

The Town of Jamestown

South Carolina

THE CODE OF ORDINANCES

Effective

June 15, 2000

*Carolina Municipal Codes
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The Town of Jamestown

South Carolina

MEMBERS OF COUNCIL

Roy P. Pipkin
Mayor

Jean D. Guerry
Mayor Pro Tempore

Jimmy Callum

Thomas Lake

Terrence Snider

Christine F. Pipkin
Town Clerk

Robert Snider
Police Chief

Mark Murray
Fire Chief

Lewin K. Platt, Jr.
Municipal Judge

George Bishop, Jr.
Town Attorney

FOREWORD

On August 31, 1976, the South Carolina Secretary of State issued "to the municipality of The Town of Jamestown (a) Certificate of Incorporation..." which stated the town was incorporated on August 6, 1957.

On August 29, 1976, the Mayor and Council of The Town of Jamestown adopted an ordinance, to wit: "...all ordinances heretofore adopted be and are hereby revised, codified, amended and arranged so as to read as are hereinafter provided..."

Those revisions, codifications and amendments formed the town's 1976 Code of Ordinances, with periodic amendments.

On November 2, 1999, the Mayor and Council entered into a *Memorandum of Agreement* with Carolina Municipal Codes, the publishers of this code, to revise and recodify the 1976 code. That action was taken to bring all ordinances current into this volume, reflecting all amendments and repeals. All ordinances not contained herein have been repealed, except specific ones which are set forth in the ordinance adopting this revision. They are also enumerated in Appendix D.

At the end of this volume, several appendices and two exhibits are included to facilitate the use of this code; they are:

Appendix A. The South Carolina *Freedom of Information Act*.

Appendix B. Mayor-Council form of government.

Appendix C. Sample ordinance when amending this code.

Appendix D. Ordinances not repealed by this code.

Exhibit 1. *Schedule of Rates and Fees*.

Exhibit 2. *Schedule of Fees for Business Licenses*.

It is the desire of the Mayor and Council that the user of this volume will find it user-friendly. Any questions should be addressed to the Mayor, any member of Council or the Town Clerk.

THE MAYOR AND COUNCIL
JAMESTOWN, SOUTH CAROLINA

HOW TO USE THIS CODE

This code is referenced to the 1976 Jamestown Town Code, all ordinances adopted by the town since then and the 1976 Code of Laws of South Carolina, as amended. References to them are shown in Editor's Notes at the beginning or end of chapters, sections or paragraphs, thus providing a cross-reference to relevant state statutes and town ordinances. Generally accepted municipal practices have been inserted in some instances.

1. Unless otherwise noted, all South Carolina Code references apply to the 1976 Code of Laws of South Carolina, as amended. Thus, a reference such as (1976 SC Code §5-7-30) means Title 5, Chapter 7, Section 30 of the 1976 South Carolina Code of Laws.

2. Local ordinances have been referenced to either the number of the ordinance or date of adoption, when available. For example, a reference such as (Ord. #30. 5-8-96) or (Ord. 5-8-96) means the number and date or date of adoption of that particular ordinance, respectively. For ordinances without a number, the date of adoption is used. (Numbers in these examples have been used arbitrarily.)

3. When JQ is used as a reference, it refers to the Jamestown Questionnaire completed by the town prior to the recodification of this code. Example: (JQ 4) means question #4 on the questionnaire.

4. Future ordinances should have numbers assigned, to facilitate the identity of ordinances in future supplements and provide easy reference to them when subsequently codified.

Many municipalities use only a number without using the year, such as No. 23, No. 24, etc.,. In other municipalities, however, ordinance numbers begin with the year of adoption followed by 1, 2, 3, etc. For example: No. 00-1, No. 00-2, No. 00-3, etc. If the year 2000 should pose a problem, it is suggested that all four digits be considered. For example: No. 2000-12, No. 2000-13, etc.

R. Powell Black
Editor

JAMESTOWN TOWN CODE

ORDINANCE NO. _____

AN ORDINANCE TO CODIFY THE JAMESTOWN MUNICIPAL CODE AND ALL
ORDINANCES AND AMENDMENTS ADOPTED SUBSEQUENT THERETO

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN:

SECTION 1. There is hereby adopted a recodification of the 1976 JAMESTOWN TOWN CODE OF ORDINANCES, which has been compiled from that code and all ordinances adopted subsequent thereto.

SECTION 2. This code may be referred to as the "Code of Ordinances of 2000" or the "Jamestown Town Code" or the "Town Code."

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days, or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided.

(1976 SC Code §14-25-65)

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the duty of the Town Clerk to insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed; provided, however, that all ordinances pertaining to annexation; assessments; bonded indebtedness; budgets; buildings; contracts; fair housing; franchises; grant agreements; leases; loans; options; planning; property conveyances; sale, lease or contract to sell lands; subdivision plats; tax levies and other charges and zoning are not repealed; that the repeal of these would be contrary to and inconsistent with the intent of this ordinance. They shall continue in full force and effect and are not repealed.

SECTION 6. Resolutions are not repealed by this code.

JAMESTOWN TOWN CODE

SECTION 7. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

SECTION 8. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

SECTION 9. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Town Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this Ordinance.

SECTION 10. If any chapter, article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 12. This ordinance shall become effective June 15, 2000.

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmy Callum, Council Member

Town Clerk

Thomas Lake, Council Member

AS TO FORM:

Terrence Snider, Council Member

Town Attorney

JAMESTOWN TOWN CODE

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CHAPTER 1. GENERAL PROVISIONS

ARTICLE I. THE CHARTER

Editor's Note.

Statutory authority for the Mayor-Council form of government can be found at Title 5, Chapter 9 of the 1976 South Carolina Code of Laws, as amended.

A reprint of that chapter is included in this code as Appendix C.

ARTICLE II. THE CODE

Editor's Note. This article derives, in part, from the 1976 Jamestown Town Code and generally accepted municipal definitions.

1.201. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and the following chapters and sections shall constitute and are designated as "*The Code of Ordinances for The Town of Jamestown, South Carolina*" and may be so cited. They also may be cited as the "*Town Code*."

1.202. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.

The provisions appearing in this code, as far as they are the same as those ordinances existing at the time of the adoption hereof, shall be considered as a continuation thereof and not as new enactments.

1.203. SEVERABILITY OF PARTS OF CODE.

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

1.204. CATCHLINES OR CATCHWORDS OF SECTIONS.

The catchlines of the several sections of this code printed in capital letters, a different type or underlined are intended as mere catchwords to indicate or emphasize the contents of such sections, not as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

1.205. DEFINITIONS.

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

ADMINISTRATOR-CLERK shall mean the person holding this position. The title Administrator-Clerk and Town Clerk may be used singularly or both, as the use thereof in this code dictates.

