

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON) ORDINANCE 2020 - 02
TOWN OF SOUTH CONGAREE)

**AN ORDINANCE AMENDING SOUTH CONGAREE CODE OF ORDINANCES
CHAPTER 93: HEALTH AND SANITATION; SO AS TO UPDATE THE ORDINANCE
TITLE IX: GENERAL REGULATIONS.**

WHEREAS, the Mayor and Town Council is authorized to establish ordinances for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity and general welfare and;

NOW THEREFORE, BE IT ORDERED by the town of South Congaree, South Carolina, in Council duly assembled and by the authority thereof, that:

**CHAPTER 93:
HEALTH AND SANITATION**

Section

Litter

- 93.00 Standards and Severability
- 93.01 Declaration of policy
- 93.02 Definitions – Future Use
- 93.03 Unlawful to litter on public or private property
- 93.04 Responsibility for removal
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93.71 Possession, distribution or consumption of methylene, mephedrone, methylenecathinone, fluoromethcathinone or methylenedioxypropylone (MDPV), collectively “bath salts” and/or synthetic marijuana

93.72 Advertisement, sale, and use prohibited

93.99 Penalty

STANDARDS AND SEVERABILITY

93.00 STANDARDS AND SEVERABILITY:

A. Standards

1. If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future the more restrictive requirement shall apply.
2. If any other provision of any other chapter of these ordinances is clearly in conflict with this chapter this chapter shall apply.
3. Other provisions determined by the Planning Commission, Architectural Review Board or the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood and businesses.

B. Severability: If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

LITTER

93.01 DECLARATION OF POLICY.

It is hereby declared to be the purpose of this subchapter to regulate the disposal of litter or other solid waste in order to protect the public safety, health, and welfare, and to enhance the environment and the quality of life of the people of South Congaree

(1985 Code, Art. I, Div. 1)

93.02 FUTURE DEFINITIONS

93.03 UNLAWFUL TO LITTER ON PUBLIC OR PRIVATE PROPERTY.

- A. The driver of any vehicle, other than a commercial carrier, shall be held liable if it cannot be determined which vehicle occupant committed any acts in violation of this article.
- B. It shall be unlawful for any person to dump, throw, drop, discard, deposit or otherwise dispose of any litter, garbage or other solid waste upon any public or private property in this town or in the waters of this town whether from a vehicle or otherwise, including but not limited to public highways, public parks, beaches, campgrounds, forestland, recreational areas, mobile home parks, roads, streets or alleys.
- C. It shall also be unlawful for any person to dump, throw, drop, discard, deposit or otherwise dispose of any litter, garbage or other solid waste into any dumpster or receptacle owned, operated or leased by a private individual or business unless specifically authorized to do so by the individual or business that owns, operates or leases the dumpster or receptacle.
- D. Litter, garbage or other solid waste may be disposed of:
 - 1. Upon or into the property or receptacle that is properly designated by the state, county or town for disposal of litter, garbage and other solid waste and the person is authorized to use the property or receptacle for that purpose; or
 - 2. Into a litter receptacle in the manner that the litter will be prevented from being carried away or deposited by the elements upon any part of private or public property.

(1985 Code, § 14-1) Penalty, see § 93.99

93.04 RESPONSIBILITY FOR REMOVAL.

Responsibility for removal of litter from property or receptacles shall be upon the person in charge of any real property within the city, whether as owner, tenant, occupant, lessee or where the receptacle or waste is located.

(1985 Code, § 14-2) Penalty, see § 93.99

93.05 UNSIGHTLY ACCUMULATION PROHIBITED.

It shall be unlawful for the owner or tenant of any real property to permit or cause the accumulation or presence of any rubbish, trash, refuse, litter, unsightly materials on the

aforesaid premises; any accumulation or presence of aforesaid material are hereby declared to be a nuisance.

(1985 Code, § 14-10) Penalty, see § 93.99

93.06 NOTICE TO REMOVE.

It shall be the duty of the Chief of Police to serve or cause to be served a notice upon the owner or occupant of any premises on which there is an accumulation or presence of trash, refuse, litter, unsightly waste material in violation of the provisions of this subchapter to demand the abatement of the nuisance within 30 days.

