporate limits.

(Code 1983, § 3.404)

---

\*State law reference—Sanctuaries, S.C. Code 1976, § 50-11-10 et seq.

Chapters 15—17

**RESERVED**

Faint vertical text on the left edge, possibly bleed-through from the reverse side of the page.



## Chapter 18

### BUILDINGS AND BUILDING REGULATIONS\*

#### Article I. In General

- Sec. 18-1. State law provisions prevail.
- Sec. 18-2. Building permits, fee.
- Sec. 18-3. Industrial buildings; council approval required; hearing.
- Sec. 18-4. Moving buildings; permit, fee.
- Sec. 18-5. Nonresident contractors must obtain business license.
- Sec. 18-6. Licensed electricians, "plumbers required to perform work," exception.
- Sec. 18-7. Utility connections; certificate of occupancy or building permit required.
- Sec. 18-8. New materials, processes requiring permits.
- Sec. 18-9. Liability not assumed by town.
- Sec. 18-10. Homeowners' rights.
- Secs. 18-11—18-30. Reserved.

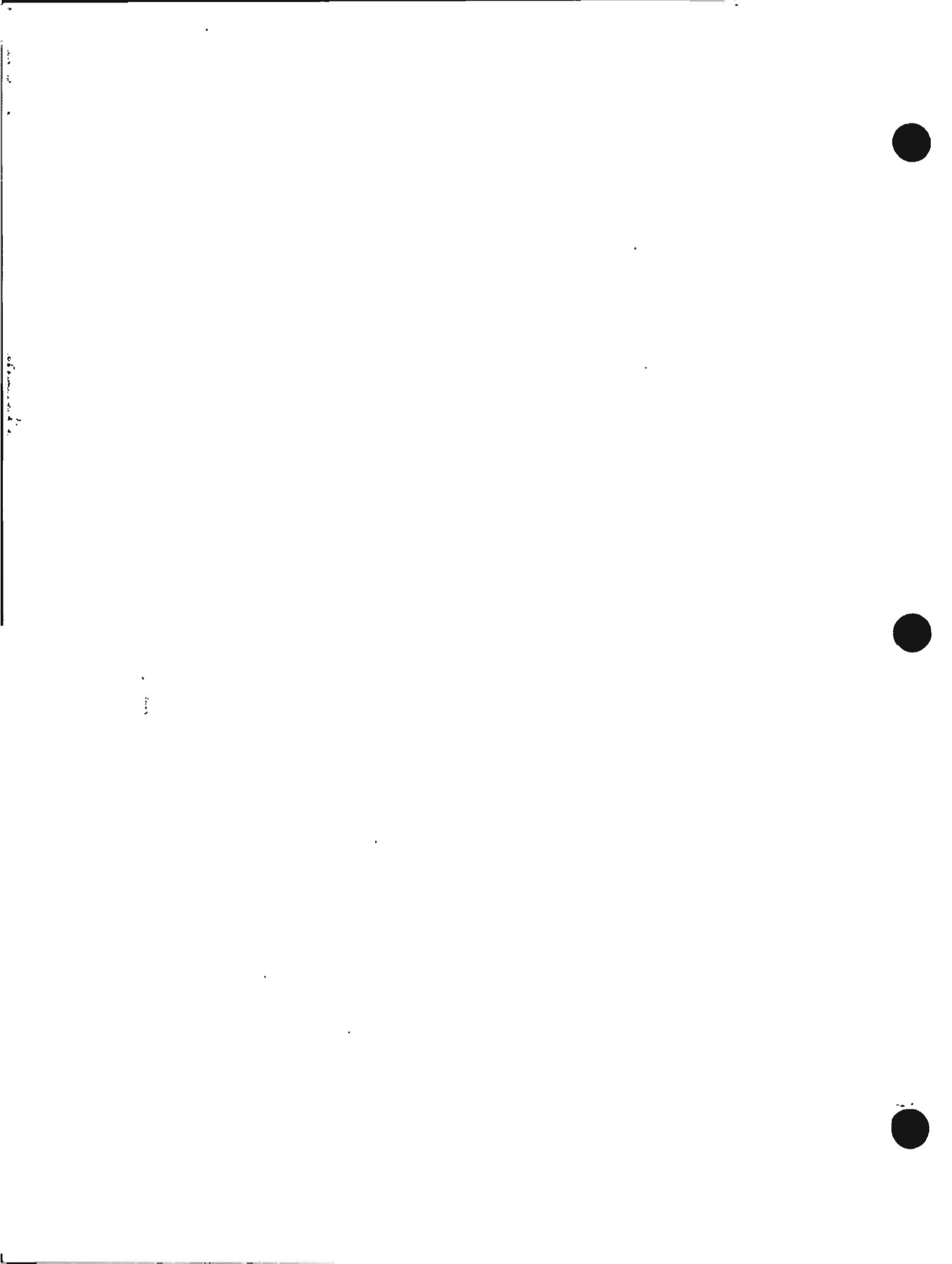
#### Article II. Technical Codes

- Sec. 18-31. Adoption of standard codes; modifications.
- Sec. 18-32. Officials designated to enforce codes.
- Sec. 18-33. Fees.
- Sec. 18-34. Appeals.

---

**\*Cross references**—Fire prevention and protection, ch. 42; inspections of structures by fire department, § 42-35; manufactured homes and trailers, ch. 50; solid waste, ch. 62; removal of construction waste and building materials, § 62-35; streets and sidewalks, ch. 66; building numbers, § 66-5; placing building materials in street, § 66-52; utilities, ch. 74.

**State law references**—Building codes and fire prevention, S.C. Code 1976, § 5-25-10 et seq.; mandatory adoption of certain nationally recognized codes, S.C. Code 1976, § 6-9-60; codes applicable to building inspections, S.C. Code 1976, 6-9-130; municipality may not enforce national building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.; municipal responsibility to enforce barrier-free design standards, S.C. Code Reg. 19-400.3(B).



**ARTICLE I. IN GENERAL****Sec. 18-1. State law provisions prevail.**

Should any conflict arise between the provisions of this chapter and any state law, rule or regulation, the provisions of state law shall prevail and be controlling.  
(Code 1983, § 5.101)

**Sec. 18-2. Building permits, fee.**

No building or structure, nor any additions thereto, shall be erected or constructed unless a permit has been issued by the clerk-treasurer and a fee paid as may be required by the several standard codes enumerated in section 18-31, except as provided in section 18-33.  
(Code 1983, § 5.102)

State law reference—Building permits, S.C. Code 1976, § 5-25-310.

**Sec. 18-3. Industrial buildings; council approval required; hearing.**

No person desiring to construct, erect or use a building for industrial purposes shall do so without first obtaining a permit from the council or its authorized representative. Further, a public hearing on the matter shall be granted by the council when, in its discretion, the public interest will best be served, and it is requested to do so.  
(Code 1983, § 5.103)

**Sec. 18-4. Moving buildings; permit, fee.**

(a) No building shall be moved within the corporate limits until a permit has been obtained as provided in this article. The clerk-treasurer shall not issue a permit if, in his judgment, the proposed new location of the building, within the corporate limits, would seriously increase the fire hazard of the surrounding buildings.

(b) A permit fee of \$10.00 shall be paid.  
(Code 1983, § 5.104)

State law reference—Permit required to move a building, S.C. Code 1976, § 5-25-330.

**Sec. 18-5. Nonresident contractors must obtain business license.**

It shall be unlawful for a nonresident contractor to commence any work until a business license has been obtained therefor. It shall be the duty of the chief of police to ensure adherence to this provision.  
(Code 1983, § 5.105)

**Sec. 18-6. Licensed electricians, "plumbers required to perform work," exception.**

All electric and plumbing services, when not performed by the owner of the property, shall be performed by licensed electricians and by licensed plumbers.  
(Code 1983, § 5.106)

**Sec. 18-7. Utility connections; certificate of occupancy or building permit required.**

No supplier of water, gas or electric service shall initiate or reinstate service to a building unless the owner thereof has been issued a building permit or certificate of occupancy for the building.

(Code 1983, § 5.112)

**Sec. 18-8. New materials, processes requiring permits.**

The mayor, the chief of police and the fire chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in this Code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Code 1983, § 5.113)

**Sec. 18-9. Liability not assumed by town.**

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone insured thereby, nor shall the town be held as assuming any such liability by reason of inspection authorized in this chapter or certificate issued pursuant to this chapter.

(Code 1983, § 5.114)

**Sec. 18-10. Homeowners' rights.**

Nothing in this chapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from obtaining a permit and having the work inspected.

(Code 1983, § 5.115)

**Secs. 18-11—18-30. Reserved.****ARTICLE II. TECHNICAL CODES\*****Sec. 18-31. Adoption of standard codes; modifications.**

The indicated edition of the following codes, together with the current amendments thereto, are hereby adopted by reference and are on file in the town offices:

Standard Building Code, 1997.

\*State law references—Municipal authority to adopt technical codes by reference, S.C. Code 1976, § 6-9-60; building codes amendment procedure, S.C. Code 1976, § 8-240; qualifications for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265.

National Electrical Code, 1999.

Standard Fire Prevention Code, 1997.

Standard Gas Code, 1997.

Standard Housing Code, 1991.

Standard Mechanical Code, 1997.

Standard Plumbing Code, 1997.

(Code 1983, § 5.107; Ord. No. 2000-05, § 1, 5-22-00)

**Sec. 18-32. Officials designated to enforce codes.**

Within the codes adopted in this article, when reference is made to the duties of certain officials named therein, the town official whose duties shall correspond thereto shall be deemed to be the responsible official for enforcement.

(Code 1983, § 5.109)

**Sec. 18-33. Fees.**

Fees for services and inspections, if required, shall conform to such fees as listed in the respective codes, except for building permits which are set forth in the town's business license ordinance.

(Code 1983, § 5.110)

**Sec. 18-34. Appeals.**

Appeals from decisions of officials under this article shall be to the mayor and council.

(Code 1983, § 5.111)



Chapters 19—21

**RESERVED**

CD19:1



Chapter 22

**BUSINESSES\***

**Article I. In General**

Secs. 22-1—22-25. Reserved.

**Article II. Peddlers**

**Division 1. Generally**

- Sec. 22-26. Definitions.
- Sec. 22-27. Exceptions.
- Sec. 22-28. Invitation to residences required.
- Sec. 22-29. Refusing to leave when requested to do so.
- Sec. 22-30. Hours of operation.
- Sec. 22-31. Sale of goods on streets, parking lots.
- Secs. 22-32—22-40. Reserved.

**Division 2. Permit**

- Sec. 22-41. Required.
- Sec. 22-42. Application.
- Sec. 22-43. Fee.
- Sec. 22-44. Bond.
- Sec. 22-45. Issuance.
- Sec. 22-46. Contents, validation.
- Sec. 22-47. Display.
- Sec. 22-48. Revocation.
- Secs. 22-49—22-70. Reserved.

**Article III. Wreckers**

- Sec. 22-71. Wrecker service used by police department; procedures, regulations.
- Secs. 22-72—22-100. Reserved.

**Article IV. Cable Television**

**Division 1. Generally**

Secs. 22-101—22-130. Reserved

**\*Cross references**—Administration, ch. 2; amusements and entertainments, ch. 10; sale of fireworks restricted, § 42-65; selling goods in parks prohibited, § 58-31; sidewalk sales, § 66-53; loading and unloading merchandise, § 70-111; use of streets for sales and distribution, § 70-112.

**State law references**—Municipal authority to levy a business license tax, S.C. Code 1976, § 5-7-30; limitation on imposition or increase of business license tax, S.C. Code 1976, § 6-1-315.

## WILLISTON TOWN CODE

### Division 2. Basic Service Rate Regulation

- Sec. 22-131. Definitions.
- Sec. 22-132. Initial review of basic cable rates.
- Sec. 22-133. Review of request for increase in basic cable rates.
- Sec. 22-134. Cable operator information.
- Sec. 22-135. Automatic rate adjustments.
- Sec. 22-136. Enforcement

**ARTICLE I. IN GENERAL**

**Secs. 22-1—22-25. Reserved.**

**ARTICLE II. PEDDLERS\*****DIVISION 1. GENERALLY****Sec. 22-26. 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:

*Peddler* means and includes any person who shall go from house to house or from place to place soliciting, selling or taking orders for or offering for sale or to take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines. The word "peddler" shall also include all peddlers as they may be otherwise defined and all solicitors, hawkers, canvassers, itinerant or transient merchants or vendors of goods, wares, merchandise or services as the same may commonly be defined by state law or ordinance.

(Code 1983, § 8.301)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 22-27. Exceptions.**

The provisions of this article shall not apply to sales made to dealers by commercial travelers or sales agents in the usual course of business, to sales made under authority and by order of law, or to vendors of farm or dairy products, except retail sales of ice cream in any form by peddlers.

(Code 1983, § 8.302)

**Sec. 22-28. Invitation to residences required.**

The practice or act of going in and upon residences in the town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of goods, wares, merchandise or services not having been requested or invited to do so by the owners or occupants of the residences for the purpose of soliciting orders for the sale of goods, wares, merchandise or services and/or of disposing of and/or peddling or hawking the same is hereby declared to be a nuisance and punishable as a misdemeanor.

(Code 1983, § 8.303)

**\*State law reference**—Peddlers and hawkers, S.C. Code 1976, § 40-41-10 et seq.

**Sec. 22-29. Refusing to leave when requested to do so.**

Any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and wilfully refuses to leave the premises after having been notified by the owner or possessor of the premises or his agent to leave the same shall be deemed guilty of a misdemeanor.

(Code 1983, § 8.304)

**Sec. 22-30. Hours of operation.**

It shall be unlawful for any peddler to engage in the business of peddling between the hours of one-half hour before sunset and 9:00 a.m. the following morning or at any time on Sundays.

(Code 1983, § 8.305)

**Sec. 22-31. Sale of goods on streets, parking lots.**

It shall be unlawful for any person to sell or offer for sale or peddle goods, wares or merchandise upon the public streets or public parking lots in the town.

(Code 1983, § 8.306)

**Cross reference—**Streets and sidewalks, ch. 66.

**Secs. 22-32—22-40. Reserved.**

**DIVISION 2. PERMIT**

**Sec. 22-41. Required.**

It shall be unlawful for any person to engage in business as a peddler without first having applied for and obtained a permit to do so from the town clerk-treasurer.

(Code 1983, § 8.307)

**Sec. 22-42. Application.**

Any person desiring a permit to engage in business as a peddler within the town shall make written application to the clerk-treasurer. The application shall show and contain the following:

- (1) The name and address of the applicant.
- (2) The name and address of the person, if any, whom the applicant represents.
- (3) The kind of goods or services offered for sale.
- (4) Whether the applicant, upon any sale or order, shall demand, accept, or receive payment or deposit of money in advance of final delivery.
- (5) The period of time such applicant wishes to engage in such business within the town.
- (6) Whether or not the applicant has been convicted of a felony within the past ten years.

(7) The last five cities wherein the applicant has worked before coming to this town.  
(Code 1983, § 8.308)

**Sec. 22-43. Fee.**

Before any permit shall be issued under the provisions of this division, the applicant therefor shall pay a fee of \$10.00 for each day he shall engage in the business of peddling within the town.

(Code 1983, § 8.309)

**Sec. 22-44. Bond.**

(a) Before any permit shall be issued under the provisions of this division, the applicant therefor may furnish a bond in the penal sum of \$1,000.00 to the town, signed by the applicant and signed as surety by some surety company authorized to do business in the state, conditioned upon the final delivery of goods, wares, merchandise, services, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal on the bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery. Such bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to any agent or employee of the principal.

(b) Only one bond shall be required of each applicant, even though such applicant shall have one or more agents or employees; provided, however, such bond shall be made to cover the activities of all such agents or employees.

(Code 1983, § 8.310)

**Sec. 22-45. Issuance.**

No permit shall be issued under the provisions of this division until the applicant shall have complied with all the provisions and requirements of this article.

(Code 1983, § 8.311)

**Sec. 22-46. Contents, validation.**

Each permit issued under the provisions of this division shall be signed by the clerk-treasurer, dated as of the date of its issuance and shall state the duration or term of such license on the face thereof. Any permit not dated and signed as required in this section, or which was issued in violation of this section, shall be void.

(Code 1983, § 8.312)

**Sec. 22-47. Display.**

Every peddler permitted under the provisions of this division to do business within the town shall display his permit upon the request of any person, and failure to display such permit shall be deemed a misdemeanor.

(Code 1983, § 8.313)

**Sec. 22-48. Revocation.**

Any permit issued under the provisions of this division may be revoked for the violation by the permittee of any applicable provision of this Code, state law or town ordinance, rule or regulation.

(Code 1983, § 8.314)

**Secs. 22-49—22-70. Reserved.**

**ARTICLE III. WRECKERS**

**Sec. 22-71. Wrecker service used by police department; procedures, regulations.**

[The following regulations shall be followed by the police department for all wrecker services utilized by the police department:]

- (1) No town police officer or town employee with duties that require him or her to utilize the rotation system shall hold any financial interest or any form of ownership in any wrecker service on the town's rotation list.
- (2) Unless the owner or operator of a vehicle is incapacitated or unavailable, the owner or operator of a wrecked or disabled vehicle shall have the right to the wrecker service of his/her choice. Before calling any wrecker service to tow a wrecked or disabled vehicle, the investigating officer on the scene shall, if practical, determine the owner's or operator's preference of wrecker service and the wrecker service designated by the owner or operator shall be called.
- (3) If the owner or operator does not designate a wrecker service to be called, the investigating officer shall call, on a rotating basis, a wrecker service. A wrecker service, in order to be placed on the rotation list for use by officers of the town, shall have a valid town business license and shall maintain a safe storage area for all vehicles towed. This safe storage area shall be a locked building or a secured fenced-in area where the stored vehicles and other property shall not be accessible to the public. This locked building or secured fenced-in area shall be no more than three miles outside of the town limits. No vehicle shall be removed from the abovementioned storage site without the permission of the vehicle's owner and the Williston Police Department.

- (4) To obtain a town business license a wrecker service shall continuously carry and show proof of insurance in amounts not less than:
- a. Liability insurance on wreckers and premises in an amount no less than \$300,000.00 for a standard wrecker and \$750,000.00 for a heavy duty wrecker.
  - b. Hook and cargo insurance of not less than \$50,000.00 for a standard wrecker and \$250,000.00 for a heavy duty wrecker.
  - c. Garage keepers liability insurance covering customer's vehicles in an amount of no less than \$100,000.00.

Copies of current coverage must be maintained with the Williston Town Administrator.

- (5) Each wrecker service on the rotation list must place a sign on each door of each wrecker indicating the company name, address and telephone number. This sign must be painted or otherwise permanently affixed to the door. The letters must be no less than two inches high. If the wrecker is registered to an owner other than the wrecker service, the name of the owner must also appear on the door in letters no less than one inch high. All lettering must be plainly visible and in a color which contrasts to that of the wrecker.
- (6) All wreckers shall be equipped with legally authorized lighting and other safety equipment to protect the motoring public. Such equipment shall be maintained in good working order.
- (7) Equipment such as brooms, shovels, a container to haul glass and other debris from the highway, and a fire extinguisher with at least a five-pound capacity or equivalent with an ABC rating, must be carried on all wreckers. The highway shall be cleaned by the wrecker service prior to leaving the scene of any accident.
- (8) Wrecker services, in order to be placed on the town's approved rotation list, shall be available to the town and the public on a 24-hour basis, and maintain someone at the storage site described in subsection (3) from 9:00 a.m. until 5:00 p.m., Monday through Friday for access by law enforcement, owners or insurance adjusters.
- (9) A business requesting to be placed or already on the town's rotation list must be inspected by a representative of the Williston Police Department at least once every 12 months. At the completion of the inspection the inspector shall report his findings to the chief of police for his review and approval. The chief of police must issue a letter of approval or disapproval to the respective business stating any deficiencies noted by the inspector. If the business is disapproved for wrecker service the business may correct the deficiencies and request, by letter to the chief of police, a reinspection within 30 days.

The inspection is to ensure that the business maintains the equipment, logs and insurance so stated in this article.

- (10) When a wrecker service or wrecker driver is unable to answer a call, the town shall be promptly notified and the reason given for the unavailability shall be noted on the rotation log.
- (11) In no event shall a police officer of the town recommend any wrecker service to the owner of a wrecked or disabled vehicle nor shall any officer of the town recommend the services of a particular wrecker service in the performance of his/her duties.
- (12) Wreckers shall respond only upon the request of the proper police authority. Response under any other condition may result in the removal of the wrecker service from the approved rotation list. On occasions when the owner or operator of a motor vehicle requests the use of a wrecker service, the wrecker service shall notify the town before responding or removing the vehicle. This section shall not apply to routine mechanical breakdowns or other situations that do not involve an accident.
- (13) The wrecker rotation lists shall be administrated fairly and in a manner designed to ensure that all wrecker services on the list have an equal opportunity to the towing business arising from the rotation list.
- (14) Wrecker services shall be called from the rotation list in the order in which they appear on the list. If a particular wrecker service is unavailable when called, it shall be passed over, and the next wrecker service on the list shall be called to the scene.
- (15) A separate rotation list shall be maintained for heavy-duty wreckers. Where the service of a heavy-duty wrecker is needed or where the owner or operator has no preference as to which wrecker service is desired, a heavy-duty wrecker shall be called from the heavy-duty-wrecker rotation list.
- (16) Each wrecker owned by any wrecker service on a vehicle rotation list shall be equipped with a towing log. The towing log shall be maintained by the wrecker service and shall accurately reflect all towing by the wrecker service at the request of the town. Each wrecker service owner shall be responsible for producing this towing log. The towing log must be available for inspection by the town during normal working hours.
- (17) Charges for all wrecker services performed must be reasonable.
- (18) Wrecker service operators must conduct themselves in a proper manner at all accident scenes and in a proper manner when dealing with the public.
- (19) Wrecker service operators shall be familiar with and shall comply with the laws regarding solicitation from the highway.
- (20) The wrecker service may secure assistance from another wrecker service when necessary to do the job. Only one bill is to be submitted to the owner or operator for the work performed.

(Ord. No. 93-1, § 1, 6-14-93; Ord. No. 2001-002, § 1, 6-11-01)

**Cross references**—Abandoned and junk motor vehicles, § 38-86 et seq.; traffic and vehicles, ch. 70.

**Secs. 22-72—22-100. Reserved.**

## ARTICLE IV. CABLE TELEVISION

## DIVISION 1. GENERALLY

Secs. 22-101—22-130. Reserved.

## DIVISION 2. BASIC SERVICE RATE REGULATION\*

## Sec. 22-131. Definitions.

As used in this division:

*Basic cable rates* means the monthly charges for a subscription to the basic service tier and the associated equipment.

*Basic service tier* means a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all must-carry signals, all PEG channels, and all domestic television signals other than superstations.

*Benchmark* means a per channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.

*Cable Act of 1992* means the Cable Television Consumer Protection and Competition Act of 1992.

*Cable operator* means any person or group of persons:

- (a) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system; or
- (b) Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

*Channel* means a unit of cable service identified and selected by a channel number or similar designation.

*Cost of service showing* means a filing in which the cable operator attempts to show that the benchmark rate of the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.

*FCC* means the Federal Communications Commission.

*Initial basic cable rates* means the rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the town notifies the cable operator of the town's qualification and intent to regulate basic cable rates.

\***Editor's note**—Ord. No. 94-2, adopted Feb. 14, 1994, has been codified herein at the discretion of the editor as Div. 2, §§ 22-131—22-136.

*Must-carry signal* means the signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.

*PEG channel* means the channel capacity designated for public, educational or governmental use, and facilities and equipment for the use of that channel capacity.

*Price cap* means the ceiling set by the FCC on future increases in basic cable rates regulated by the town, based on a formula using the GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

*Reasonable rate standard* means a per channel rate that is at, or below, the benchmark or price cap level.

*Superstation* means any nonlocal broadcast signal secondarily transmitted by satellite. (Ord. No. 94-2, § 1, 2-14-94)

**Sec. 22-132. Initial review of basic cable rates.**

(a) *Notice.* Upon the adoption of this ordinance and the certification of the town by the FCC, the town shall immediately notify all cable operators in the town, by certified mail, return receipt requested, that the town intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.

(b) *Cable operator response.* Within 30 days of receiving notice from the town, a cable operator shall file with the town, its current rates for the basic service tier and associated equipment, and any supporting material concerning the reasonableness of its rates.

(c) *Expedited determination and public hearing.*

(1) If the town council is able to expeditiously determine that the cable operator's rates for the basic service tier and associated equipment are within the FCC's reasonable rate standard, as determined by the applicable benchmark, the town council shall:

- a. Hold a public hearing, at which interested persons may express their views; and
- b. Act to approve the rates within 30 days from the date the cable operator filed its basic cable rates with the town.

(2) If the town council takes no action within 30 days from the date the cable operator filed its basic rates with the town, the proposed rates will continue in effect.

(d) *Extended review period.*

(1) If the town council is unable to determine whether the rates in issue are within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the town council shall, within 30 days from the date the cable operator filed its basic cable rates with the town and by the adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination.

- a. Ninety days if the town council needs more time to ensure that a rate is within the FCC's reasonable rate standard; or

b. One hundred fifty days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.

(2) If the town council has not made a decision within the 90- or 150-day period, the town council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.

(e) *Public hearing.* During the extended review period and before taking action on the proposed rate, the town council shall hold at least one public hearing, at which interested persons may express their views and record objections.

(f) *Objections.* An interested person who wishes to make an objection to the proposed initial basic rate may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the town clerk with the objector's name and address.

(g) *Benchmark analysis.* If a cable operator submits its current basic cable rate schedule as being in compliance with the FCC's reasonable rate standard, the town council shall review the rates using the benchmark analysis in accordance with the standard form authorized by the FCC. Based on the town council's findings, the initial basic cable rates shall be established as follows:

(1) If the current basic cable rates are below the benchmark, those rates shall become the initial basic cable rates and the cable operator's rates will be capped at that level.

(2) If the current basic cable rates exceed the benchmark, the rates shall be the greater of the cable operator's per channel rate on September 30, 1992, reduced by ten percent, or the applicable benchmark, adjusted for inflation and any change in the number occurring between September 30, 1992, and the initial date of regulation.

(3) If the current basic cable rates exceed the benchmark, but the cable operator's per channel rate was below the benchmark on September 30, 1992, the initial basic cable rate shall be the benchmark, adjusted for inflation.

(h) *Cost-of-service showings.* If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify an initial basic cable rate above the FCC's reasonable rate standard. The town council will review a cost-of-service submission pursuant to FCC standards for cost-of-service review. The town council may approve initial basic cable rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992, rates minus ten percent, will prescribe the cable operator's new rates.

(i) *Decision.*

- (1) *By formal resolution.* After completion of its review of the cable operator's proposed rates, the town council shall adopt its decision by formal resolution. The decision shall include one of the following:
  - a. If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the town council shall approve the initial basic cable rates proposed by the cable operator; or
  - b. If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the town council shall establish initial basic cable rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.
- (2) *Rollbacks and refunds.* If the town council determines that the initial basic cable rates as submitted exceed the reasonable rate standard or that the cable operator's cost-of-service showing justified lower rates, the town council may order the rates reduced in accordance with paragraphs (g) or (h) above, as applicable. In addition, the town council may order the cable operator to pay to subscribers, refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the town council's decision resolution.
- (3) *Statement of reasons for decision and public notice.* If rates proposed by a cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the town council must give public notice of its decision. Public notice will be given by advertisement once in a newspaper of general circulation in the town.

(j) *Appeal.* The town council's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable federal regulations.

(Ord. No. 94-2, § 2, 2-14-94)

**Sec. 22-133. Review of request for increase in basic cable rates.**

(a) *Notice.* A cable operator in the town who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the town and notify all subscribers at least 30 days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.

(b) *Expedited determination and public hearing.*

- (1) If the town council is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the town council shall:
  - a. Hold a public hearing at which interested persons may express their views;
  - b. Act to approve the rate increase within 30 days from the date the cable operator filed its request with the town.
- (2) If the town council takes no action within 30 days from the date the cable operator filed its request with the town, the proposed rates will go into effect.

(c) *Extended review period.*

- (1) If the town council is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the town council shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:
  - a. Ninety days if the town council needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and
  - b. One hundred fifty days if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.
- (2) The proposed rate increase is tolled during the extended review period.
- (3) If the town council has not made a decision within the 90- or 150-day period, the town council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.

(d) *Public hearing.* During the extended review period and before taking action on the requested rate increase, the town council shall hold at least one public hearing, at which interested persons may express their views and record objections.

(e) *Objections.* An interested person who wishes to make an objection to the proposed rate increase may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the town clerk with the objector's name and address.

(f) *Delayed determination.* If the town council is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the town council later issues a decision disapproving any portion of the increase.

(g) *Price cap analysis.* If a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the town council shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the town council's findings, the basic cable rates shall be established as follows:

- (1) If the proposed basic cable rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable rates.
- (2) If the proposed basic cable rate increase exceeds the price cap established by the FCC, the town council shall disapprove the proposed rate increase and order an increase that is in compliance with the price cap.

(h) *Cost-of-service showings.* If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the town council will review the submission pursuant to the FCC standards for cost-of-service review. The town council may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current rate will prescribe the cable operator's new rate.

(i) *Decision.* The town council's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing by a person in writing at anytime before the decision resolution is adopted.

(j) *Refunds.*

- (1) The town council may order refunds of subscribers' rate payments with interest if:
  - a. The town council was unable to make a decision within the extended time period as described in paragraph (c) above; and
  - b. The cable operator implemented the rate increase at the end of the extended review period; and
  - c. The town council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the town council disapproves any portion of the rate increase.
- (2) The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the town council's decision resolution.

(k) *Appeal.* The town council's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable federal regulations.

(Ord. No. 94-2, § 3, 2-14-94)

**Sec. 22-134. Cable operator information.****(a) *Town may require.***

- (1) In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the town council may require the cable operator to produce information in addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section.
- (2) In cases where initial or proposed rates comply with the reasonable rate standard, the town council may request additional information only in order to document that the cable operator's rates are in accord with the standard.

**(b) *Request for confidentiality.***

- (1) A cable operator submitting information to the town council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.
- (2) If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified.
- (3) Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.
- (4) Casual requests which do not comply with the requirements of this subsection, shall not be considered.

**(c) *Town council action.*** Requests which comply with the requirements of subsection (b), will be acted upon by the town council. The town council will grant the request if the cable operator presents by a preponderance of the evidence, a case for nondisclosure consistent with applicable federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from the public inspection. If the request does not present a case for nondisclosure and the town council denies the request, the town council shall take one of the following actions:

- (1) If the information has been submitted voluntarily without any direction from the town, the cable operator may request that the town return the information without considering it. Ordinarily, the town will comply with this request. Only in the unusual instance that the public interest so requires, will the information be made available for public inspection.
- (2) If the information was required to be submitted by the town council, the information will be made available for public inspection.

(d) *Appeal.* If the town denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five working days of the town council's decision, and the release of the information will be stayed pending review.

(Ord. No. 94-2, § 4, 2-14-94)

**Sec. 22-135. Automatic rate adjustments.**

(a) *Annual inflation adjustment.* In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic service tier annually by the final GNP-PI index.

(b) *Other external costs.*

- (1) The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceed the GNP-PI. The factors include retransmission consent fees, programming costs, state and local taxes applicable to the provision of cable television service, and costs of franchise requirements. The total cost of an increase in a franchise fee may be automatically added to the base per channel rate, without regard to its relation to the GNP-PI.
- (2) For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation or February 28, 1994, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or charges in those fees incurred before October 6, 1994.

(c) *Notification and review.* The cable operator shall notify the town at least 30 days in advance of a rate increase based on automatic adjustment items. The town shall review the increase to determine whether the item or items qualify as automatic adjustments. If the town makes no objection within 30 days of receiving notice of the increase, the increase may go into effect.

(Ord. No. 94-2, § 5, 2-14-94)

**Sec. 22-136. Enforcement.**

(a) *Refunds.* The town may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

- (1) A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or
- (2) The cable operator has failed to comply with a valid rate order issued by the town.