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

BUSINESS DISTRICT shall mean the territory contiguous to and including a street when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

CLERK/TREASURER shall mean the Municipal Clerk and may be used interchangeably with, "Clerk," "Municipal Clerk" or "Town Clerk."

CODE OF LAWS shall mean the 1976 South Carolina Code of Laws. When the 1976 South Carolina Code of Laws is used as a reference, i.e., (1976 SC Code §14-25-45), it shall include all amendments.

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

CORPORATE LIMITS shall mean the legal boundary of The Town of Jamestown.

COUNCIL OR TOWN COUNCIL shall mean the Town Council of The Town of Jamestown.

COUNTY shall mean the County of Berkeley.

COURT shall mean the Municipal Court of The Town of Jamestown.

DAY shall mean a period of twenty-four (24) hours.

DELEGATION OF AUTHORITY shall mean that whenever a provision or section of this code appears requiring the Manager or head of a department of the town to do some act or make certain inspections, it shall be construed to authorize them to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly designate otherwise.

DHEC shall mean the South Carolina Department of Health and Environmental Control.

DOMESTIC ANIMAL shall mean any of various animals (as the horse or sheep) domesticated so as to live and breed in a tame condition.

EMERGENCY VEHICLE shall mean vehicles of the fire and police departments, ambulances and/or emergency vehicles or public service corporations as are designated or authorized by SCDOT or by the Town Council.

GENDER - See "Rules of Construction." (§1.206 of this chapter)

INTERPRETATION shall mean in the interpretation and application of any provision of this

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

JUNK shall mean old iron, glass, paper or other waste that may be used in some form again; second hand, or worn or discarded articles, clutter, something of poor quality or of little meaning, worth or significance.

JUNKYARD shall mean a yard or area used to store sometimes resalable junk.

KEEPER AND/OR PROPRIETOR shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

LIVESTOCK shall mean animals kept or raised for use or pleasure, especially farm animals kept for use and profit.

MAY shall be permissive.

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPAL CLERK shall mean "Clerk/Treasurer," "Clerk" or "Town Clerk."

MUNICIPALITY may be used interchangeably with "town" and shall mean the entire area within the corporate limits of The Town of Jamestown.

NAME OF TOWN COUNCIL, ADMINISTRATOR-CLERK OR OTHER OFFICER shall be construed as though the words "*of The Town of Jamestown*" were added.

NONTECHNICAL AND TECHNICAL WORDS shall apply to the usage of such words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

NUMBER See "Rules of Construction." (§1.206 of this chapter.)

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

OR, AND shall be used interchangeably, if the sense requires it.

OWNER shall mean and include, when applied to a building or land, any part-owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such

building or land.

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

PERSONAL PROPERTY shall include every species of property, except real property as defined herein.

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

PREMISES shall mean place or places.

PROPERTY shall include real and personal property.

PUBLIC PLACE shall mean all properties owned or controlled by public entities.

REAL PROPERTY AND REAL ESTATE shall include lands, tenements and the hereditaments.

RESIDENCE shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed as his residence.

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

SCDHEC shall mean the South Carolina Department of Health and Environmental Control.

SCDOT shall mean the South Carolina Department of Transportation.

SEAL shall mean the corporate seal of The Town of Jamestown.

SHALL, MUST shall be mandatory.

SIDEWALK shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb and the adjacent property line intended for the use of pedestrians.

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

SOUTH CAROLINA 1976 CODE OF LAWS shall mean the 1976 South Carolina Code of Laws, as amended.

STATE shall mean The State of South Carolina, unless otherwise provided.

STREET shall include avenues, boulevards, highways, roads, public alleys, lanes, viaducts,

bridges and the approaches thereto, and all other public thoroughfares in the town, 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 Town Council.

TAX COLLECTOR shall mean the Berkeley County Treasurer.

(JQ 44.b)

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.

TIME shall mean words used in the past or present tense and includes the future as well as the past and present.

TOWN shall mean all the area embraced within the corporate limits of The Town of Jamestown.

WEEK shall be construed to mean seven (7) days, Sunday through Saturday, unless it is clearly indicated to mean otherwise.

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

YEAR shall mean a calendar year, unless it is clearly indicated that the fiscal year is intended.

1.206. RULES OF CONSTRUCTION.

As used in this code and all ordinances, in all cases in which the spirit and intent may require it, the following shall apply:

1. Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.

2. All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.

3. All words importing the present tense also shall apply to the future.

1.207. GENERAL PENALTY. CONTINUING VIOLATIONS.

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

(1976 SC Code §14-25-65)

1.208. LIABILITY OF CORPORATIONS, ETC., AND AGENTS FOR VIOLATIONS.

a. Any violation of this code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

b. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

(State v. Johnson, 255 S.C. 14, 176 S.E. 2nd 575 (1970).)

1.209. OFFENSES BEYOND TOWN LIMITS.

Any person committing any offense in, at or upon lands owned by the town or leased to the town outside the limits of the town shall be deemed and considered as committing an offense against the provisions of this code and other ordinances of the town and shall be triable for the same before the Municipal Judge of the town in the same manner and to the same extent as other offenders against such provisions and such ordinances.

1.210. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired. When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revised without express words to that effect.

1.211. AMENDMENTS TO CODE.

a. All ordinances adopted subsequent to this Code of Ordinances, 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, or similar language: "*that Section No. ____ of the Town Code of The Town of Jamestown is hereby amended as follows:*" The new provisions may then be set out in full as enacted, utilizing the text and numbering system consistent with this code.

c. In the event a new section not heretofore existing in the code is to be added, the following or similar language may be used: "*... that the Jamestown Town Code, 1999 is hereby amended by adding a new section, to be numbered, and which shall read as follows:*" The new section shall then be numbered and set out in full. The sections of this ordinance may be renumbered to accomplish consistency.

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

(Editor's Note. Please refer to Appendix B for detailed guidance when preparing ordinances.)

1.212. ALTERING CODE.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever, which may cause the laws of this municipality to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in §1.207 hereof.

1.213. 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 municipality, the prosecuting officer may elect under which to proceed. Not more than one recovery shall be had against the same person for the same offense.

1.214. CORPORATE LIMITS ESTABLISHED.

A map of the town, when prepared, shall indicate the territorial limits, and, when approved by the Town Council and attested by the Clerk/Treasurer, it is hereby designated as the official map of the town. The corporate limits as shown thereon are declared to be true and correct.

1.215. MUNICIPAL SEAL.

The municipality shall have a seal which shall be affixed to all deeds of real estate executed on behalf of the municipality and to all notes, bonds and other evidences of indebtedness executed in behalf of the municipality, or when deemed necessary by the Town Council.