(1985 Code, § 14-11) Penalty, see § 93.99

93.07 ABATEMENT.

If any person served pursuant to this subchapter that does not abate the nuisance within 30 days, the appropriate department of the town may proceed to abate the nuisance keeping an account of the expenses of the abatement and the expenses shall be charged and paid by the owner or occupant of the property.

93.08 DUTY OF OWNER OR OCCUPANT.

- A. It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- B. Owners, agents, occupants or lessees whose properties abut a city right-of-way shall be responsible for keeping the area up to and including the curb gutter or street line free of litter and unsightly growth.
- C. It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage system. Sidewalk and strip sweepings must be picked up and put into roll carts, litter containers or commercial bulk containers.
- D. Any Duly Authorized Town Official shall provide written notice to the owner, agent, occupant or lessee identifying any deficiencies or violation requiring correction five days prior to any other enforcement action taken in regard to the provisions of this section.

(1985 Code, § 14-12) Penalty, see § 93.99

UNSAFE BUILDINGS

93.10 RIGHT OF ENTRY

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official or his/her agent has reasonable cause to believe that there

exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

93.20 PURPOSE.

It is hereby declared to be the purpose of this subchapter to regulate the existence of unsafe buildings in order to protect the public safety, health, and welfare, and to enhance the environment and the quality of life of the people of South Congaree.

(1985 Code, § 14-50)

93.21 DECLARATION.

- A. All buildings or structures which are unsafe, unsanitary, are not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this subchapter unsafe buildings.
- B. All unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure.
 - 1. Whenever the Building or Fire Official shall find any building or structure or portion thereof to be unsafe, as defined in this subchapter, he or she shall give the owner, agent or person in control of the building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.
 - 2. The Notice.
 - a. If necessary, the notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected, and approved by the Building or Fire Official.
 - b. The Building or Fire Official shall cause to be posted at each entrance to the building a notice: "This building is unsafe. And its use or occupancy has been prohibited by the Building or Fire Official."
 - c. The notice shall remain posted until the required repairs are made, or demolition is completed.
 - d. It shall be unlawful for any person, firm or corporation or their agents, or other servants, to remove the notice without written permission of the Building or Fire Official or for any person to

enter the building except for the purpose of making the required repairs or demolishing same.

3. The owner, agent or person in control shall have the right, except in cases of emergency, to appeal the decision of the Building or Fire Official, as provided herein, and to appear before the Town Council at a specified time and place to show cause why he or she should not comply with the notice.
4. In case the owner, agent or person in control cannot be found within the stated time limit, or if the owner, agent, or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove the building or structure or portion thereof, the Building or Fire Official, after having ascertained the cost, shall cause the building or structure or portion thereof, to be demolished, secured or required to remain vacant.
5. The decision of the Building or Fire Official shall be final in cases of emergency which, in his or her opinion, involve imminent danger to human life or health. He or she shall promptly cause the building, structure, or portion thereof to be made safe or removed. For this purpose, he or she may at once enter the structure or land on which it stands, or abutting land or structures, with assistance and at cost as he or she may deem necessary. He or she may vacate adjacent structures and protect the public by appropriate fence or other means as may be necessary, and for this purpose may close a public or private way.
6. Cost incurred under divisions (4) and (5) above shall be charged to the owner of the premises involved and shall be deemed to be a debt owed to the municipality, which may be collected by appropriate legal action.

(1985 Code, § 14-51) Penalty, see § 93.99

93.22 RECORDS AND REPORTS.

The Building Official or Town Municipal Clerk, as applicable, shall maintain comprehensive records of building permit applications, permits issued, certificates issued, of all inspections made, reports rendered and of notices or orders issued. He or she shall submit written reports at the request of the Town Council. The Municipal Clerk shall, at all times, keep the Town Council informed of any controversial or conflicting situations which could jeopardize the efficiency and consistency of inspections.

(1985 Code, § 14-52)

93.23 RECORDS.

The Building or Fire Official shall keep, or cause to be kept, records of inspections. He or she shall keep on file copies of all documents relating to building work so long as any part of the building or structure to which they relate may be in existence. All records of unsafe building inspections shall be maintained at the town hall and open to public inspection for good and sufficient reasons during stated office hours, but shall not be removed from the town hall without the written consent of the Building or Fire Official.

(1985 Code, § 14-53)

93.24 COOPERATION OF OTHER OFFICIALS.

The Building or Fire Official may request and shall receive so far as may be necessary, in the discharge of his or her duties, the assistance and cooperation of other officials of the town.