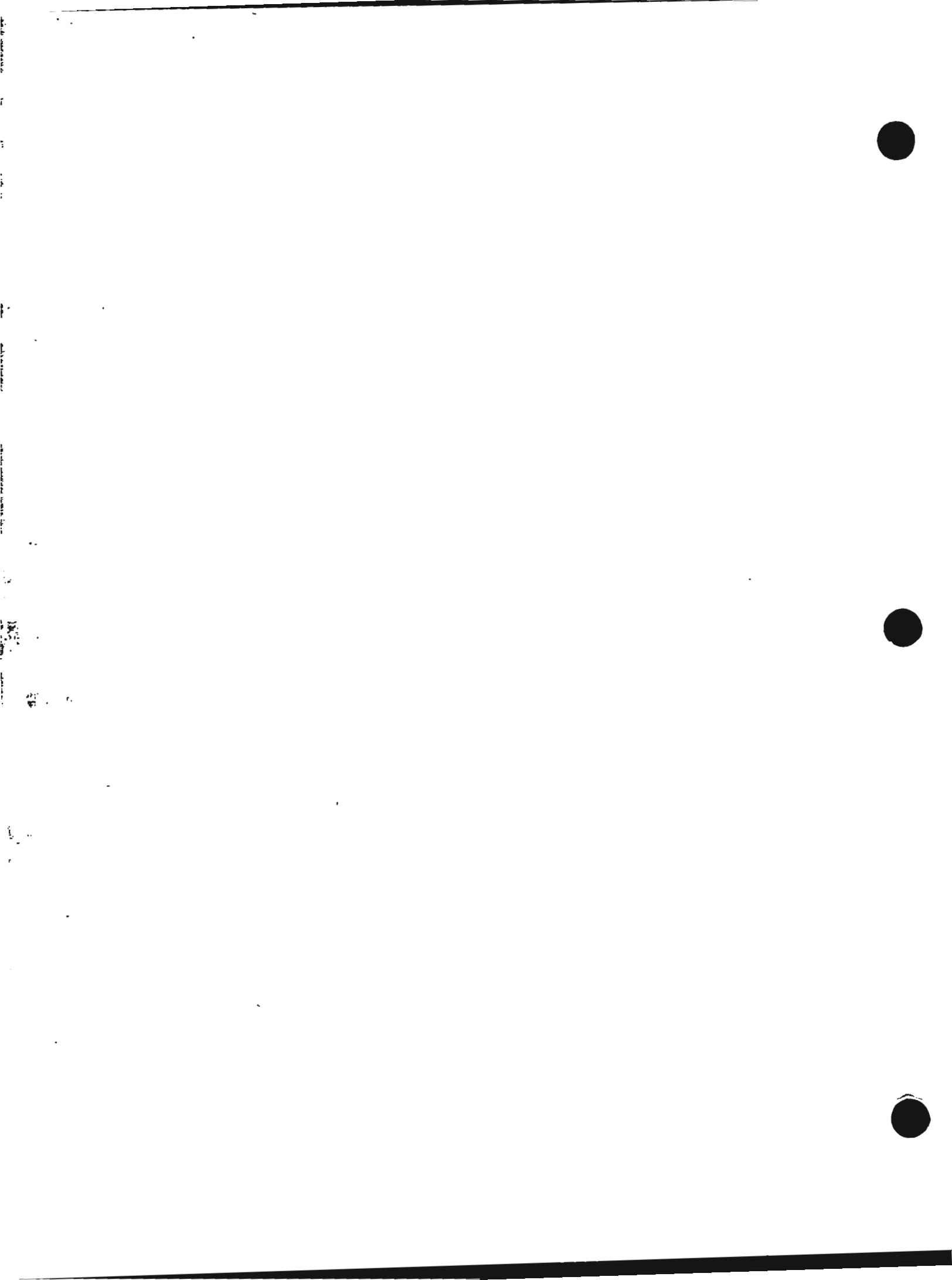
(b) *Fines.* If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to a fine of \$500.00 for each day the cable operator fails to comply.

(Ord. No. 94-2, § 6, 2-14-94)

Chapters 23—25

**RESERVED**

CD23:1



Chapter 26

**CIVIL EMERGENCIES\***

**Article I. In General**

Secs. 26-1—26-25. Reserved.

**Article II. State of Emergency**

Sec. 26-26. Emergency powers of mayor.

---

\*Cross reference—Administration, ch. 2.

State law references—Duties of state, county and municipal governments for mutual assistance in emergencies, S.C. Code 1976, § 25-1-450; local emergency preparedness standards, S.C. Code Reg. 58-1 et seq.



**ARTICLE I. IN GENERAL**

**Secs. 26-1—26-25. Reserved.**

**ARTICLE II. STATE OF EMERGENCY**

**Sec. 26-26. Emergency powers of mayor.**

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

(b) In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the citizenry or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the council.

(c) The mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the council and to specific hours of the day or night and to exempt from the curfew policemen, firemen, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits.

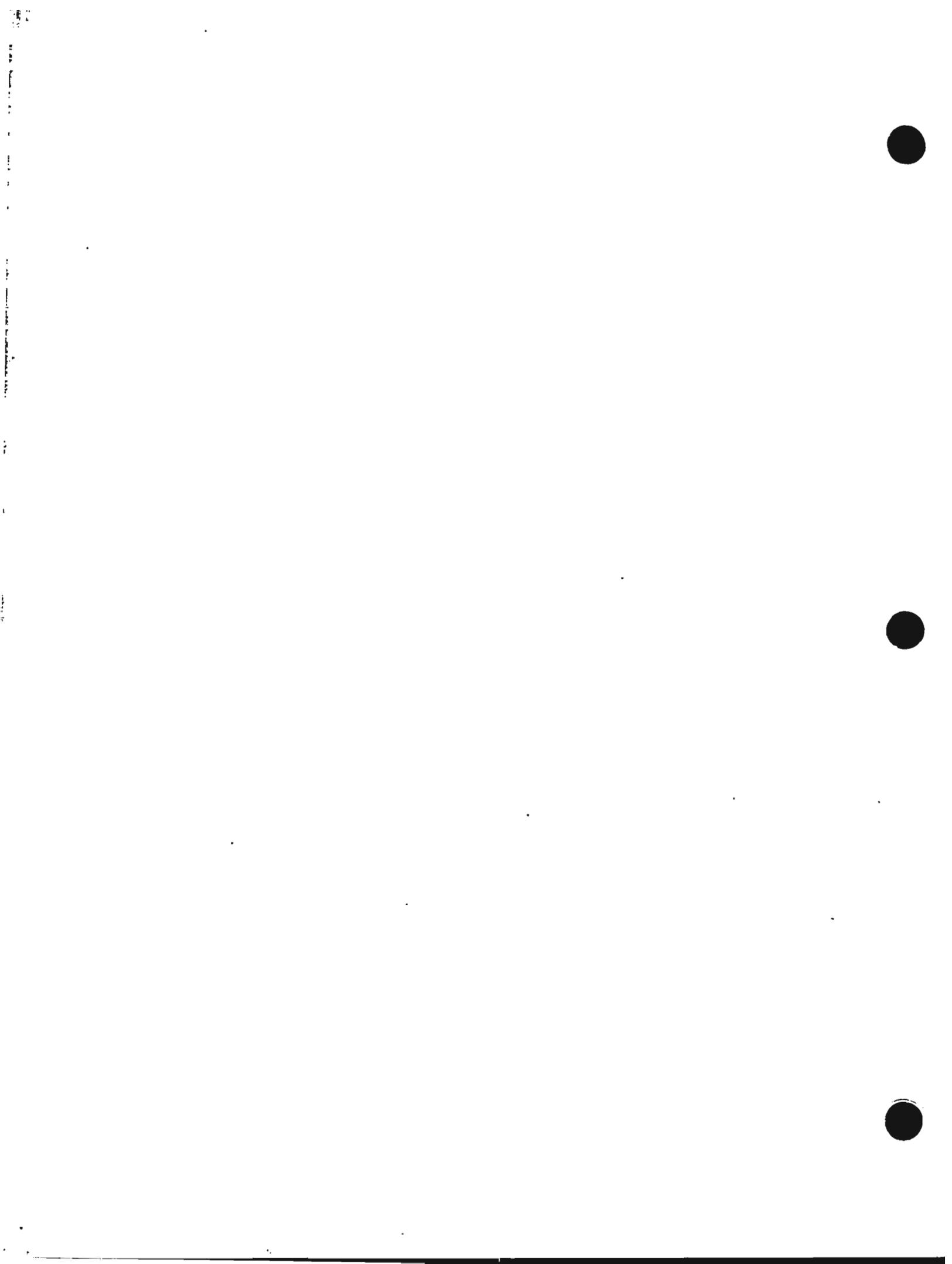
(Code 1983, § 2.120)



Chapters 27—29

**RESERVED**

CD27:1



Chapter 30

**COURTS\***

**Article I. In General**

Secs. 30-1—30-25. Reserved.

**Article II. Municipal Court**

- Sec. 30-26. Establishment.
- Sec. 30-27. Jurisdiction.
- Sec. 30-28. Judge.
- Sec. 30-29. Acting judge.
- Sec. 30-30. Clerk of court.
- Sec. 30-31. Sessions; location.
- Sec. 30-32. Imposition of penalties.
- Sec. 30-33. Handling of fines.
- Secs. 30-34—30-55. Reserved.

**Article III. Juries**

- Sec. 30-56. Jury commissioners; duties.
- Sec. 30-57. Drawing jury list.
- Sec. 30-58. Selection of jury from list.
- Sec. 30-59. Return of ballots to box; subsequent drawings.
- Sec. 30-60. Neglect, refusal to appear as juror.
- Sec. 30-61. Neglect, refusal to appear as witness.
- Sec. 30-62. Neglect, refusal of defendant to appear.

---

\*Cross reference—Administration, ch. 2.

State law references—Municipal courts, S.C. Code 1976, § 14-25-5 et seq.; speedy trial of persons charged with violations of ordinances or state laws, S.C. Code 1976, § 5-7-90.



**ARTICLE I. IN GENERAL**

**Secs. 30-1—30-25. Reserved.**

**ARTICLE II. MUNICIPAL COURT****Sec. 30-26. Establishment.**

There is hereby established a municipal court which shall be a part of the unified judicial system of the state pursuant to S.C. Code 1976, § 14-25-5, for the trial and determination of all cases within its jurisdiction.

(Code 1983, § 7.101)

**Sec. 30-27. Jurisdiction.**

The municipal court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and shall have all such judicial powers and duties as are conferred by the laws of the state. The court shall have all such powers, duties, and jurisdiction in criminal cases as are now conferred by law upon magistrates appointed and commissioned in the county; provided, however, that the court shall not have the authority of a magistrate to appoint a constable nor preside over civil matters. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts.

(Code 1983, § 7.102)

**State law references**—Similar provisions, S.C. Code 1976, § 14-25-45; trial jurisdiction of municipal courts for violations of uniform act regulating traffic, S.C. Code 1976, § 56-5-6150; trying a first offense for ill treatment of animals, S.C. Code 1976, § 47-1-40; jurisdiction for certain cases for violation of S.C. Code 1976, Tit. 61, Chap. 6, Art. 13, S.C. Code 1976, § 61-6-4500; municipal court concurrent jurisdiction for trial of juveniles for traffic violations or violations of Tit. 50, S.C. Code 1976, § 20-7-410.

**Sec. 30-28. Judge.**

The municipal court shall be presided over by a part-time judge, at the discretion of the council. The judge shall be appointed by the council for a term not to exceed four years and shall receive such compensation as determined by the council. Before entering upon the duties of his office, the judge shall take and subscribe to the usual oath of office, pursuant to S.C. Code 1976, § 14-25-15.

(Code 1983, § 7.103)

**Sec. 30-29. Acting judge.**

The council may appoint a competent person as acting judge during the absence, sickness, incapacity or other disqualification of the municipal judge.

(Code 1983, § 7.104)

**State law reference**—Vacancy in office and temporary absence, S.C. Code 1976, § 14-25-25.

**Sec. 30-30. Clerk of court.**

The council may designate a clerk of court who shall keep such records and make such reports as may be required by the judge or the state court administrator. The council may designate the town clerk-treasurer or other municipal employee to serve as clerk of court.  
(Code 1983, § 7.105)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-35.

**Sec. 30-31. Sessions; location.**

The council shall establish a regular place for the municipal court to hold sessions.  
(Code 1983, § 7.106)

**Sec. 30-32. Imposition of penalties.**

If the municipal judge shall find a party guilty of violating an ordinance or a state law within the jurisdiction of his court, he may impose a fine or imprisonment, or both, not to exceed \$500.00 or 30 days.

(Code 1983, § 7.301)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-65.

**Sec. 30-33. Handling of fines.**

All revenues arising from fines shall be turned over by the clerk of court to the clerk-treasurer of the town.

(Code 1983, § 7.302)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-85.

**Secs. 30-34—30-55. Reserved.**

**ARTICLE III. JURIES**

**Sec. 30-56. Jury commissioners; duties.**

The town council shall act as jury commissioners of the town, or shall appoint not less than three nor more than five persons to serve in lieu thereof. Before the first 30 days of each year, the jury commissioners shall prepare a jury box with two compartments, labeled A and B, respectively. The jury commission shall place in compartment A the names of all qualified electors of the town. The box shall then be locked and stored in a safe place.

(Code 1983, § 7.201)

**State law reference**—Similar provisions, S.C. Code 1976, §§ 14-25-135, 14-25-145.

**Sec. 30-57. Drawing jury list.**

In all cases arising where a jury is demanded, the municipal judge shall appoint a person who is not connected with the trial who shall draw 30 names from the jury box, compartment A, and deliver a list of the names to both the attorney for the town and the attorney for the defendant.

(Code 1983, § 7.202)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-165.

**Sec. 30-58. Selection of jury from list.**

The 30 names drawn from compartment A of the jury box shall be placed in a box, and the names drawn from the box by the appointed person. Each name so drawn shall be one of the jury, unless challenged by either party, until six jurors and four alternates, which have not been challenged, are drawn. Neither party shall have more than six peremptory challenges to jurors nor more than four to alternates and such other challenges for cause as the court may permit. When any of the six jurors, unchallenged, cannot be found or are disqualified by law and the parties do not supply the vacancy by agreement, names shall be randomly drawn from compartment A until sufficient jurors and alternates are selected.

(Code 1983, § 7.203)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-165.

**Sec. 30-59. Return of ballots to box; subsequent drawings.**

After a jury has been drawn, all the names drawn from compartment A of the jury box shall be placed in compartment B of the jury box. When all of the names in compartment A are exhausted, all of the names from compartment B shall be transferred to compartment A and, thereafter, juries shall be drawn as provided in this article.

(Code 1983, § 7.204)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-175.

**Sec. 30-60. Neglect, refusal to appear as juror.**

It shall be unlawful for any person to fail, refuse or neglect to appear before the municipal court after having been duly summoned to serve as a juror therein, when lawfully required to do so unless he shall within 48 hours render to the municipal judge a sufficient reason for his delinquency.

(Code 1983, § 7.205)

**State law reference**—Similar provisions, S.C. Code 1976, § 14-25-85.

**Sec. 30-61. Neglect, refusal to appear as witness.**

It shall be unlawful for any person to fail, refuse or neglect to appear before the municipal court after having been duly summoned to give evidence in any cause there pending for trial, or to refuse to testify as a witness, when lawfully required to do so.

(Code 1983, § 7.206)

**Sec. 30-62. Neglect, refusal of defendant to appear.**

If any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to such charges, at a day therein fixed, not later than five days after the date of the summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the municipal court shall proceed with the trial of the case as though the defendant were present.

(Code 1983, § 7.207)

Chapters 31—33

**RESERVED**



## Chapter 34

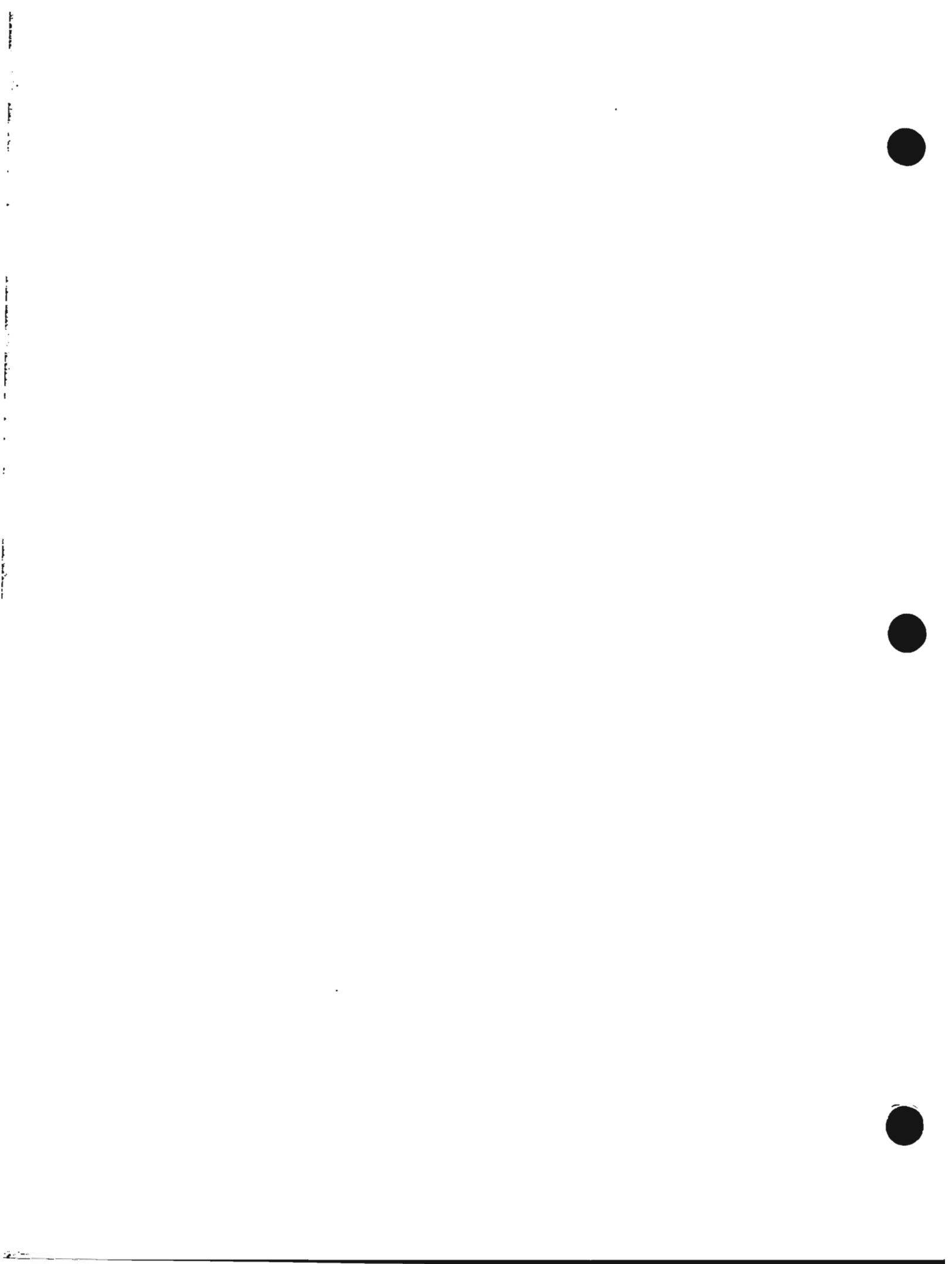
### ELECTIONS\*

- Sec. 34-1. State election laws to govern.
- Sec. 34-2. Nonpartisan elections adopted.
- Sec. 34-3. Candidate filing fees.
- Sec. 34-4. Public notice of elections.
- Sec. 34-5. Date of municipal elections.
- Sec. 34-6. Polling places, hours.
- Sec. 34-7. Municipal election commission established.
- Sec. 34-8. Filing of statement of candidacy.
- Sec. 34-9. Nonpartisan plurality method to determine results.
- Sec. 34-10. Swearing in of officials.
- Sec. 34-11. Date of assuming office.
- Sec. 34-12. Contested elections.
- Sec. 34-13. Special elections.

---

\*Cross reference—Administration, ch. 2.

State law references—Municipal elections generally, S.C. Code 1976, § 5-15-10 et seq.; qualifications for office, dual office holding, S.C. Const. Art. XVII, Sec. 1A; no property qualifications, duelists prohibited, S.C. Const. Art. XVII, Sec. 1B; unlawful for persons holding offices of honor to engage in gambling or betting, S.C. Const. Art. XVII, Sec. 8.



**Sec. 34-1. State election laws to govern.**

All municipal elections shall be conducted in accordance with the election laws of the state.  
(Code 1983, § 2.201)

**Sec. 34-2. Nonpartisan elections adopted.**

All regular and special elections for the office of mayor and town council, respectively, shall be nonpartisan elections. No political party affiliation shall be placed on any ballot for any candidate.

(Code 1983, § 2.202)

**State law reference**—Nonpartisan elections, S.C. Code 1976, § 5-15-60.

**Sec. 34-3. Candidate filing fees.**

For the office of mayor, a filing fee of \$25.00 shall be paid, and all candidates for town council shall pay a filing fee of \$25.00.

(Code 1983, § 2.203)

**Sec. 34-4. Public notice of elections.**

Public notice of all elections shall be given at least 60 days prior to such elections.

(Code 1983, § 2.204)

**Sec. 34-5. Date of municipal elections.**

All municipal elections for the office of mayor and council, respectively, other than special elections, shall be held in each odd year on the second Tuesday in September.

(Code 1983, § 2.205)

**Sec. 34-6. Polling places, hours.**

Polling places shall be open from 7:00 a.m. to 7:00 p.m. and shall be designated by the council.

(Code 1983, § 2.206)

**Sec. 34-7. Municipal election commission established.**

There is hereby established a municipal election commission composed of three electors who shall be residents of the town and who shall serve terms of six years. They shall be appointed by the council and shall conduct all municipal elections.

(Code 1983, § 2.207)

**State law reference**—Municipal elections commission, S.C. Code 1976, §§ 5-15-90, 5-15-100.

**Sec. 34-8. Filing of statement of candidacy.**

A filing statement for the office of mayor and for council shall be filed with the municipal election commission at the office of the town clerk-treasurer no later than 12:00 noon, 30 days prior to the date of the election.

(Code 1983, § 2.208)

**Sec. 34-9. Nonpartisan plurality method to determine results.**

Candidate nominations and election results shall be determined pursuant to the nonpartisan plurality method prescribed in S.C. Code 1976, § 5-15-61.

(Code 1983, § 2.209)

**Sec. 34-10. Swearing in of officials.**

Newly elected officers shall be sworn in as soon after the day of election as practicable.

(Code 1983, § 2.210)

**Sec. 34-11. Date of assuming office.**

Newly elected officers shall assume office on October 1, immediately following the election, unless the election is contested.

(Code 1983, § 2.211)

**Sec. 34-12. Contested elections.**

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

(Code 1983, § 2.212)

**State law references**—Procedures for contesting election results, S.C. Code 1976, § 5-15-130; contesting election results, S.C. Code 1976, § 5-15-140.

**Sec. 34-13. Special elections.**

Special elections, when required, shall be scheduled by the council, and public notice of such election shall be given at least 30 days prior thereto. Statements of candidacy shall be filed with the municipal election commission at least 60 days prior to the date of special elections.

(Code 1983, § 2.214)

**State law reference**—Public notice of elections, S.C. Code 1976, § 5-15-50.

Chapters 35—37

**RESERVED**

CD35:1



## Chapter 38

### ENVIRONMENT

#### Article I. In General

Secs. 38-1—38-25. Reserved.

#### Article II. Noise

Sec. 38-26. Disturbing the peace.

Secs. 38-27—38-45. Reserved.

#### Article III. Nuisances

##### Division 1. Generally

- Sec. 38-46. Definition of public health nuisances; enumeration of unlawful acts.
- Sec. 38-47. Abatement generally.
- Sec. 38-48. Refusal to abate.
- Sec. 38-49. Mixture of garbage with ashes or earth for fill.
- Sec. 38-50. Foul liquids or gases.
- Sec. 38-51. Storage of offensive matter.
- Sec. 38-52. Offensive odors.
- Sec. 38-53. Accumulation of offensive matter.
- Sec. 38-54. Accumulation of junk and trash.
- Sec. 38-55. Throwing wastes from elevated places.
- Sec. 38-56. Issuance of notice to owner to remedy or remove condition.
- Sec. 38-57. Service of notice.
- Sec. 38-58. Correction or removal of conditions by town.
- Sec. 38-59. Filing of statement of abatement expenses incurred by town.
- Sec. 38-60. Creation of lien, collection of town expenses.
- Sec. 38-61. Right of entry.
- Secs. 38-62—38-70. Reserved.

##### Division 2. Property Maintenance

- Sec. 38-71. Upkeep of vacant lots.
- Sec. 38-72. Responsibility of owner to maintain lots; issuance of order.
- Sec. 38-73. Weeds, grass, other uncut growth prohibited on improved property.
- Sec. 38-74. Clearing by town; costs to be paid by owner.
- Sec. 38-75. Definitions.
- Sec. 38-76. Public authority.
- Sec. 38-77. Review procedure.
- Sec. 38-78. Hearing.
- Sec. 38-79. Costs to be a lien against the real property.
- Sec. 38-80. Standard housing code to be basis for determining fitness.
- Sec. 38-81. Final appeal.
- Secs. 38-82—38-85. Reserved.

**WILLISTON TOWN CODE**

**Division 3. Abandoned and Junked Motor Vehicles**

- Sec. 38-86. Abandoned vehicles.**
- Sec. 38-87. Junked, unoperational vehicles.**

## ARTICLE I. IN GENERAL

Secs. 38-1—38-25. Reserved.

## ARTICLE II. NOISE\*

Sec. 38-26. Disturbing the peace.

The creation and continuation of any loud, disturbing and unnecessary noise is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any citizen. The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) *Noises to attract attention:* The use of any drum, noise makers or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise, by the creation of noise except by permit from the chief of police.
- (2) *Loudspeakers or amplifiers on vehicles:* The use of any mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other purposes, except by special permission of the council.
- (3) *Business noises at night near residences:* The operation of any garage, service station, auto repair business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy or disturb the quiet and comfort of any citizen and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, boardinghouse or other type of residence.

(Code 1983, § 14.413)

Secs. 38-27—38-45. Reserved.

## ARTICLE III. NUISANCES†

## DIVISION 1. GENERALLY

Sec. 38-46. Definition of public health nuisances; enumeration of unlawful acts.

(a) Any act of any person whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant,

\*Cross references—Creation of disturbance by musical devices prohibited, § 10-33; noisy pets prohibited, § 14-32.

†Cross references—Nuisance animals prohibited, § 14-8; maintaining junk yards, § 54-65.

State law reference—Authority to abate nuisances, S.C. Code 1976, § 5-7-30.

within the corporate limits of the town to permit such property to become unsanitary by allowing any offensive matter or thing upon such lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, storage of ice boxes, refrigerators, stoves, refuse, manure, straw, hay or thing to accumulate and remain upon such premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises such thing which may endanger, injure or damage another's health or property.

(b) The following acts, conditions and things are, each and all of them, hereby declared to constitute a nuisance, but they are not all inclusive:

- (1) The maintenance of any barn, stable, animals or fowl within the corporate limits.
- (2) The deposit of garbage in other than flyproof and watertight receptacles, where residences are less than 500 feet apart.
- (3) The accumulation of water in which mosquitoes may breed.
- (4) Growth of weeds where mosquitoes may harbor or rubbish may be concealed, where residences are less than 500 feet apart.
- (5) The keeping of any building or any part of a building which, on account of its dilapidated condition or its occupancy by any person affiliated with communicable disease, or by filthy tenants, may endanger the life or health of residents therein or in the vicinity thereof.
- (6) The discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.
- (7) The maintaining or carrying on of manufacture of chemicals, or any other trade or manufacture in such manner as to be a menace to the public health through improper or inadequate disposal of dust, wastes or fumes.

(Code 1983, § 10.201)

**Sec. 38-47. Abatement generally.**

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

(Code 1983, § 10.202)

**Sec. 38-48. Refusal to abate.**

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

(Code 1983, § 10.203)

**Sec. 38-49. Mixture of garbage with ashes or earth for fill.**

The mixture of rubbish, garbage or any kind of decaying animal or vegetable matter, with clean ashes or earth for the filling of any sunken, low or marshy private or public place, lot or premises, is hereby declared to be a nuisance.

(Code 1983, § 10.205)

**Sec. 38-50. Foul liquids or gases.**

The keeping of any foul liquids or gases in any place where they may become injurious to health, or the keeping or forming of such open or sunken places or excavations upon any lot or land as accumulate foul water or offensive animal or vegetable matter, is hereby declared to be a nuisance.

(Code 1983, § 10.206)

**Sec. 38-51. Storage of offensive matter.**

The storage of animal refuse or decayable or putrescible matter, in liquid or solid form in any receptacle in such manner as to endanger health, is hereby declared to be a nuisance.

(Code 1983, § 10.207)

**Sec. 38-52. Offensive odors.**

The construction of any drain or sewer, or the pouring out of foul liquids on the surface of the ground, in such manner as to become the source from which offensive odors shall emanate, or in such manner as to pollute the ground, air or water to the risk or detriment of the health of persons living or passing in the vicinity thereof, is hereby declared to be a nuisance.

(Code 1983, § 10.208)

**Sec. 38-53. Accumulation of offensive matter.**

The accumulation of any animal or vegetable substance, or of other offensive matter in the form of rubbish, garbage or offal, in or upon any lot, street, highway or any public or private place, and allowing the same to remain until it shall become hazardous to health, is hereby declared to be a nuisance.

(Code 1983, § 10.209)

**Sec. 38-54. Accumulation of junk and trash.**

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

(Code 1983, § 10.210)

**Sec. 38-55. Throwing wastes from elevated places.**

It shall be unlawful for any person to throw, let fall or permit to drop out of any window, or from any roof, porch or other elevated place, any dirty water, garbage, offal, ashes, filth, fruit peelings or skins or other unclean useless waste material.

(Code 1983, § 10.211)

**Sec. 38-56. Issuance of notice to owner to remedy or remove condition.**

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

(Code 1983, § 10.212)

**Sec. 38-57. Service of notice.**

The notice required in this division shall be served personally on the owner to whom it is directed or shall be given by letter addressed to such owner at his last known post office address. If personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two times within ten consecutive days in a newspaper of general circulation published within the town.

(Code 1983, § 10.213)

**Sec. 38-58. Correction or removal of conditions by town.**

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

(Code 1983, § 10.214)

**Sec. 38-59. Filing of statement of abatement expenses incurred by town.**

Whenever any work is done or improvements are made by the town under the provisions of this division, the mayor or health officer, on behalf of the town, shall file a statement of the expenses incurred thereby with the county clerk of court. Such statement shall give the amount of such expenses and the date on which the work was done or the improvements were made.

(Code 1983, § 10.215)

**Sec. 38-60. Creation of lien, collection of town expenses.**

After the statement of expenses has been filed pursuant to this division, the town shall have a privileged lien on the lot or real estate upon which the work was done or improvement made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of six percent per annum from the date the statement was filed. For any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the town and the statement of expenses made in accord with this division, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvement.

(Code 1983, § 10.216)

**Sec. 38-61. Right of entry.**

For the purpose of enforcing the provisions of this article, the health officer, or his duly accredited agent, acting under his authority, may at all reasonable times enter in and upon any premises within his jurisdiction. Any person charged with any of the duties imposed by this article failing, within the time designated by this article, or within the time stated in the notice of the health officer, as the case may be, to perform such duties, or to carry out the necessary measures to the satisfaction of the health officer, shall be deemed guilty of a misdemeanor, and each day such violation exists, after notice, shall constitute a separate offense.

(Code 1983, § 10.222)

**Secs. 38-62—38-70. Reserved.****DIVISION 2. PROPERTY MAINTENANCE\*****Sec. 38-71. Upkeep of vacant lots.**

It shall be unlawful for any person to maintain or to permit to be maintained any premises, including vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.

(Code 1983, § 10.401)

**Sec. 38-72. Responsibility of owner to maintain lots; issuance of order.**

It shall be the duty of the police chief to summon the owner of such premises, and if, after fully hearing the matter and any statement the owner may make and any testimony he may offer in his behalf concerning such matter, the chief should find such premises or lot in a

**\*State law reference**—Municipal authority to require owners of property to maintain such property, S.C. Code 1976, § 5-7-80.

condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

(Code 1983, § 10.402)

**Sec. 38-73. Weeds, grass, other uncut growth prohibited on improved property.**

No person shall allow or permit weeds and grass to grow upon his improved premises within the corporate limits, uncut so as to render the premises unsightly or unhealthy from the growth and accumulation of such grass, weeds and vegetable matter thereon.

(Code 1983, § 10.204)

**State law reference**—Noxious weeds and plants as determined by the agriculture commissioner, S.C. Code Reg. 5-584.

**Sec. 38-74. Clearing by town; costs to be paid by owner.**

Should any property owner fail to keep such property cleared, after due notice thereof to do so, the chief of police may cause the property to be kept cleared and in a sanitary condition for health purposes or cleared for fire prevention, at a reasonable cost therefor, and the cost shall become a lien upon the real estate. The expense shall be added to the annual tax levied on the property and shall be collected in the same manner as the annual property tax.

(Code 1983, § 10.403)

**Sec. 38-75. Definitions.**

The following terms, wherever used or referred to in this article, unless a different meaning clearly appears from the content, shall have the following respective meanings for the purposes of this article:

*Town* shall mean the Town of Williston, South Carolina.

*Council* shall mean the town council for the Town of Williston, South Carolina.

*Public officer* shall mean the director of inspections.

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

*Dwelling unit* shall mean a building or that portion of a building arranged, designed or constructed for the use of one family as a dwelling place.

*Living room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, or cooking purposes, excluding bathroom, toilet room, laundries, pantries, foyers or community corridors, closets and storage spaces.

*Multiple dwelling* shall mean any dwelling containing four or more dwelling and/or rooming units having two or more stories.

*Occupant* shall mean any persons living and/or sleeping in a dwelling or rooming unit.

*Owner* shall mean the record holder of the title.

*Parties in interest* shall mean all individuals, associations, corporations and others, including mortgagees, who have interests of record in a dwelling or dwelling unit and any who are in possession of a dwelling or dwelling unit.

(Ord. 99-11, § 1, 12-13-99)

**Sec. 38-76. Public authority.**

The director of inspections is hereby designated to exercise the powers prescribed herein. In the exercise of these powers, the director of inspections may:

- (1) Investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- (2) Administer oaths and affirmations, examine witnesses and receive evidence;
- (3) Enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) Fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article;
- (5) Delegate any of his functions and powers under this Ordinance to such officers and agents as he may designate.

(Ord. 99-11, § 2, 12-13-99)

**Sec. 38-77. Review procedure.**

Whenever a petition is filed with the director of inspections by a public authority or by at least five residents of the town charging that any dwelling is unfit for human habitation or whenever it appears to the director of inspections that any dwelling is unfit for human habitation, the director of inspections may conduct a preliminary investigation of such charges, and should it appear that a basis exists for such charges, the director of inspections shall issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges. The complaint shall contain a notice that a hearing shall be held before the director of inspections or his designated agent not less than ten nor more than 30 days after the date of service of the complaint. The complaint and notice shall specify the time and place of the hearing and shall advise the owner and parties in interest of their right to file an answer to the complaint, to appear in person or otherwise at the hearing, and to give testimony at the hearing. The complaint and notice shall further specify that the rules of evidence prevailing in courts of law or equity shall not be controlling at the hearing.