ARTICLE III. RESPONSIBILITIES OF ALL MUNICIPALITIES

Editor's Note. Title 5, Chapter 7, Section 10 of the 1976 South Carolina Code of Laws provides that:

The provisions of this chapter provide for the structure, organization, powers, duties, functions and responsibilities of all municipalities under all forms of municipal government provided for in Chapters 9 (Mayor-Council), 11 (Council) and 13 (Council-Manager) unless otherwise specifically provided for in these chapters.

The powers of a municipality shall be liberally construed in favor of the municipality and the specific mention of particular powers shall not be construed as limiting in any manner the general powers of such municipalities.

This article has been added, to illustrate the authority contained in South Carolina Law for a municipality in South Carolina to provide for its government.

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- 2.123. Fees. Schedule of Rates and Fees. Exhibit 1.

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CHAPTER 2. ADMINISTRATION

Editor's Note. This chapter derives from the 1976 Jamestown Town Code, the Jamestown Questionnaire, appropriate South Carolina statutes and generally accepted municipal practices. (Also, see Article III, this chapter for Municipal Elections.)

ARTICLE I. IN GENERAL

2.101. FORM OF GOVERNMENT.

The form of government for The Town of Jamestown shall be the Mayor- Council form.

(1976 SC Code §5-5-10, §5-9-10, et seq.) (Certificate of Incorporation and Appendix C)

2.102. TOWN COUNCIL. COMPOSITION.

The Town Council shall be composed of a Mayor and of four (4) Council members.

(JQ 3)

2.103. SAME. TERMS.

a. The term of office for Mayor shall be four (4) years.

b. The term for the office for Council shall be four (4) year staggered terms.

(1976 SC Code §5-15-40) (JQ 3) (See also Article III, this chapter.)

(Editor's Note. These terms will become effective at the July, 2001, election, after which, the Mayor and the two council candidates receiving the most votes will serve four-year terms. The two candidates receiving the next highest number of votes will serve two-year terms; after which, all members will serve four-year terms.

Under this procedure, the Mayor and current members of the Council continue to serve until their successors have been elected and qualified.

Section 5-13-30 of the 1976 South Carolina Code of Laws vests all legislative powers and matters of policy in the municipal council. Each member of Town Council, including the Mayor, is to have one vote.)

2.104. SAME. ELIGIBILITY.

To be eligible for the office of Mayor or as a member of the Council, a candidate shall be a qualified elector of the municipality.

2.105. COMPENSATION. INCREASES. ACTUAL EXPENSES.

a. For each meeting attended, the Mayor shall be paid fifteen dollars (\$30.00), and members of Council shall be paid ten dollars (\$20.00).

(JQ 4)

b. Increases in compensation shall be approved by ordinance and shall not become effective until the commencement date of the next general election.

c. The Mayor and members of Council may receive payment for actual expenses incurred in the performance of their official duties when supported by official expense vouchers.

(1976 SC Code §5-7-170)

(Editor's Note. "Compensation includes anything of value provided at public expense for performing official duties... Retirement benefits, insurance benefits, vehicles, etc., which are not reimbursement of actual expenses incurred while performing official duties should also be included in the ordinance setting salaries... Salary setting is a legislative matter the council must address by ordinance."

(UPTOWN, May, 1997, page 6.)

2.106. MAYOR. DUTIES.

The Mayor shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds and other official instruments or documents directed by state law or Council. He shall have other such duties and perform such functions as may be requested by Council.

2.107. MAYOR PRO TEMPORE. DUTIES.

a. The Council shall elect from among its members a Mayor Pro Tempore, at the first January meeting following a general election. The Mayor Pro tempore shall act for the Mayor during the absence or disability of the Mayor. In case of a vacancy in the office of Mayor, the Mayor Pro tempore shall serve until a successor is elected.

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

(1976 SC Code §5-7-190)

2.108. OATH OF OFFICE REQUIRED.

The Mayor, each member of Council and other officials, when required, 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 (or appointed) and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

(Art. VI, Sec. 5, S. C. Constitution)

As Mayor (Councilman, Judge, Police Officer, etc.) of The Town of Jamestown I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected (or appointed). So help me, God.

(1976 SC Code §14-25-15) (1976 SC Code §5-15-150)

2.109. ORDINANCES.

It shall be the duty of the Council to pass, from time to time, such ordinances as in its judgment

shall best promote the interests of the citizens and property owners of the municipality.

(1976 SC Code §5-7-30)

(Editor's Note. See Appendix B for details of ordinance preparation. Section 19-3-10 of the 1976 South Carolina Code of Laws provides that, "*in all courts...in this state the...ordinances of the municipalities...shall constitute prima facie of the genuineness of the same.*") (See also §2.114 Editor's Note.)

2.110. SAME. SIX DAYS BETWEEN READINGS. AMENDMENTS.

a. No ordinance shall be adopted until it shall have been read two (2) times and on two (2) separate days with at least six (6) days between each reading.

(1976 SC Code §5-7-270)

(Editor's Note. An opinion by the South Carolina Attorney General [No. 77-298, p 225] stated that any town ordinances that have been properly adopted "*are valid and enforceable under the provisions of §5-7-270....*")

b. The introduction and reading of any ordinance may be by the reading of the title only, unless full reading is requested by a majority of Council members present.

c. An ordinance may be amended at the time of a second reading.

(Attorney General OP. 1986, No. 86-117, p. 343)

2.111. SAME. BOOK OF.

a. The Clerk/Treasurer shall enter in a book the original copy of all ordinances passed by the Council. The book shall be known as the "*Book of Ordinances.*"

b. The book shall contain the dates of first and second readings of all ordinances, notation of repeals or amendments, whether or not the ordinance is to be codified and a brief summary of the contents.

(1976 SC Code §5-7-290)

2.112. SAME. NOTATION OF AMENDMENTS OR REPEALS.

The Clerk/Treasurer shall write on the first page of every ordinance, subsequent to entry in the Book of Ordinances, if the same shall be amended or repealed, as the case may be, the words "amended," or "repealed" with a reference on the ordinance as to where the amending or

repealing ordinance can be found.

2.113. SAME. ENACTING CLAUSE.

The enacting clause of all ordinances shall be, in substance, as follows: "*BE IT ORDAINED BY THE TOWN COUNCIL OF JAMESTOWN, SOUTH CAROLINA THAT:*"

2.114. SAME. REQUIRED BY STATE LAW.

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 establish, 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 violations;
3. Appropriate funds and adopt a budget;
4. Grant, renew or extend franchises, licenses or rights in public streets, or in public property and close abandoned streets;
5. Authorize the borrowing of money or the issuance of bonds;
6. Levy taxes, assess property for improvements or establish charges for services;
7. Annex areas;
8. Convey or lease or authorize the conveyance or lease of any lands; and
9. Amend or repeal any ordinance described in subparagraphs 1 through 8 above.