(1985 Code, § 14-54)

NOISE

93.35 GENERALLY.

It shall be unlawful for any person to create, permit or continue, any loud, disturbing, unnecessary or unusual noise in the town. Noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, or of actual physical discomfort to a person of ordinary sensibilities is prohibited within the town limits. Parents or guardians will be held responsible for the actions of their minors.

- A. The following acts, among others, are declared to be loud, disturbing and excessive noises in violation of this section; provided, however, that such enumeration shall not be construed to be exclusive of other noises:
1. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended or to signal a backing-up of the vehicle; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time;
 2. The playing or operation of any radio, television, phonograph, stereo, computer, CD player, cassette player, loudspeaker or similar sound-producing or sound-emitting device or any musical instrument in such a manner, or with such volume, particularly during the hours between 9:00 p.m. and 7:00 a.m., as to unreasonably disturb any person in the vicinity thereof;
 3. The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise;
 4. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;
 5. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

6. The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced;
 7. The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from a Duly Authorized Agent of the town of South Congaree which permit may be renewed for a period of three (3) days or less while the emergency continues;
 8. The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital or church or place of worship, which unreasonably interferes with the working of such institution;
 9. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;
 10. The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof;
 11. The shouting and crying of peddlers, hawkers and vendors which disturb the quiet and peace of the neighborhood;
 12. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise;
 13. The use of loudspeakers or amplifiers on trucks or other vehicles.
- B. An unreasonably loud, excessive or disturbing noise is defined as any sound regulated by this section, which is plainly audible at a distance of fifty (50) feet from its source.
- C. Noises audible in public streets or public places which violate the standards of this article are hereby declared to be public nuisances which may be abated by any law officer.
- D. The provisions of this section shall not apply to:
1. Noises from any authorized emergency vehicle;
 2. Noise from church bells or chimes;
 3. Noises resulting from events of an entertainment or recreational nature which are held in the city, parks, public buildings or elsewhere such as to broadcast programs of music, speeches or general entertainment as a part and in recognition of the community celebration of national, state or city events, public festivals or outstanding events to the extent allowed under the terms of the permit issued by the city administrator or his/her designee; and
 4. Noises resulting from parades to the extent allowed under the terms of the permit issued by the city administrator or his/her designee.
- E. The owning, possession or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sounds which

create excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purpose of this chapter, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously or incessantly for a period of ten (10) minutes, or barks intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. However, a dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

- F. The complaints of more than one (1) persons and/or the complaint of a police officer are prima facie evidence that a sound regulated by this section annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in violation of this article.
- G. Any persons violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$500.00 or be imprisoned in the county jail for a period not exceeding thirty (30) days or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- H. In addition to the penalty provided by subsection G of this section, and as an additional remedy, the operation or maintenance of any device, instrument or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

93.36 Operation of vehicles generally.

It shall be unlawful for any person in the operation of a motor vehicle to cause, suffer or allow any loud, excessive or unusual noise in the operation or use of such motor vehicle upon any of the streets of the town.

93.37 Sounding horns or signaling devices on vehicles.

It shall be unlawful for the operator of any automobile, motorcycle, truck, bus or other vehicle to sound any horn or audible signal device in any other manner of circumstances or for any other purpose than required by law.

93.38 Blowing steam whistles, electric horns or similar devices.

Except as required by law, no person shall blow or cause to be blown within the town any steam whistle, electric horn or other sound-producing device except as alarm signals in case of fire or collision or other imminent danger.

93.39 Racing engines of vehicles.

It shall be unlawful for any person to race the engine of any motor vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the vehicle.

93.40 Noises in connection with loading or unloading vehicles.

It shall be unlawful for any person to use or permit to be used any automobile, truck, bus, motorcycle or other vehicle, engine, stationary or moving, instrument, device or other thing so out of repair, or so loaded in such a manner, as to create any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.