(Ord. 99-11, § 3, 12-13-99)

**Sec. 38-78. Hearing.**

After such notice and hearing should the director of inspections determine that the dwelling is unfit for human habitation, he shall, in writing, state his findings of fact in support of such

determination and shall issue and cause to be served upon the owner an order to repair, alter or improve the dwelling to render it fit for human habitation, to vacate and close the dwelling as a human habitation, or to remove or demolish the dwelling.

In the event the director of inspections determines that the cost of the repair, alteration or improvement exceeds 75 percent of the value of the dwelling in its existing condition, the director of inspections shall issue an order requiring the owner to demolish the dwelling within 30 days of the date of the order.

To determine the value of any dwelling, the director of inspections shall adopt the market value of the dwelling, excluding land value, as reported by the county tax assessor. Damage resulting from fire, vandalism or other casualty occurring subsequent to the assessor's determination of market value may be considered by the director of inspections in determining the value of the dwelling for purposes of enforcing these provisions.

In order to determine the cost of repair, alteration, or improvements, the director of inspections shall utilize cost data contained in the publication, Means Repair and Remodeling Cost Data, Commercial/Residential, and data contained in HomeTech Remodeling and Renovation Cost Estimator.

(Ord. 99-11, § 4, 12-13-99)

**Sec. 38-79. Costs to be a lien against the real property.**

If the owner fails to comply with an order to remove and demolish the dwelling, the director of inspections may cause such dwelling to be demolished and the amount of the cost of such demolition shall constitute a lien against the real property upon which such cost was incurred.

(Ord. 99-11, § 5, 12-13-99)

**Sec. 38-80. Standard housing code to be basis for determining fitness.**

The minimum standards for basic equipment and facilities set forth in the 1991 edition of the Standard Housing Code are hereby adopted as standards for use by the director of inspections in making determinations as to the fitness of dwellings for human habitation.

(Ord. 99-11, § 1, 12-13-99)

**Sec. 38-81. Final appeal.**

Any person affected by an order issued by the director of inspections may enter an appeal to the housing board of adjustment as set forth in section 107 of the Standard Housing Code. Thereafter, any person affected by an order of the board may petition the circuit court as provided for by chapter 15, article 3 of title 31, Code of Laws of South Carolina, 1976, as amended.

(Ord. 99-11, § 7, 12-13-99)

**Secs. 38-82—38-85. Reserved.**

## DIVISION 3. ABANDONED AND JUNKED MOTOR VEHICLES\*

**Sec. 38-86. Abandoned vehicles.**

(a) It shall be unlawful for any person to park a vehicle upon the streets or highways of the town for a period of time longer than 24 hours in excess of the time allowed for such parking by any provision of this Code.

(b) A vehicle parked in violation of this section shall be deemed to be an abandoned vehicle.

(c) If any vehicle is found by any police officer parked in violation of this Code or other ordinances of the town, or abandoned on the streets of the town, it shall be the duty of the officer to cause such vehicle to be removed and conveyed to a garage designated by the chief of police. The owner or person in whose name such vehicle is registered shall be given immediate personal notice, if he is a resident of the town, but if he is a nonresident of the town he shall be given notice by certified mail, if his address can be ascertained. If the address of such owner cannot be ascertained, then the chief of police shall advertise that such car has been abandoned and impounded, giving an accurate description thereof, the name of the person licensed to operate it and the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within 30 days. Such notice shall be published once a week for four consecutive weeks in any newspaper published in town. If such vehicle is not reclaimed after such advertisement, the same shall be sold for cash to the highest bidder in front of the town hall or such other place as may be designated therefor. The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of such sale, and the balance, if any, deposited with the town clerk-treasurer, subject to the claim of the owner to be filed and proven within 12 months thereafter. If no such claim is filed and proven within that time, such proceeds shall be forfeited to the town. The chief of police shall keep a record of such vehicle, the name of the registered owner, the license tag and the circumstances under which it was found, impounded, stored and sold.

(Code 1983, § 18.409)

**Sec. 38-87. Junked, unoperational vehicles.**

(a) A "junk automobile," for the purposes of this section, shall be any vehicle with such present value that it would not be economical to repair or restore it. An "unoperational automobile," for the purpose of this section, shall be an automobile incapable of moving under its own power without repair.

(b) It shall be unlawful for any owner of any property in the town to permit a vehicle not having a current motor vehicle license, and upon which property taxes have not been paid to be brought upon or remain upon his property other than a licensed new car, used car dealer, garage or wrecking yard, upon property operated for such business and provided such vehicle

\*Cross references—Wreckers, § 22-71 et seq.; removal of broken glass from wrecked vehicles on streets and sidewalks, § 66-12.

State law reference—Disposition of abandoned or derelict motor vehicles, S.C. Code 1976, § 56-5-5810 et seq.

is covered or sheltered in such fashion to be adequate to prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes and other insects or rats and other vermin. No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, the purpose of storage, or repair without the motor vehicle having a current motor vehicle license unless the motor vehicle is covered or sheltered in such a fashion as to be adequate to prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes and other insects or rats and other vermin.

(Code 1983, § 18.410)

Chapters 39—41

**RESERVED**

CD39:1



Chapter 42

**FIRE PREVENTION AND PROTECTION\***

**Article I. In General**

- Sec. 42-1. Tampering with fire hydrants and water lines.
- Sec. 42-2. Interfering with firefighters.
- Sec. 42-3. Tampering with fire equipment.
- Sec. 42-4. Following or parking near fire equipment.
- Sec. 42-5. Obstructing fire equipment, parking at fire hydrants.
- Sec. 42-6. Right-of-way of vehicles responding to alarm.
- Sec. 42-7. Police officers to enforce provisions.
- Sec. 42-8. Trash fires, bonfires; permit.
- Sec. 42-9. Buildings burned or destroyed beyond more than half its value.
- Sec. 42-10. Unfit dwellings.
- Secs. 42-11—42-30. Reserved.

**Article II. Fire Department**

- Sec. 42-31. Name.
- Sec. 42-32. Volunteers; duties, compensation.
- Sec. 42-33. Duties, powers of fire chief.
- Sec. 42-34. Members subject to call.
- Sec. 42-35. Inspections of structures.
- Sec. 42-36. Compliance with notice of fire hazard.
- Sec. 42-37. Inquiries into fire origins.
- Sec. 42-38. Firemen's Insurance and Inspection Fund board.
- Sec. 42-39. Disposition of Firemen's Insurance and Inspection Funds.
- Sec. 42-40. Fees for fire calls outside town.
- Secs. 42-41—42-60. Reserved.

**Article III. Fireworks**

- Sec. 42-61. Prohibited generally.
- Sec. 42-62. Toy caps and similar devices excepted, other exceptions.
- Sec. 42-63. Permit required for public displays.
- Sec. 42-64. Permissible fireworks for public displays.
- Sec. 42-65. Sale, possession, transport restricted.
- Sec. 42-66. Sale to minors.
- Sec. 42-67. Identification and marking.
- Sec. 42-68. Retail handling, storage.

---

\*Cross references—Buildings and building regulations, ch. 18; burning matter on streets and sidewalks, § 66-18; parking at fire hydrants, § 70-116.

State law reference—Fire prevention generally, S.C. Code 1976, § 5-25-10 et seq.



## ARTICLE I. IN GENERAL

**Sec. 42-1. Tampering with fire hydrants and water lines.**

It shall be unlawful for any person, except a member of the fire department, or a person expressly authorized by the public works director, to open or otherwise tamper with any fire hydrant or water line.

(Code 1983, § 5.202)

Cross reference—Utilities, ch. 74.

**Sec. 42-2. Interfering with firefighters.**

It shall be unlawful to hinder or obstruct any firefighter or other authorized person while such person is answering a call to a fire or any other emergency, or to hinder or obstruct any such person who is attempting to extinguish a fire or remedy any emergency. The failure to obey any lawful order of any official of the fire or police department at the scene of any emergency shall constitute a violation of this section.

(Code 1983, § 5.204)

**Sec. 42-3. Tampering with fire equipment.**

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

(Code 1983, § 5.205)

**Sec. 42-4. Following or parking near fire equipment.**

No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Code 1983, § 5.206)

Cross reference—Traffic and vehicles, ch. 70.

State law reference—Similar provisions, S.C. Code 1976, § 56-5-1960.

**Sec. 42-5. Obstructing fire equipment, parking at fire hydrants.**

No person shall park any vehicle or otherwise cause any obstruction to fire equipment at a fire or at an entrance to the fire station nor park within 15 feet of any fire hydrant. It shall be unlawful to interfere with or obstruct the activities of any member of the fire department who is acting in the line of duty at or proceeding to a fire.

(Code 1983, § 5.207)

Cross reference—Stopping, standing and parking, § 70-111 et seq.

State law reference—Similar provisions, S.C. Code 1976, § 56-5-2530.

**Sec. 42-6. Right-of-way of vehicles responding to alarm.**

All motor equipment of the fire department, police department and the vehicles of volunteer firefighters shall have the right-of-way over all other vehicles when responding to an alarm. (Code 1983, § 5.208)

**Sec. 42-7. Police officers to enforce provisions.**

Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire, and subject to availability of personnel, they shall station one police officer at each end of the block wherein the fire occurs and shall require motor vehicles or other vehicles parked within the block to be moved immediately. (Code 1983, § 5.209)

**Sec. 42-8. Trash fires, bonfires; permit.**

It shall be unlawful to burn any trash or to have any bonfire within the corporate limits without first obtaining a permit from the fire chief, or in his absence, the police chief, or their lawful assistants. (Code 1983, § 5.210)

Cross reference—Solid waste, ch. 62.

**Sec. 42-9. Buildings burned or destroyed beyond more than half its value.**

Buildings which have been or may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half its value, exclusive of the foundation, shall not be repaired or rebuilt but shall be removed. (Code 1983, § 5.211)

State law reference—Similar provisions, S.C. Code 1976, § 5-25-1160.

**Sec. 42-10. Unfit dwellings.**

The council may authorize the repairing, closing or demolition of unfit dwellings. (Code 1983, § 5.212)

State law reference—Dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.

**Secs. 42-11—42-30. Reserved.**

**ARTICLE II. FIRE DEPARTMENT\*****Sec. 42-31. Name.**

The fire department shall be known as the Williston Volunteer Fire Department.  
(Code 1983, § 5.401)

**Sec. 42-32. Volunteers; duties, compensation.**

The mayor and council shall have the authority, by resolution, to provide for the employment of volunteer firefighters, to prescribe their duties and responsibilities and to fix their compensation.

(Code 1983, § 5.402)

**Sec. 42-33. Duties, powers of fire chief.**

The chief of the fire department shall have general superintendence and control of the fire department, subject to the mayor and council. During the progress of a fire, he shall have all rights and powers of a police officer. Subject to the supervision and approval of the mayor and council, he shall have power to make rules and regulations for the discipline of the fire department and for the prevention of fires.

(Code 1983, § 5.403)

State law reference—Chief of the fire department, S.C. Code 1976, § 5-25-110.

**Sec. 42-34. Members subject to call.**

All members of the fire department shall be subject for call to duty at any time, day or night, when needed to extinguish fires or for any other emergency that may arise.

(Code 1983, § 5.404)

**Sec. 42-35. Inspections of structures.**

Once every three months a member of the fire department, designated by the fire chief, shall inspect every structure used for commercial or industrial purposes to determine if the structure contains any defects constituting a danger to fire prevention or fire safety. The chief shall promptly notify in writing the owner and occupant of any structure found to contain such a defect.

(Code 1983, § 5.405)

Cross reference—Buildings and building regulations, ch. 18.

State law reference—Similar provisions, S.C. Code 1976, § 5-25-360.

\*Cross reference—Administration, ch. 2.

State law reference—Municipal authority to establish a fire department, S.C. Code 1976, § 5-25-20.

**Sec. 42-36. Compliance with notice of fire hazard.**

The owner of a structure shall, within 60 days or such longer period as may be specified in the notice provided for in section 42-35, after receipt of the notice, remedy the defect to the reasonable satisfaction of the fire chief. Each day of violation of this section shall constitute a separate offense.

(Code 1983, § 5.406)

**Sec. 42-37. Inquiries into fire origins.**

The fire chief shall hold an inquiry into the origin of every fire occurring within the corporate limits. He may subpoena witnesses as may magistrates of the state. The mayor, chief of the fire department or other municipal officer may be ex officio inspector of buildings.

(Code 1983, § 5.407)

State law reference—Similar provisions, S.C. Code 1976, § 5-25-160.

**Sec. 42-38. Firemen's Insurance and Inspection Fund board.**

The board of trustees of the Firemen's Insurance and Inspection Fund shall consist of the mayor, the chief of the fire department and a member of the council elected by the council. The board shall have the duties and powers specified in S.C. Code 1976, §§ 38-57-10—38-57-160.

(Code 1983, § 5.408)

**Sec. 42-39. Disposition of Firemen's Insurance and Inspection Funds.**

The town treasurer shall promptly deposit all monies received from the state treasurer as the town's share of Firemen's Insurance and Inspection Funds in a separate checking account. Funds from this account shall be disbursed only upon signatures of the fire chief and the secretary-treasurer of the fire department for purposes authorized by statute or the board of trustees of the fund. The secretary-treasurer shall submit to the board of trustees and the town council each January a written statement of funds received and disbursed during the preceding calendar year.

(Code 1983, § 5.409)

**Sec. 42-40. Fees for fire calls outside town.**

There is hereby imposed a fee of \$100.00 for every call made by the fire department outside the corporate limits when responding to a fire alarm.

(Code 1983, § 5.410)

**Secs. 42-41—42-60. Reserved.**

**ARTICLE III. FIREWORKS\*****Sec. 42-61. Prohibited generally.**

It shall be unlawful for any person to fire, shoot, discharge, offer for sale, store, exchange, give away, or possess any fireworks of any description, except as provided in this article, within the corporate limits.

(Code 1983, § 5.501)

**Sec. 42-62. Toy caps and similar devices excepted, other exceptions.**

(a) The term "fireworks" shall not include toy paper pistol caps which contain less than 0.25 grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale, and use of these items shall be permitted at all times.

(b) Nothing in this article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the state or the United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

(Code 1983, §§ 5.502, 5.503)

**Sec. 42-63. Permit required for public displays.**

Any person desiring to hold a public display of fireworks shall first secure from the council a written permit to hold such display at least ten days prior to the date of the proposed display. No permit shall be issued to allow any public display of fireworks at any location whereby, in the judgment of the council, life or property may be endangered.

(Code 1983, § 5.504)

**Sec. 42-64. Permissible fireworks for public displays.**

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as class B fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

(Code 1983, § 5.505)

**\*State law references**—Fireworks and explosives generally, S.C. Code 1976, § 23-35-10 et seq.; local permits required for public displays of fireworks, S.C. Code 1976, § 23-35-60; "public display" defined, S.C. Code Reg. 71-8305.2; display to be conducted by display operator, S.C. Code Reg. 71-8305.3

**Sec. 42-65. Sale, possession, transport restricted.**

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in S.C. Code 1976, § 23-35-10. (Code 1983, § 5.506)

**Cross reference**—Businesses, ch. 22.

**Sec. 42-66. Sale to minors.**

It shall be unlawful to sell or offer for sale any permissible fireworks to children under the age of 16 years who are not accompanied by a parent or guardian. (Code 1983, § 5.507)

**Sec. 42-67. Identification and marking.**

No common fireworks permitted in this article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless it is certified as "Common Fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (Code 1983, § 5.508)

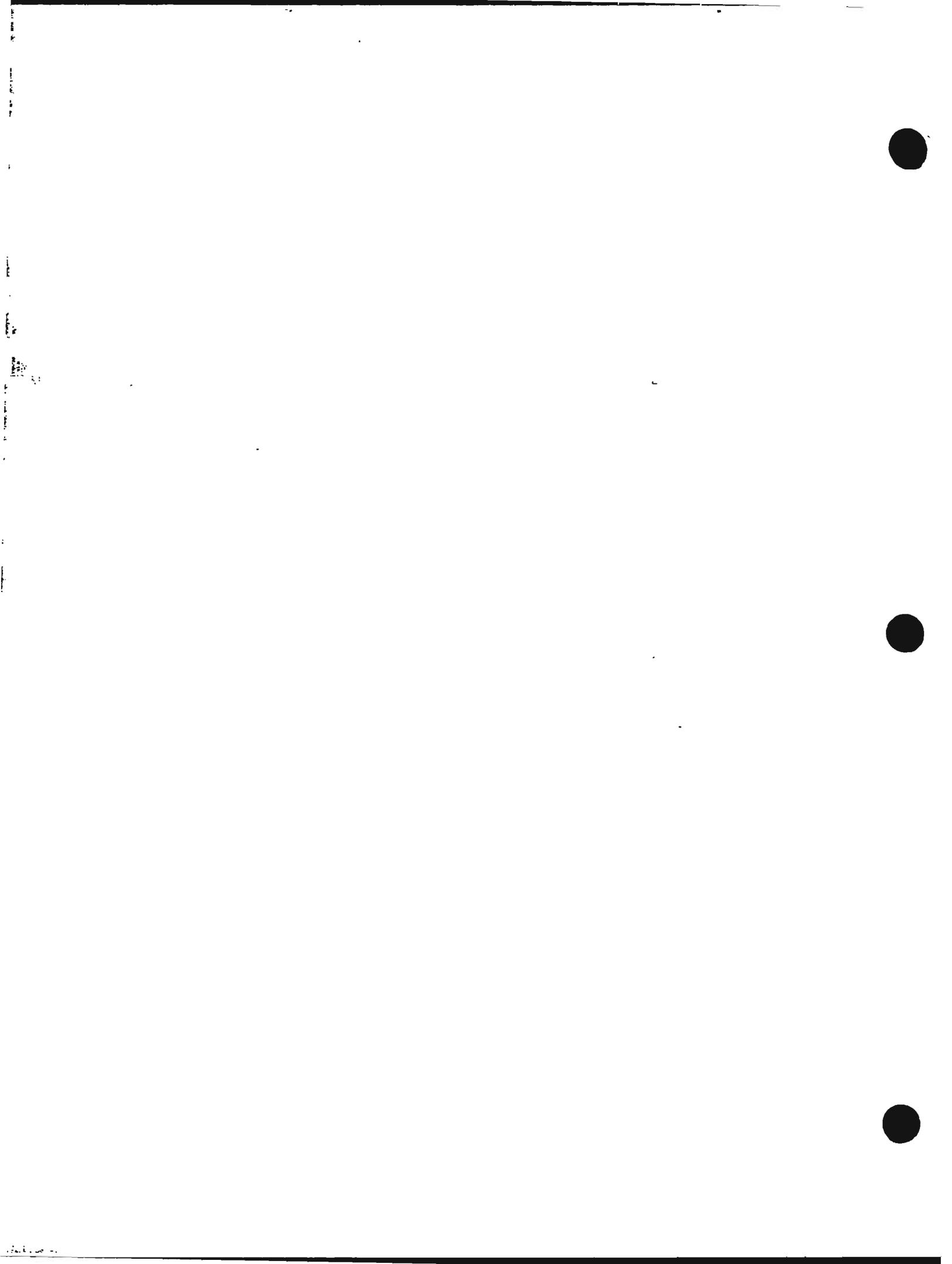
**Sec. 42-68. Retail handling, storage.**

The retail handling and storage of all permissible fireworks shall conform to S.C. Code 1976, §§ 23-35-100 and 23-35-110. (Code 1983, § 5.509)

Chapters 43—45

**RESERVED**

CD43:1



Chapter 46

**LAW ENFORCEMENT\***

**Article I. In General**

- Sec. 46-1. Assisting officers upon request.
- Sec. 46-2. Arrest and bail procedures.
- Sec. 46-3. Sale of recovered personal property.
- Secs. 46-4—46-25. Reserved.

**Article II. Police Department**

- Sec. 46-26. Chief of police, personnel.
- Sec. 46-27. Appointment, tenure.
- Sec. 46-28. Compensation.
- Sec. 46-29. Special police officers.

---

\*Cross reference—Hindering police officers, § 54-100.

State law reference—Municipal police officers, S.C. Code 1976, § 5-7-110.



**ARTICLE I. IN GENERAL****Sec. 46-1. Assisting officers upon request.**

Any bystander called upon by a police officer for assistance in making an arrest shall render such assistance as is reasonable under the circumstances. Any person rendering such assistance shall be deemed acting as an agent of the town. Any person who refuses so to assist shall, upon conviction, be guilty of a misdemeanor.

(Code 1983, § 13.105)

State law reference—Similar provisions, S.C. Code 1976, § 23-15-70.

**Sec. 46-2. Arrest and bail procedures.**

Any person charged with violation of a town ordinance shall be forthwith arrested and held in custody pending release on bail or pursuant to trial. Bail shall be promptly set by the municipal judge, or pursuant to standards issued by him; provided, however, that a person charged with an offense involving intoxication shall be held in custody for a minimum of six hours. Upon the arrest of a person, all personal property found upon him, other than necessary clothing, shall be seized, inventoried and safekept pending his release from custody.

(Code 1983, § 13.106)

**Sec. 46-3. Sale of recovered personal property.**

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

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

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

(d) The proceeds from the sale of unclaimed personal property shall be paid into the general fund of the town the day of the sale.

(Code 1983, § 13.107)

**Secs. 46-4—46-25. Reserved.**

**ARTICLE II. POLICE DEPARTMENT\***

**Sec. 46-26. Chief of police, personnel.**

The police force shall consist of a chief and as many subordinate officers and police officers as may be deemed necessary by the town council.

(Code 1983, § 13.101)

**Sec. 46-27. Appointment, tenure.**

The chief of police and all members of the police department shall be duly appointed by and hold office at the pleasure of the town council.

(Code 1983, § 13.102)

**Sec. 46-28. Compensation.**

The compensation of all members of the police department shall be fixed by the council.

(Code 1983, § 13.103)

**Sec. 46-29. Special police officers.**

In the event of an emergency, the chief of police may appoint, provided he keeps the council informed, such special police officers as he deems necessary to preserve the peace, who shall be compensated as provided by the council. The council may authorize uncompensated special police officers whose jurisdiction shall be limited to offenses committed on a premises controlled by the town.

(Code 1983, § 13.104)

---

\*Cross reference—Administration, ch. 2.

State law references—Reserve police officers, S.C. Code 1976, § 23-28-10 et seq.; powers and duties of police chief and officers relevant to municipal court, S.C. Code 1976, § 14-25-55.

Chapters 47—49

**RESERVED**



Chapter 50

**MANUFACTURED HOMES AND TRAILERS\***

- Sec. 50-1. Definitions.
- Sec. 50-2. Penalty.
- Sec. 50-3. Permit required.
- Sec. 50-4. Permit application, fee.
- Sec. 50-5. Permanent foundation required.
- Sec. 50-6. Individual lot required; home must face street.
- Sec. 50-7. Exception to requirement that mobile home face street.

---

**\*Cross references**—Buildings and building regulations, ch. 18; utilities, ch. 74.

**State law references**—Mobile homes and house trailers, S.C. Code 1976, § 31-17-310 et seq.; municipality may establish installation inspection fee, S.C. Code 1976, § 40-29-350; health and environmental standards for mobile and manufactured home parks, S.C. Code Reg. 61-40.



**Sec. 50-1. 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:

*Mobile home* means a movable or portable dwelling on a chassis, designed without a permanent foundation and intended for yearround living. It may consist of two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing.

(Code 1983, § 5.601)

**Cross reference**—Definitions generally, § 1-2.

**State law reference**—"Manufactured home" defined, S.C. Code 1976, § 40-29-10 et seq.

**Sec. 50-2. Penalty.**

Anyone violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-6.

(Code 1983, § 5.607)

**Sec. 50-3. Permit required.**

It shall be unlawful for any person to locate, maintain or live in any mobile home within the corporate limits, other than a duly licensed and lawful mobile home park, unless a permit to do so is first obtained from the town council. Both the owner of the mobile home and the owner of the property on which it is to be parked shall apply for the permit. The permit shall be given in writing and shall contain a provision that the mobile home shall be parked and maintained as required by state law and the regulations of the state board of health pertaining to mobile homes. This section shall not apply to mobile homes placed within the corporate limits unless it is relocated, at which time the provisions hereof shall apply within 30 days thereof.

(Code 1983, § 5.602)

**Sec. 50-4. Permit application, fee.**

Any person placing or parking any mobile home, house trailer, mobile coach or modular home upon any property, premises or spaces within the corporate limits shall first make application to the clerk-treasurer and pay a fee of \$5.00 for each home so located. A transfer fee of \$5.00 shall be paid for a change in ownership.

(Code 1983, § 5.603)

**Sec. 50-5. Permanent foundation required.**

No mobile home shall be occupied for dwelling purposes within the corporate limits unless it has been securely placed on a permanent foundation.

(Code 1983, § 5.604)

**Sec. 50-6. Individual lot required; home must face street.**

Each mobile home shall be situated on its own individual lot and shall face the street. Not more than one mobile home shall be placed upon any one lot or premises within the town, except upon duly licensed mobile home parks or sales lots.

(Code 1983, § 5.606)

**Sec. 50-7. Exception to requirement that mobile home face street.**

An exception to the requirement that mobile homes face the street, allowed for medical hardships, shall be subject to the following:

- (1) The mobile home is used solely for family-related medical hardship purposes; and
- (2) Must be approved by the town council on an annual basis when taxes on said lot become due. For purposes of this section, "medical hardship" shall be defined to be such health condition of the person or persons for whose use the mobile home is intended then existing or reasonably expected to exist for an indefinite period of time, as certified in writing by an attending physician. The question of medical hardship shall be reviewed on an annual basis so as to determine the necessity of the continued existence of the mobile home on the lot in question.

(Ord. No. 94-3, 3-29-94)

**Editor's note**—Ord. No. 94-3, adopted March 29, 1994, has been codified herein at the discretion of the editor as § 50-7.

Chapters 51—53

**RESERVED**



## Chapter 54

### OFFENSES AND MISCELLANEOUS PROVISIONS\*

#### Article I. In General

- Sec. 54-1. Adoption of state law.
- Sec. 54-2. Parties to a crime.
- Sec. 54-3. Plea of guilty or nolo contendere or forfeiture of bail same as conviction.
- Sec. 54-4. Penalty.
- Sec. 54-5. Municipal uniform ordinance summons.
- Secs. 54-6—54-25. Reserved.

#### Article II. Offenses Against the Person

- Sec. 54-26. Failure to remove doors from abandoned refrigerators.
- Sec. 54-27. Leaving abandoned wells open.
- Sec. 54-28. Throwing object injuring person or damaging property.
- Sec. 54-29. Keeping, maintenance of nuisance.
- Secs. 54-30—54-50. Reserved.

#### Article III. Offenses Against Property

- Sec. 54-51. Petit larceny.
- Sec. 54-52. Damaging property.
- Sec. 54-53. Removing, defacing municipal or state signs.
- Sec. 54-54. Fences; removing, destroying, leaving down.
- Sec. 54-55. Receiving stolen goods.
- Sec. 54-56. Obtaining signature or property by false pretenses.
- Sec. 54-57. Obtaining property under false tokens or letters.
- Sec. 54-58. Obtaining credit or property with expired or false credit card.
- Sec. 54-59. Securing property by fraudulent impersonation of officer.
- Sec. 54-60. Failing to return books, other materials borrowed from certain public institutions.
- Sec. 54-61. Trespass.
- Sec. 54-62. Altering or removing landmarks, trees, etc.
- Sec. 54-63. Fires, fireworks near buildings.
- Sec. 54-64. Imitating signal or call for police officer.
- Sec. 54-65. Maintaining junkyards.
- Sec. 54-66. Gaining admission to public event without paying.
- Sec. 54-67. Shoplifting.
- Sec. 54-68. Damaging, defacing public property.
- Sec. 54-69. Damaging trees.
- Secs. 54-70—54-90. Reserved.

#### Article IV. Offenses Against the Peace

- Sec. 54-91. Discharge of firearms.

\*State law reference—Crimes and offenses, S.C. Code 1976, Title 16.

## WILLISTON TOWN CODE

- Sec. 54-92. Carrying concealed weapons.
- Sec. 54-93. Carrying weapons.
- Sec. 54-94. Disorderly conduct.
- Sec. 54-95. Resisting, obstructing officer making arrest.
- Sec. 54-96. Interfering with worship, public gatherings.
- Sec. 54-97. Rioting.
- Sec. 54-98. Failure to aid police.
- Sec. 54-99. Discharge of dangerous devices, firearms.
- Sec. 54-100. Aiding or abetting; hindering police officers; escape.
- Sec. 54-101. Halloween trick or treat.
- Sec. 54-102. Loitering, obstructing passage.
- Sec. 54-103. Consumption of alcoholic beverages or possession of open container of alcoholic beverages on public property.
- Secs. 54-104—54-120. Reserved.

### Article V. Offenses Against Morality

- Sec. 54-121. Indecent exposure.
- Sec. 54-122. Gambling, games of chance.
- Sec. 54-123. Keeping gambling house.
- Sec. 54-124. Display, sale of obscene material.
- Secs. 54-125—54-150. Reserved.

### Article VI. Offenses Against Public Policy

- Sec. 54-151. Disruption of public meetings.
- Sec. 54-152. Communication with prisoners.
- Sec. 54-153. Approaching within 20 feet of person being arrested.
- Sec. 54-154. Town property to be returned upon separation.
- Sec. 54-155. Swearing falsely when taking oaths.
- Sec. 54-156. Failure to stop on command of officer.

**ARTICLE I. IN GENERAL****Sec. 54-1. Adoption of state law.**

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the state statutes 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.

(Code 1983, § 14.804)

**Sec. 54-2. Parties to a crime.**

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this Code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions shall be guilty of such offense.

(Code 1983, § 14.801)

State law reference—Similar provisions, S.C. Code 1976, § 16-21-140.

**Sec. 54-3. Plea of guilty or nolo contendere or forfeiture of bail same as conviction.**

The entry of any plea of guilty or nolo contendere or the forfeiture of any bail posted for the violation of any provision of this Code or for the violation of any other law or ordinance of the town shall have the same effect as a conviction after trial under such provisions.

(Code 1983, § 14.802)

**Sec. 54-4. Penalty.**

Unless otherwise provided herein, upon conviction, the violation of any section of this Code shall be punishable by a fine of not more than \$500.00 or imprisonment for not more than 30 days, or both such fine and imprisonment.

(Code 1983, § 14.803)

**Sec. 54-5. Municipal uniform ordinance summons.**

(a) Any person or entity violating any provision of the Code of Ordinances of the Town of Williston, or any code adopted pursuant thereto, within the corporate limits of the Town of Williston may be issued to a uniform ordinance summons. Issuance of the uniform ordinance summons shall vest jurisdiction in the municipal court to hear and dispose of the charge for which the uniform ordinance summons was issued and served. The uniform ordinance summons may be issued by any town law enforcement officer or any other town employees designated by the council as code enforcement officers. The bond amount for violations shall be prescribed by the chief municipal court judge. Town law enforcement or 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 vehicle on the public roads.

(Ord. No. 93-7, 11-8-93)

**Editor's note**—Ord. No. 93-7, adopted Nov. 8, 1993, amended the 1983 Code by the addition of § 18-231, and at the discretion of the editor said provisions have been codified herein as § 54-5.

**Secs. 54-6—54-25. Reserved.**

## **ARTICLE II. OFFENSES AGAINST THE PERSON\***

### **Sec. 54-26. Failure to remove doors from abandoned refrigerators.**

It shall be unlawful for any person abandoning or discarding an icebox, refrigerator, ice chest or any type of airtight container, of a capacity sufficient to contain any child, to neglect, prior to such abandonment, to remove the door, lid or other device for the closing thereof or for any owner, lessee or other person in charge of property to knowingly permit any such airtight container to be placed on property under his control.

(Code 1983, § 14.703)

### **Sec. 54-27. Leaving abandoned wells open.**

It shall be unlawful for any owner or tenant to permit or allow any abandoned well to remain open and unprotected, curbed or fenced in, or any place or premises within the corporate limits.

(Code 1983, § 14.704)

### **Sec. 54-28. Throwing object injuring person or damaging property.**

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken, or other property belonging to another damaged or destroyed.

(Code 1983, § 14.705)

### **Sec. 54-29. Keeping, maintenance of nuisance.**

It shall be unlawful for any person to keep or maintain a nuisance in the corporate limits. The term "nuisance" includes everything that gives offense to senses, violates the laws of decency or obstructs reasonable and comfortable use of property.

(Code 1983, § 14.706)

---

\*State law reference—Offenses against the person, S.C. Code 1976, § 16-3-10 et seq.

Secs. 54-30—54-50. Reserved.

### ARTICLE III. OFFENSES AGAINST PROPERTY\*

#### Sec. 54-51. Petit larceny.

Petit larceny is hereby defined as any article of goods, choses in action, bank bills, bills receivable, chattels or other article of personalty of which, by law, larceny may be committed or of any such fixture or part or product of the soil as was severed from the soil by an unlawful act, in value of less than \$200.00, and such act is hereby declared to be a misdemeanor.

(Code 1983, § 14.501)

State law reference—Similar provisions, S.C. Code 1976, § 16-13-30.

#### Sec. 54-52. Damaging property.

Any person who shall injure any animal, or who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person shall be deemed guilty of a misdemeanor.

(Code 1983, § 14.502)

State law reference—Similar provisions, S.C. Code 1976, § 16-11-520.

#### Sec. 54-53. Removing, defacing municipal or state signs.

It shall be unlawful for any person to remove, tear down, deface or destroy any sign erected by municipal or state authorities.