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

(1976 SC Code §5-7-30, §5-7-260)

2.115. SAME. ANNUAL CODIFICATION.

All ordinances amending this code shall be codified as often as desired, but at least annually, in loose-leaf form and available for public inspection during normal office hours.

(1976 SC Code §5-7-290)

2.116. SAME. FORM OF. INTRODUCED IN WRITING. TO BE SIGNED.

Every proposed ordinance shall be numbered, in writing and in the form required for final adoption. All ordinances shall include:

1. A number;
2. A title briefly describing the contents;

(Editor's Note. South Carolina Attorney General Opinion No. 86-117, p 343.)

3. Findings, reasons or basis for the ordinance, if desired and when appropriate;
4. An enacting clause;
5. A repealing provision, when appropriate;
6. The provisions of the ordinance including section numbers, when appropriate;
7. The name of the person introducing the ordinance, when requested by him;
8. The effective date of the ordinance, dates of first and second readings and approval of the Attorney as to form, when requested;
9. The Mayor shall sign and the Clerk/Treasurer shall attest all ordinances, following adoption thereof.
10. When desired by Council, all members may sign.

(1976 SC Code §5-7-270) (JQ 5) (See also Appendix B, this code.)

2.117. SAME. INTRODUCTION. ATTORNEY APPROVAL. PUBLIC INSPECTION.

- a. An ordinance may be proposed by any member of Council.
- b. After an ordinance is introduced, the Clerk/Treasurer shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of Council, its title is read.

c. When appropriate, a proposed ordinance shall be referred to the Municipal Attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances when requested to do so.

(Editor's Note. Electors may propose ordinances except an ordinance appropriating money or authorizing the levy of taxes. §5-17-10 of the 1976 South Carolina Code of Laws, as amended.)

2.118. SAME. FINAL FORM BEFORE ADOPTION.

All ordinances shall be complete in the form in which it is finally adopted.

(Editor's Note. See §2.110, this code, for requirement of six days between readings.)

2.119. SAME. EMERGENCY ORDINANCES. EXPIRATION. READING. RESTRICTIONS.

a. Emergency ordinances shall expire automatically as of the sixty-first (61st) day following the date of enactment.

(1976 SC Code §5-7-250(d))

b. Emergency ordinances may be adopted without regard for any reading, without notice or hearing, by affirmative vote of two-thirds of the members present.

c. An emergency ordinance may not levy taxes.

(1976 SC Code §5-7-250)

d. An emergency ordinance may not relate to a franchise or a service rate.

(1976 SC Code §5-7-250)

(Editor's Note. The reader is referred to the 1976 South Carolina Code of Laws, §5-7-250 through §5-7-280, for further details as to requirements.)

2.120. STATE OF EMERGENCY. POWERS OF THE MAYOR. CURFEW.

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.

c. 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 Town Council, 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 Town Council and to specific hours of the day or night and to exempt from the curfew police officers, fire fighters, 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.

(1976 SC Code §5-7-250)

2.121. RESOLUTIONS. INTRODUCTION.

a. A voice motion by a member of Council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the Clerk/Treasurer in the Council minutes.

b. A resolution proposed in writing shall be introduced in the same manner as an ordinance and, when appropriate, in such form as may be recommended as applicable by the Municipal Attorney.

2.122. SAME. ADOPTION. PUBLIC HEARING.

Written or oral resolutions may be adopted on one (1) reading, unless a public hearing is set by a majority of the members of Council present.

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

a. Fees, rates or charges necessary for the efficient and orderly maintenance of town services shall be included in Exhibit 1, entitled "*Schedule of Rates and Fees*."

b. The exhibit is hereby made a part of this code as if fully set forth herein, and filed in the office of the Clerk/Treasurer.

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

ARTICLE II. MEETINGS OF TOWN COUNCIL

2.201. MEETINGS. REGULAR. PLACE.

a. The regular meetings of Town Council shall be held at the Town Hall on the first Tuesday of each month, at 7:00 p. m., local time, unless otherwise set by the Mayor. If so, a reasonable notice shall be given to each available Council member and a notice posted at Town Hall at least twenty-four (24) hours prior to the meeting.

(JQ 6)

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

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

2.202. SAME. SPECIAL.

Special meetings may be held:

1. whenever called by the Mayor in cases of emergency, or;
2. when, in the judgment of the Mayor, the good of the municipality requires it, or;
3. by a majority of the members of Council.

2.203. SAME. NOTICE OF CHANGE.

Notice of all changed meetings and special meetings shall be given to all available members and the news media, as required by the *Freedom of Information Act*, (Appendix A, this code.)

2.204. SAME. OPEN TO PUBLIC.

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

2.205. SAME. MAYOR TO PRESIDE.

The Mayor shall preside at all Council meetings.

2.206. AGENDA.

a. Matters to be considered at a regular meeting shall be placed on a written agenda prepared by the Town Clerk.

b. It shall be publicly posted at least twenty-four (24) hours prior to the meeting.

c. Matters not on the agenda may be considered after favorable consideration of a motion for an off-agenda item.

(JQ 7)

2.207. APPEARANCE OF CITIZENS.

Any citizen of the town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters.

(JQ 8)

2.208. MINUTES OF TOWN COUNCIL MEETINGS.

a. The minutes of all public meetings of the Council shall be a matter of permanent public record. At each regular Council meeting, the minutes of the previous meeting or meetings shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the Council.

b. Any member of Council desiring to express a position in the minutes on a matter voted upon by Council may do so by presenting the position in writing to Council not later than the next regular meeting.

c. No person shall make any change in the minutes or remove same from Town Hall, without prior approval of the Council.

2.209. QUORUM. REQUIRED.

a. All actions of Council shall require a quorum.

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

(Editor's Note. §2.209.b is a direct quote from the 1976 SC Code §5-7-160.)

2.210. RULES OF ORDER. PARLIAMENTARIAN.

a. Except as otherwise provided by state law or this code, all proceedings of Council shall be governed by Robert's Rules of Order.

b. The Municipal Attorney shall act as parliamentarian when present. In his absence, all questions of order shall be decided by the Mayor or, in his absence, the presiding officer, without debate, which shall be subject to an appeal to the Council.

2.211. MOTIONS. TO BE IN WRITING.

A motion for a matter not on the agenda shall be reduced to writing, at the request of the Mayor or of any member of Council.

2.212. UNLAWFUL TO INTERRUPT MEETINGS.

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

(See also §14.706, this code.)

2.213. ORDER OF PROCEEDINGS OF TOWN COUNCIL.

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

- | | |
|-------------------------------------|---------------------------------|
| 1. Calling the roll. | 6. Town Administrations Report. |
| 2. Invocation/Pledge of Allegiance. | 7. Published Agenda Items. |
| 3. Approval of the minutes. | 8. Committee Reports. |
| 4. Police Report. | 9. Council concerns. |
| 5. Public Comment. | 10. Adjournment. |

2.214. HOW OFTEN MEMBERS MAY SPEAK.

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

2.215. VOTING. MAYOR MAY VOTE.

- a. The result of each vote on every question shall be recorded in the minutes by the

Clerk/Treasurer. The "yeas" and "nays" on any question shall be recorded, when requested by any member.

b. Every member of Council shall vote on every question, except when required to refrain from voting by state law.