93.41 Radios, phonographs, musical instruments and other sound-amplifying devices.

- A. *Disturbing the public generally.* It shall be unlawful for any person to maintain and operate in any building or on any premises in the town any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such a manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street, park or public place or of persons on neighboring premises.
- B. *Disturbing persons in hotel or dwelling.* It shall be unlawful for any person to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- C. *Creating public nuisance.* It shall be unlawful for any person to operate, or cause or permit to be operated, any instrument or sound-producing or sound-amplifying device so loudly as to unreasonably disturb persons in the vicinity thereof or in such a manner as renders the instrument or device a public nuisance.
- D. *Permit for special occasions.* Upon application to the city council, permits may be granted to responsible organizations to broadcast programs of music, speeches or general entertainment as a part and in recognition of the community celebration of national, state or city events, public festivals or outstanding events of a noncommercial character, provided that traffic on the streets is not obstructed by reason thereof.

93.42 Crying out or playing bells, drum or other instrument to attract attention.

It shall be unlawful for any person to make any noise upon a public street or in such proximity thereto as to be distinctly and loudly audible upon such street by any kind of crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device, for the purpose of attracting attention or of inviting patronage of any persons to any business whatever.

93.43 Building operations.

It shall be unlawful for any person in conducting any building operations between the hours of 9:00 p.m. and 7:00 a.m. to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists or other apparatus, the use of which is attended with loud or unusual noise, in any block in which more than half of the buildings on either side of the street are used exclusively for residence purposes.

93.44 Audible signal alarm devices.

The following requirements as to the audible signal alarm devices shall apply to all buildings in the Town:

- A. *Definition.* An audible signal alarm device shall mean any mechanism, equipment or system which is designed to operate automatically through the use or emission of an audible signal, message or warning.
- B. *Filing and posting of names of persons authorized to shut off alarm.* It shall be unlawful for the owner or occupant of any building in the city to cause or allow such building to contain or otherwise use an audible signal alarm device unless there is filed with the police department and posted on one or more of the usual entrances to the building, in a conspicuous place and manner visible from without the entrance, a list of the names and telephone numbers of persons who have access to and can shut down the device if the device is triggered or otherwise emits an audible signal or noise.
- C. *Availability of persons authorized to shut off alarm.* It shall be the duty of the owner or occupant to ensure that one or more of the persons whose telephone numbers are so listed shall be available at those telephone numbers at all hours and times, or in the alternative, that the owner or occupant notify the chief of police of the city, or such person as the chief of police may designate, of the telephone numbers at which one or more of those persons may be reached.

93.45 Additional Provisions

- A. The provisions of this section shall not apply to:
 - 1. Noises from any authorized emergency vehicle;
 - 2. Noise from church bells or chimes;
 - 3. Noises resulting from events of an entertainment or recreational nature which are held in the town, parks, public buildings or elsewhere such as to

broadcast programs of music, speeches or general entertainment as a part and in recognition of the community celebration of national, state or town events, public festivals or outstanding events to the extent allowed under the terms of the permit issued by the town administrator or his/her designee; and

4. Noises resulting from parades to the extent allowed under the terms of the permit issued by the town administrator or his/her designee.
- B. The owning, possession or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purpose of this chapter, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously or incessantly for a period of ten (10) minutes, or barks intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. However, a dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.
- C. The complaints of more than one (1) persons and/or the complaint of a police officer are prima facie evidence that a sound regulated by this section annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in violation of this article.

93.46 Penalty.

Violation of this section or failure to comply with any of its provisions shall be a misdemeanor, punishable, upon conviction, in accordance with 93.99. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1985 Code, § 26-51) Penalty, see § 93.99

ABANDONED OR JUNK VEHICLES

93.50 DEFINITIONS.

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

- A. **ABANDONED VEHICLE.** A motor vehicle that is left on any right-of-way or any road or highway in the town for a period of over 48 hours or a motor vehicle that has remained on private or other public property for a period of more than seven (7) days without the consent of the owner or person in control of the property.
- B. **JUNK VEHICLE.** Any vehicle which is unregistered, partially dismantled, non-operating or wrecked or is a derelict vehicle under state law.
- C. **PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

- D. **PROPERTY.** Any real property within the town which is not a street or highway.
- E. **STREET or HIGHWAY.** The entire width between the boundary lines of every way publicly maintained or when any part thereof is open to the use of the public for the purpose of vehicular travel.
- F. **VEHICLE.** Any motor vehicle which is self-propelled and which is required to be registered and licensed pursuant to S.C. Code § 56-3-110.

(1985 Code, § 26-41)

Statutory reference:

Abandoned vehicle and derelict vehicle, see S.C. Code § 56-5-5810

Vehicle, see S.C. Code § 56-3-20

93.51 ABANDONMENT PROHIBITED.

No person shall abandon any vehicle at any place within the town for any time and under any circumstances as to cause the vehicle to appear to have been abandoned.