(Code 1983, § 16.106)

#### Sec. 54-54. Fences; removing, destroying, leaving down.

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crops or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose shall be guilty of a misdemeanor.

(Code 1983, § 14.504)

State law reference—Similar provisions, S.C. Code 1976, § 16-11-650.

#### Sec. 54-55. Receiving stolen goods.

Any person who shall buy, receive or have in his possession any goods or chattels or other property, knowing the same to have been stolen, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment, although the principal felon be not

\*State law reference—Offenses against property, S.C. Code 1976, § 16-11-10 et seq.

previously convicted and whether is amenable to justice or not; provided, that when the chattel or other property stolen shall be of a greater value than \$1,000.00, this section shall not apply. (Code 1983, § 14.505)

**State law reference**—Similar provisions, S.C. Code 1976, § 16-13-180.

**Sec. 54-56. Obtaining signature or property by false pretenses.**

Any person who shall, by any false pretense or representation, obtain the signature of any person to any written instrument or shall obtain from any other person any chattel, money, valuable security or other property, real or personal, if the sum of the written instrument or the value of the property so obtained does not exceed \$1,000.00, with the intent to cheat and defraud any person of such property, shall be guilty of a misdemeanor and the punishment shall be not more than is permitted by law without presentment or indictment by the grand jury.

(Code 1983, § 14.506)

**State law reference**—Similar provisions, S.C. Code 1976, § 16-13-240.

**Sec. 54-57. Obtaining property under false tokens or letters.**

Whoever shall falsely and deceitfully obtain or get into his hands or possession any money, goods, chattels, jewels or other things of any other person by any false or counterfeit letter made in any other person's name shall, upon conviction thereof, suffer such imprisonment as the court may adjudge; provided, that when the money, goods, chattels and other things so obtained exceed in value \$50.00, this section shall not apply.

(Code 1983, § 14.507)

**State law reference**—Similar provisions, S.C. Code 1976, § 16-13-260.

**Sec. 54-58. Obtaining credit or property with expired or false credit card.**

(a) The term "credit card," as used in this section, means an identification card, credit number, credit device or other credit document issued to a person by a business organization which permits such person to purchase or obtain goods, property or services on the credit of such organization. The word "notice," as used in this section, shall be construed to include notice given to the purchaser in person or notice given to him in writing. Such notice in writing shall be presumed to have been given when deposited as registered or certified matter, in the United States mail, addressed to such person at his address as it appears in the files of the issuer of the credit card.

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

- (1) A credit card which has not been issued to such person and which is not used with the consent of the person to whom issued.
- (2) A credit card which has been revoked or cancelled by the issuer of such card and notice thereof has been given to such person.
- (3) A credit card which has expired.

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

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

(Code 1983, § 14.508)

State law reference—Similar provisions, S.C. Code 1976, § 16-13-270.

**Sec. 54-59. Securing property by fraudulent impersonation of officer.**

Whoever, with intent to defraud any government, firm or person, shall take upon himself to act as an officer or shall in such pretension or pretended character demand, obtain or receive from any government, firm or person any money, paper, document or other valuable thing of a less value than \$20.00, shall be guilty of a misdemeanor.

(Code 1983, § 14.509)

State law reference—Similar provisions, S.C. Code 1976, § 16-13-290.

**Sec. 54-60. Failing to return books, other materials borrowed from certain public institutions.**

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

(Code 1983, § 14.510)

State law reference—Similar provisions, S.C. Code 1976, § 16-13-340.

**Sec. 54-61. Trespass.**

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

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

(Code 1983, § 14.511)

State law reference—Similar provisions, S.C. Code 1976, § 16-11-610.

**Sec. 54-62. Altering or removing landmarks, trees, etc.**

Any person who shall knowingly, willfully, maliciously or fraudulently cut, fell, alter or remove any boundary tree or other allowed landmark, lamppost, lamp, or shade tree shall be guilty of a misdemeanor.

(Code 1983, § 14.512)

State law reference—Similar provisions, S.C. Code 1976, § 16-11-680.

**Sec. 54-63. Fires, fireworks near buildings.**

It shall be unlawful for any person to build or ignite a fire or to shoot or discharge fireworks in any place within the corporate limits that would endanger any property or building.

(Code 1983, § 14.513)

**Sec. 54-64. Imitating signal or call for police officer.**

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, shall, upon conviction, be guilty of a misdemeanor.

(Code 1983, § 14.515)

**Sec. 54-65. Maintaining junkyards.**

No junkyard, whether for automobiles, machinery or other junk equipment shall be operated, and no license shall be issued for such a business; provided, this section shall not apply to junk dealers who maintain their business in a completely enclosed building or which is fenced from the general public.

(Code 1983, § 14.514)

Cross reference—Nuisances, § 38-46 et seq.

**Sec. 54-66. Gaining admission to public event without paying.**

(a) *Prohibited.* It shall be unlawful for any person, where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.

(b) *Witnessing event.* It shall be unlawful for any person, unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of admission.

(c) *Aiding and abetting.* It shall be unlawful for any person to aid, abet or assist in any way any other person to witness any athletic contest or other public event without such person paying the admission charge.

(Code 1983, § 14.516)

**Sec. 54-67. Shoplifting.**

A person shall be guilty of shoplifting, which is hereby declared to be a misdemeanor pursuant to S.C. Code 1976, § 16-13-110, if he:

- (1) Takes possession of, carries away, transfers from one person to another or from one area of a wholesale or retail mercantile establishment to another area, or causes to be carried away or transferred any merchandise displayed, held, stored or offered for sale by any wholesale or retail mercantile establishment with the intention of depriving the owner of the possession, use or benefit of such merchandise without paying the full value thereof.
- (2) Alters, transfers or removes any label, price tag marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a wholesale or retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the established value with the intention of depriving the owner of the full value of such merchandise.
- (3) Transfers any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(Code 1983, § 14.317)

**Sec. 54-68. Damaging, defacing public property.**

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

(Code 1983, § 15.201)

**Sec. 54-69. Damaging trees.**

No person shall cut, remove or damage any shade tree in a malicious manner.

(Code 1983, § 15.217)

**Secs. 54-70—54-90. Reserved.**

**ARTICLE IV. OFFENSES AGAINST THE PEACE\***

**Sec. 54-91. Discharge of firearms.**

It shall be unlawful for any person to discharge at any other person any loaded or unloaded firearm. Nothing contained in this section shall be construed to abridge the right of self-defense or to apply to theatricals or like performances or to peace officers in the discharge of their duties.

(Code 1983, § 14.401)

**Sec. 54-92. Carrying concealed weapons.**

It shall be unlawful for any person to carry concealed about his person any pistol, dirk, metal knuckles, razor, ice pick, hawkbill knife or any spring or clasp knife, which has a blade more than three inches in length, or other weapon usually used for the infliction of personal injuries.

(Code 1983, § 14.402)

**Sec. 54-93. Carrying weapons.**

It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury. This section shall not apply to peace officers while in the discharge of their duties.

(Code 1983, § 14.403)

**Sec. 54-94. Disorderly conduct.**

(a) It shall be unlawful to conduct oneself in a disorderly manner with the purpose of causing public inconvenience, annoyance, alarm or recklessly creating a risk thereof by:

- (1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace.
- (2) Making unreasonable noise.
- (3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

(b) For the purpose of this section "public" means affecting or likely to affect any person in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

(Code 1983, § 14.404)

---

\*State law references—Offenses against the peace, S.C. Code 1976, § 16-7-10 et seq.; local government may regulate careless or negligent discharge, or public brandishment, of firearms, S.C. Code 1976, § 23-31-520; Law Abiding Citizens Self-Defense Act of 1996, S.C. Code 1976, § 23-31-205 et seq.; local governments prohibited from regulation of firearm transfer, possession, carrying, or transportation, S.C. Code 1976, § 23-31-510.

**Sec. 54-95. Resisting, obstructing officer making arrest.**

Any person who shall resist or obstruct any officer in the discharge of his duty who shall aid or abet any person in resisting or obstructing any officer in the discharge of his duty, shall be deemed guilty of a misdemeanor, subject to the limitations prescribed by the S.C. Code 1976, §§ 14-25-65 and 16-5-50.  
(Code 1983, § 14.405)

**Sec. 54-96. Interfering with worship, public gatherings.**

It shall be unlawful for any person to interfere with or disturb any religious worship or public gathering.  
(Code 1983, § 14.406)

**Sec. 54-97. Rioting.**

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no wound inflicted, shall be subject and liable for each offense.  
(Code 1983, § 14.407)

**Sec. 54-98. Failure to aid police.**

It shall be the duty of every citizen to assist municipal officers to arrest violators of the law when requested, and it shall be unlawful for any person to fail to do so.  
(Code 1983, § 14.408)

**Sec. 54-99. Discharge of dangerous devices, firearms.**

It shall be unlawful, within the corporate limits, to fire or discharge any pistol, gun, air rifle, sling shot or other device which may be potentially harmful to any person or property.  
(Code 1983, § 14.410; Ord. No. 1997-001, 1-13-97)

**Sec. 54-100. Aiding or abetting; hindering police officers; escape.**

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinances. Such person shall be held and deemed a principal. It shall be unlawful for any person to escape from the custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist or abet, directly or indirectly, another person to escape from the custody of an officer making an arrest or an officer assisting therein.  
(Code 1983, § 14.412)

**Cross reference**—Law enforcement, ch. 46.

**Sec. 54-101. Halloween trick or treat.**

It shall be unlawful for any person over 12 years of age to participate in the act of trick or treat on Halloween night, and all persons under that age shall be accompanied by a parent or responsible person. All trick or treat activities shall end by 9:00 p.m. This section shall not apply to organized and supervised Halloween parties.

(Code 1983, § 14.414)

**Sec. 54-102. Loitering, obstructing passage.**

(a) It shall be unlawful for any person to loiter in or upon any street, park, public place or in any public building or obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street, park or public place.

(b) For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

- (1) Obstruction of the unhampered passage of pedestrians or vehicles.
- (2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place.
- (3) Refusing to move when requested to do so by a peace officer, provided the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

(Code 1983, § 14.318)

**Sec. 54-103. Consumption of alcoholic beverages or possession of open container of alcoholic beverages on public property.**

It shall be unlawful for any person to consume any alcoholic liquors, beer, ale, porter or wine on the street, sidewalk or any other public property. Possession of any open can, bottle or other container with alcoholic liquors, beer, ale, porter or wine within such container on any public property shall constitute prima facie evidence of a violation of this section.

**Secs. 54-104—54-120. Reserved.**

**ARTICLE V. OFFENSES AGAINST MORALITY\***

**Sec. 54-121. Indecent exposure.**

It shall be unlawful for any person to commit willful and malicious indecent exposure of his person in any public place, on property of others or to the view of any person on any street or highway or to appear in a public place in a state of nudity.

(Code 1983, § 14.301)

---

\*State law reference—Offenses against morality, S.C. Code 1976, § 16-15-10 et seq.

**Sec. 54-122. Gambling, games of chance.**

It shall be unlawful for any person to engage in gambling or games of chance within the corporate limits of the town.

(Code 1983, § 14.307)

**Sec. 54-123. Keeping gambling house.**

It shall be unlawful for any person to keep or maintain a gambling house, room or any other place where people engage in gambling or games of chance, or to permit gambling or games of chance in any building on his premises or under his control.

(Code 1983, § 14.308)

**Sec. 54-124. Display, sale of obscene material.**

It shall be unlawful for any person to post or make any indecent, obscene or profane writing or pictures, or to make, sell, exhibit or offer for sale any indecent or lewd book, picture or anything of like character.

(Code 1983, § 14.315)

**Secs. 54-125—54-150. Reserved.****ARTICLE VI. OFFENSES AGAINST PUBLIC POLICY****Sec. 54-151. Disruption of public meetings.**

It shall be unlawful for any person to interrupt the proceedings of any public meeting, or be guilty of disorderly conduct therein, or to commit any contempt of either.

(Code 1983, § 14.601)

**Sec. 54-152. Communication with prisoners.**

It shall be unlawful for any person, except authorized officials, to take anything to or in any way communicate with any prisoner confined unless permission to do so has first been obtained from the chief of police or his deputies.

(Code 1983, § 14.602)

**Sec. 54-153. Approaching within 20 feet of person being arrested.**

It shall be unlawful for any person to willfully approach nearer than 20 feet to any police officer who has made, is making or is attempting to make an arrest.

(Code 1983, § 14.603)

**Sec. 54-154. Town property to be returned upon separation.**

It shall be unlawful for any employee or member of the council to fail to return any town property, including this Code, entrusted to him upon his resignation or any other reason for separation from town employment or service.

(Code 1983, § 14.604)

**Sec. 54-155. Swearing falsely when taking oaths.**

It shall be unlawful for any person to willfully and knowingly swear falsely under oath in giving evidence in the municipal court, or at any other time or place within the town where an oath has been taken before the mayor or other officer of the town who may be qualified to administer oaths.

(Code 1983, § 14.605)

**Sec. 54-156. Failure to stop on command of officer.**

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other officer of the town.

(Code 1983, § 14.606)

Chapters 55—57

**RESERVED**

CD55:1



Chapter 58

**PARKS AND RECREATION\***

**Article I. In General**

- Sec. 58-1. Railroad Park.  
Secs. 58-2—58-25. Reserved.

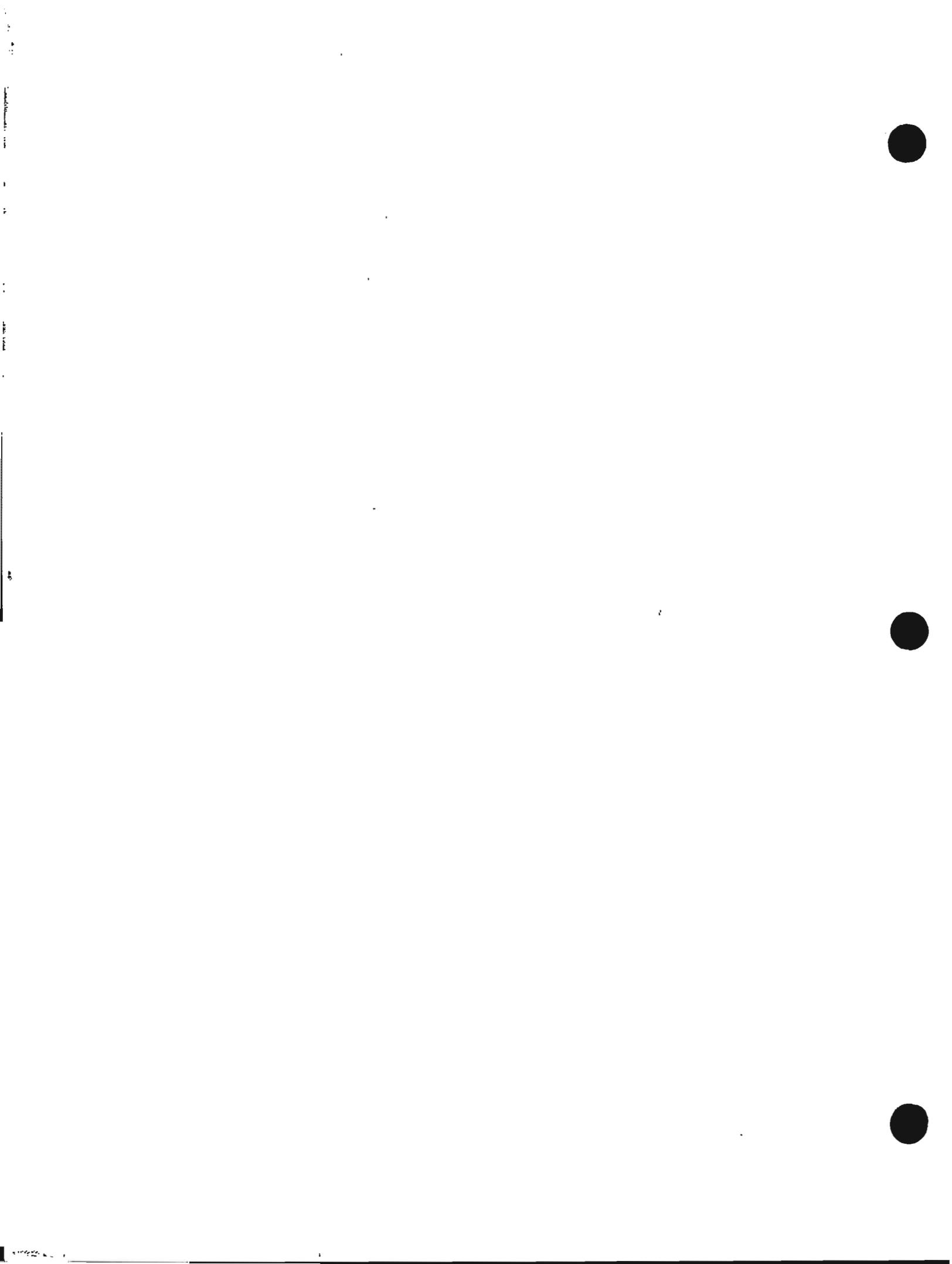
**Article II. Public Parks**

- Sec. 58-26. Definitions.  
Sec. 58-27. Injury to shrubbery, flowers, bushes, grass.  
Sec. 58-28. Injury to structures or personalty.  
Sec. 58-29. Depositing trash, refuse.  
Sec. 58-30. Bills, posters and advertising.  
Sec. 58-31. Selling.  
Sec. 58-32. Intoxicating liquors, disorderly conduct, gambling.  
Sec. 58-33. Motor vehicle traffic.

---

\*Cross reference—Amusements and entertainments, ch. 10.

State law reference—Municipal regulations regarding parks inside or outside the corporate limits, S.C. Code 1976, § 51-15-20.



**ARTICLE I. IN GENERAL****Sec. 58-1. Railroad Park.**

(a) That portion of the former railroad right-of-way of Southern Railway bounded on the north by Main Street, on the east by Elko Street, on the south by U.S. Highway 78, and on the west by Powell Street is hereby designated as a park in the town, to be hereinafter known as Railroad Park.

(b) Railroad Park shall be used solely for park purposes, and it shall be unlawful for anyone to engage in the business of buying or selling within the above-described confines of Railroad Park, and it shall further be unlawful for anyone to post any type of sign, political or otherwise, within the confines of Railroad Park without the express permission of the town council of the town.

(c) Anyone found to be in violation of subsection 2 of this section shall be deemed guilty of a misdemeanor and shall be punished in accordance with Section 1-6 of the Williston Town Code.

(Ord. No. 2002-01, §§ 1—3, 2-11-02)

**Secs. 58-2—58-25. Reserved.**

**ARTICLE II. PUBLIC PARKS****Sec. 58-26. 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:

*Public park* means municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits.

(Code 1983, § 12.101)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 58-27. Injury to shrubbery, flowers, bushes, grass.**

It shall be unlawful for any person to break, pluck, walk, step on or in any way injure or destroy any shrub, flower or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a "keep off" sign has been posted.

(Code 1983, § 12.102)

**Sec. 58-28. Injury to structures or personalty.**

It shall be unlawful for any person to write on, carve, cut, deface, injure or break any part of any building, grandstand or other structure, or any chair, seat, etc., in any public park.

(Code 1983, § 12.103)

**Sec. 58-29. Depositing trash, refuse.**

It shall be unlawful for any person to deposit, leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park.

(Code 1983, § 12.104)

**Cross reference**—Solid waste, ch. 62.

**Sec. 58-30. Bills, posters and advertising.**

It shall be unlawful for any person to erect any bill posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park.

(Code 1983, § 12.105)

**Cross reference**—Advertising, ch. 6.

**Sec. 58-31. Selling.**

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

(Code 1983, § 12.106)

**Cross reference**—Businesses, ch. 22.

**Sec. 58-32. Intoxicating liquors, disorderly conduct, gambling.**

It shall be unlawful for any person to carry into any public park or to consume in any park any intoxicating liquors, to drink the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar or indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious or disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such public park.

(Code 1983, § 12.107)

**Sec. 58-33. Motor vehicle traffic.**

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

(Code 1983, § 12.108)

**Cross reference**—Traffic and vehicles, ch. 70.

Chapters 59—61

**RESERVED**

CD59:1



Chapter 62

**SOLID WASTE\***

**Article I. In General**

- Sec. 62-1. Littering.  
Secs. 62-2—62-25. Reserved.

**Article II. Collection and Disposal**

- Sec. 62-26. Capacity of residential refuse containers.  
Sec. 62-27. Use of additional garbage carts, fee.  
Sec. 62-28. Tying of plastic or paper bags.  
Sec. 62-29. Special waste collection surcharge.  
Sec. 62-30. Responsibility to place garbage for collection.  
Sec. 62-31. Cleaning of containers.  
Sec. 62-32. Storage area to be kept free of litter.  
Sec. 62-33. Collectors to exercise reasonable care.  
Sec. 62-34. Placement of tree limbs, clippings, leaves, ashes.  
Sec. 62-35. Removal of construction waste, building materials.  
Sec. 62-36. Interfering with collection practices.  
Sec. 62-37. Removal of dead animals.  
Sec. 62-38. Damaging, destroying or removing containers.  
Sec. 62-39. Duty of business owners, occupants.  
Sec. 62-40. Collection fee established.  
Sec. 62-41. Failure to pay fee.  
Sec. 62-42. Payment of fee by persons not utilizing water and sewer service.  
Sec. 62-43. Council may negotiate commercial fees.

---

\***Cross references**—Buildings and building regulations, ch. 18; trash fires prohibited, § 42-8; depositing trash or refuse in parks prohibited, § 58-29.

**State law references**—Solid waste management; storage, transportation and collection of municipal solid wastes, S.C. Code Reg. 61-107.5; full cost disclosure by local governments concerning solid waste management, S.C. Code 1976, § 44-96-90.



**ARTICLE I. IN GENERAL****Sec. 62-1. Littering.**

(a) No person shall deposit or cause to be deposited any form of solid waste on any public or private property. Such material shall be prepared and placed for collection as specified in this chapter.

(b) It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles, wood shavings, brush, tree trimmings or any other form of litter or waste matter.

(Code 1983, §§ 10.311, 10.320)

**Cross reference**—Throwing garbage and trash on streets and sidewalks prohibited, § 66-19.

**State law reference**—Dumping litter prohibited, S.C. Code 1976, § 16-11-700.

**Secs. 62-2—62-25. Reserved.**

**ARTICLE II. COLLECTION AND DISPOSAL****Sec. 62-26. Capacity of residential refuse containers.**

When metal or plastic containers, excluding bags, are used for garbage receptacles, such container shall not exceed a capacity of 90 gallons.

(Code 1983, § 10.301)

**Sec. 62-27. Use of additional garbage carts, fee.**

Household garbage shall not be collected in any container other than the regulation 50-gallon containers that are provided by the town. An additional cart will be issued if requested at a monthly fee equal to the charge for a single container.

(Ord. No. 91-3, § 10.322, 6-18-91)

**Sec. 62-28. Tying of plastic or paper bags.**

When plastic or paper bags are used as garbage receptacles, they shall be securely tied.

(Code 1983, § 10.302)

**Sec. 62-29. Special waste collection surcharge.**

Any household, commercial establishment or industry requiring handling of special waste shall be subject to a monthly surcharge billing as may be established by the council.

(Code 1983, § 10.304)

**Sec. 62-30. Responsibility to place garbage for collection.**

Each occupant/user shall place his garbage for collection at the proper time in the proper manner, as may from time to time be prescribed by the council.

(Code 1983, § 10.305)

**Sec. 62-31. Cleaning of containers.**

It shall be the responsibility of the occupant/user to keep his individual solid waste container reasonably clean.

(Code 1983, § 10.306)

**Sec. 62-32. Storage area to be kept free of litter.**

It shall be the responsibility of the occupant/user to keep the solid waste pickup point free of litter. Collectors shall exercise care in the handling of containers to keep the storage area and pickup point free of litter. Containers shall not be filled to overflow capacity in order to prevent litter distribution when emptying the container.

(Code 1983, § 10.307)

**Sec. 62-33. Collectors to exercise reasonable care.**

Collectors shall exercise reasonable care in the handling of solid waste containers and shall not willfully break, deface or injure same.

(Code 1983, § 10.308)

**Sec. 62-34. Placement of tree limbs, clippings, leaves, ashes.**

All trash, such as limbs, branches, underbrush and other yard waste, including leaves, shall be placed at, not in, the street for collection so as not to block the street or sidewalk. Ashes shall be placed in metal containers of no greater than 20-gallon capacity with a tight-fitting lid.

(Code 1983, § 10.309)

**Sec. 62-35. Removal of construction waste, building materials.**

Every contractor, carpenter or builder or the property owner, after completing or during the construction or alteration of a building, shall remove all trash incident to such construction or alteration at his own expense.

(Code 1983, § 10.310)

**Cross reference**—Buildings and building regulations, ch. 18.

**Sec. 62-36. Interfering with collection practices.**

No person shall interfere with or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents.

(Code 1983, § 10.312)

**Sec. 62-37. Removal of dead animals.**

Owners of dead animals shall be responsible for their removal and disposal.  
(Code 1983, § 10.314)

**Cross reference**—Animals, ch. 14.

**Sec. 62-38. Damaging, destroying or removing containers.**

It shall be unlawful for any person to damage, destroy or move from its proper location any garbage container used in the collection of garbage or other refuse.  
(Code 1983, § 10.315)

**Sec. 62-39. Duty of business owners, occupants.**

(a) *Generally.* The owner or occupant of any store or other place of business shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on the premises by his customers and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

(b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the articles of waste referred to in subsection (a) of this section may be disposed of.

(c) *Signs.* Each and every business establishment shall place upon its premises, in a conspicuous place, in close proximity to the receptacle referred to in subsection (b) of this section, a sign which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.  
(Code 1983, § 10.321)

**Sec. 62-40. Collection fee established.**

(a) There is hereby imposed a fee of \$8.00 per month which shall be assessed for each dwelling and for each unit in a multifamily dwelling as a garbage-collection fee to be added to the monthly water bill of each user of water within the corporation limits and collected therewith. The fee shall be collected from each resident, if any, not connected to the water system. Residents having more than one garbage cart shall be charged the \$8.00 monthly rate times the number of carts picked up. Residents outside the corporation limits shall be charged a fee of \$12.00 per month which shall be assessed for each cart picked up. Customers located outside the corporation limits will be provided these services only upon approval of the sanitation supervisor. In addition, the following fees shall be imposed on all industries and businesses utilizing town garbage services, to wit.

<i>Container Size</i>	<i>Frequency of Pickups Per Week</i>				
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
4 yard	\$25.00	\$45.00	\$60.00	\$86.00	\$108.00
6 yard	35.00	56.00	80.00	108.00	135.00
8 yard	44.00	68.00	100.00	130.00	162.00

(b) All ordinances inconsistent herewith are hereby repealed.

(c) This amendment shall be effective July 1, 1999.

(d) A deposit of \$65.00 per sanitation cart shall be charged to any resident outside the town limits requesting and receiving commencement of normal sanitation services. Said deposit shall be refunded to the resident at the time service is discontinued and the cart(s) are returned to the town.

(Code 1983, § 10.316; Ord. No. 94-1, 1-18-94; Ord. No. 98-05, 6-8-98; Ord. No. 99-004, 6-14-99)

**Sec. 62-41. Failure to pay fee.**

If any water user fails to pay the additional garbage fee, the water superintendent is hereby authorized and directed to cut off the water supply for such user in the same manner as if the user failed to pay his water bill, or the penalty provided in section 1-6 shall be applied.

(Code 1983, § 10.317)

**Sec. 62-42. Payment of fee by persons not utilizing water and sewer service.**

Any person not utilizing water and sewer services furnished by the town but who utilizes garbage pickup services shall be responsible for payment of such services in a like manner as if they were receiving water and sewer services and for nonpayment of such services shall be subject to the penalty provided in section 1-6.

(Code 1983, § 10.318)

Cross reference—Utilities, ch. 74.

**Sec. 62-43. Council may negotiate commercial fees.**

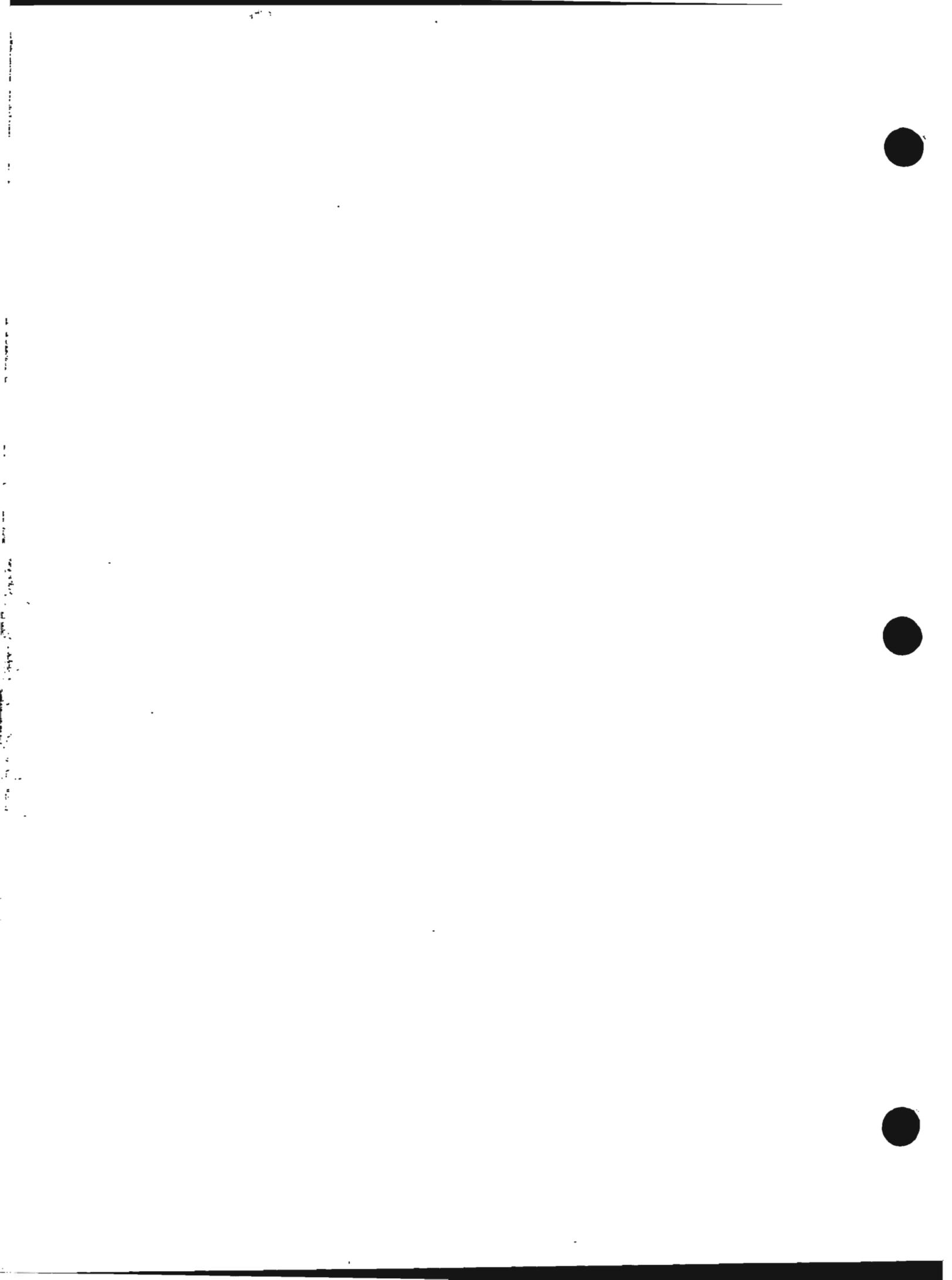
The town council may negotiate a garbage fee to be charged to any industry or other business located within the corporate limits.

(Code 1983, § 10.319)

Chapters 63—65

**RESERVED**

CD63:1



## Chapter 66

### STREETS AND SIDEWALKS\*

#### Article I. In General

- Sec. 66-1. Control over maintenance and construction.
- Sec. 66-2. Maintenance of new streets.
- Sec. 66-3. Unauthorized street name changes prohibited.
- Sec. 66-4. Approval of names of new streets by council.
- Sec. 66-5. Building street numbers.
- Sec. 66-6. Doors, gates opening onto sidewalks.
- Sec. 66-7. Playing games in streets.
- Sec. 66-8. Draining rainwater on sidewalks, streets prohibited.
- Sec. 66-9. Lots draining toward sidewalk.
- Sec. 66-10. Draining water, oil, other liquids onto streets or sidewalks prohibited.
- Sec. 66-11. Throwing glass, nails, other dangerous substances on streets or sidewalks.
- Sec. 66-12. Damaged or wrecked vehicles; removal of broken glass.
- Sec. 66-13. Vehicles leaking or scattering load.
- Sec. 66-14. Vehicles, bicycles, carts prohibited on sidewalks.
- Sec. 66-15. Skating on sidewalk.
- Sec. 66-16. Breaking, removing street lights.
- Sec. 66-17. Breaking, destroying curbs prohibited; permit required for entrance to property.
- Sec. 66-18. Burning leaves, other matter on streets or sidewalks.
- Sec. 66-19. Throwing garbage, trash, offensive matter on streets, lots, public places.
- Sec. 66-20. Repair of fences.
- Sec. 66-21. Logs, lumber, crossties and barrels must be securely chained.
- Sec. 66-22. Vehicles with flanges, other devices injurious to roadway.
- Sec. 66-23. Use of intersections for fundraising activities.
- Secs. 66-24—66-45. Reserved.