(Editor's Note. The Municipal Association strongly recommends that all members vote on every question, except when required by law to refrain, such as having personal interest in the matter under discussion. See also §5-7-130 of the South Carolina Code of Laws.)

c. A show of hands or a voice vote shall be sufficient to record votes. The Mayor shall be entitled to vote as other members of Council.

(Editor's Note. SC Code §5-13-30 authorizes the Mayor to vote as other members of Council; he is not required to "break ties.")

d. During the meeting, no member shall leave the Council chamber without permission from the presiding officer.

e. Any member abstaining from voting shall submit his reason in writing which shall be given to the Council, for inclusion in the official minutes of the Council meeting.

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

g. The Mayor may make a motion without leaving the chair.

(JQ 9, as to "g.")

2.216. SAME. MAYOR, INTERESTED MEMBER NOT TO VOTE.

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

(1976 SC Code §8-13-700)

2.217. EXECUTIVE SESSIONS.

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

interest.

b. A majority vote of Council members shall be necessary to call such sessions, and the reason shall be stated in the motion, as required by the *Freedom of Information Act*.

c. Any action, which results from an Executive Session, shall be taken in open session, prior to such action becoming effective, as required by the *Freedom of Information Act*.

(Editor's Note. See Appendix A, this code, for *Freedom of Information Act* for requirements.)

2.218. COMMITTEES. APPOINTMENT. PUBLIC HEARINGS.

a. The Council may appoint a committee to hold a public hearing upon any matter pending before it, unless otherwise prohibited by law.

b. Minutes or reports of hearings held by such committees shall be filed with the Clerk/Treasurer as public records.

(JQ 16)

2.219. SAME. REPORTS.

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

2.220. SAME. ORDER OF REPORTS.

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

2.221. 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, and
5. To reconsider.

2.222. SAME. PRECEDENCE DURING DEBATE.

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

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

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

2.223. SAME. TO RECONSIDER.

A motion to reconsider shall not be entertained unless it be made by a member of Council who voted with the majority, and such motion shall be made only at the same or next succeeding meeting.

ARTICLE III. MUNICIPAL ELECTIONS

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

ADVANCE BY THE UNITED STATES DEPARTMENT OF JUSTICE.

Under South Carolina law, each municipal governing body shall determine by ordinance the time for filing nominating petitions, holding primary elections or conventions, the time for conventions, the time for closing of entries, and the time and manner of filing by candidates in nonpartisan elections.

The municipal governing body may determine by ordinance that either filing a statement of candidacy or a petition with the municipal election commission is required to place the name of the candidate on the ballot in nonpartisan general elections.

During preliminary discussions with the Mayor, we reviewed current election practices, one of which requires the submission of petitions by prospective candidates, as permitted (but not required) by state law. Due to local circumstances, it was felt that petitions should not be required; thus, §2.305 does not require them.

During the preparation of this code, The Mayor informed the Editor it is the desire of the Town Council that the terms of Mayor and the members of Council be extended from two (2) years, as presently constituted, to four (4) years. This code, therefore, is based on that desire, and the United States Department of Justice has been notified officially of this action as required by law. At this publication, the town is awaiting final approval of this change. Should the change not be approved, it will be necessary to amend the code to reflect the current tenure of the Mayor and Council.

This article derives, generally, from the 1976 South Carolina Code of Laws, §5-15-90 et seq., as amended; the 1976 Jamestown Town Code; the Jamestown Questionnaire and generally accepted municipal practices.

2.301. ELECTION LAWS OF THE STATE TO GOVERN.

All municipal elections shall be conducted in accordance with the provisions of the election laws of this state.

(1976 SC Code §5-15-20 et seq.)

2.302. MUNICIPAL ELECTION COMMISSION ESTABLISHED. TERMS. VACANCIES.

a. There is hereby established a Municipal Election Commission composed of three (3) electors who shall be residents of the municipality and who shall serve terms of six (6) years.

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

(1976 SC Code §5-15-90, §5-15-100)

c. The Council shall appoint an interim commissioner to fulfill the duties of any disabled member for the duration of the election period.

2.303. DATE OF ELECTIONS.

All regular Council elections shall be held at the general election in November in each even numbered year.

(JQ 10)

(Editor's Note. The Municipal Association has recommended that all general municipal elections be held the second Tuesday in April or at the General Election in November. Office holders would continue in office until the next election.)

2.304. VOTING HOURS. PLACE.

Polling places shall be open from 7:00 a.m. to 7:00 p.m., at the Town Hall.

(1976 SC Code §7-13-60) (JQ 14)

2.305. FILING. PETITIONS NOT REQUIRED.

a. Candidates shall file at the office of the Clerk/Treasurer at least sixty (60) days prior to the election.

b. No petitions shall be required to file for office.

(1976 SC Code §5-15-110)

2.306. SAME. FEES.

The filing fee for the office of Mayor shall be forty dollars (\$40.00), for the office of Council it shall be twenty-five dollars (\$25.00).

(JQ 13)

2.307. OATH.

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

2.308. CERTIFICATION.

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

2.309. PUBLIC NOTICE REQUIRED.

Public notice of all municipal elections shall be given at least sixty (60) days prior to such elections, as required by law.

(1976 SC Code §5-15-50)

2.310. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

2.311. SUCCESSORS TO BE QUALIFIED.

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

2.312. WHEN QUALIFIED. ASSUMING OFFICE.

a. Newly elected members of Council shall not be qualified until at least forty-eight (48) hours after the closing of the polls.

(1976 SC Code §5-15-120)

b. Newly elected members of Council shall assume office at the first Council meeting following their election.

(JQ 15)

2.313. AT-LARGE. POLITICAL PARTIES.

- a. Elections for Mayor and members of Council shall be at-large.

(JQ 11)

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

(JQ 12)

2.314. NONPARTISAN ELECTION AND RUNOFF. TIE VOTES. CONTESTED.

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

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

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

(1976 SC Code §5-15-125) (JQ 12)

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

(1976 SC Code §5-15-130)

2.315. SPECIAL.

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

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

2.316. QUALIFICATIONS FOR VOTING.

Every citizen of The Town of Jamestown shall be entitled to vote in all municipal elections, if he is or has:

1. Reached the age of eighteen (18) years and upwards.
2. Not laboring under disabilities named in the constitution of 1895 of this state.
3. Resided in the corporate limits for thirty (30) days previous to any municipal election.
4. Been registered for county, state and national elections.