(1985 Code, § 26-42) Penalty, see § 93.99

93.52 PARKING AND STORAGE OF CERTAIN VEHICLES.

- A. No person in charge or control of any property within the town, whether as an owner, tenant, occupant, lessee or otherwise shall allow any junk vehicle to remain on property longer than 30 days. This subchapter shall not apply to vehicles which are parked in a completely enclosed building, vehicles on the premises of a business where the vehicle is a part of the business purpose, vehicles which are the subject of litigation in any court in the state or vehicles in an appropriate storage place or depository maintained in a lawful place and manner by the town.
- B. Any owner so notified of a violation shall have the following options.
 - 1. Remove the vehicle completely from the public view by garaging the vehicle inside a completely enclosed building.
 - 2. The vehicle may be removed from public view by fencing the back yard. This fence shall be constructed of chain link fence with aluminum panel weave or solid wood privacy fencing, both of which must be maintained. Fence must be of a height that will totally prohibit the view of the vehicle.

(1985 Code, § 26-43) Penalty, see § 93.99

93.53 EXCEPTION.

The only exception to this subchapter will be vehicles not usually registered, such as race cars. These vehicles must be kept out of public view.

(1985 Code, Ch. 26) Penalty, see § 93.99

93.54 IMPOUNDING.

- A. The Police Chief shall have the authority to remove or have removed any abandoned or derelict vehicle in accordance with S.C. Code §§ 56-5-5620 through 56-5-5950.
- B. The vehicle shall be removed and impounded until lawfully claimed or disposed of in accordance with S.C. Code §§ 56-5-5620 through 56-5-5950.

(1985 Code, § 26-44)

SMOKING IN PUBLIC PLACES OF EMPLOYMENT

93.60 SMOKING OF TOBACCO PRODUCTS.

- A. *Findings.* As an incident of the adoption of this section, the Town Council makes the following findings.
 - 1. Secondhand smoke is the third leading cause of preventable death in the United States, killing 53,500 Americans prematurely each year;
 - 2. The U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, National Toxicology Program's Report on carcinogens, National Cancer Institute, and the International Agency for Research On Cancer have all reported that secondhand smoke is a group A human carcinogen, a cancer causing substance, of which there is no safe level of exposure;
 - 3. The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy non-smokers;
 - 4. The U.S. Surgeon General has concluded that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers;
 - 5. Numerous medical and scientific studies show substantial levels of exposure to secondhand smoke among the U.S. population. And over the past two (2) decades, the health hazards resulting from exposure to secondhand smoke have been increasingly recognized;
 - 6. Secondhand smoke increases the risk of developing breast cancer in younger, premenopausal women; and when inhaled by pregnant women, secondhand smoke increases the risk for low-weight babies, pre-term delivery, and sudden infant death syndrome (SIDS);
 - 7. Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis and even sudden infant death syndrome (SIDS);
 - 8. Studies of hospital admissions for acute, myocardial infarction in Helena, Montana and Pueblo, Colorado before, during, and after a local law eliminating smoking in workplaces and public places was in effect, had determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease;

9. Workplaces have been shown to be locations of significant exposure to secondhand tobacco smoke by employees working in the incorporated areas of the town;
 10. There are laws, ordinances, and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to secondhand smoke; and
 11. The South Carolina General Assembly at S.C. Code §§ 44-95-10 *et seq.* (the “Clean Indoor Air Act of 1990”) imposed certain limitations on smoking. For example, it limited smoking in government buildings (the definition of which includes town owned buildings) except where the owner of such building shall designate smoking areas.
- B. *Intent.* The Town Council finds that is in the best interest of the people of the incorporated areas of the town to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, the Town Council declares that the purpose of this section is:
1. To preserve and improve the health, comfort, and environment of the people of the incorporated areas of the town by limiting exposure to secondhand smoke in the workplace; and
 2. To guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
- C. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
1. **EMPLOYEE.** Any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a nonprofit entity.
 2. **EMPLOYER.** Any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any workplace, work space, or work spaces as defined herein, that employs one (1) or more persons.
 3. **ENCLOSED.** A space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.
 4. **PRIVATE CLUB.** An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal

income tax as a club under 26 U.S.C. § 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primary for the pecuniary benefit of the owner or chief operating officer shall not be treated as **PRIVATE CLUBS** under this definition when being used for a function to which the general public is allowed to enter.