#### Article II. Obstructions

- Sec. 66-46. Drains, ditches, watercourses.
- Sec. 66-47. Removal of tree trimming waste.
- Sec. 66-48. Vision at street intersections.
- Sec. 66-49. Blocking of streets and sidewalks.
- Sec. 66-50. Obstructions to be moved upon notice.
- Sec. 66-51. Permanent obstructions prohibited.
- Sec. 66-52. Building materials in streets, sidewalks and public places; permission required.
- Sec. 66-53. Sidewalk sales.
- Secs. 66-54—66-75. Reserved.

\*Cross references—Carnivals, street shows prohibited without permit, § 10-4; buildings and building regulations, ch. 18; selling goods on streets by peddlers prohibited, § 22-31.

State law references—Municipal regulation of streets, S.C. Code 1976, § 5-7-30; issuance of permits to charitable groups to solicit funds from motorists, S.C. Code 1976, § 5-27-910.

**WILLISTON TOWN CODE**

**Article III. Excavations**

- Sec. 66-76. Permit required.
- Sec. 66-77. Restoration.
- Sec. 66-78. Failure of excavation; repair.
- Sec. 66-79. Danger signals required.
- Sec. 66-80. Unauthorized removal of danger signals.
- Secs. 66-81—66-100. Reserved.

**Article IV. Picketing, Parades and Demonstrations**

- Sec. 66-101. Permit.
- Sec. 66-102. Unlawful acts.

**ARTICLE I. IN GENERAL****Sec. 66-1. Control over maintenance and construction.**

The town council shall approve the construction and maintenance of streets and shall employ such number of persons to work on the streets as may be needed.

(Code 1983, § 15.101)

**Sec. 66-2. Maintenance of new streets.**

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

- (1) The right-of-way shall be furnished to the town.
- (2) Plans and profiles for the proposed street shall be submitted to the council for review and approval.
- (3) When plans and profiles are approved by the council, the applicant shall cause the street to be constructed to line and grade, the necessary drainage structures installed and adequate inlet and outlet ditches constructed in a manner approved by the council. The approved construction plans shall be submitted to the council at the time the request to accept the street for maintenance is made.

(Code 1983, § 15.102)

**Sec. 66-3. Unauthorized street name changes prohibited.**

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

(Code 1983, § 15.103)

**Sec. 66-4. Approval of names of new streets by council.**

No person shall construct any new street within the corporate limits without approval of the names to be assigned to such street by the council.

(Code 1983, § 15.104)

**Sec. 66-5. Building street numbers.**

The owner of any building shall affix conspicuously on the front thereof the number assigned to such building by the U.S. Postal Service.

(Code 1983, § 15.105)

Cross reference—Buildings and building regulations, ch. 18.

**Sec. 66-6. Doors, gates opening onto sidewalks.**

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

(Code 1983, § 15.202)

**Sec. 66-7. Playing games in streets.**

No person shall play any games or throw any rocks or missiles on any public street.  
(Code 1983, § 15.203)

**Sec. 66-8. Draining rainwater on sidewalks, streets prohibited.**

It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters, or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.  
(Code 1983, § 15.204)

**Sec. 66-9. Lots draining toward sidewalk.**

Every person owning any lot which drains toward a sidewalk shall provide such suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining streets.  
(Code 1983, § 15.205)

**Sec. 66-10. Draining water, oil, other liquids onto streets or sidewalks prohibited.**

It shall be unlawful for any person to permit water, oil or other liquid of any kind, from any store, residence or other building, to fall or flow upon any part of any street or sidewalk; provided, that sprinkling of a street to lay dust is not hereby forbidden.  
(Code 1983, § 15.206)

**Sec. 66-11. Throwing glass, nails, other dangerous substances on streets or sidewalks.**

It shall be unlawful for any person to throw or place on any of the streets or sidewalks any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.  
(Code 1983, § 15.207)

**Sec. 66-12. Damaged or wrecked vehicles; removal of broken glass.**

It shall be unlawful for any person, when removing a wrecked or damaged vehicle from a street, to fail to remove any glass or other injurious substance dropped thereon from such vehicle.  
(Code 1983, § 15.208)

**Cross reference**—Abandoned and junk motor vehicles, § 38-86 et seq.

**Sec. 66-13. Vehicles leaking or scattering load.**

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or

fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets.

(Code 1983, § 15.209)

**Cross reference**—Traffic and vehicles, ch. 70.

**Sec. 66-14. Vehicles, bicycles, carts prohibited on sidewalks.**

It shall be unlawful for any person to ride, propel or park any automobile, motorcycle, wheelbarrow, handcart or other vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings. This section shall not apply to children under the age of 12 years who may ride bicycles and tricycles on residential sidewalks, other than in the main business district, at a speed less than 15 miles per hour.

(Code 1983, § 15.210)

**Cross reference**—Traffic and vehicles, ch. 70.

**Sec. 66-15. Skating on sidewalk.**

It shall be unlawful for any person to skate on any sidewalk in a manner to create a danger to pedestrians.

(Code 1983, § 15.211)

**Sec. 66-16. Breaking, removing street lights.**

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with street lights.

(Code 1983, § 15.212)

**Sec. 66-17. Breaking, destroying curbs prohibited; permit required for entrance to property.**

It shall be unlawful for any person to break or destroy the curbing of any street, to otherwise deface such curbing or to construct any entrance into property on any of the paved streets, unless such person has first obtained a permit in writing to do so from the council.

(Code 1983, § 15.213)

**Sec. 66-18. Burning leaves, other matter on streets or sidewalks.**

It shall be unlawful to burn leaves or other matter on the paved surface of streets or sidewalks.

(Code 1983, § 15.214)

**Cross reference**—Fire prevention and protection, ch. 42.

**Sec. 66-19. Throwing garbage, trash, offensive matter on streets, lots, public places.**

It shall be unlawful for any person to throw or cause to be thrown any garbage, trash or other offensive matter onto any sidewalk, street, lot or public place.

(Code 1983, § 15.216)

Cross reference—Littering, § 62-1.

**Sec. 66-20. Repair of fences.**

It shall be unlawful for the owner of lands, or lots within the corporate limits to fail to keep in good repair the fences on such land, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town.

(Code 1983, § 15.219)

**Sec. 66-21. Logs, lumber, crossties and barrels must be securely chained.**

No person shall haul round logs, pulpwood logs, lumber, crossties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chain shall be made of material of not less than one-half inch in diameter.

(Code 1983, § 15.223)

**Sec. 66-22. Vehicles with flanges, other devices injurious to roadway.**

It shall be unlawful for any person to operate, drive or cause to be driven or operated, over, upon or across the paved streets or thoroughfares of the town, any vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle, that would injure or damage the paved surface of such streets or thoroughfares.

(Code 1983, § 15.229)

Cross reference—Traffic and vehicles, ch. 70.

**Sec. 66-23. Use of intersections for fundraising activities.**

(a) Only charitable organizations located within the confines of the Williston-Elko school district will be allowed to use intersections within the town for fundraising activities. For the purposes of this section, the term "located" shall mean to maintain a physical presence or operate a chapter, troop, club or branch within the Williston-Elko School District. Organizations must have written permission from the town clerk to use the intersections. The town clerk will accept applications from organizations requesting use of the intersections. Applications must be received at least ten calendar days before the event. If the town clerk finds that the organization meets the criteria established in this section, the town clerk may grant a written permit to the charitable organization giving them permission to use the intersections for a specific date or dates. Only one fundraiser can be held per week. Date conflicts will be resolved by giving preference to the application received first.

(b) For the purposes of this section, charitable organizations will include, but will not be limited to, churches, civic groups, and school organizations. Any other groups falling within the scope of the Internal Revenue Service's definition of an eleemosynary organization will also be included.

(c) Anyone found to be using intersections within the town for fundraising activities without written permission from the town clerk will be deemed guilty of a misdemeanor and shall be punished in accordance with section 1-6 of the Williston Town Code.

(Ord. No. 2002-02, §§ 1—3, 2-11-02)

**Secs. 66-24—66-45. Reserved.**

## ARTICLE II. OBSTRUCTIONS

### **Sec. 66-46. Drains, ditches, watercourses.**

It shall be unlawful for any person to obstruct, or cause to be obstructed, any drains, ditches or watercourses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of such stream, ditch, gully or natural drain run free from obstructions. They shall not allow any growth of weeds or shrubbery on or along the banks thereof which will prevent sunlight from entering therein. When overflows or floods form pools or backwaters therein, they shall be promptly drained.

(Code 1983, § 15.215)

### **Sec. 66-47. Removal of tree trimming waste.**

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste caused by such cutting, trimming or digging.

(Code 1983, § 15.218)

### **Sec. 66-48. Vision at street intersections.**

(a) On corner lots in the town there shall be no obstruction to vision between a height of two feet and a height of ten feet measured above the average elevation of the existing surfaces of the intersecting streets at their centerlines, within the area formed by joining points on the property lines, measured as follows:

- (1) On property lines abutting streets 50 feet or less in right-of-way width, the points on the property lines shall be not less than 25 feet from the lot corner.
- (2) On property lines abutting streets more than 50 feet in right-of-way width, the points on the property lines shall be 50 feet from the lot corner.

This restriction shall not apply to buildings in business districts.

(b) Whenever it shall be determined by the council that there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner and occupant of such property shall, within ten days after written notice by town officials, remove such obstruction. Any such owner or occupant who shall fail or refuse to remove any such obstruction shall be deemed guilty of a misdemeanor.

(c) If any such property owner shall fail or refuse to remove any such obstruction, after written notice to do so, as provided in subsection (b) of this section, the council may have such obstruction removed. The costs of such removal shall be charged to the property owner, and it shall be a lien on such property and shall be added to the town taxes on such property.  
(Code 1983, §§ 15.220—15.222)

**Sec. 66-49. Blocking of streets and sidewalks.**

(a) It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk, public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible except as otherwise provided in this article; provided, that this section shall not apply to any employee of the town, county or state while such employee is immediately and actively engaged in the maintenance, improvement or construction of utilities, street, sidewalk or public way.

(b) The blocking by any means of any street, sidewalk or public way without official permission is hereby declared to be a misdemeanor.  
(Code 1983, § 15.224)

**Sec. 66-50. Obstructions to be moved upon notice.**

It shall be unlawful for any person to refuse or fail to remove, or cause to be removed, any obstruction on any street, highway or other public place within the time for which the town council may have given its permission for such obstruction thereof. If no time is set when permission is given, such obstruction shall be removed within such time as the town council may require.

(Code 1983, § 15.225)

**Sec. 66-51. Permanent obstructions prohibited.**

No permission shall be granted for the placing of a permanent obstruction on any of the streets, highways or other public places.

(Code 1983, § 15.226)

**Sec. 66-52. Building materials in streets, sidewalks and public places; permission required.**

(a) Building materials shall not be laid on any sidewalk, street or public place until the consent of the mayor is first obtained. It shall be the duty of the person desiring so to use the streets to inform the mayor when permission is desired to lay such material thereon, and

otherwise to obstruct such places, for the purpose of erecting a building adjoining such street, where some obstruction thereof is necessary, what space will be needed and for what length of time the obstruction will be necessary. The mayor shall give permission accordingly, imposing then and from time to time such reasonable conditions as he may consider necessary or proper for the protection of the public and the public property.

(b) While the obstructions provided for in this section remain on the streets, sidewalks or other public places, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

(Code 1983, §§ 15.227, 15.228)

**Cross reference**—Buildings and building regulations, ch. 18.

#### **Sec. 66-53. Sidewalk sales.**

The placing of any wares for sale on any street, alley, sidewalk, or other public place shall be unlawful, unless authorized by the council.

(Code 1983, § 15.230)

**Cross reference**—Businesses, ch. 22.

#### **Secs. 66-54—66-75. Reserved.**

### **ARTICLE III. EXCAVATIONS**

#### **Sec. 66-76. Permit required.**

It shall be unlawful for any person to cut or excavate a street or sidewalk in the corporate limits without having first obtained a permit therefor from the town or the state department of highways and public transportation, except in a bona fide emergency situation.

(Code 1983, § 15.301)

#### **Sec. 66-77. Restoration.**

Any such cut or excavation shall be restored according to the standards of the state department of highways and public transportation within a period of 24 hours. Special consideration may be granted by the town or the state department due to extreme weather conditions upon request.

(Code 1983, § 15.302)

#### **Sec. 66-78. Failure of excavation; repair.**

If the repair should sink or give away within one year, it shall be promptly repaired by the person making the original cut or excavation within 72 hours of being notified by the town and/or the state department of highways and public transportation.

(Code 1983, § 15.303)

**Sec. 66-79. Danger signals required.**

It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around the trench, ditch or excavation as danger signals to prevent accidents to persons or property. Adequate lights shall be displayed at night.

(Code 1983, § 15.304)

**Sec. 66-80. Unauthorized removal of danger signals.**

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations impediments or obstacles of any description whatsoever.

(Code 1983, § 15.305)

**Secs. 66-81—66-100. Reserved.****ARTICLE IV. PICKETING, PARADES AND DEMONSTRATIONS\*****Sec. 66-101. Permit.**

It shall be unlawful to picket, parade or march unless a permit to perform such actions has been secured. To secure a permit, those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the clerk-treasurer for subsequent approval by the council, between the hours of 8:30 a.m. and 5:00 p.m. of each work day. A permit may be issued three days thereafter, excluding the date the application is submitted. The application shall state the time, duration, purpose, the area in which such picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for such picketing, parading or marching.

(Code 1983, § 14.411)

**Sec. 66-102. Unlawful acts.**

When picketing or engaging in demonstrations no person shall:

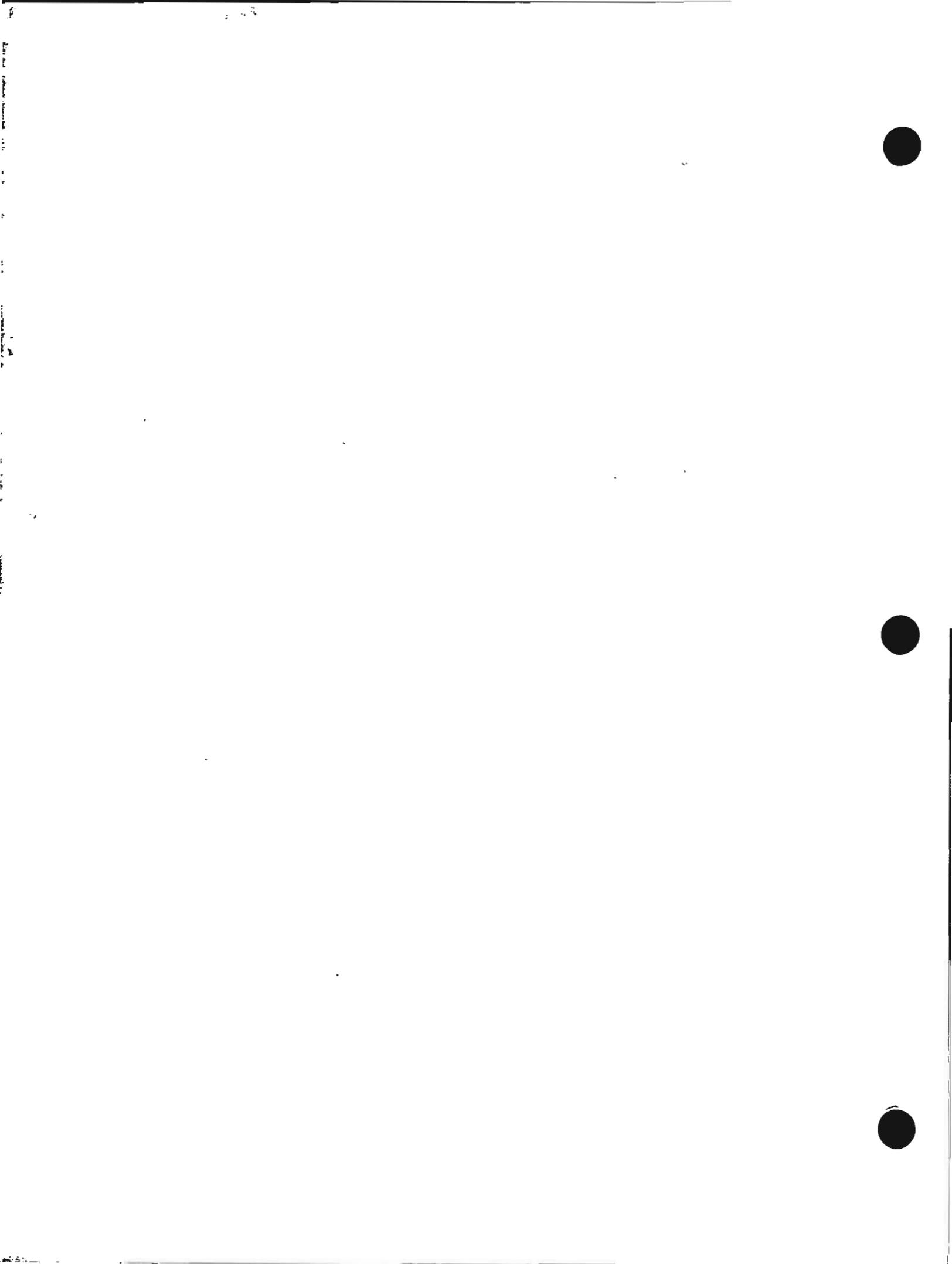
- (1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.
- (2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the council.
- (3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.
- (4) Damage or destroy or injure the person or property of others.

\*Cross reference—Processions, § 70-86 et seq.

State law reference—Authority to regulate parades, etc., S.C. Code 1976, § 56-5-710(3).

- (5) Block, in any manner, the streets and means of ingress and egress to places of business.
- (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
- (7) Interfere in any matter with the attendance, during school hours, of children in the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason, or permitting them to be or remain in churches or other places used in such demonstrations.
- (8) Picket other than in accordance with the following principles:
  - a. In small numbers.
  - b. In a manner so as not to interfere with pedestrians or vehicular traffic.
  - c. In a manner so as not to block entrances or exits to or from picketed establishments.
  - d. No more than four pickets posted at any one time at any one business establishment.
  - e. No more than two business establishments picketed in the same block at the same time.
  - f. No picket trespassing upon the property of the business establishment being picketed.
  - g. Pickets patrolling on the sidewalk at a distance of not less than eight feet from every other picket.
  - h. No person, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.
- (9) Demonstrate, other than in accordance with the following principles:
  - a. Walking not more than two abreast upon the public sidewalks or in groups of not more than 100 persons.
  - b. Observe all traffic control devices.
  - c. Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.
  - d. Assemble peacefully and speak peacefully for a period of time not exceeding 30 minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.

(Code 1983, § 14.411(1)—(9))



Chapters 67—69

**RESERVED**



## Chapter 70

### TRAFFIC AND VEHICLES\*

#### Article I. In General

- Sec. 70-1. Definitions.
- Sec. 70-2. Jurisdiction of municipal court.
- Sec. 70-3. Powers of town council.
- Sec. 70-4. State driver's license and vehicle license required.
- Sec. 70-5. Responsibility of vehicle owner.
- Sec. 70-6. Interfering with signs, signals or devices.
- Sec. 70-7. Fixing traffic tickets.
- Secs. 70-8—70-30. Reserved.

#### Article II. Operation

##### Division 1. Generally

- Sec. 70-31. Adoption of state laws.
- Sec. 70-32. Driving across private property to make turns.
- Sec. 70-33. Using vehicle for advertising.
- Sec. 70-34. Obedience to stop signs; entering through street.
- Sec. 70-35. Display of vehicle for sale, washing, greasing or repairing within public right-of-way.
- Sec. 70-36. Moving on one-way streets.
- Sec. 70-37. Boarding, alighting from moving vehicle.
- Sec. 70-38. Unlawful riding on vehicle.
- Sec. 70-39. Operation of vehicles on play streets.
- Sec. 70-40. Entering intersection or marked crosswalk.
- Sec. 70-41. Use of coasters, roller skates, similar devices restricted.
- Sec. 70-42. Clinging to moving vehicle while riding motorcycle.
- Sec. 70-43. U-turns, other prohibited turns.
- Sec. 70-44. Operation on streets under repair or closed to travel.
- Sec. 70-45. Driving on sidewalks.
- Sec. 70-46. No passing zones.
- Sec. 70-47. Reckless driving.
- Sec. 70-47.1. Careless driving.
- Sec. 70-48. Following too closely.
- Sec. 70-49. Spilling loads.
- Sec. 70-50. Use of horn in quiet zones.
- Sec. 70-51. Opening doors into traffic.
- Sec. 70-52. Passing unlawfully.
- Sec. 70-53. Failure to dim lights.

\*Cross references—Wreckers, § 22-71 et seq.; following or parking near fire equipment, § 42-4; motor vehicles in parks, § 58-33; vehicles leaking or scattering loads, § 66-13; vehicles on sidewalks prohibited, § 66-14; vehicles with flanges prohibited, § 66-22.

State law reference—Uniform Act Regulating Traffic on Highways, local authority, S.C. Code 1976, § 56-5-30.

## WILLISTON TOWN CODE

- Sec. 70-54. Shifting lanes without safety precaution.
- Sec. 70-55. Reckless operation of motorcycle.
- Sec. 70-56. Operation on Southern Railway right-of-way restricted.
- Secs. 70-57—70-65. Reserved.

### Division 2. Speed Limits

- Sec. 70-66. General rule as to speed restrictions.
- Sec. 70-67. Prima facie speed limits.
- Sec. 70-68. When lower speeds required.
- Sec. 70-69. Special speed limit for solid or cushion tires.
- Sec. 70-70. Authority to establish.
- Sec. 70-71. Trucks, truck tractors.
- Sec. 70-72. Racing, drag racing prohibited.
- Sec. 70-73. Authorized emergency vehicles.
- Secs. 70-74—70-85. Reserved.

### Division 3. Processions

- Sec. 70-86. Permits required; funerals excepted.
- Sec. 70-87. Driving through parade or procession.
- Sec. 70-88. Manner of driving in.
- Sec. 70-89. Identification.
- Secs. 70-90—70-110. Reserved.

## Article III. Stopping, Standing and Parking

- Sec. 70-111. Loading, unloading merchandise.
- Sec. 70-112. Use of streets for sales, distribution.
- Sec. 70-113. Blocking streets and alleys; parking on narrow streets.
- Sec. 70-114. Manner of parking, position of vehicle.
- Sec. 70-115. Special parking places.
- Sec. 70-116. Parking in designated places; bus parking; parking at fire hydrants.
- Sec. 70-117. Unattended motor vehicle.
- Sec. 70-118. Prohibited near designated hazardous or congested places.
- Sec. 70-119. Parking prohibited in designated area adjacent to school.
- Secs. 70-120—70-140. Reserved.

## Article IV. Pedestrians

- Sec. 70-141. Obedience to traffic control signals.
- Sec. 70-142. Use of right half of crosswalks.
- Sec. 70-143. Walking along streets and roadways.
- Sec. 70-144. Hitchhiking.
- Sec. 70-145. Drivers to exercise due care.
- Secs. 70-146—70-165. Reserved.

## Article V. Bicycles

- Sec. 70-166. Regulations applicable to bicycles.
- Sec. 70-167. Applicability of traffic laws.

## TRAFFIC AND VEHICLES

- Sec. 70-168. Duty to keep to right.
- Sec. 70-169. Riding abreast.
- Sec. 70-170. Use of bicycle paths.
- Sec. 70-171. Riding on sidewalks.
- Sec. 70-172. Clinging to vehicles.
- Sec. 70-173. Riding without using handlebars; general control.
- Sec. 70-174. Lights.
- Sec. 70-175. Warning devices.
- Sec. 70-176. Brakes.



**ARTICLE I. IN GENERAL****Sec. 70-1. Definitions.**

For the purposes of this chapter, the definitions of S.C. Code 1976, § 56-5-110 et seq. are hereby adopted and made a part of this Code.

(Code 1983, § 18.102)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 70-2. Jurisdiction of municipal court.**

The municipal court may try and determine criminal cases involving violation of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits when the penalty prescribed by state law for such violations does not exceed 30 days imprisonment or \$500.00. The court may have trial jurisdiction over such criminal cases the same as magistrates.

(Code 1983, § 18.103)

**State law reference**—Similar provisions, S.C. Code 1976, § 56-5-6150.

**Sec. 70-3. Powers of town council.**

The council shall have the power and is hereby authorized to:

- (1) Regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, U-turns, school zones, hospital markers and official traffic control devices indicating the place or manner of operating or parking vehicles, including loading zones.
- (2) Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic.
- (3) Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic, when in the judgment thereof, such action is necessary.
- (4) Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street when such action is deemed necessary. The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the council and in accordance with the provisions of this section.

(Code 1983, § 18.104)

**Sec. 70-4. State driver's license and vehicle license required.**

No person shall operate a motor vehicle on any street without a valid driver's license issued by this state or another state to operate the vehicle except those persons expressly exempted in S.C. Code 1976, § 56-1-20 et seq. and such vehicle shall have current license tags.

(Code 1983, § 18.105)

**State law reference**—Similar provisions, S.C. Code 1976, § 56-1-20.

**Sec. 70-5. Responsibility of vehicle owner.**

No person shall allow, permit or let any vehicle registered in his name to be used to violate any ordinance. All violations of parking ordinances shall be presumed to be with the knowledge of the owner of such vehicle.

(Code 1983, § 18.106)

State law reference—Similar provisions, S.C. Code 1976, § 56-5-6120.

**Sec. 70-6. Interfering with signs, signals or devices.**

No person shall, without lawful authority, attempt to or in any way alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal of any description, shield or insignia thereon or any other part thereof.

(Code 1983, § 18.511)

State law reference—Similar provisions, S.C. Code 1976, § 56-5-1030.

**Sec. 70-7. Fixing traffic tickets.**

It shall be unlawful for any official or employee of the town to fix or cancel any ticket or summons issued by the police department for a violation of this chapter or any other traffic ordinance.

(Code 1983, § 18.107)

**Secs. 70-8—70-30. Reserved.**

**ARTICLE II. OPERATION\***

**DIVISION 1. GENERALLY**

**Sec. 70-31. Adoption of state laws.**

(a) All vehicles shall be operated in accordance and conformity with all current state laws and this Code, or amendments thereto enacted, as relating to the operation of vehicles, which provisions are adopted by reference and made a part of this article as if set out in this article, except those provisions relating solely to the state highway department and those provisions the penalty for which exceeds a fine of \$500.00 or imprisonment for more than 30 days. Any person violating these provisions shall be, upon conviction, guilty of a misdemeanor.

(b) All requirements of S.C. Code 1976, §§ 56-5-4410—56-5-5050 and 56-5-5140 are hereby adopted by reference and made a part of this article as if set out in full. All owners of vehicles shall conform with such requirements, and any person failing to conform therewith shall be, upon conviction, guilty of a misdemeanor.

(Code 1983, § 18.201)

---

\*State law reference—Uniform Act Regulating Traffic on Highways, local authority, S.C. Code 1976, § 56-5-10 et seq.

**Sec. 70-32. Driving across private property to make turns.**

It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to cut a corner purposely. It is the intention of this section to prohibit corner cutting by driving a vehicle from one street into another across any sidewalk and/or driveway and/or through any driveway.

(Code 1983, § 18.203)

**Sec. 70-33. Using vehicle for advertising.**

No person shall operate or park any vehicle on any street for the primary purpose of advertising without the prior approval of the council.

(Code 1983, § 18.202)

**Sec. 70-34. Obedience to stop signs; entering through street.**

When stop signs are erected at streets intersecting a through street, at the entrances thereto or at the entrance to any intersection, every driver of a vehicle shall stop at every such sign or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic control signal.

(Code 1983, § 18.205)

**Sec. 70-35. Display of vehicle for sale, washing, greasing or repairing within public right-of-way.**

No person shall stand or park vehicles within any public right-of-way for the principal purpose of displaying it for sale or washing, greasing or repairing such vehicle except repairs necessitated by an emergency, without prior approval of the chief of police.

(Code 1983, § 18.206)

**Sec. 70-36. Moving on one-way streets.**

Upon those streets and parts of streets whereon are erected signs designating them as one-way streets, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1983, § 18.211)

**Sec. 70-37. Boarding, alighting from moving vehicle.**

No person shall board or alight from any vehicle while it is in motion.

(Code 1983, § 18.212)

**Sec. 70-38. Unlawful riding on vehicle.**

No person shall ride on any vehicle nor upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(Code 1983, § 18.213)

**Sec. 70-39. Operation of vehicles on play streets.**

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area.

(Code 1983, § 18.214)

**Sec. 70-40. Entering intersection or marked crosswalk.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Code 1983, § 18.215)

**Sec. 70-41. Use of coasters, roller skates, similar devices restricted.**

No person upon roller skates, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and except upon streets set aside as play streets when and as authorized by the council.

(Code 1983, § 18.216)

**Sec. 70-42. Clinging to moving vehicle while riding motorcycle.**

No person riding a motorcycle shall attach the motorcycle or himself to any moving vehicle upon any street.

(Code 1983, § 18.217)

**Sec. 70-43. U-turns, other prohibited turns.**

It shall be unlawful for any person driving a vehicle to make a U-turn or other prohibited turn at any point where such turn is prohibited by posted signs or to accomplish a U-turn by deviously going into or through private property adjoining a street where such turn is prohibited.

(Code 1983, § 18.218)

**Sec. 70-44. Operation on streets under repair or closed to travel.**

No person shall ride or drive or cause to be ridden or driven any horse or vehicle over that part of any street which is being repaired or paved, or over any part of a street wholly closed to travel.

(Code 1983, § 18.219)

**Sec. 70-45. Driving on sidewalks.**

It shall be unlawful for anyone to ride or drive any motor vehicle on the sidewalks of any public streets of the town, except for the purpose of crossing such sidewalks when necessary.

(Code 1983, § 18.220)

**Sec. 70-46. No passing zones.**

The town council may determine those portions of any street where overtaking and passing a vehicle proceeding in the same direction or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions of the signs or markings.

(Code 1983, § 18.221)

**Sec. 70-47. Reckless driving.**

Any person who drives any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property shall be guilty of reckless driving and of a violation of this section.

(Code 1983, § 18.222)

**State law reference**—Similar provisions, S.C. Code 1976, § 56-5-2920.

**Sec. 70-47.1. Careless driving.**

(a) Any person who operates any vehicle in such a manner as to indicate a careless disregard for the safety of persons or property is guilty of careless driving.

(b) It shall be unlawful for any person to operate a motor vehicle in a careless manner in disregard of the safety of persons or property within the town.

(c) Every person convicted of careless driving shall be guilty of a misdemeanor, and punished by a fine of not less than \$75.00 or more than \$200.00 or imprisonment for a period of time not to exceed 30 days.

(Ord. No. 93-8, 11-8-93)

**Editor's note**—Ord. No. 93-8, adopted Nov. 8, 1993, amended the 1983 Code by the addition of § 18-231, and at the discretion of the editor said provisions have been codified herein as § 70-47.1.

**Sec. 70-48. Following too closely.**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the conditions of the street.

(Code 1983, § 18.223)

State law reference—Similar provisions, S.C. Code 1976, § 56-5-1930.

**Sec. 70-49. Spilling loads.**

No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom.

(Code 1983, § 18.224)

**Sec. 70-50. Use of horn in quiet zones.**

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle, except in an emergency.

(Code 1983, § 18.225)

**Sec. 70-51. Opening doors into traffic.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

(Code 1983, § 18.226)

**Sec. 70-52. Passing unlawfully.**

It shall be unlawful for any vehicle to pass another vehicle proceeding in the same direction when the passing vehicle is within 100 feet of an intersection, approaching a curve, when a solid yellow line is located in the lane of the passing vehicle or upon a hill or grade.

(Code 1983, § 18.501)

State law reference—Similar provisions, S.C. Code 1976, § 56-5-1880.

**Sec. 70-53. Failure to dim lights.**

It shall be unlawful for the driver of any vehicle, from dusk to dawn, when approaching another vehicle from an opposite direction, to fail to dim the lights of his vehicle when it is within 300 feet of the approaching vehicle.

(Code 1983, § 18.502)

State law reference—Dimming lights, S.C. Code 1976, § 56-5-4780.

**Sec. 70-54. Shifting lanes without safety precaution.**

It shall be unlawful for the driver of any vehicle to shift lanes of traffic without first ascertaining that a shift in lanes of traffic by his vehicle will not impede or interfere with the movement of any other vehicle upon the public right-of-way.

(Code 1983, § 18.503)

**Sec. 70-55. Reckless operation of motorcycle.**

It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.

(Code 1983, § 18.507)

**Sec. 70-56. Operation on Southern Railway right-of-way restricted.**

(a) It shall be unlawful to operate any motorized vehicle on the right-of-way of Southern Railway acquired by the town within the corporate limits of the town.

(b) Any person violating this section by operating or allowing to be operated any motorized vehicle on the right-of-way of Southern Railway acquired by the town, within the corporate limits of the town, shall be subject to a fine of not more than \$500.00, or imprisonment for not more than 30 days, or both such fine and imprisonment.

(Ord. No. 96-12, §§ 1, 2, 12-9-96)

**Secs. 70-57—70-65. Reserved.**

## DIVISION 2. SPEED LIMITS

**Sec. 70-66. General rule as to speed restrictions.**

No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(Code 1983, § 18.207)

**State law references**—Similar provisions, S.C. Code 1976, § 56-5-1520; alteration of speed limits by local authorities, signs and approval by state, S.C. Code 1976, § 56-5-1540.

**Sec. 70-67. Prima facie speed limits.**

Where no special hazard exists that requires a lower speed for compliance with this division, the speed of any vehicle not in excess of the limits specified in this division shall be lawful, such limits established in this section being:

- (1) Twenty-five miles per hour in any business district.
- (2) Thirty-five miles per hour in any residence district.

Any speed in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(Code 1983, § 18.208)

**Sec. 70-68. When lower speeds required.**

The driver of every vehicle shall, consistent with the requirements of this division, drive at an appropriately reduced speed when approaching and crossing an intersection, when approaching a hill crest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to pedestrians or other traffic or by reason of weather or street conditions.