(1976 SC Code §7-5-120)

ARTICLE IV. PERSONNEL

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

2.401. AUTHORITY TO ESTABLISH.

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

2.402. CHIEF ADMINISTRATIVE OFFICER.

The Mayor shall be the chief administrative officer of the town.

2.403. APPOINTMENT. SUSPENSION.

Except as otherwise provided by this code, all officers of the town shall be appointed by the Council. They shall be subject to suspension by the Mayor.

2.404. SAME. COMPENSATION.

The compensation, as appropriate, of all appointed officers and employees of the town shall be fixed by the Council and incorporated in the annual budget.

2.405. RESISTING OR INTERFERING WITH OFFICIALS OR EMPLOYEES.

It shall be unlawful for any person to resist or interfere with any municipal officer or employee in the discharge of his official duties.

2.406. HOURLY WAGE PAY POLICY.

1. **Purpose.** Until amended by the Mayor and Council, the purpose of this policy shall be to clarify procedures for payment of hourly employees.

2. **General.**

- a. Pay scales for hourly employees shall be approved by the Council.
- b. Workers' time cards, when used, shall be the responsibility of Department Heads.
- c. The Town Clerk shall compute weekly pay and maintain pay records in employee personnel files.

3. **Normal Work Week.**

- a. The normal work day shall be eight (8) hours. Police officers and communications officer may be twelve (12) hours.
- b. The normal work week shall be forty (40) hours. The normal work week for police officers shall be forty-two (42) hours.

4. **Overtime.**

- a. Overtime shall be paid for time worked in excess of forty (40) hours or time considered as emergency, except police officers, who shall be paid overtime for time worked in excess of forty-two (42) hours per week.
- b. Overtime shall not be paid for travel to conferences, etc., even if forty (40) hours have been exceeded.

5. **Schools, Training, etc.**

- a. When an employee is required by the town to attend a school, a meeting, or training, etc., the hourly wage shall be paid for travel.
- b. Mileage shall be reimbursed at a rate as approved by the Council, if a private vehicle is used for travel and approved by the Mayor.
- c. A town vehicle may be used for travel, when available, but no reimbursement shall be paid.

2.407. LEAVE. SICK/ANNUAL. RETIREMENT.

a. Eligible employees shall earn paid annual and sick leave at the rate of one-half (1/2) day per month of service. Said leave may be accumulated and carried from one year to the next, not to exceed thirty (30) days. Upon termination of employment for cause, an employee shall not be paid for unused annual or sick leave.

b. The intent and purpose of the sick leave policy shall be to help an employee overcome financial difficulties and expenses while out of work due to prolonged illness. Sick leave pay shall not be intended to be used as extra days off. Intentional abuse of this policy shall be sufficient reason for termination. Accumulated leave may be used for emergency use.

c. Sick leave pay shall not be paid for intended self-inflicted injuries or illness, nor for illness due to excessive use of alcohol or drugs.

d. Sick leave exceeding three (3) days shall be subject to approval by the Administrator, who may require a doctor's statement.

e. Any use of sick leave may require a doctor's certificate stating the illness and time of absence necessary because of illness. The town shall have the option of requiring the employee to visit an appointed doctor or having the appointed doctor visit the employee for verification of an illness before sick leave is paid.

f. Sick leave may be used when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of other employees.

g. Sick leave may be taken for medical, dental appointments or death in the immediate family.

h. Unused vacation days due may be applied after sick days have expired.

i. Employees rehired due to roll-backs, or approved personnel leave, may be reinstated and credited with unused time if re-employed within one (1) year.

2.408. SAME. MILITARY.

Military leave shall comply in all respects with §8-7-90 of the 1976 South Carolina Code of

Laws.

2.409. SAME. JURY DUTY.

a. Any employee serving as a juror in a Court of competent jurisdiction shall be entitled to his normal rate of pay from the town for a period not exceeding thirty (30) work days per year. Payment for additional days of jury duty shall be subject to approval of the Mayor and Council.

b. Employees not seated as a juror shall return to work upon dismissal by the Court.

(Editor's Note. It is recognized that jury duty may last longer than anticipated; however, this provision allows the Mayor and Council to monitor the provision for pay purposes.)

2.410. SAME. VACATIONS.

It shall be the policy of The Town of Jamestown to provide paid vacation to all full time employees.

1. For purposes of this policy, the vacation year shall be from January 1 through December 31.

2. All full time employees shall be entitled to one (1) week paid vacation per year.

3. Vacation days may be carried forward into the next year. Upon termination of employment with the town, an employee shall not be paid for any unused vacation days. When a paid holiday occurs during the time an employee is on vacation leave with pay, the holiday shall not be counted as vacation leave.

4. Full time employees will be awarded one (1) additional day of leave per year, up to a maximum of ten (10) days, for each year of continuous service. This is in addition to accrued leave. The additional day of leave will be awarded on January 1 of the calendar year following the completion of twelve (12) months continuous service.

5. Vacation shall be charged in whole or half days. Whenever possible, employees shall be allowed to take paid vacation at a time most convenient to them. The town shall reserve the right to limit the number of employees absent at a given time.

2.411. HOLIDAYS.

The following days are hereby designated as official holidays to be observed by the town:

JAN - New Years - Day after or day before
FEB - President's Day
MAY - Memorial Day
JUL - July 4th
SEP - Labor Day
NOV - Thanksgiving Day and day after
DEC - Christmas - Day after or day before

Holidays falling on Saturday may be observed on the day before (Friday); those falling on Sunday may be observed on the day after (Monday). In any case, the Mayor shall have the authority to designate an alternate day for any holiday that falls on a Saturday or Sunday.

ARTICLE V. ADMINISTRATOR-CLERK

Editor's Note. During the preparation of this code, the Editor was requested to include a provision for the designation of an employee to be named Administrator-Clerk. Under the Mayor-Council form of government, the Mayor is the Chief Administrative Officer of the town and "responsible to the Council for the administration of all city (town) affairs in his charge..." Section 5-9-30 of the 1976 South Carolina Code of Laws, in part, reads as follows:

He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordination in that officer's department, office or agency.

2.501. APPOINTMENT.

The Town Clerk, in addition to his other duties, is hereby appointed Administrator-Clerk.

1. In addition thereto, he shall have such duties and responsibilities as may be assigned by the Mayor.

2. For purposes of this code, he may be referred to as the Clerk/Treasurer or Town Clerk.

ARTICLE VI. MUNICIPAL CLERK

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

2.601. APPOINTMENT.

- a. The Council shall appoint an officer who shall have the title of Municipal Clerk.
- b. The Clerk shall hold office at the pleasure of the Council.
- c. The Clerk also may have the title of Town Clerk or Clerk/Treasurer.