5. **RETAIL TOBACCO STORE.** Any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times.
 6. **SECONDHAND SMOKE.** The complex mixture formed from the escaping smoke of a burning tobacco product (termed as “side stream smoke”) and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as **PASSIVE SMOKING, SECONDHAND SMOKING, or INVOLUNTARY SMOKING.**
 7. **SMOKING.** The inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
 8. **SMOKING MATERIALS.** Includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
 9. **WORKPLACE.** Any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employee(s) perform services for their employer, including but not limited to: retail food stores, retail stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys.
 10. **WORK SPACE or WORK SPACES.** Any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, and eating areas.
- D. **Prohibition of smoking in the workplace.** The following apply to all incorporated areas of the town:
1. All employers shall provide a smoke-free environment for all employees working in any workspace or workplaces as those terms are defined herein. Further, the employer shall prohibit any persons present in any workspace or workplace from smoking tobacco products therein.
 2. No person shall smoke or possess a lighted tobacco product in any workspace or workplace.
 3. Notwithstanding any other provision in this section, an owner, operator, manager, or other person in control of an establishment, facility or outdoor area may declare the entire establishment, facility or outdoor area as a nonsmoking location. Smoking shall then be prohibited in any place in which a sign conforming to the requirements of this section is posted.
- E. **Exceptions.** Notwithstanding the provisions of division (D) herein, smoking may be permitted in the following places in the incorporated areas of the town under the following circumstances:

Private residences;

1. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however, that not more than 25% of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate areas where smoking is prohibited under provisions of this section. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
 2. Retail tobacco stores as defined herein;
 3. Private clubs that have no employees, except when being used for a function to which the general public is admitted; and
 4. Religious ceremonies where smoking is part of the ritual.
- F. *Posting of signs.* The owner, manager, or person in control of a workplace shall post a conspicuous sign at the main entrance to the workplace, which shall contain the words "No Smoking" and the universal symbol for no smoking.
- G. *Reasonable distance.* In the incorporated area of the town, smoking is prohibited within a distance of ten (10) feet from any door which is used as an entrance to or exit from an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through the entry. This distance shall be measured from the center of the door in question.
- H. *Jurisdiction; enforcement.*
1. A person, who owns, manages, operates, or otherwise controls a workplace or workspace and who fails to comply with the provisions of this section shall be deemed guilty of an infraction.
 2. A person smoking or possessing a lighted tobacco product in any workspace or workplace shall be guilty of an infraction.
- I. *Governmental agency cooperation.* The Municipal Clerk shall request other governmental and educational agencies having facilities within the incorporated areas of the town to establish local operating procedures in cooperation and compliance with this section. This includes urging all federal, state, county, city, and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

(Ord. 93-60, passed 7-20-2010) Penalty, see § 93.99

"BATH SALTS" AND/OR SYNTHETIC MARIJUANA

93.70 DEFINITIONS.

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

- A. ***BATH SALTS (METHYLONE, MEPHEDRONE, METHYLMETHCATHINONE, FLUOROMETHCATHINONE OR METHYLENEDIOXYPYROVALERON [MDPV]).*** Any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis or by a

combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of the following substances: analogs, salts, isomers, and salts of isomers when the existence of the analogs, salts, isomers, and salts of isomers is possible within the specific chemical designation: methylone, mephedrone, methoxymethcathinone, fluoromethcathinone or methylenedioxypropylone (MDPV).

- B. ***SYNTHETIC MARIJUANA.*** All chemical compounds intended to replicate, mimic or cause a similar reaction to the effects of marijuana or cannabis. Such compounds are known or marketed under such names as THC, HU-210, Cannabicyclohexanol, JWH-018, JWH-073, K2, Spice, herbal incense, herbal smoking blends, and other names. Further, synthetic marijuana shall be considered an illegal narcotic as further provided in the town code.

(Ord. passed 11-15-2011) Penalty, see § 93.99

93.71 POSSESSION, DISTRIBUTION OR CONSUMPTION OF METHYLONE, MEPHEDRONE, METHYLMETHCATHINONE, FLUOROMETHCATHINONE, OR METHYLENEDIOXYPYROVALERON (MDPV), COLLECTIVELY “BATH SALTS” AND/OR SYNTHETIC MARIJUANA.