(Code 1983, § 18.209)

**State law reference**—Alteration of speed limits by local authorities, S.C. Code 1976, § 56-5-1540.

**Sec. 70-69. Special speed limit for solid or cushion tires.**

No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

(Code 1983, § 18.210)

**State law reference**—Similar provisions, S.C. Code 1976, § 56-5-1570(b).

**Sec. 70-70. Authority to establish.**

The town council may, from time to time, establish speed limits different from those set out in this division on particular streets or parts of streets, or in particular areas. When signs or markings are installed giving notice of such speed limits, it shall be unlawful to exceed the indicated speed.

(Code 1983, § 18.227)

**Sec. 70-71. Trucks, truck tractors.**

Where no special hazards exist the following speeds for motor trucks and motor truck tractors of a size greater than 1½ tons shall be lawful except where posted, and any speed in excess of such limitations shall be unlawful:

- (1) Twenty miles per hour in any business district.
- (2) Thirty miles per hour in any residence district.
- (3) Forty miles per hour under other conditions.

(Code 1983, § 18.228)

**Sec. 70-72. Racing, drag racing prohibited.**

It shall be unlawful for any person to engage in a motor vehicle race or contest for speed or acceleration on any public road, street or highway in the town, or to aid, abet or assist in any

manner whatsoever in any such race or contest. It shall be unlawful also for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed.

(Code 1983, § 18.229)

**State law reference**—Similar provisions, S.C. Code 1976, § 56-5-1590.

**Sec. 70-73. Authorized emergency vehicles.**

(a) The speed limitations set forth in this division shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.

(b) This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(Code 1983, § 18.230)

**State law reference**—Similar provisions, S.C. Code 1976, § 56-5-760.

**Secs. 70-74—70-85. Reserved.**

**DIVISION 3. PROCESSIONS\***

**Sec. 70-86. Permits required; funerals excepted.**

No procession or parade containing 100 or more persons or 25 or more vehicles, excepting the armed forces of the United States, or of this state and forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the town council and such other regulations as are set forth in this division which may apply. Funerals are exempt from this requirement.

(Code 1983, § 18.301)

**Sec. 70-87. Driving through parade or procession.**

No driver of a vehicle shall drive between vehicles comprising a funeral, parade or other authorized procession while such parade or procession is in motion and when such vehicles are conspicuously designated as required in section 70-89. This provision shall not apply at intersections where traffic is controlled by traffic signals or police officers.

(Code 1983, § 18.302)

**\*Cross reference**—Picketing, parades and demonstrations, § 66-101 et seq.

**State law reference**—Local regulation of processions, S.C. Code 1976, § 56-5-710(3).

**Sec. 70-88. Manner of driving in.**

Each driver in a funeral, parade, or similar procession shall drive as near to the righthand edge of the roadway as practical and follow the vehicle ahead as close as is practical and safe. (Code 1983, § 18.303)

**Sec. 70-89. Identification.**

A parade or procession, including funerals, composed of a procession of vehicles, shall be identified as such by the display upon the outside of each vehicle as may be designated by the chief of police. (Code 1983, § 18.304)

**Secs. 70-90—70-110. Reserved.**

**ARTICLE III. STOPPING, STANDING AND PARKING\***

**Sec. 70-111. Loading, unloading merchandise.**

It shall be unlawful for any person to load or unload merchandise from trucks or other vehicles in front of any of the business houses of the town; such person shall load and unload the merchandise from the rear of the business houses, except where unable to load or unload at the rear thereof. (Code 1983, § 18.401)

**Cross reference—Businesses, ch. 22.**

**Sec. 70-112. Use of streets for sales, distribution.**

It shall be unlawful for any person to sell, solicit sales, or offer for distribution any merchandise, publication, handbill, or pamphlet while such person is standing in the street, areas reserved for parking spaces, the areas reserved for loading and unloading or to enter any of such areas for the purpose of sale and/or delivery of any of such items. (Code 1983, § 18.505)

**Cross reference—Businesses, ch. 22.**

**Sec. 70-113. Blocking streets and alleys; parking on narrow streets.**

(a) No person shall stop, stand or park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations, traffic signs or a police officer.

**\*Cross reference—Parking at fire hydrants, § 42-5.**

**State law references—Local authority to regulate parking or standing of vehicles, S.C. Code 1976, § 56-5-710(1); municipalities with marked parking spaces must designate spaces for disabled persons, S.C. Code 1976, § 56-3-1965.**

(b) When signs prohibiting parking are erected on narrow streets, no person shall park a vehicle in any such designated place.

(Code 1983, § 18.402)

**Sec. 70-114. Manner of parking, position of vehicle.**

No person shall park a vehicle in a roadway other than parallel thereto, headed in the direction of traffic and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, unless otherwise provided by ordinance.

(Code 1983, § 18.403)

**Sec. 70-115. Special parking places.**

The council, in its discretion, may designate special parking areas or places for which sufficient cause is shown.

(Code 1983, § 18.404)

**Sec. 70-116. Parking in designated places; bus parking; parking at fire hydrants.**

(a) When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets whereon such signs are erected.

(b) All vehicles parked in areas in which parking spaces have been marked off or designated shall be parked entirely within a single space.

(c) It shall be unlawful to park adjacent to fire hydrants in such a manner as to interfere with emergency situations.

(d) It shall be unlawful for the driver of any bus to park or to stop the bus he is driving on a public street in the town, other than those places designated as bus stops by resolution of the town council, and indicated and marked for that purpose.

(Code 1983, § 18.405)

**Cross reference**—Fire prevention and protection, ch. 42.

**Sec. 70-117. Unattended motor vehicle.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway or street.

(Code 1983, § 18.504)

**Sec. 70-118. Prohibited near designated hazardous or congested places.**

When signs are erected at an approach to hazardous or congested places no person shall stop, stand or park a vehicle in any such designated place.

(Code 1983, § 18.407)

**Sec. 70-119. Parking prohibited in designated area adjacent to school.**

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.  
(Code 1983, § 18.408)

**Secs. 70-120—70-140. Reserved.**

**ARTICLE IV. PEDESTRIANS\***

**Sec. 70-141. Obedience to traffic control signals.**

Pedestrians shall strictly comply with the directions of any official traffic control signal.  
(Code 1983, § 18.601)

**Sec. 70-142. Use of right half of crosswalks.**

Pedestrians shall move, whenever practicable, upon the right half of a crosswalk.  
(Code 1983, § 18.602)

**Sec. 70-143. Walking along streets and roadways.**

Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.  
(Code 1983, § 18.603)

**Sec. 70-144. Hitchhiking.**

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.  
(Code 1983, § 18.604)

**Sec. 70-145. Drivers to exercise due care.**

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn, when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street.  
(Code 1983, § 18.605)

**Secs. 70-146—70-165. Reserved.**

---

\*State law references—Pedestrians, S.C. Code 1976, § 56-5-3110 et seq.; power of local authorities to require strict pedestrian compliance with traffic control signals, S.C. Code 1976, § 56-5-3120.

**ARTICLE V. BICYCLES\*****Sec. 70-166. Regulations applicable to bicycles.**

This article shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this article. (Code 1983, § 18.701)

**Sec. 70-167. Applicability of traffic laws.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except as to special regulations in this article and except as to those provisions of this Code which by their nature can have no application. (Code 1983, § 18.702)

**Sec. 70-168. Duty to keep to right.**

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable. (Code 1983, § 18.703)

**Sec. 70-169. Riding abreast.**

It shall be unlawful for more than two persons on bicycles to ride abreast. (Code 1983, § 18.704)

**Sec. 70-170. Use of bicycle paths.**

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (Code 1983, § 18.705)

**Sec. 70-171. Riding on sidewalks.**

It shall be unlawful for anyone to ride a bicycle on a sidewalk of any of the public streets of the town, except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to tricycles operated in residential districts by children under 12 years of age. (Code 1983, § 18.706)

**Sec. 70-172. Clinging to vehicles.**

No person riding upon a bicycle, coaster, roller skates, sled or toy vehicle shall attach it or them or himself to any vehicle on a roadway. (Code 1983, § 18.707)

\*State law references—Bicycles, S.C. Code 1976, §§ 56-5-3410—56-5-3500; local authority to regulate operation of bicycles, S.C. Code 1976, § 56-5-710(8).

**Sec. 70-173. Riding without using handlebars; general control.**

It shall be unlawful to operate a bicycle without having at least one hand on the handlebars at all times, or to fail to have control of the bicycle at all times.

(Code 1983, § 18.708)

**Sec. 70-174. Lights.**

Every bicycle, when in use after dark, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A red lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(Code 1983, § 18.709)

**Sec. 70-175. Warning devices.**

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(Code 1983, § 18.710)

**Sec. 70-176. Brakes.**

No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level and clean pavement.

(Code 1983, § 18.711) ??

Chapters 71—73

**RESERVED**

CD71:1



## Chapter 74

### UTILITIES\*

#### Article I. In General

Secs. 74-1—74-25. Reserved.

#### Article II. Underground Utilities

- Sec. 74-26. Location of lines must be approved.
- Sec. 74-27. Hearing on petition for exceptions to standard locations.
- Secs. 74-28—74-50. Reserved.

#### Article III. Water and Sewer System

##### Division 1. Generally

- Sec. 74-51. Provided generally.
- Sec. 74-52. Compliance with rules and regulations.
- Sec. 74-53. Right of entry for purpose of making inspections.
- Sec. 74-54. Sewer connections required for human habitation; maintenance of facilities.
- Sec. 74-55. Use of septic tanks where sewer facilities not available.
- Sec. 74-56. Application for sewerage connection.
- Sec. 74-57. Responsibility for installation and maintenance.
- Sec. 74-58. Excavation for pipe laying.
- Sec. 74-59. Water lines provided to subdivisions.
- Sec. 74-60. Application for service.
- Sec. 74-61. Water service outside corporate limits.
- Secs. 74-62—74-70. Reserved.

##### Division 2. Prohibited Acts

- Sec. 74-71. Scope.
- Sec. 74-72. Penalty.
- Sec. 74-73. Pollution of water supply.
- Sec. 74-74. Illegal connections to or use of system.
- Sec. 74-75. Tampering with water meters.
- Sec. 74-76. Destruction, defacement of facilities.
- Sec. 74-77. Obstruction of sewer lines.
- Sec. 74-78. Illegal reconnection after service discontinued for nonpayment.
- Secs. 74-79—74-90. Reserved.

\***Cross references**—Buildings and building regulations, ch. 18; tampering with water lines prohibited, § 42-1; manufactured homes and trailers, ch. 50; payment of solid waste fee by persons not utilizing water and sewer service, § 62-42.

**State law references**—Construction and operation of municipal utilities, S.C. Code 1976, § 5-31-610; authority to purchase, construct system, S.C. Code 1976, § 6-21-50; to improve existing system, S.C. Code 1976, § 6-21-80.

## WILLISTON TOWN CODE

### Division 3. Rates and Charges

#### Subdivision I. General Provisions

- Sec. 74-91. Failure to pay fees or charges.
- Sec. 74-92. Water and sewer billings; garbage fee added on.
- Sec. 74-93. Water deposits required; no free service.
- Sec. 74-94. Sewer connection fees.
- Sec. 74-95. Establishment of rates.
- Sec. 74-96. Services supplied to multifamily units.
- Sec. 74-97. Separate billing for each dwelling or mobile home.
- Sec. 74-98. Services supplied to more than one family from one connection.
- Sec. 74-99. Liability for service charges when connection not made.
- Sec. 74-100. Bills for water service.
- Sec. 74-101. Bills for sewer service.
- Secs. 74-100—74-110. Reserved.

#### Subdivision II. Water Charges

- Sec. 74-111. Schedule of rates.
- Sec. 74-112. Water to be metered.
- Sec. 74-113. Meter deposits required.
- Sec. 74-114. Tapping fees.
- Sec. 74-115. Multiple housing units.
- Sec. 74-116. Account set-up and administrative maintenance fee.
- Sec. 74-117. Water service charges—Late payments; penalty.
- Secs. 74-118—74-125. Reserved.

#### Subdivision III. Sewer Charges

- Sec. 74-126. Schedule of rates.
- Sec. 74-127. Charge for connection to sewerage system.
- Sec. 74-128. Multiple housing or apartment complexes.
- Sec. 74-129. Sewer installation to subdivisions.
- Sec. 74-130. Cases where sewer only is connected and charges are delinquent.
- Sec. 74-131. Sewer service charges—Late payments; penalties.
- Secs. 74-132—74-140. Reserved.

### Division 4. Drought

- Sec. 74-141. Definitions.
- Sec. 74-142. Declaration of policy and authority.
- Sec. 74-143. Nonessential water use.
- Sec. 74-144. Responses to moderate, severe and extreme drought alert phases.
- Sec. 74-145. New water service connections.
- Sec. 74-146. Water rates.
- Sec. 74-147. Fines and penalties.
- Sec. 74-148. Enforcement.
- Sec. 74-149. Variances.
- Secs. 74-149—74-174. Reserved.

## UTILITIES

### Division 5. Public and Private Sewers

- Sec. 74-175. Definitions.
- Sec. 74-176. Use of public sewers required.
- Sec. 74-177. Private sewage disposal.
- Sec. 74-178. Building sewers and connections.
- Sec. 74-179. Use of the public sewers.
- Sec. 74-180. User charges and surcharges.
- Sec. 74-181. Protection from damage.
- Sec. 74-182. Powers and authority of inspectors.
- Sec. 74-183. Penalties.
- Secs. 74-184—74-199. Reserved.

### Division 6. Pretreatment

#### Subdivision 1. General Provisions

- Sec. 74-200. Purpose and policy.
- Sec. 74-201. Definitions.
- Sec. 74-202. Abbreviations.
- Secs. 74-203—74-210. Reserved.

#### Subdivision 2. Regulations

- Sec. 74-211. Prohibition of unpolluted water.
- Sec. 74-212. General discharge prohibitions.
- Sec. 74-213. Federal categorical pretreatment standards.
- Sec. 74-214. Modification of federal categorical pretreatment standards.
- Sec. 74-215. Specific pollutant limitations.
- Sec. 74-216. State or town requirements.
- Sec. 74-217. The town's right of revision.
- Sec. 74-218. Excessive discharge.
- Sec. 74-219. Accidental discharge.
- Sec. 74-220. Bypasses.
- Secs. 74-221—74-234. Reserved.

#### Subdivision 3. Fees

- Sec. 74-235. Purpose.
- Sec. 74-236. Fees and charges.
- Secs. 74-237—74-249. Reserved.

#### Subdivision 4. Administration

- Sec. 74-250. Wastewater discharges.
- Sec. 74-251. Permit to discharge nondomestic waste.
- Sec. 74-252. Reporting requirements for permittee.
- Sec. 74-253. Monitoring facilities.
- Sec. 74-254. Inspection and sampling.
- Sec. 74-255. Pretreatment.
- Sec. 74-256. Public notification.
- Sec. 74-257. Confidential information.
- Secs. 74-258—74-274. Reserved.

## WILLISTON TOWN CODE

### Subdivision 5. Enforcement

- Sec. 74-275. Harmful discharge.
- Sec. 74-276. Revocation of permit—Termination of service.
- Sec. 74-277. Notification of violation.
- Sec. 74-278. Show cause hearing.
- Sec. 74-279. Consent orders.
- Sec. 74-280. Administrative orders.
- Sec. 74-281. Administrative fines.
- Sec. 74-282. Legal action.
- Secs. 74-283—74-299. Reserved.

### Subdivision 6. Penalty; Costs

- Sec. 74-300. Civil penalties.
- Sec. 74-301. Falsifying information.

**ARTICLE I. IN GENERAL**

**Secs. 74-1—74-25. Reserved.**

**ARTICLE II. UNDERGROUND UTILITIES**

**Sec. 74-26. Location of lines must be approved.**

It shall be unlawful to locate any underground gas, electric, telephone, cablevision, or any other type lines, within less than two feet from any utility pole or line without a permit granted as provided in this article.

(Code 1983, § 17.101)

**Sec. 74-27. Hearing on petition for exceptions to standard locations.**

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

(Code 1983, § 17.102)

**Secs. 74-28—74-50. Reserved.**

**ARTICLE III. WATER AND SEWER SYSTEM****DIVISION 1. GENERALLY**

**Sec. 74-51. Provided generally.**

The town shall furnish water to persons for reasonable compensation and charge a reasonable charge for maintenance of a sewerage system. Such charges shall be fixed from time to time by the town council.

(Code 1983, § 17.201)

**Sec. 74-52. Compliance with rules and regulations.**

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

(Code 1983, § 17.201.2)

State law reference—Health, S.C. Code 1976, Title 44.

**Sec. 74-53. Right of entry for purpose of making inspections.**

The town authorities are hereby authorized to enter the premises of any user of water or any sanitary sewer line, at all reasonable hours, to inspect or examine water and sewer pipes, their connections and the use of water or sewer lines on the premises.

(Code 1983, § 17.202.6)

**Sec. 74-54. Sewer connections required for human habitation; maintenance of facilities.**

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

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

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

(d) Every residence or other building which is located within 200 feet of any water main or sewer collector line shall be connected thereto and shall utilize such water main or sewer collector line for water services and wastewater collection services on the premises. Such connections shall be forthwith made and for the purposes of the penal provisions of this article, each day during which such building shall not be connected to such water main or sewer collector line shall be a separate offense and punishable as provided in this article.

(e) It shall be a violation of this article for the owner or occupant of any residence or other building located within 200 feet of any water main or sewer collector line to fail to have the same to be connected to the water main or sewer line.

(Code 1983, § 17.202.1; Ord. of 8-17-87, §§ 2, 3)

State law reference—Municipal authority to require sewer connections, S.C. Code 1976, § 5-31-2010.

**Sec. 74-55. Use of septic tanks where sewer facilities not available.**

With the written approval of the council, where sewerage facilities are not available, authorized septic tanks may be permitted provided the septic tanks are constructed and maintained as required by the laws, rules and regulations of the state board of health.

(Code 1983, § 17.202.2)

**Sec. 74-56. Application for sewerage connection.**

Before any portion of the plumbing and drainage system of any building shall be laid or constructed, there shall be filed by the owner or agent of the property, at the office of the

clerk-treasurer, a written application for connections with the sewerage and waterworks systems, stating the location of the building, with a plan of the sewerage and waterworks systems, showing in detail the entire proposed connections from the public sewer line through the building to the terminus, showing the location of all fixtures, traps, vent pipes, etc. The application shall contain a specific agreement to obey and abide by any and all resolutions, ordinances, rules and regulations that are now or may hereafter be adopted by the council for the protection of the sewerage and waterworks system and to restrict, regulate and control the use of the same and the connections therewith. The application shall also give permission to an authorized representative of the town to enter the premises of the applicant, at any reasonable hour, to investigate the plumbing or sewer connections. The plan shall be inspected and approved, corrected or modified by the inspector, whereupon a permit for the proposed connections shall be given by the clerk-treasurer. The work shall be performed by a regularly licensed plumber, if available.

(Code 1983, § 17.202.3)

**Sec. 74-57. Responsibility for installation and maintenance.**

Property owners shall be responsible for the installation and maintenance of sewer lines from the point where such lines are connected with sewer mains, installation and maintenance of water lines where same are connected with the water mains on the premises served, from the point of connection with the water meter only, and only within the limits of the particular lot for which his application has been approved.

(Code 1983, § 17.202.4)

**Sec. 74-58. Excavation for pipe laying.**

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

(Code 1983, § 17.202.5)

**Sec. 74-59. Water lines provided to subdivisions.**

Water lines shall be provided to subdivisions within the corporate town limits on the following basis:

- (1) The town engineer shall survey the subdivision, upon request of the council, and provide cost estimates of the installation of the water lines to the council.
- (2) The town shall perform the installation to the subdivision and shall bear one-half of the cost of such installation. The remaining one-half shall be borne by the subdivision owner or developer.
- (3) The town shall continue to charge water connection fees, as required in this article, to the individual lots within the subdivision.

(Code 1983, § 17.205.8; Ord. of 12-8-86)

**Sec. 74-60. Application for service.**

Written application shall be made for water service upon forms furnished by the town.  
(Code 1983, § 17.205.7)

**Sec. 74-61. Water service outside corporate limits.**

Applicants for water service outside the corporate limits, when required to do so, shall extend water lines under streets or public ways to connect to the water meter at their own expense. In such cases, the town reserves the right to locate water meters in such position or location as deemed in the town's best interest.  
(Code 1983, § 17.202.7)

**Secs. 74-62—74-70. Reserved.**

**DIVISION 2. PROHIBITED ACTS\***

**Sec. 74-71. Scope.**

The following enumerated acts shall be unlawful, but not all inclusive, and a violation by any person who engages in such acts without appropriate permission or authority or without the appropriate supervision as specified in this division.  
(Code 1983, § 17.203.1)

**Sec. 74-72. Penalty.**

The violation of any provision of this division, unless otherwise provided, shall be deemed a misdemeanor. Each day such violation continues shall constitute a separate offense.  
(Code 1983, § 17.203.8)

**Sec. 74-73. Pollution of water supply.**

It shall be unlawful to defile or pollute the water in any pipe, tank or reservoir connected with the public water system or to make connection therewith or maintain any connection whereby water from any other source may be pumped or allowed to flow into the public distribution system which may result in a cross connection.  
(Code 1983, § 17.203.2)

**Sec. 74-74. Illegal connections to or use of system.**

(a) It shall be unlawful to connect with, use or tap any water or sewer main without specific authorization of the council, in writing first obtained, other than normal connections for which connection fees have been paid.

---

\*State law reference—Interference with sewers and waterworks, S.C. Code 1976, § 6-11-280.

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

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

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

(e) It shall be unlawful for any person, after notice to cease and desist, to violate the provisions of this division.

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

(Code 1983, § 17.203.3)

**Sec. 74-75. Tampering with water meters.**

It shall be unlawful to tamper with or change any water meter.

(Code 1983, § 17.203.4)

**Sec. 74-76. Destruction, defacement of facilities.**

It shall be unlawful for any person to willfully destroy, break, injure, climb upon or deface or in any other manner, interfere with any public water mains, water tanks, sewers, fire hydrants, meter boxes, stop cocks, pumps or other fixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances. It shall also be unlawful for any person to willfully destroy, break, injure, deface or in any other manner interfere with any house, fence, wells, street mains, sluice pipes, gate valves, or to place advertisements or placards on any property belonging to the waterworks or sewerage system.

(Code 1983, § 17.203.5)

**Sec. 74-77. Obstruction of sewer lines.**

It shall be unlawful to place in any water closet, or allow to enter any soil pipe, any paper other than what is commonly known as toilet paper, or material or substance likely to block, obstruct the flow or damage the pipeline or sewerage system or to dispose of any flammable, noxious or chemically active material harmful to life or property into the sewerage system.

(Code 1983, § 17.203.6)

**Sec. 74-78. Illegal reconnection after service discontinued for nonpayment.**

It shall be unlawful to reconnect water or sewer service or to continue to use such service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including a reconnection fee as provided in section 74-92.

(Code 1983, § 17.203.7)

**Secs. 74-79—74-90. Reserved.**

**DIVISION 3. RATES AND CHARGES\***

*Subdivision I. General Provisions*

**Sec. 74-91. Failure to pay fees or charges.**

The town hereby reserves the right to discontinue service to any premises for failure to pay water and sewer charges when due and payable as set out in this division. Service shall be reinstated as provided in this division.

(Code 1983, § 17.204.1)

**Sec. 74-92. Water and sewer billings; garbage fee added on.**

(a) Each monthly water bill shall become due on the tenth day of the month and payable in its entirety by the close of business on the 18th day of each month.

(b) Each bill shall include a monthly sewer service charge, as hereinafter provided, which shall be added to the water bill and collected as a part thereof.

(c) A garbage fee, as provided in section 62-40, shall be added to the water bill for all water users within the corporate limits.

(d) Before the water and/or sewer can be turned back on, when disconnected for nonpayment, a fee shall be paid every time the water is reconnected. Such fee shall be \$25.00; if turned off twice within six months the fee shall be \$50.00.

(Code 1983, § 17.204.2)

**Sec. 74-93. Water deposits required; no free service.**

(a) Each new customer obtaining a water connection shall make a deposit as provided in this division to secure the payment of bills. When service is permanently discontinued, the deposit shall be returned, without interest, after first deducting any outstanding bills for water and sewer service.

(b) No free water or sewer service shall be furnished to any person.

(Code 1983, § 17.204.3)

**Sec. 74-94. Sewer connection fees.**

For each new sewer connection, the applicant therefor shall pay a tapping fee as provided in this chapter.

(Code 1983, § 17.204.4)

**\*State law reference—Enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code 1976, § 5-31-2030.**

**Sec. 74-95. Establishment of rates.**

The council shall establish a schedule of charges for services rendered by the water and sewerage systems. The schedule shall be reviewed periodically to ensure that it is equitable and fair to user and town.

(Code 1983, § 17.204.5)

**Sec. 74-96. Services supplied to multifamily units.**

(a) Apartments and multifamily units are hereby defined as a building or a series of buildings on the same lot or portions thereof used or designed as dwellings for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

(b) Services of the water and sewerage systems shall be charged for as follows:

- (1) All apartments and multifamily dwelling units shall pay water and sewer rates or charges for water and sewer service provided by the town. The rates and charges shall be based on a formula as follows: 90 percent of the total number of available units, regardless of the actual number of occupied and vacant units and regardless of the number of meters.
- (2) If the single meter rate is higher than the sum of the individual rates, when the complex is using a single master meter, the higher of the two rates shall apply.
- (3) The council, at its option, may permit a rate formula of not less than 45 percent of the total number of available units for a period of six months for newly constructed complexes; the word "complex" being used interchangeably with apartments and multifamily dwellings.

(Code 1983, § 17.204.6)

**Sec. 74-97. Separate billing for each dwelling or mobile home.**

Each individual mobile home and/or each dwelling not attached or considered a part of the first dwelling shall be billed the minimum amount for water and sewer services rendered.

(Code 1983, § 17.204.7)

**Sec. 74-98. Services supplied to more than one family from one connection.**

(a) It shall be unlawful for any person to hire, rent, lease or let in any manner, or for any purpose, any house or apartment whereby more than one family unit or operation is supplied public water by or through one meter or water connection or public sewerage service unless such person shall apply in his own name for such service and assume responsibility for such water rents and sewer fees. A unit shall mean a permanent or mobile dwelling or business establishment.

(b) The council is hereby authorized to waive, in writing, the requirement of a separate meter and connection. However, in such event, the owner of the premises on which one meter is presently or may be hereafter installed and/or where two or more units make use of water

or are involved and operating on the same service line shall be charged a minimum water bill each month for each separate unit operating on the one meter or connection. For each fee thus charged, the owner shall be entitled to use the amount (in gallons) of water established as a minimum use for the minimum payment. The term "service line," as used in this connection, shall mean the pipe which runs between a public water main and a customer's premises. The owner of the premises on which two or more units are located and using the same meter and/or service line shall be billed and he shall be responsible for payment of the service fee and any amount in excess of the allotted quantity of water actually used.

(c) Should the owner fail to pay the service fees or bills for water when due, the service may be discontinued, but no such action involving the shutting off of the water supply of an innocent consumer shall be taken without first affording the tenant of the premises the opportunity to make a new application for supply of water through a separate service line and/or meter. Where the owner of the premises desires to contract separately for water furnished, the owner shall first arrange for several house connections, or the plumbing in such a way that a separate meter and stop and waste cock, with seal approved by the town, can be placed upon the supply line of each consumer. Thereupon, the town shall install a separate connection for each consumer making application therefor. In such cases, a separate minimum charge shall be assessed against each consumer and, in such event, this payment of a minimum fee for water service shall entitle such consumer to the use of such gallons of water during such month as is established as a minimum use for the minimum payment.

(Code 1983, § 17.204.8)

**Sec. 74-99. Liability for service charges when connection not made.**

If a residence is not connected to the water and sewer lines, where available, the resident will be required to pay minimum water and sewer rates. When they decide to connect they shall pay the existing rate at that time. Each case shall be reviewed on an individual basis.  
(Code 1983, § 17.204.9)

**Sec. 74-100. Bills for water service.**

(a) All bills for water service charges shall be paid by 12:00 noon on the 18th of the month for which said bill is submitted. If the 18th of the month falls on a Saturday, Sunday or legal holiday recognized by the town, the deadline will be extended to 12:00 noon on the next business day. This deadline shall be known as the penalty deadline. If water service charges have not been paid by the penalty deadline, a ten percent late penalty will be added.

(b) The reconnection fee previously charged by the town is hereby abolished. There is hereby established a nonpayment fee which shall be charged to customers as described in subsection (c) of this section. The nonpayment fee is hereby set at \$25.00 for the first instance of nonpayment in a six-month period and \$50.00 for the second and subsequent instances of nonpayment in a six-month period.

(c) If said water service charges are not paid by 12:00 noon on the 23rd of the month for which said bill is submitted, the nonpayment fee shall be charged. If the 23rd of the month falls on a Friday, Saturday, Sunday or legal holiday recognized by the town, the deadline will be extended to 12:00 noon on the next business day (other than Friday or any business day immediately preceding a legal holiday recognized by the town). This deadline shall be known as the disconnection deadline.

(d) If water service charges have not been paid by the disconnection deadline, water service will be disconnected. All charges, penalties, fees and deposits must be paid in full prior to service being reconnected.

(e) The town administrator is authorized to waive the nonpayment fee and/or the water service disconnection requirement in cases involving death, business necessity or extreme hardship.

(f) Customers with total account balances (water, sewer and/or garbage combined) of \$15.00 or less shall not be charged a nonpayment fee and shall not be disconnected for nonpayment.

(g) The nonpayment fee established in subsection (b) of the section shall be charged regardless of whether or not a customer's water service has been physically disconnected. (Ord. No. 2003-13, §§ 1—7, 10-13-03)

**Sec. 74-101. Bills for sewer service.**

(a) All bills for sewer service charges shall be paid by 12:00 noon on the 18th of the month for which said bill is submitted. If the 18th of the month falls on a Saturday, Sunday or legal holiday recognized by the town, the deadline will be extended to 12:00 noon on the next business day. This deadline shall be known as the penalty deadline. If sewer service charges have not been paid by the penalty deadline, a ten percent late penalty will be added.

(b) The reconnection fee previously charged by the town is hereby abolished. There is hereby established a nonpayment fee which shall be charged to customers as described in subsection (c) of this section. The nonpayment fee is hereby set at \$25.00 for the first instance of nonpayment in a six-month period and \$50.00 for the second and subsequent instances of nonpayment in a six-month period.

(c) If said sewer service charges are not paid by 12:00 noon on the 23rd of the month for which said bill is submitted, the nonpayment fee shall be charged. If the 23rd of the month falls on a Friday, Saturday, Sunday or legal holiday recognized by the town, the deadline will be extended to 12:00 noon on the next business day (other than Friday or any business day immediately preceding a legal holiday recognized by the town). This deadline shall be known as the disconnection deadline.

(d) If sewer service charges have not been paid by the disconnection deadline, sewer service will be discontinued. All charges, penalties, fees and deposits must be paid in full prior to service being resumed.

(e) The town administrator is authorized to waive the nonpayment fee and/or the sewer service disconnection requirement in cases involving death, business necessity or extreme hardship.

(f) Customers with total account balances (water, sewer and/or garbage combined) of \$15.00 or less shall not be charged a nonpayment fee and shall not be disconnected for nonpayment.

(g) The nonpayment fee established in subsection (b) shall be charged regardless of whether or not a customer's sewer service has been physically disconnected.

(Ord. No. 2003-14, §§ 1—7, 10-13-03)

**Secs. 74-100—74-110. Reserved.**

*Subdivision II. Water Charges*

**Sec. 74-111. Schedule of rates.**

The rates for water usage in the town shall be as follows:

<i>Water Base Rate</i>	
<i>Size of Water Meter</i>	<i>Monthly Base Charge</i>
¾"	\$10.00
1"	20.00
1¼"	30.00
1½"	40.00
2"	60.00
3" or larger	120.00
Multifamily	No. of units × \$10.00
<i>Water Usage Charge</i>	
<i>Gallons Used Per Month</i>	<i>Charge</i>
Up to 3,000, per thousand	\$1.13
3,001 and up, per thousand	1.13

A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Code 1983, § 17.205.2; Ord. of 9-30-86(2), § 1; Ord. of 11-11-91, § 1; Ord. No. 93-3, § 1, 8-2-93; Ord. No. 96-4, 9-30-96; Ord. No. 97-005, 1-26-98; Ord. No. 99-005, 6-14-99; Ord. No. 2000-07, 6-26-90; Ord. No. 2001-005, 7-9-01; Ord. No. 2002-03, 3-25-02)

**Sec. 74-112. Water to be metered.**

All water service shall be metered and computed for billing purposes on the amount of water used.

(Code 1983, § 17.205.1)

**Sec. 74-113. Meter deposits required.**

Beginning October 1, 1996, a meter deposit fee of \$50.00 shall be charged each new customer in addition to the required tap-in fee.

A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Code 1983, § 17.205.3; Ord. No. 96-5, 9-30-96; Ord. No. 97-005, 1-26-98)

**Sec. 74-114. Tapping fees.**

(a) Beginning October 1, 1996, a tap-in fee of \$300.00 shall be charged for each new three-fourths-inch meter installed. When it is necessary for the line to be run under a road or street to a residence, a tap-in fee of \$400.00 shall be charged. For a larger size, a fee shall be charged for the costs of materials and labor, plus ten percent.

(b) A tapping fee of \$150.00 shall be charged for each sprinkler meter installed.