(1976 SC Code §5-7-220)

(Editor's Note. State law requires the appointment of the Clerk to be made by Council.)

2.602. BOND. SURETY COMPANY. FEE.

a. The Clerk/Treasurer shall, before entering upon the duties of his office, give bond to the town in such an amount as prescribed by Council. It shall be conditioned upon the faithful performance of the duties of his office and the faithful accounting for all funds of the town in his custody.

b. The bond required shall be written by a surety company authorized by law to engage in business in the state.

- c. The fee therefor shall be paid by the town.

2.603. DUTIES.

The Clerk/Treasurer shall give notice of council meetings to its members and the public, attend all Council meetings, unless excused by the Mayor, keep the minutes of Council proceedings and perform such other duties as are assigned by the Council.

(1976 SC Code §5-7-220)

2.604. COMPENSATION.

The compensation of the Clerk/Treasurer shall be incorporated in the annual budget.

ARTICLE VII. MUNICIPAL ATTORNEY

Editor's Note. This article derives, as amended, from §5-7-230 of the 1976 South Carolina Code of Laws and the 1976 Jamestown Town Code.

2.701. APPOINTMENT. TERM OF OFFICE. RESIDENCE.

a. The Council shall appoint a Municipal Attorney who shall be a lawyer of good and reputable standing, a member of the South Carolina Bar Association and admitted to practice law in this state.

b. He shall serve at the pleasure of the Council.

c. He need not be a resident of the municipality.

(Editor's Note. State law requires the appointment of the Attorney to be made by Council.)

2.702. DUTIES.

a. It shall be the duty of the Municipal Attorney, whenever called upon by Council, or the necessity arises, to give advice and direction to the Council, or any member thereof, or the Clerk/Treasurer or such other officer or employees as authorized by Council. This shall include, but not limited to, any and all legal questions which may arise in the course of the administration of the town government, or in the discharge of the duties of their respective offices. Whenever required to do so by the Council, he shall give his legal opinion in writing.

b. When appropriate, he shall draw or supervise the drawing or drafting of or approve, when appropriate, all ordinances and other written instruments relative to the business of the municipality.

c. He shall attend the meetings of Council when requested and shall perform such other duties as assigned by the Council.

2.703. COMPENSATION.

The Municipal Attorney shall be compensated as determined by Council and included in the annual budget.

(Editor's Note. For reference to the Municipal Judge, please refer to Chapter 7 of this code, entitled "COURT.")

CHAPTER 3. ANIMALS. FOWL

ARTICLE I. IN GENERAL

- 3.101. Definitions.
- 3.102. Enforcement.
- 3.103. Maximum Number of Dogs and Cats Allowed per Residence.
- 3.104. Restraint.
- 3.105. Nuisance Animals.
- 3.106. Animal Care.
- 3.107. Rabies Control. Inoculation.
- 3.108. Rabid Animals.
- 3.109. Seizure of Animals Running At Large. Disposition.
- 3.110. Redemption.
- 3.111. Injured, Diseased and Dead Animals.
- 3.112. Slaughterhouse, etc., Prohibited.
- 3.113. Removal of Dog and Cat Excrement. Exceptions.

ARTICLE II. BIRD SANCTUARY

- 3.201. Established.
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CHAPTER 3. ANIMALS. FOWL

ARTICLE I. IN GENERAL

Editor's Note. This article derives from Title 47 of the 1976 South Carolina Code of Laws and generally accepted municipal practices. Provisions of this article will be enforced only upon complaint.

3.101. DEFINITIONS. The following definitions will be used in this chapter.

ABANDONMENT OR MALTREATMENT shall mean a situation in which an owner or person charged with the responsibility of an animal does not provide or arrange for adequate food, water, shelter and care, transfer ownership to a responsible person, or does not provide for humane disposal of the animal.

ANIMALS shall mean any live, vertebrate creature, domestic or wild, which shall be held to include all brute creatures.

ANIMAL CONTROL OFFICER shall mean the Police Chief, or his designee, as the enforcement officer of the provisions of this article.

ANIMAL SHELTER shall mean any premises designated by the town for the purpose of impounding, care of destruction of animals found in violation of this article.

AT LARGE shall mean an animal not under the restraint and control of its owner as required by the provisions of this article and off of the owner's real or personal property limits.

OWNER shall mean any person who: (1) has a right of property in an animal, (2) keeps or harbors an animal or who has it in such person's care or acts as its custodian, or (3) permits an animal to remain on or about any premises occupied by such person.

PET shall mean all mammals of the order carnivore, four (4) months or more of age. This includes dogs, cats and related carnivorous animals.

PUBLIC NUISANCE shall mean any animal found at large or making loud or objectionable sounds, chasing vehicles or pedestrians, or behaving in any manner which is deemed to be doing damage to property or to public, health and well-being, or which is known to have bitten one or more persons, or which has been determined by the Police Chief to be a detriment to public health, welfare or safety, or that constitutes a physical threat to human beings or to other animals by virtue of its specific training or demonstrated behavior.

RABIES INOCULATION shall mean the injection, subcutaneously, intramuscularly or

otherwise, of anti-rabic vaccine as approved by DHEC and by the United States Department of Agriculture-Veterinary Biologics Division.

RESTRAINT shall mean any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real or personal property limits of its owner.

SPAYED FEMALES shall mean any female dog or cat which has been operated on to prevent conception.

VICIOUS ANIMAL shall mean any animal:

(1) with a known propensity, tendency or disposition to attack unprovoked; to cause injury, or otherwise endanger the safety of human beings or domestic animals;

(2) that attacks a human being or domestic animal without provocation; or

(3) that is owned or harbored primarily or in part for the purpose of fighting or that is trained for fighting.

3.102. ENFORCEMENT.

The provisions of this article shall be enforced by the Police Chief who shall serve as the animal control officer of the town, as follows:

1. The above shall respond to complaints regarding animals.
2. The Police Chief shall have the authority to destroy any animal which appears to be vicious and may endanger his safety or the safety of other persons or pets.
3. The Police Chief may, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. The chief may then demand to examine such animal and take possession of the animal when, in his opinion, it requires removal from the premises.
4. No person shall interfere with, hinder or molest the Police Chief in the execution of his duties, or seek to release any pet in his custody except as provided herein.
5. When an animal is found in violation of any one point of this article, it need not be impounded; but the Police Chief, at his discretion, may issue to its owner a municipal ordinance summons for such violation.
6. Any person reporting a violation of this article must produce personal identification to the Police Chief, who will make it a matter of public record.

7. It shall be unlawful for any person to make a false statement to anyone with enforcement powers in regard to this article, in an attempt to deny ownership or possession of an animal.