It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess synthetic marijuana and/or bath salts unless prescribed by a licensed physician. Licensed health care providers, pharmacists and medical or pharmaceutical research facilities are exempted from the prohibitions against using, possessing, selling or purchasing bath salts when used, purchased, sold or possessed for patient treatment or medical or pharmaceutical research.

(Ord. passed 11-15-2011) Penalty, see § 93.99

93.72 ADVERTISEMENT, SALE, AND USE PROHIBITED.

The advertisement, sale and use of synthetic marijuana and/or bath salts is prohibited within the town.

(Ord. passed 11-15-2011) Penalty, see § 93.99

93.99 PENALTY.

- A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- B. Any person violating the provision of §§ 93.01 et seq. shall be guilty of a misdemeanor and upon conviction shall be fined up to \$500 or 30 days in jail. Each and every day the violation occurs can be considered a separate violation.
- C. *Abandoned or junk vehicles.* Penalty shall be as set forth in § 10.99.
- D. *Smoking in places of employment.* Any infraction as described in § 93.60 of this code is punishable by a fine of \$25. Each day on which a violation of that section occurs shall be considered a separate and distinct infraction. A violation of § 93.60 is furthermore declared to be a public nuisance.

E. "Bath salts" and/or synthetic marijuana. The fine upon conviction shall be the maximum amount able to impose by S.C. Code § 14-25-65 without indictment by grand jury or imprisonment for a time not to exceed 30 days.

(Ord. 93-60, passed 5-18-2010; Am. Ord. passed 11-15-2011)

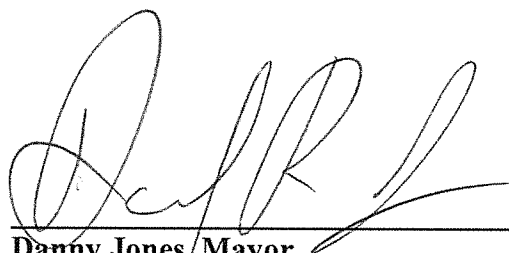
APPENDIX: REFUSE COLLECTION PRACTICE

Garbage	Wastes from the preparation, cooking and serving of food Market refuse, waste from the handling, storage and sale of produce and meats		From: households, institutions and commercial concerns such as hotels, stores, restaurants, market, incinerators and the like
Rubbish	Combustible (primarily organic)	Paper, cardboard, cartons Wood, boxes, excelsior Plastics Rags, cloth, bedding Leather, rubber Grass, leaves, yard trimmings	
	Non-combustible (primarily inorganic)	Metals, tin cans, metal foils Dirt Stones, bricks, ceramics, crookery Glass, bottles Other mineral refuse	
Ashes	Residue from fires used for cooking and for heating buildings, cinders		
Bulky Wastes	Large auto parts, tires Stoves, refrigerators, other large appliances Furniture, large crates Tress, branches, palm fronds, stumps, foliage		From: streets, sidewalks, alleys, vacant lots and the like
Street Refuse	Street sweepings, dirt Leaves Catch basin dirt Contents of litter receptacles		
Dead Animals	Small animals: cats, dogs, poultry and the like		
	Large animals: horses, cows and the like		

Abandoned Vehicles	Automobiles, trucks	
Construction and Demolition Wastes	Lumber, roofing and sheathing scraps Rubble, broken concrete, plaster and the like Conduit, pipes, wire, insulation and the like	
Industrial Refuse	Solid wastes resulting from industrial processes and manufacturing operations such as: food-processing wastes, boiler house cinders, wood, plastic and metal scraps and shavings and the like	From: factories, power plants and the like
Special Wastes	Hazardous wastes: pathological wastes, explosives, radioactive materials Security wastes: confidential documents, negotiable papers and the like	From: households, hospitals, institutions, stores, industry and the like
Animal and Agricultural Wastes	Manures, crop residues	From: farms, feed lots
Sewage Treatment Residue	Coarse screenings, grit, septic tank sludge, dewatered sludge	From: sewage treatment plants, septic tanks


(1985 Code, Sec. 14)

1st Reading 12/10/2019
Public Hearing 12/10/2019
2nd Hearing 1/21/2020



Danny Jones, Mayor

Attest:



Patt Shull, Town Clerk