(c) A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Code 1983, § 17.205.4; Ord. No. 93-3, § 1, 8-2-93; Ord. No. 96-6, 9-30-96; Ord. No. 97-005, 1-26-98)

**Sec. 74-115. Multiple housing units.**

(a) For every multiple housing or apartment complex having at least six, but not more than 25 units, where a required water line does not exceed four inches in diameter, there shall be a connection charge of \$100.00 per unit without regard to whether there are individual meters affixed to each unit or whether a master meter is used.

(b) For every multiple housing or apartment complex having more than 25 units, where a required line does not exceed six inches in diameter, there shall be a connection charge of \$150.00 per unit without regard to whether there are individual meters affixed to each unit or whether a master meter is used.

(c) For such multiple housing or apartment units outside the corporate limits, the charge shall be the same as that imposed within the corporate limits.  
(Code 1983, § 17.205.6)

**Sec. 74-116. Account set-up and administrative maintenance fee.**

(a) The "turn-on fee" previously established under Ordinance No. 96-7 is hereby abolished.

(b) There is hereby established an "account setup and administrative maintenance fee" which shall be charged to customers in the following situations:

- (1) When water and/or sewer service is initially established in a customer's name.
- (2) When a customer moves from one location to another and wishes to transfer an existing water and/or sewer service account to the new location.
- (3) When an existing water and/or sewer service account at a particular location is transferred from one person's name to another person's name (see exceptions in subsection (c)).

(c) The "account setup and administrative maintenance fee" shall not be charged to customers in the following situations:

- (1) When a customer presents evidence of a legal name change and asks the town to update his/her water and/or sewer account information to reflect the new name.
- (2) When a spouse, executor or other authorized person representing a deceased customer's estate requests that the deceased customer's water and/or sewer account be transferred from the deceased customer's name to the name of the deceased customer's spouse, executor or other authorized person.
- (3) Other situations similar in character to those noted previously in this section. The town administrator shall determine if a particular situation warrants a waiver of the required fee.

(d) The "account setup and administrative maintenance fee" shall apply to all customer types and classes, including landlords and property management companies.

(e) The "account setup and administrative maintenance fee" is hereby set at \$25.00.

(f) A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Ord. No. 96-7, 9-30-96; Ord. No. 97-005, 1-26-98; Ord. No. 98-001, 3-9-98; Ord. No. 2003-12, §§ 1—5, 10-13-03)

**Sec. 74-117. Water service charges—Late payments; penalty.**

(a) All bills for water service charges shall be paid by the 18th of the month for which said bill is submitted and, if not paid by the 18th of the month, a ten percent late payment penalty will be added.

(b) If said water service charges are not paid by the 23rd of the month for which said bill is submitted, water service will be discontinued. All charges, penalties and deposits must be paid in full prior to service being reconnected. Customers with total account balances of \$5.00 or less shall not be disconnected for nonpayment.

(Ord. No. 96-10, 10-14-96; Ord. No. 2002-05, §§ 1, 2, 3-11-02)

**Secs. 74-118—74-125. Reserved.**

*Subdivision III. Sewer Charges*

**Sec. 74-126. Schedule of rates.**

A base sewer charge rate shall be charged to all wastewater customers within the corporate limits of the town. The following rate schedule shall be used:

<i>Sewer Base Rate</i>	
<i>Classification</i>	<i>Monthly Base Sewer Charge</i>
<i>Residential / Commercial</i>	
¾" water connection	\$13.60
1" water connection	18.30
1¼" water connection	27.70
1½" water connection	51.21
2" Water Connection	81.31
3" water connection	215.75
Multifamily	No. of units × \$13.60
<i>Industrial</i>	
Dayco	\$2,969.58
Dixie-Narco	4,886.44
Env. Recycling systems	2,630.39
NBS	215.75

In addition to the sewer base charge, a usage charge shall be applied to the volume of water purchased by all wastewater customers within the corporate limits of the town. The total monthly sewer charge shall be calculated as the monthly base charge plus the usage charge. The following schedule shall be used to calculate the monthly usage charge for all classifications of wastewater customers within the corporate limits of the town:

<i>Sewer Usage Charge</i>	
<i>Gallons Used Per Month</i>	<i>Charge</i>
1—25,000, per thousand	\$1.22
25,001 and up, per thousand	1.22

A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Code 1983, §§ 17.206.1, 17.206.2; Ord. of 9-30-86(1), § 1; Ord. of 11-11-91, § 1; Ord. No. 93-4, § 1, 8-2-93; Ord. No. 96-8, 9-30-96; Ord. No. 97-005, 1-26-98; Ord. No. 99-006, 6-14-99; Ord. No. 2000-08, § 1, 6-26-00; Ord. No. 2001-006, § 1, 7-9-01; Ord. No. 2002-04, § 1, 3-25-02)

**Sec. 74-127. Charge for connection to sewerage system.**

(a) Beginning October 1, 1996, there is hereby imposed a charge of \$300.00 for the installation of a four-inch connection to the town's sanitary sewerage system when the main line is on the same side of the street as the new residence, and a charge of \$400.00 when it is necessary for the line to be run under a street and to a residence on the opposite side of the main line. For a larger size, a fee shall be charged for the costs of materials and labor, plus ten percent.

(b) A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Code 1983, § 17.206.3; Ord. No. 96-9, 9-30-96; Ord. No. 97-005, 1-26-98)

**Sec. 74-128. Multiple housing or apartment complexes.**

The following connection charges are imposed hereby on all multiple housing or apartment complexes, the definitions of which shall be consistent with those of section 74-115 within the corporate limits:

- (1) For every such complex having at least six units, where the required sewer line does not exceed six inches in diameter, a fee for each unit shall be paid as provided in section 74-127.
- (2) For such complex having more than six units, a fee for each unit shall be negotiated with the developer by the council.
- (3) All charges required herein shall be paid in full prior to connection with the sanitary sewerage system.

(Code 1983, § 17.206.4)

**Sec. 74-129. Sewer installation to subdivisions.**

Sewer lines shall be provided to subdivisions within the corporate limits on the following basis:

- (1) The town's engineer will survey the subdivision, on request, and provide a cost estimate to the council of installation of sewer lines to the subdivision.
- (2) The town shall perform the installation to the subdivision and will bear one-half of the cost of such installation. The remaining one-half of the cost shall be borne by the subdivision owner.
- (3) The town shall continue to charge sewer connection fees, as required herein, to the individual lots within the subdivision.

(Code 1983, § 17.206.5)

**Sec. 74-130. Cases where sewer only is connected and charges are delinquent.**

When no water is supplied by the town water system, but a sewer connection is made, and the service charge becomes delinquent, necessitating a discontinuance of service therefor, the fee to reconnect the service shall be the same as that charged for water.

(Code 1983, § 17.206.6)

**Sec. 74-131. Sewer service charges—Late payments; penalties.**

(a) All bills for sewer service charges shall be paid by the 18th of the month for which said bill is submitted and, if not paid by the 18th of the month, a ten percent late payment penalty will be added.

(b) If said sewer service charges are not paid by the 23rd of the month for which said bill is submitted, sewer service will be discontinued. All charges, penalties and deposits must be paid in full prior to service being reconnected. Customers with total account balances of \$5.00 or less shall not be disconnected for nonpayment.

(c) All resolutions, ordinances or parts of ordinances in conflict with this section are hereby repealed to the extent necessary to give this section full force and effect.

(d) A surcharge of 50 percent will be added to any new customers who reside outside the town limits and who request certain sanitation, water and/or sewerage services. Said services will be provided by the town if provision of these services can be made by the town without undue expense. Those customers who currently reside outside the town limits who have been receiving these services will be grandfathered as being exempt from this surcharge.

(Ord. No. 96-11, 10-14-96; Ord. No. 97-005, 1-26-98; Ord. No. 2002-06, §§ 1—3, 3-11-02)

**Secs. 74-132—74-140. Reserved.**

DIVISION 4. DROUGHT\*

**Sec. 74-141. Definitions.**

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

*Aesthetic water use* means water for the use of ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

*Commercial and industrial water use* means water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

*Conservation* means reduction in water use to prevent depletion or waste of the resource.

*Customer* means any person, company, or organization using water supplied by the public works department of the town.

*Domestic water use* means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

*Drought alert phases:*

- (1) *Moderate drought* means the Palmer Index has reached the -1.50 to -2.99 range and moderate drought conditions have been verified by the best available information, and conditions indicate this situation is expected to persist.
- (2) *Severe drought* means the Palmer Index has reached the -3.00 to -3.99 range and severe drought conditions have been verified by the best available information.
- (3) *Extreme drought* means the Palmer Index has reached or falls below -4.00 and extreme drought conditions are verified by the best available information.

*Drought response committee* means a committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to the state water resources commission and/or the governor.

*Essential water use* means water used specifically for firefighting, maintaining instream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

*Even-numbered address* means street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A—M; and locations without addresses.

*Institutional water use* means water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities and other lands, buildings and organizations within the public domain.

\*State law reference—Authority for local drought response ordinances, S.C. Code 1976, § 49-23-90.

*Landscape water use* means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

*Odd-numbered address* means street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N—Z.

*Palmer Index* means a measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

*Water shortage* means the lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or lowering of the potentiometric surface in wells which cause water supplies to be less than usual.

(Ord. No. 17, § II, 1-11-87)

**Cross reference**—Definitions generally, § 1-2.

#### **Sec. 74-142. Declaration of policy and authority.**

The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which the town will take the proper actions to manage water demand during a drought-related shortage. The Ordinance satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This ordinance outlines the actions to be taken for the conservation of water supplies by the Williston Water System. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the Town Council of Williston, South Carolina, hereby adopts the following regulations and restrictions on the delivery and consumption of water. This section is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the Town Council of the Town of Williston, South Carolina.

If it becomes necessary to conserve water in its service area due to drought, the Williston Water System is authorized to issue a proclamation (a "proclamation") that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this section shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this section are considered to be nonessential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The attached drought management plan is hereby adopted and by reference made a part hereof as if fully incorporated herein.

(Ord. No. 17, § I, 1-11-87; Ord. No. 2003-04, § A, 4-14-03)

**Sec. 74-143. Nonessential water use.**

Nonessential water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of nonessential water uses follows:

(1) *Residential and institutional:*

- a. Washing down sidewalks, walkways, driveways, parking lots, tennis courts or other hard surfaced areas.
- b. Washing down buildings or structures for purposes other than immediate fire protection.
- c. Flushing gutters or permitting water to run or accumulate in any gutter or street.
- d. Washing any motor bike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere.
- e. Maintaining fountains, reflection ponds and decorative waterbodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- f. Filling or maintaining public or private swimming pools.
- g. Sprinkling lawns, plants, trees and other flora on private or public property, except as otherwise provided under this division.

(2) *Commercial and industrial:*

- a. Serving water routinely in restaurants.
- b. Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.
- c. Irrigating golf courses and any portion of its grounds, except as otherwise provided under this division.
- d. Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting.
- e. Serving customers who have been given a ten-day notice to repair one or more leaks and has failed to comply.
- f. Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

(Ord. No. 17, § III, 1-11-87)

**Sec. 74-144. Responses to moderate, severe and extreme drought alert phases.**

(a) *Moderate drought phase.* Upon notification by the drought response committee that a Moderate drought condition is present and is expected to persist and/or upon determination by the Williston Water System that a moderate water supply shortage exists based on trigger levels, the Williston Water System will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20 percent in residential water use and 15 percent in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15 percent. To accomplish this, the Williston Water System will take the following actions:

- (1) Issue a proclamation to be released to local media, the Williston Water System's customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:
  - a. Reduce residential water use to 75 gallons per person per day and a maximum of 300 gallons per household per day;
  - b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
  - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
  - d. Eliminate the flushing of gutters;
  - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
  - f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
  - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.
  - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than firefighting or flushing necessary to maintain water quality; and
  - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
    - i. Stop serving water in addition to another beverage routinely in restaurants;
    - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;

- iii. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Cease to install new irrigation taps on the water system.
- (5) Continue to encourage and educate customers to comply with voluntary water conservation.

(b) *Severe drought phase.* Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and/or upon determination by the Williston Water System that a severe water supply shortage exists, the Williston Water System will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on nonessential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25 percent in residential water use, 20 percent in all other water use categories, and a reduction in overall water use of 20 percent. To accomplish these goals, the Williston Water System will take the following actions:

- (1) Issue a proclamation to be released to the local media, the Williston Water System's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:
  - a. Voluntary reduction of residential water use by the utility's customers to 65 gallons per person per day and a maximum of 250 gallons per household or REU per day.
  - b. Control landscape irrigation by the utility's customers by staggering watering times.
  - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
    - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
    - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
    - iii. Eliminate the flushing of gutters;
    - iv. Eliminate domestic washing of motorbikes, boats, cars, etc.;

- v. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
  - vi. Eliminate filling or maintaining public or private swimming pools;
  - vii. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than firefighting or flushing necessary to maintain water quality; and
- d. Limit use of water by commercial and individual customers including, but not limited to, the following:
- i. Stop serving water in addition to another beverage routinely in restaurants;
  - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
  - iii. Limit irrigating golf courses and any portion of its grounds;
  - iv. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and
  - v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.
- (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- (7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.
- (c) *Extreme drought phase.* Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and/or upon determination by the Williston Water System that an extreme water supply shortage exists based on the trigger levels, the Williston Water System will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 30 percent in residential water use, 25 percent in all other categories of water uses and a reduction in overall water use of 25 percent. To accomplish these goals, the Williston Water System will take the following actions:
- (1) Issue a proclamation to be released to the local media, the Williston Water System's customers and to the South Carolina Department of Natural Resources Drought Information Center that Extreme drought conditions are present;

- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:
  - a. Limiting residential water use to 55 gallons per person per day and a maximum of 225 gallons per household or REU per day.
  - b. Eliminate landscape irrigation by the utility's customers.
  - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
    - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
    - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
    - iii. Eliminate the flushing of gutters;
    - iv. No domestic washing of motorbikes, boats, cars, etc.;
    - v. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
    - vi. Eliminate filling or maintaining public or private swimming pools;
    - vii. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and
  - d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
    - i. Stop serving water in addition to another beverage routinely in restaurants;
    - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
    - iii. Limit irrigating golf courses and any portion of their grounds;
    - iv. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and
    - v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
- (3) Intensity [Intensify] maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.

- (5) Outline other conservation measures, examples are:
- a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
  - b. Encourage all residential water customers to voluntarily reduce overall monthly water usage to 70 percent of the customer's monthly average. If voluntary reduction of usage is not successful, the Williston Water System may, at its option, implement the following excessive use rate schedule for water:

Tier I	0—5,000 gallons/REU	Regular rate
Tier II	5,001—10,000 gallons/REU	2 times regular rate
Tier III	Over 10,000 gallons/REU	3 times regular rate

- c. If the conservation measures of the ordinance or plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the Williston Water System may take additional actions including, but not limited to:
    - i. Decreasing the gallon/REU limits in the different tiers; and
    - ii. Reduction of water system pressure as needed.
- (6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (7) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phases and emphasize the penalties associated with violating the mandatory restrictions.
- (8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

(d) *Rationing.* If a drought threatens the protection of public health and safety, the Williston Water System is hereby authorized to ration water.

(e) *Enforcement of restrictions.* If any customer of the Williston Water System fails to comply with the mandatory water use restrictions of this section, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

- (1) *First violation.* A \$50.00 surcharge shall be added to the customer's water bill;
- (2) *Second violation.* An additional \$100.00 surcharge shall be added to the customer's water bill;
- (3) *Third violation.* The customer's water service shall be terminated and restored only after payment of a surcharge of \$200.00 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction that is being supplied water by the Williston Water System shall diligently enforce the provisions of the drought response ordinance.

(f) *Variances.* Customers, who in their belief are unable to comply with the mandatory water use restrictions of this drought response ordinance, may petition for a variance from restrictions by filing a petition with the Williston Water System within ten working days after the issuance of the proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

- (1) Name and address of the petitioner;
- (2) Purpose of water usage;
- (3) Special provision from which the petitioner is requesting relief;
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (5) Description of the relief desired;
- (6) Period of time for which the variance is sought;
- (7) Economic value of the water use;
- (8) Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- (9) Restrictions with which the petitioner is expected to comply and the compliance date;
- (10) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (11) Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the section cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The Williston Water System is authorized to grant the request for variance.

In addition, the Williston Water System is authorized to grant temporary variances for existing water uses otherwise prohibited under the section if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this section occurring prior to the issuance of the variance. Variances granted by the Williston Water System shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(g) *Status of the section.*

- (1) If any portion of this section is held to be unconstitutional for any reason, the remaining portions of the drought response ordinance shall not be affected.

- (2) The provisions of this section shall prevail and control in the event of any inconsistency between this section and other rules and regulations of the Williston Water System.
  - (3) Nothing in this section shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.
- (Ord. No. 17, § IV, 1-11-87; Ord. No. 2003-04, §§ B—H, 4-14-03)

**Sec. 74-145. New water service connections.**

(a) Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after January 1, 1987, shall include conditions relating to water shortages.

(b) No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed unless such action is in compliance with provisions of this division.

(Ord. No. 17, § V, 1-11-87)

**Sec. 74-146. Water rates.**

In the event of an extreme drought-related water shortage, the council is hereby authorized to monitor water use and limit households to 50 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of \$0.01 per gallon. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of \$2.00 per 1,000 gallons of water used if the council deems that adequate conservation measures have not been implemented.

(Ord. No. 17, § VI, 1-11-87)

**Sec. 74-147. Fines and penalties.**

(a) Except as otherwise stated in this division, violators of any provision of this division shall be penalized as follows:

<i>Violation</i>	<i>Classification</i>	<i>Penalty</i>
First offense	Infraction	\$ 50.00
Second offense	Infraction	100.00
Third and subsequent offense within the same drought period	Misdemeanor	200.00

(b) The fines and penalties set out in this section may be in lieu of, or in addition to, any other penalty provided by law.

(c) After issuing one warning by certified mail, the public works department may disconnect the water service of any person or customer whenever it is determined that such person has failed to comply with the provisions of this division. Services disconnected under such

circumstances shall be restored only upon payment of a reconnection charge hereby established at \$100.00, and any other costs incurred by the water commission in discontinuing service. In addition, suitable assurances must be given to the council that the same action shall not be repeated during the drought or water shortage.

(Ord. No. 17, § VII, 1-11-87)

**Sec. 74-148. Enforcement.**

(a) Law officers of the town police force shall, in addition to duties imposed by law, diligently enforce the provisions of this division.

(b) Management employees of the town, department of public works and fire departments have the duty, and are hereby authorized to enforce the provisions of this division and shall have the power and authority to issue written notices to appear when violations of this division occur during any declared moderate, severe or extreme drought or water shortage.

(Ord. No. 17, § IX, 1-11-87)

**Sec. 74-149. Variances.**

(a) Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within 24 hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

(b) Persons requesting exemption from the provisions of this division shall file a petition for variance with the council within ten days after such curtailment becomes effective.

(c) When the drought ordinance has been invoked by the council by an action independent of the state water resources commission, all petitions for variances shall be reviewed by the council. When the drought ordinance has been invoked by the council acting on the direction of the water resources commission, persons using less than 25,000 gallons of water per day shall file a petition for variance with the council, and persons using in excess of 25,000 gallons of water per day shall file a petition for variance with the water resources commission within ten days of the effective date of water use curtailment or reduction. The water resources commission shall respond to requests for variance within five days of receipt of information or within 20 days of declaration of the curtailment, whichever comes first. Petitions shall contain the following:

- (1) Name and address of the petitioner.
- (2) Purpose of water use.
- (3) Specific provision from which the petitioner is requesting relief.
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner.
- (5) Description of the relief desired.
- (6) Period of time for which the variance is sought.

- (7) Economic value of the water use.
- (8) Damage or harm to the petitioner or others if petitioner complies with this division.
- (9) Restrictions with which the petitioner is expected to comply and the compliance date.
- (10) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.
- (11) Other pertinent information.

(d) In order for a variance to be granted, the petitioner must show one or more of the following conditions:

- (1) Compliance with this division cannot be technically accomplished during the duration of the water shortage.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(e) The council may, in writing, grant temporary variances for existing water uses otherwise prohibited under this division if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The council shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the council.

(f) No such variance shall be retroactive or otherwise justify any violation of this division occurring prior to the issuance of the variance.

(g) Variances granted by the council shall be subject to the following conditions, unless waived or modified by the council:

- (1) Variances granted shall include a timetable for compliance.
- (2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Ord. No. 17, § X, 1-11-87)

**Secs. 74-149—74-174. Reserved.**

#### DIVISION 5. PUBLIC AND PRIVATE SEWERS\*

##### **Sec. 74-175. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this division shall be as follows:

*BOD (denoting biochemical oxygen demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C, expressed in milligrams per liter as determined in accordance with 40 CFR Part 136.

\*State law reference—Individual sewage treatment and disposal systems, S.C. Code Reg. 61-56.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Cooling water* shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any substance which could result in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the town or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and polluting material.

*Customer* shall mean any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

*Director* shall mean the administrator of water and sewer services of the town or his authorized deputy, agent or representative.

*Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

*Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*Natural outlet* shall mean an outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

*Normal sewage* shall be regarded as normal for the town if analyses show a daily average of not more than 250 milligrams per liter of suspended solids; not more than 250 milligrams per liter of BOD; and not more than 100 milligrams per liter of oil/grease.

*Owner* shall mean any customer, person, or other individual having express or implied ownership to real property requiring sewage service via public or private sewage works.

*Person* shall mean any individual, firm, company association, society, corporation, or group.

*pH* shall mean the logarithm of the reciprocal of the concentration of hydrogen ions as determined in accordance with 40 CFR Part 136. A pH value indicates the degree of acidity or alkalinity.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than one-half inch in any direction.

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*SCDHEC* shall refer to either the South Carolina Department of Health or Environmental Control and/or the local or district environmental quality control office.

*Sanitary sewer* shall mean a sewer that carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

*Service area* shall mean those areas within the corporate boundaries of the town or those areas to which the town provides sewer service.

*Sewage (also called "wastewater")* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

*Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* shall mean a pipe or conduit for carrying sewage.

*Shall* is mandatory; *may* is permissive.

*Slug* shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation of any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

*Storm sewer or storm drain* shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastewater, it may however, carry cooling waters and unpolluted waters, upon approval of the director.

*Suspended solids* shall mean solids that are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering as determined in accordance with 40 CFR Part 136.

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 98-009, § I, 2-8-99)

**Sec. 74-176. Use of public sewers required.**

(a) 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 service area of the town, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the service area of the town any sewage or other polluted waters. No sanitary wastewater shall be discharged into the storm sewer system without exception. Discharge of sewage or other polluted waters with or without treatment into natural outlets and receiving streams can only be permitted by SCDHEC.

(c) Except as hereinafter provided, 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 sewage.

(d) The owner of all houses, buildings or other properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within 60 days after the date of official notice to do so, provided that said public sewer is within 200 feet of the building drain as defined herein.

(Ord. No. 98-009, § II, 2-8-99)

**Sec. 74-177. Private sewage disposal.**

(a) Where public sanitary sewer is not available under the provisions of subsection 74-176(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for humans occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in section 74-176, the owner shall provide a private sewage pumping station as provided in Section 74-178(j).

(c) A private sewage disposal system may not be constructed within the service area unless and until a certificate is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by SCDHEC.

(d) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from SCDHEC. The owner shall supply any plans, specifications, and other information as are deemed necessary by SCDHEC.

(e) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the town and the SCDHEC. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the town and the SCDHEC when the work is ready for final inspection, and before any underground portions are covered.

(f) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of SCDHEC. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(g) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (f), a direct connection shall be made within 60 days to the public sewer in compliance with this division, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material to the satisfaction of the director.

(h) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(i) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by SCDHEC.

(Ord. No. 98-009, § III, 2-8-99)

**Sec. 74-178. Building sewers and connections.**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

(b) There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director.

(c) All costs and expense incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of the division. All costs associated with this verification shall be borne by the owner.

(f) The size, slope, alignment, material of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(g) Building sewers shall be at least four inches in diameter. Large building sewers shall be used as necessary in order to carry the flow anticipated. Four-inch building sewers shall be laid on a grade of at least one-eighth-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full at least two feet per second. Slope and alignments of all building sewers shall be neat and regular. Pipe materials as specified in subsection (h), below, shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformance with the appropriate ASTM specification or with WPCF Manual of Practice No. 9.

(h) Building sewers shall be constructed only of (1) concrete or clay sewer pipe using rubber or neoprene compression joints of approved type; (2) cast iron soil pipe with compression joints; (3) schedule 40 polyvinyl-chloride pipe with solvent welded or rubber compression joints; (4) schedule 40 ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or (5) such other materials of equal or superior quality as may be approved by the director. Under no circumstances will cement mortar joints be acceptable. Each connection to the public sewer must be made at a wye or service line stubbed out or in the absence of any other provision, by means of a saddle of a type approved by the Director attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line. All such connections shall be made gastight and watertight.

(i) Cleanouts shall be installed in house or building sewers at not more than 75 feet apart. A cleanout shall be located within 5 feet outside of the building and at the property line as it taps onto the utility lateral. A wye and one-eighth; bend (22.5°) shall be used for each cleanout base with four-inch access pipe extended to the finished grade level directly above the place where the cleanout is installed.

(j) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer or the top of the nearest upstream manhole, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(k) The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.

(l) All excavations for building sewer installing shall be adequately guarded with barricades and light so as 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.

(m) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(n) The connection of the building sewer into the public sewer shall conform to the rules and regulations that the town may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the director before installation.

(o) The cost(s) of all permits, inspection fees, connection fees and etc., shall be borne by the owner and shall be set by a separate rate ordinance.  
(Ord. No. 98-009, § IV, 2-8-99)

**Sec. 74-179. Use of the public sewers.**

(a) No person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the director and the SCDHEC. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director and the SCDHEC, to a storm sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, or liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

- (3) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged any of the following described waters or wastes to the sanitary sewers except by special written permit, and then only in strict accordance with the terms of the permit and in compliance with any and all federal, state, and local pretreatment regulations and/or ordinances that may apply. No permit will be issued if it appears likely in the opinion of the director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving land or waters, violate the National Pollutant Discharge Elimination system Permit Program or the regulations of SCDHEC or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of the wastes, the director will give consideration of such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150°F (0 and 65°C).
- (2) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 or 150 ° F (0 and 65°C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the director.
- (4) Any waters or wastes containing strong acid or alkaline wastes, iron-pickling wastes, or concentrated plating solutions which would affect the biological processes employed at the treatment facility either by increasing acidity and/or alkalinity of the raw influent to the treatment facility such that treatment efficiency would be impaired. Prospective dischargers with wastes, which would fall into the classifications of this paragraph, shall be responsible for proving their compliance.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the specific limits established.

Limits on the concentration of other metallic constituents and/or toxic substances, which may have a detrimental effect on the sewage treatment works, will be established by the director.

- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the federal, state, and local pretreatment regulations and/or ordinances.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.
- (8) Material which exert or cause:
  - a. Unusual concentration of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chlorine and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD (greater than 250 mg/l), chemical oxygen demand (greater than 500 mg/l), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving lands and/or waters.
- (10) Any waters or wastes containing suspended solids in excess of 250 mg/l.

(e) Special permits may be granted by the town for the discharge of wastes into the public sanitary sewers as described under subsection (d) above only where, in the opinion of the town and its representatives and consultants, the waste can be pretreated, assimilated, mixed or controlled to the extent that its discharge will not result in damage or danger to personnel, structures, treatment processes or receiving land and/or waters, and will not result in a public nuisance. All such permits must be in accordance with the industrial pretreatment program and the pretreatment ordinance of the town.

(f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the town, they are required for the proper handling of wastes except that such interceptors or taps shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town and shall be located so as to be readily accessible for cleaning and inspection. They shall be maintained by the owner, at his expense, in continuous and effective operation at all times.

(g) Where preliminary treatment or flow equalizing facilities are required and provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and they shall be in compliance with any and all federal, state, and local pretreatment regulations that may apply.

(h) Where waters or wastes are otherwise suitable for discharge into the sanitary sewers, but are unusually strong in BOD or solids content as compared to normal sewage as defined herein, they may be accepted in the sewers but will be subject to a surcharge payment to reimburse the town for additional treatment plant capacity and operation and maintenance costs required for the particular waste.

(i) Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or if pretreatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the director and by SCDHEC so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of waste.

(j) All measurements, tests, sampling, and analyses of the characteristics of waters and wastes to which references are made in this ordinance shall be determined in accordance with 40 CFR Part 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole is available, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(k) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment, therefore, by the industrial concern. The making of such special agreements or arrangements between the town and any industrial concern shall be strictly limited to the capability of the public sewage treatment works to treat such unusual water without affecting the operation, maintenance, or effluent quality of the facility and such special agreements or arrangements must be shown by the industry to be the most cost-effective solution to their problem and that such monetary compensation as the town may receive will satisfy the financial demand created in order to treat such wastes from both an operation and maintenance standpoint and a capital investment standpoint. Any such special agreement shall be in compliance with applicable federal, state, and local pretreatment regulations and fair user charge ordinance.

(l) In the interest of public health and safety the town reserves the right to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to the right to close down any sewer or portion of the sewage works for the purpose of making connections, alterations, or repairs.

(Ord. No. 98-009, § V, 2-8-99)

#### **Sec. 74-180. User charges and surcharges.**

(a) Charges for sewer service shall be based on actual use in accordance with an approved fair user charge ordinance. Rates shall be developed to equally distribute among the various classes of users operation and maintenance costs in addition to system debt retirement.

(b) The volume of flow used in determining the total discharge of sewage shall be based upon metered water consumption. Where any person discharging sewage to the public sewers procures all or any part of his water supply from sources other than the municipal system the person discharging the sewage shall install and maintain at his expense meters of a type approved by the director for the purpose of determining the proper volume of sewage discharged to such sewers.

(c) Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD in excess of 250 parts per million or a suspended solids content in excess of 250 parts per million, will be subject to a surcharge based on the excess strength as compared to normal sewage as defined herein, such surcharge being necessary to compensate the town for the extra cost of treating such wastes.

The surcharge on excess BOD and suspended solids shall be as determined by the Fair user Charge Ordinance adopted by the Town.

The surcharge(s) shall be based on the analytical results on not less than three 24-hour composite samples collected at the control manhole at unannounced, but approximately equal, intervals during the preceding three months. Samples shall be collected and analyses shall be made by competent operating personnel at the sewage treatment plant or other persons designated by the Town in accordance with 40 CFR Part 136.

The surcharge(s) provided for herein shall be rendered with and shall be in addition to the normal sewer charge.

(Ord. No. 98-009, § VI, 2-8-99)

#### **Sec. 74-181. Protection from damage.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the sewage works. Any person violating this provision shall be subject to immediate arrest and prosecution for the destruction of public property.

(Ord. No. 98-009, § CII, 2-8-99)

#### **Sec. 74-182. Powers and authority of inspectors.**

(a) The director and other duly authorized employees of the town and SCDHEC bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, review and copying of records, sampling and testing in accordance with the provisions of this division. The director or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waster treatment.

(b) The director and other duly authorized employees of the town bearing proper credentials and identifications shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection,

observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 98-009, § VIII, 2-8-99)

**Sec. 74-183. Penalties.**

(a) Any person found violating any provision of this division except section 74-181 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations. These violations will be handled in a consistent manner as outlined in the emergency response guide that has been adopted as part of the industrial pretreatment program for the town.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$1,000.00 for each violation. Each day in which such violation shall continue, shall be deemed a separate offense.

(c) Any person violating any of the provisions of this division shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(Ord. No. 98-009, § IX, 2-8-99)

**Secs. 74-184—74-199. Reserved.**

**DIVISION 6. PRETREATMENT**

*Subdivision 1. General Provisions*

**Sec. 74-200. Purpose and policy.**

This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this division are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters, land, or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater's and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

This division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to the town and to persons outside the town who are, by contract or agreement with the town, users of the town's wastewater treatment system. Except as otherwise provided herein, the director of the town's system shall administer, implement, and enforce the provisions of this division.

No statement contained in this division shall be construed to nullify any additional requirements of EPA, SCDHEC, or other appropriate state or county health official.  
(Ord. No. 98-008, § 1.1, 2-8-99)

#### **Sec. 74-201. Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meaning hereinafter designated:

*Act or the Acts* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

*Approval authority* shall mean the Commissioner of the South Carolina Department of Health and Environmental Control or his delegated representative.

*Authorized representative of a nondomestic discharger.* An authorized representative of a nondomestic discharger may be:

- (a) A principal executive officer of at least the level of vice president, if the nondomestic discharger is a corporation;
- (b) A general partner or proprietor if the nondomestic discharger is a partnership or proprietorship, respectively;
- (c) A duly authorized representative responsible for the overall operation of the facilities from which the indirect discharge originates.

*Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° Centigrade expressed in terms of weight (pounds) and concentration (milligrams per liter (mg/l)) in accordance with 40 CFR Part 136.

*Building sewer* shall mean a sewer conveying wastewater from the premises of a user to the system.

*Bypass* shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

*Categorical standards* shall mean National Categorical Pretreatment Standards or pretreatment standards.

*Cooling water* shall mean the water discharged from any uses such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Control authority* shall mean the director.

*Direct discharge* shall mean the discharge of treated or untreated wastewater directly to the waters of the State.

*Director* shall mean the administrator of water and sewer services of the town or his duly authorized deputy, agent, or representative.

*Domestic waters* shall mean household waters principally from dwellings, business buildings, institutions, etc. Also included are similar sanitary wastes from industries when separated from industrial waste.

*Environmental Protection Agency or EPA* shall mean the U.S. Environmental Protection Agency, or where appropriate, term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Grab sample* shall mean a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Holding tank waste* shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks.

*Indirect discharge* shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the system (including holding tank waste discharged into the system).

*Industrial user* shall mean a nondomestic discharger which is a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (33 U.S.C. 1342).

*Industrial waste* shall mean nondomestic liquid waste from industrial processes.

*Interference* shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*National categorical pretreatment standard or pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial users.

*National pollution discharge elimination system or NPDES permit* shall mean a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

*National prohibitive discharge standard or prohibitive discharge standard* shall mean any regulation developed under the authority of [section] 307(b) of the Act and 40 CFR Section 403.5.

*New source* shall mean any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (a)ii. or (a)iii. above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - i. Begun, or caused to begin, as part of a continuous on-site construction program
    - (1) Any placement, assembly, or installation of facilities or equipment; or

- (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for placement, assembly, or installation of new source facilities or equipment; or
  - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

*Nondomestic discharge* shall mean any user contributing wastes that cannot be classified as normal, sanitary sewage.

*Person* shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

*pH* shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in accordance with 40 CFR Part 136.

*Pollution* shall mean the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

*Pretreatment* or *treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR section 403.6(d).

*Pretreatment requirements* shall mean any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

*Severe property damage* shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

*Sewage.* A term that can be interchanged with wastewater. See wastewater.

*Shall* is mandatory; *may* is permissive.

*Significant industrial user* shall mean:

- (a) All industrial users of the town's wastewater disposal system subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
- (b) Any other industrial user that:
  - i. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater), or
  - ii. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
  - iii. Is designated as such by the town, SCDHEC, or EPA on the basis that the industrial user has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

*Significant noncompliance.* An industrial user is in significant noncompliance if it meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit or the average limit for the same pollutant parameter.
- (b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public.);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports 90 day compliance reports, periodic self monitoring reports and reports on compliance schedules;
- (g) Failure to accurately report noncompliance; and

- (h) Any other violation or group of violations, which the control authority determines, will adversely affect the operation or implementation of the local pretreatment program.

*Significant nondomestic discharger* shall mean any industrial user or other nondomestic user of the town's wastewater treatment system who has in his waste toxic pollutants as defined pursuant to section 307 of the Act, South Carolina Statutes and rules, or is found by the town, SCDHEC or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

*Slug* shall mean any discharge that contains a flow rate or concentration or quantities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the average 24-hour concentration, quantities, or flow during normal operation.

*State* shall mean the State of South Carolina.

*Standard Industrial Classification (SIC)* shall mean a classification pursuant to the latest revision of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

*Stormwater* shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Suspended solids* shall mean the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with 40 CFR Part 136.

*Superintendent* shall mean the person designated by the town to supervise the operation of the Town's Treatment system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Treatment plant* shall mean that portion of the system designed to provide treatment to wastewater.

*Town* shall mean the Town of Williston, South Carolina.

*Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under provision of CWA 307 (a) or other Acts.

*User* shall mean any person who contributes, causes or permits the contribution of wastewater into the town's system.

*Wastewater* shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated. See sewage.

*Wastewater treatment system* shall mean a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this division, "system" shall also include any sewers that convey wastewater to the system from persons outside the town who are, by contract or agreement with the town, users of the town's system.

*Waters of the state* shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Ord. No. 98-008, § 1.2, 2-8-99)

**Sec. 74-202. Abbreviations.**

The following abbreviations shall have the designated meanings:

*BOD* shall mean biochemical oxygen demand.

*CFR* shall mean Code of Federal Regulations.

*COD* shall mean chemical oxygen demand.

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

*EPA* shall mean Environmental Protection Agency.

*L* shall mean liter.

*mg/l* shall mean milligrams per liter.

*NPDES* shall mean national pollutant discharge elimination system.

*SIC* shall mean standard industrial classification.

*SWDA* shall mean Solid Waste Disposal Act, 42 USC 6901, et seq.

*USC* shall mean United States Code.

*TSS* shall mean total suspended solids.  
(Ord. No. 98-008, § 1.3, 2-8-99)

**Secs. 74-203—74-210. Reserved.**

*Subdivision 2. Regulations***Sec. 74-211. Prohibition of unpolluted water.**

Unpolluted water including, but not limited to, cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct connection or indirect connection to a town sewer unless a permit is issued by the town.

(Ord. No. 98-008, § 2.1, 2-8-99)

**Sec. 74-212. General discharge prohibitions.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutants or wastewater which will interfere with the operation or performance of the system. The general prohibitions apply to all such users of the system whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

In addition, the following pollutants shall not be introduced into the system:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° Fahrenheit or 60° Centigrade using the test methods specified in 40 CFR 261.21.
- (2) Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone, or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing fuel, lubricating oil, mud, or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0 or more than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process constituting a hazard to humans or animals, to create a toxic effect on the receiving waters of the system, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but be limited to, any pollutant identified pursuant to section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the system's effluent, or any other product of the system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse

or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

- (7) Any substance in sufficient concentration that will cause the treatment plant to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the system treatment plant resulting in interference, but in no case wastewater with a temperature which exceeds 40°C (104°F) at the influent to the treatment facility.
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference to the system. In no case shall a slug loading (as defined in section 74-201) be discharged to the wastewater treatment system.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (13) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (14) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

When the director determines that user is contributing to the system any of the above enumerated substances in such amounts as to interfere with the operation of the system, the director shall:

- (1) Advise the user of the impact of the contribution on the system; and
- (2) Develop effluent limitations for such user to correct the interference with the system.

(Ord. No. 98-008, § 2.2, 2-8-99)

**Sec. 74-213. Federal categorical pretreatment standards.**

Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under

this division for sources in that subcategory, shall immediately supersede the limitation imposed under the division. The director shall notify all affected users of the applicable report requirements under 40 CFR, section 403.12.

(Ord. No. 98-008, § 2.3, 2-8-99)

**Sec. 74-214. Modification of federal categorical pretreatment standards.**

Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in accordance with 40 CFR part 403.7.

(Ord. No. 98-008, § 2.4, 2-8-99)

**Sec. 74-215. Specific pollutant limitations.**

Specific pollutant limitations or discharge limits have been developed for the nondomestic dischargers in accordance with the local pretreatment program adopted by the town. These limits were developed based upon inhibition limits in the biological treatment facility, removal efficiencies of the treatment facility and discharge of the treated effluent to land by spray irrigation. These discharge limits shall be specific to the nondomestic discharger for which they are developed and shall be as stipulated in the permits to discharge nondomestic waste. The discharge limits shall be based on data presented in the application for permit to discharge nondomestic waste (or nondomestic waste survey questionnaire) which shall become part and parcel to the permit itself.

Discharge of a pollutant not identified in the application/questionnaire for which a specific discharge limit has not been developed shall constitute a violation of this division.

(Ord. No. 98-008, § 2.5, 2-8-99)

**Sec. 74-216. State or town requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division. The town may revise or adjust permitted limits to more stringent limitations or requirements than state or federal limitations or requirements when deemed necessary to protect the treatment facility and/or the environment.

(Ord. No. 98-008, § 2.6, 2-8-99)

**Sec. 74-217. The town's right of revision.**

The town may modify a wastewater discharge permit for good cause, including, but not limited to the following reasons:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (d) Information indicating that the permitted discharge poses a threat to the town's POTW, town's personnel, or the receiving waters;
  - (e) Violation of any terms or conditions of the wastewater discharge permit;
  - (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - (h) To correct typographical or other errors in the wastewater discharge permit; or
  - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (Ord. No. 98-008, § 2.7, 2-8-99)

**Sec. 74-218. Excessive discharge.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standard, or in any other pollutant specific limitation developed by the town or state.

(Ord. No. 98-008, § 2.8, 2-8-99)

**Sec. 74-219. Accidental discharge.**

*[Protection from accidental discharge.]* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review and shall be approved by the town before construction of the facility. All existing users shall complete such a plan within 180 days of adoption of the division. No user who commences contribution to the system after the effective date of this division shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of the division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

*Written notice.* Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a

result of damage to the system, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

*Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of an accidental or dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge are advised of the emergency notification procedure.

(Ord. No. 98-008, § 2.9, 2-8-99)

#### **Sec. 74-220. Bypasses.**

(1) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (2), (3), and (4) of this section.

(2) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the town, if possible at least ten days before the date of the bypass.

(3) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the town within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user become aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass is prohibited, and the town may take enforcement action against an industrial user for a bypass, unless;

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (c) The industrial user submitted notices as required under subsection (2) of this section.

- (5) The town may approve an anticipated bypass, after considering its adverse effects, if the Town determines that it will meet the three conditions listed in subsection (4) of this section.

(Ord. No. 98-008, § 2.10, 2-8-99)

**Secs. 74-221—74-234. Reserved.**

*Subdivision 3. Fees*

**Sec. 74-235. Purpose.**

It is the purpose of this chapter [subdivision] to provide for the recovery of costs from users to the town's wastewater treatment system for the implementation of the program established herein.

(Ord. No. 98-008, § 3.1, 2-8-99)

**Sec. 74-236. Fees and charges.**

The town shall establish and collect fees and charges associated with the town's pretreatment program as follows:

- (1) A nondomestic discharge permit fee as established for all applicants shall be paid to the town upon application for a permit to discharge nondomestic waste. This fee shall be nonrefundable and shall be the total charge for processing the application and granting (or denying) the permit to discharge nondomestic waste. The town shall not assume responsibility or provide consulting and research relative to pretreatment recommendations.
- (2) A pretreatment program service charge shall be collected monthly by the town from each permitted nondomestic discharger to cover the additional pretreatment program costs relative to servicing the nondomestic discharger. This pretreatment program service charge shall be established independently for each nondomestic discharger according to the type of waste being discharged. the monthly charge shall be established in the permit to discharge nondomestic waste.

The nondomestic discharge permit fee and the pretreatment program service charge shall be assessed in addition to user charges, surcharges, and other fees chargeable by the town.

Fees and charges shall be subject to change on an annual basis. The amount of the pretreatment program service charge shall be projected in the permit for the remainder of the fiscal term. Thereafter, charges will be reviewed, and revised if necessary, together with other user charges, surcharges, and fees as required by the fair user charge ordinance.

(Ord. No. 98-008, § 3.2, 2-8-99)

**Secs. 74-237—74-249. Reserved.**

*Subdivision 4. Administration***Sec. 74-250. Wastewater discharges.**

It shall be unlawful to discharge without a permit to any natural outlet within the town, or in any area under the jurisdiction of the town, and/or to the system any wastewater except as authorized by the director in accordance with the provisions of this division.

(Ord. No. 98-008, § 4.1, 2-8-99)

**Sec. 74-251. Permit to discharge nondomestic waste.**

(1) *General.* All significant industrial users proposing to connect to or to contribute to the system shall obtain a Permit to Discharge Nondomestic Waste before connecting to or contributing to the system. All existing significant nondomestic discharges or industrial users connected to the system shall obtain a permit within 180 days after the effective date of this division.

(2) *Application for permit to discharge nondomestic waste.* Significant industrial users that are required to obtain a permit to discharge nondomestic waste shall complete and file with the town an application in the form prescribed by the town and accompanied by an application fee as established under subdivision 3 of this division. Existing nondomestic discharges shall apply for a permit within 30 days after the effective date of the division, and proposed new significant industrial users shall apply at least 90 [days] prior to connecting to or contributing to the system. In support of this application, the significant industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the latest edition of Standard Industrial Classification Manual, Bureau of the Budget, as amended;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in subdivision 2 of this division as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended;
- (d) Time and duration of discharge;
- (e) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;
- (f) Schematic drawing to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all material which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards and a statement

regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the nondomestic discharger to meet applicable pretreatment standards;

- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the nondomestic discharger will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule;
  - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the nondomestic discharger to meet the applicable pretreatment standard (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
  - 2. No increment referred to in subsection 1. shall exceed nine months.
  - 3. Not later than 14 days following each date in the schedule and the final date for compliance, the nondomestic discharger shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the nondomestic discharger to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Director.
- (j) Each product produced by type, amount, process or processes, and rate of production;
- (k) Type and amount of raw material processed (average and maximum per day);
- (l) Number and type of employees, hours of operation of plant and proposed or actual hours operation of pretreatment system;
- (m) Any other information as may be deemed by the town to be necessary to evaluate the permit application;

The town will evaluate the data furnished by the nondomestic discharger and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a permit to discharge nondomestic waste subject to terms and conditions provided herein.

(3) *Permit modifications.* Within nine months of the promulgation of a national categorical pretreatment standard, the permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a nondomestic discharger, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater

discharge permit as required by subsection (2) above, the nondomestic discharger shall apply for a permit to discharge nondomestic waste within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the nondomestic discharger with an existing permit shall submit to the director within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of subsection (2), above.

(4) *Permit conditions.* Permits to discharge nondomestic waste shall be expressly subject to all provisions of this division and all other applicable regulations, user charges, and fees established by the town. Permits shall contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a town sewer;
- (b) Concentration and mass limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and times of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs, which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting, schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see section 74-251);
- (h) Requirements for maintaining and retaining plant records relating to wastewater and discharge as specified by the town and affording the town access thereto;
- (i) Requirements for notification to the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notification of slug discharges as per 5.2;
- (k) Other conditions as deemed appropriate by the town to ensure compliance with this division.

(5) *Permits duration.* Permits shall be issued for a specified time period not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The nondomestic discharger shall apply for permit reissuance a minimum of 180 days prior to the expiration of the nondomestic discharge's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements identified in subsection (2) are modified or other causes exists. The nondomestic discharger shall be informed of any proposed changes in his permit at least 30 days prior to the effective date change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) *Permit transfer.* Permits to discharge nondomestic waste are issued to a specific nondomestic discharger for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new nondomestic discharger, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or significant industrial user shall also comply with the terms and conditions of the existing permit.

(Ord. No. 98-008, § 4.2, 2-8-99)

**Sec. 74-252. Reporting requirements for permittee.**

(1) *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards and requirements or, in the case of a new source, following commencement of the introduction of wastewater into the system, any nondomestic discharger subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the nondomestic discharge's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional o&m and/or pretreatment is necessary to bring the nondomestic discharger into compliance with applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the nondomestic discharger and certified to by a professional engineer registered in the state.

(2) *Periodic reports.* Any Nondomestic discharger, subject to a pretreatment standard or other pretreatment requirement, after the compliance date of such pretreatment standard or requirement, or, in the case of a new source, after commencement of the discharge into the system, shall submit to the director a self monitoring report in accordance with the requirements of the permit to discharge nondomestic waste. This report, to be submitted at intervals not to exceed six months, shall include, at a minimum, the following information.

- (a) Name, address and telephone number of the nondomestic discharger with proper reference to the permit issued;
- (b) Name and registration of licensed pretreatment plant operator, if applicable;
- (c) Total average daily flow for the nondomestic discharger as well as the average daily flow for any particular process flow being regulated;
- (d) Established permitted discharge limits (flow, concentration, mass loadings, etc.) as portrayed in the permit alongside the corresponding treatment levels being achieved. Where required by the applicable pretreatment standard or otherwise requested by the director, the report shall provide additional information relative to significant variations in flow and concentrations and additional information relative to production rates and mass of pollutants discharged;

- (e) The method, time and results of the sampling and analysis required to show compliance (or noncompliance) with the permit limits;
- (f) An account of any slug discharge or other accidental discharge that occurred within the reporting period giving a complete detailed explanation of the incident;
- (g) The signature of the authorized representative of the nondomestic discharger.

All analysis shall be performed in accordance with procedures established by EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA.

If sampling performed by an industrial user indicates a violation, the user shall notify the town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if the town performs sampling at the user between the time when the user performs its initial sampling and the time the user receives the results of this sampling.

The results of all sampling and testing that is conducted in accordance with 40 CFR part 136 shall be reported to the town in the periodic reports, regardless of the frequency specified in the permit to discharge.

(NOTE: Where 40 CFR, part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1997, and amendments thereto, or with any other sampling and analytic procedures approved by the administrator.)

(Ord. No. 98-008, § 4.3, 2-8-99)

#### **Sec. 74-253. Monitoring facilities.**

The town shall require to be provided and operated at the nondomestic discharger's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should be situated on the nondomestic discharger's premises.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in safe and proper operating condition at the expense of the nondomestic discharger.

(Ord. No. 98-008, § 4.4, 2-8-99)

#### **Sec. 74-254. Inspection and sampling.**

The town shall inspect the facilities of any nondomestic discharger to ascertain whether the purpose of the division is being met and all requirements are being complied with. Persons or

occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and records copying, or in the performance of any of their duties. The town, SCDHEC and EPA shall have the right to set up on the nondomestic discharge's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a nondomestic discharger has security measures in force which would require proper identification and clearance before entry into their premises, the nondomestic discharge shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, SCDHEC, and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

(Ord. No. 98-008, § 4.5, 2-8-99)

**Sec. 74-255. Pretreatment.**

Nondomestic discharger shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the nondomestic discharger's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the town before construction of the facility. A permit to construct must be obtained from SCDHEC before such pretreatment facilities can be built or modified. The review of such plans and operating procedures will in no way relieve the nondomestic discharger from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to the nondomestic discharger's initiation of the changes.

(Ord. No. 98-008, § 4.6, 2-8-99)

**Sec. 74-256. Public notification.**

The town shall annually publish in the Williston Way and State newspapers a list of the significant industrial users, which were in significant noncompliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the Significant Industrial users during the same 12 months.

All records relating to the compliance with the pretreatment standards shall be made available to officials of the EPA or SCDHEC upon request.

(Ord. No. 98-008, § 4.7, 2-8-99)

**Sec. 74-257. Confidential information.**

Information and data on nondomestic dischargers obtained from reports, questionnaires, permit applications, permit and monitoring programs and from inspections shall be available

to the public or governmental agencies without restrictions unless the nondomestic dischargers specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, process or methods of production entitled to protection as trade secrets of the nondomestic discharger.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the national pollutant discharge elimination system (NPDES) permit, SCDHEC permit to operate and/or the pretreatment programs provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics contained in the periodic compliance reports will not be recognized as confidential information.

Information accepted by the town as confidential shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the nondomestic discharger.

(Ord. No. 98-008, § 4.8, 2-8-99)

**Secs. 74-258—74-274. Reserved.**

#### *Subdivision 5. Enforcement*

**Sec. 74-275. Harmful discharge.**

The town may suspend wastewater treatment service and/or the permit to discharge nondomestic waste when such suspension is necessary in the opinion of the town in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the system or cause the town to violate any condition of its NPDES permit.

Any nondomestic discharger notified of a suspension of their wastewater treatment service and/or their permit to discharge nondomestic waste shall immediately stop or eliminate the discharge. In the event of a failure of the nondomestic discharger to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary including immediate severance of the water and sewer connections to prevent or minimize damage to the system or endangerment to any individuals. The town shall reinstate the permit to discharge nondomestic waste and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and upon payment of any fines, damages, or costs associated with reconnection of the service.

A detailed written statement submitted by the nondomestic discharger describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within 15 days of the date of occurrence.

(Ord. No. 98-008, § 5.1, 2-8-99)

**Sec. 74-276. Revocation of permit—Termination of service.**

Any nondomestic discharge[r] who violates the following conditions of this division or applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of subdivision of this division.

- (1) Failure of a nondomestic discharger to factually report the wastewater constituents and characteristics of his discharge;
  - (2) Failure of the nondomestic discharger to report significant changes in operations or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the nondomestic discharger's premises for the purpose of inspection or monitoring; or
  - (4) Violations of conditions of the permit.
- (Ord. No. 98-008, § 5.1, 2-8-99)

**Sec. 74-277. Notification of violation.**

Whenever the town finds that any nondomestic discharger has violated or is violating this division, the permit to discharge nondomestic waste, or any prohibition, limitation or requirements contained herein, the town may serve upon such nondomestic discharger a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the nondomestic discharger. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. No. 98-008, § 5.3, 2-8-99)

**Sec. 74-278. Show cause hearing.**

(1) The town may order any nondomestic discharger who has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear and show cause before the town council why the proposed enforcement action should not be taken. A notice shall be served on the nondomestic discharger specifying the time and place of a hearing to be held by the town council regarding the violation, the reasons why the action is to be taken, and the proposed enforcement action and directing the nondomestic discharger to show cause before the town council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten =days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The town council may itself conduct the hearing and take the evidence or may designate any of its members or any other officer or employee to:

- (a) Issue in the name of the town council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence; and
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the town council for action thereon.

(3) At the hearing held pursuant to this division, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the town council has reviewed the evidence, it may issue an order to the nondomestic discharger responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. No. 98-008, § 5.4, 2-8-99)

**Sec. 74-279. Consent orders.**

The town may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to section 74-281 of this division and shall be judicially enforceable.

(Ord. No. 98-008, § 5.5, 2-8-99)

**Sec. 74-280. Administrative orders.**

When the town finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the town may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a

compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 98-008, § 5.6, 2-8-99)

**Sec. 74-281. Administrative fines.**

(1) When director finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement director may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other longterm average discharge limits, fines shall be assessed for each day during the period of violation.

(2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent =per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(3) Users desiring to dispute such fines must file a written request [with the] director to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 98-008, § 5.7, 2-8-99)

**Sec. 74-282. Legal action.**

If any person discharges sewage, industrial wastes or other wastes into the town's wastewater treatment system contrary to the provisions of the division, federal or state pretreatment requirements, or any order of the town, the town Attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county.

(Ord. No. 98-008, § 5.8, 2-8-99)

**Secs. 74-283—74-299. Reserved.**

*Subdivision 6. Penalty; costs*

**Sec. 74-300. Civil penalties.**

Any nondomestic discharger who is found to have violated an order of the town council or who is willfully or negligently failed to comply with any provision of this division and the orders, rules, regulations and permits issue hereunder shall be fined not less that \$100.00 nor

more than \$1,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover all actual damages, reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate suit at law against the nondomestic discharger found to have violated this division or the orders, rules, regulations, and permits issued hereunder.

(Ord. No. 98-008, § 6.1, 2-8-99)

**Sec. 74-301. Falsifying information.**

Any person who knowingly makes any false statements, representation or certification in any application, record, plan or any other document filed or required to be maintained pursuant to this division or wastewater discharge permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction be punished by a fine of not more than \$1,000.00 or by imprisonment of not more than six months, or by both.

(Ord. No. 98-008, § 6.2, 2-8-99)

## APPENDIX A

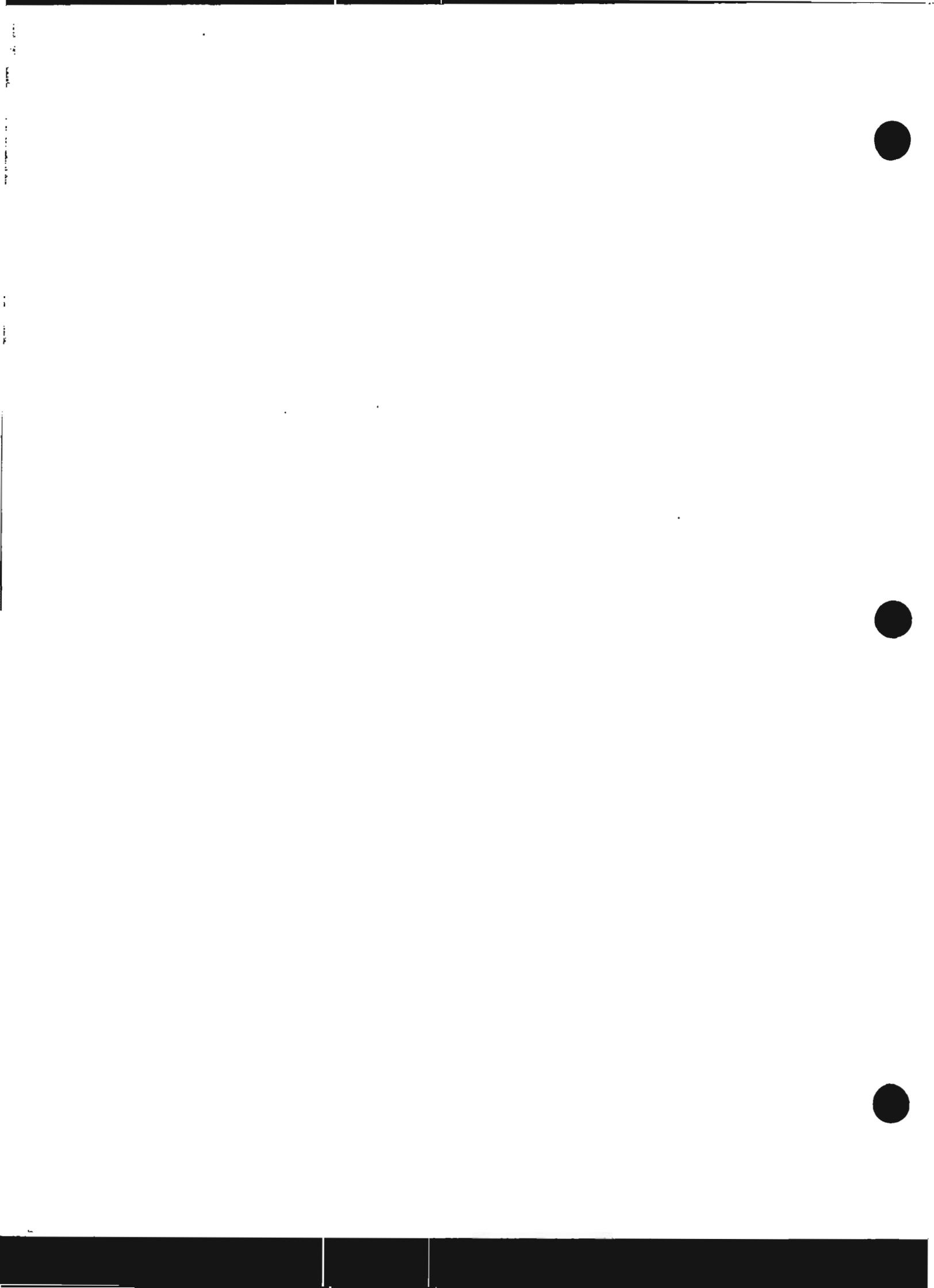
### FREEDOM OF INFORMATION ACT\*

- Sec. 30-4-10. Short title.
- Sec. 30-4-20. Definitions.
- Sec. 30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records.
- Sec. 30-4-40. Matters exempt from disclosure.
- Sec. 30-4-50. Certain matters declared public information.
- Sec. 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of general assembly.
- Sec. 30-4-80. Notice of meetings of public bodies.
- Sec. 30-4-90. Minutes of meetings of public bodies.
- Sec. 30-4-100. Injunctive relief; costs and attorney's fees.
- Sec. 30-4-110. Penalties.

---

\***Editor's note**—Printed herein is the Freedom of Information Act being S.C. Code 1976, § 30-4-10 et seq. It is printed exactly as it appears in the state statutes.

**Cross reference**—Administration, ch. 2.



**Sec. 30-4-10. Short title.**

This chapter shall be known and cited as the "Freedom of Information Act."

**Sec. 30-4-20. Definitions.**

(a) "Public body" means any department of the state, any state board, commission, agency and authority, any public or governmental body or political subdivision of the state, including counties, municipalities, townships, school districts and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or expending public funds and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina State Ports Authority.

(b) "Person" includes any individual, corporation, partnership, firm, organization or association.

(c) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records and other records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter nor shall the definition of public records include those records concerning which the public body, by favorable public vote of three-fourths of the membership taken within fifteen working days after receipt of written request, concludes that the public interest is best served by not disclosing them. Provided, however, nothing herein shall authorize or require the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of banks and savings and loan associations or surveys and examinations of such institutions required to be made by law.

(d) "Meeting" means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

(e) "Quorum" unless otherwise defined by applicable law means a simple majority of the constituent membership of a public body.

**Sec. 30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records.**

(a) Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by section 30-4-40, in accordance with reasonable rules concerning time and place of access.

(b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Such records shall be furnished at the lowest possible cost to the person requesting the records. Records shall be provided in a form that is both convenient

and practical for use by the person requesting copies of the records concerned, if it is equally convenient for such public body to provide the records in such form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall not be charged for examination and review to determine if such documents are subject to disclosure. Nothing in this chapter shall prevent the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of such costs prior to searching for or making copies of the records.

(c) Each public body, upon written request for records made under this chapter, shall within 15 days (excepting Saturdays, Sundays and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefor. Such a determination shall constitute the final opinion of the public body as to the public availability of the requested public record.

**Sec. 30-4-40. Matters exempt from disclosure.**

(a) The following matters may be exempt from disclosure under the provisions of this chapter:

- (1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential.
- (2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy, including, but not limited to, information as to gross receipts contained in applications for business licenses.
- (3) Records of law enforcement and public safety agencies not otherwise available by law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:
  - (A) Disclosing identity of informants not otherwise known;
  - (B) The premature release of information to be used in a prospective law enforcement action;
  - (C) Disclosing investigatory techniques not otherwise known outside the government;
  - (D) By endangering the life, health or property of any person.
- (4) Matters specifically exempted from disclosure by statute or law.
- (5) Documents incidental to proposed contractual arrangements and proposed sale or purchase of property.

- (6) Salaries of employees below the level of department head; provided, however, that complete salary schedules showing compensation ranges for each employee classification, including longevity steps, where applicable shall be made available.
- (7) Correspondence or work products of legal counsel for a public body and any other material that would violate attorney-client relationships.
- (8) Memoranda, correspondence and working papers in the possession of individual members of the general assembly or their immediate staffs, provided, however, nothing herein shall be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes or reports otherwise considered to be public information under the provisions of this chapter and not specifically exempted by any other provisions of this chapter.

(b) If any public record contains material which is not exempt under item (a) of this section, the public body shall separate the exempt and nonexempt material available for examination.

**Sec. 30-4-50. Certain matters declared public information.**

(a) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of sections 30-4-20, 30-4-40 and 30-4-70 of this chapter:

- (1) The names, sex, race, title and dates of employment of all employees and officers of public bodies;
- (2) Administrative staff manuals and instructions to staff that affect a member of the public;
- (3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (4) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the public body;
- (5) Written planning policies and goals and final planning decisions;
- (6) Information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- (7) The minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to section 30-4-70;
- (8) Incident reports which disclose the nature, substance and location of any crime or alleged crime reported as having been committed shall be deemed to be public information. However, where an incident report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the incident report.

(b) No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.

**Sec. 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of general assembly.**

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or the appointment of a person to a public body; provided, however, that if an adversary hearing involving the employee, other than under a grievance procedure provided in S.C. Code 1976, tit. 8, ch. 17, is held such employee shall have the right to demand that the hearing be conducted publicly.
- (2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.
- (3) Discussion regarding the development of security personnel or devices.
- (4) Investigative proceedings regarding allegations of criminal misconduct.
- (5) Prior to going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the purpose of the executive session. Any formal action taken in executive session shall thereafter be ratified in public session prior to such action becoming effective. As used in this item "formal action" means a recorded vote committing the body concerned to a specific course of action.

(b) Any public body may hold a closed meeting for the purpose of receiving an administrative briefing by an affirmative vote of three-fourths of its members present and voting when required by some exceptional reason so compelling as to override the general public policy in favor of public meetings; provided, that no budgetary matters shall be discussed in such closed session except as otherwise provided by law. Such reasons and the votes of the members shall be recorded and be matters of public record. No regular or general practice or pattern of holding closed meetings shall be permitted.

(c) No chance meeting, social meeting or electronic communication shall be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

(d) This chapter shall not prohibit the removal of any person who wilfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

(e) Sessions of the general assembly may enter into executive sessions authorized by the constitution of this state and rules adopted pursuant thereto.

**Sec. 30-4-80. Notice of meetings of public bodies.**

(a) All public bodies shall give written public notice of their regular meetings at the beginning of each calendar year. The notice shall include the dates, times and places of such meetings. Agendas, if any, for regularly scheduled meetings shall be posted on a bulletin board at the office or meeting place of the public body at least 24 hours prior to such meetings. All public bodies shall post on such bulletin board public notice for any called, special or rescheduled meetings. Such notice shall be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice shall include the agenda, date, time and place of the meeting. This requirement shall not apply to emergency meetings of public bodies.

(b) Legislative committees shall post their meeting times during weeks of the regular session of the general assembly and shall comply with the provisions for notice of special meetings during those weeks when the general assembly is not in session. Subcommittees of standing legislative committees shall give reasonable notice during weeks of the legislative session only if it is practicable to do so.

(c) Written public notice shall include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(d) All public bodies shall make an effort to notify local news media, or such other news media as may request notification of the times, dates, places and agenda of all public meetings, whether scheduled, rescheduled or called, and the efforts made to comply with this requirement shall be noted in the minutes of the meetings.

**Sec. 30-4-90. Minutes of meetings of public bodies.**

(a) All public bodies shall keep written minutes of all of their public meetings. Such minutes shall include but need not be limited to:

- (1) The date, time and place of the meeting.
- (2) The members of the public body recorded as either present or absent.
- (3) The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.
- (4) Any other information that any member of the public body requests be included or reflected in the minutes.

(b) The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with section 30-4-70 of this chapter.

(c) All or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed pursuant to section 30-4-70 of this chapter, provided that in so recording there is no active interference with the conduct of the meeting. Provided, further, that the public body shall not be required to furnish recording facilities or equipment.

**Sec. 30-4-100. Injunctive relief; costs and attorney's fees.**

(a) Any citizen of the state may apply to the circuit court for injunctive relief to enforce the provisions of this chapter in appropriate cases provided such application is made no later than 60 days following the date which the alleged violation occurs or 60 days after ratification of such act in public session whichever comes later. The court may order equitable relief as it deems appropriate.

(b) If a person seeking such relief prevails, he may be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may in its discretion award him reasonable attorney fees or an appropriate portion thereof.

**Sec. 30-4-110. Penalties.**

Any person or group of persons who wilfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$100.00 or imprisoned for not more than 30 days for the first offense, shall be fined not more than \$200.00 or imprisoned for not more than 60 days for the second offense and shall be fined \$300.00 or imprisoned for not more than 90 days for the third or subsequent offense.