3.103. MAXIMUM NUMBER OF DOGS AND CATS ALLOWED PER RESIDENCE.

a. A total of three (3) dogs and/or cats may be kept or harbored at any residence without a permit. Up to six (6) dogs and/or cats may be kept or harbored at any residence, provided such owner of said residence obtains a permit from the town for the additional dogs and/or cats over three (3). Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

b. A permit issued pursuant to the provisions of this section is issued on a conditional basis and may be revoked upon conviction of a public nuisance offense as set out in §3.105 herein.

c. A person whose conditional permit is revoked shall reduce the number of dogs and/or cats kept or harbored at a residence to no more than three (3) dogs and/or cats; and, such person will be denied the right to reapply for a conditional permit for a period of two (2) years from the time of revocation. The Police Chief shall have the authority to revoke a conditional permit as provided in this section, however, any person aggrieved by this provision shall have the right to appeal such revocation to the Mayor whose decision shall be final.

d. A person cited for having more than three (3) dogs and/or cats that are not permitted will be denied the opportunity to obtain a permit, when, in the opinion of the Police Chief, the failure to obtain a permit was willful. Upon such a determination by the Police Chief the person shall be required to reduce the number of dogs and/or cats kept or harbored to no more than three (3) dogs and/or cats and such person shall be denied the right to apply for a conditional permit for a period of two (2) years.

3.104. RESTRAINT.

a. It shall be unlawful for any owner or custodian of any animal to permit the same to

run at large at anytime within the town. All animals shall be secured by a leash or lead under the control of a responsible person and obedient to that person's commands when such animal(s) are off or removed from the real or personal property limits of its owner.

b. No domestic animal shall be permitted to be on school grounds or in a shopping area or similar public place unless on a leash at all times.

c. The owner shall confine, within a building or secure enclosure, every vicious animal and shall not take such animal out of such building or enclosure unless the animal is securely muzzled and under restraint.

d. No person shall fail to exercise proper care and control of such person's animals to prevent them from becoming a public nuisance.

e. Every female pet in heat shall be confined in a building or secure enclosure in such manner that such pet does not create a nuisance by attracting other pets. This shall not be construed so as to prevent contact with other pets for the purpose of planned breeding.

3.105. NUISANCE ANIMALS.

It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute or allow it to become a public nuisance. In addition, the following acts or actions by an owner of any animal are hereby declared to be a public nuisance under this section and to be unlawful:

1. Failure to exercise sufficient restraint necessary to control an animal as required by the provisions of this article.

2. Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging vegetation.

3. Maintaining a vicious animal.

4. Maintaining animals in unsanitary conditions which are dangerous to the animal or the public health, welfare or safety.

5. Maintaining his or her premises or other property in a manner that is offensive, annoying or dangerous to the health, safety or welfare of the public because of the number, density or location of the animals on the owner's premises or other property.

6. Allowing or permitting an animal to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of adjoining or nearby properties.

7. Keeping an animal that is diseased and dangerous to public health.
8. Keeping an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles.
9. Failing to confine or control a female pet in heat in such a manner as not to create a nuisance by attracting other animals.
10. Maintaining one (1) or more birds, snakes or animals within the town in such location, in such quantities or in such manner as to unreasonably disrupt the peace and quiet of any person or interfere with the reasonable use of property or enjoyment of life by any person, or unreasonably to cause damage, destruction, detriment or impairment to public or private property or to the value thereof, or to cause unreasonable annoyance or disturbance to any other person or to unreasonably cause offense to the senses of another person by reason of noise, odor, filth, vermin or other cause.

3.106. ANIMAL CARE.

- a. No owner shall fail to provide such person's animals with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.
- b. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight or other combat between animals or between animals and humans.
- c. No owner of an animal shall abandon such animal.
- d. No person except a licensed veterinarian who is qualified to perform such an operation, shall crop a dog's ears.
- e. No person shall give away any live animal, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- f. Any person operating a motor vehicle, who strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the incident to the Police Department.

g. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on such person's own property common rat poison mixed with vegetable substances.

h. It shall be unlawful to raise or keep chickens or any kind of fowl, other than pigeons, parakeets, parrots, mynah birds and canaries within the town.

i. It shall be unlawful to raise or keep horses, cattle, sheep, goats, swine and other farm animals within the town.

j. It shall be unlawful for an owner or any other person willfully to injure or kill any animal by any means causing it unnecessary fright or pain, and it shall further be unlawful for the owner or any person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering or injury.

k. Prohibition: It shall be unlawful for any person to keep, maintain or have in his possession or control within the town limits any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

Classification: It shall be unlawful for any person to keep, maintain or have in his possession or control within the town limits any of the following animals: all poisonous animals including rear-fang snakes; apes, chimpanzees, gibbon, gorillas, orangutans, and siamangs; baboons; bears; bison; cheetahs; constrictor snakes six (6) feet in length or more; coyotes; crocodilians thirty (30) inches in length or more; deer (includes all, for example, white tailed deer, elk, antelope and moose); elephants; gamecocks and other fighting birds; hippopotami; hyenas; jaguars; leopards; lions; lynxes; monkeys, old world; ostriches; piranha fish; pumas (also known as mountain lions, cougars and panthers); raccoons; rhinoceroses; sharks; snow leopards; swine; tigers; wolves.

Exceptions: The provisions of §3.106.k, shall not apply to menageries, zoological gardens, circuses and recognized, accredited and permitted public organizations or private nonprofit organizations established for educational purposes, if:

1. Their location conforms to the provisions of the zoning codes of the town;

2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;

3. Animals are maintained in quarters so constructed to prevent their escape;
and,

4. No person lives or resides within two hundred (200) feet of the quarters in which the animals are kept.

3.107. RABIES CONTROL. INOCULATION.

a. No person shall own, keep or harbor any pet within the town for longer than sixty (60) days unless such pet has been inoculated against rabies as provided herein. Any animals, wild or otherwise, for which there is no known rabies vaccination that can carry and transmit the rabies virus, shall be prohibited from being kept or harbored within the town limits.

b. The pet shall have received, as evidenced by a certificate which has not expired, an inoculation from a licensed graduate veterinarian using vaccine which has been approved by DHEC.

c. A DHEC certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner, the name, breed, color and markings, age, sex of animal and the veterinary or pharmaceutical control number of the vaccination.

d. Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued, except when the pet is in an enclosed confinement.

e. The owner shall have a valid certificate of rabies inoculation readily available for inspection by competent authority at all times.

f. In the event that a rabies tag is lost, the owner will obtain a duplicate tag without delay.

g. If there is a change in ownership of a pet during the valid period of immunization, the new owner must have the current certificate of inoculation transferred to such owner's name.

h. A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as sufficient evidence provided it is valid and current.

3.108. RABID ANIMALS.

a. Whenever an animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the Police Chief and the county health department stating precisely where the animal may be found.

b. The Police Chief, in conjunction with the health department, shall arrange for the supervised confinement of any animal which has bitten a person. Such confinement may be on the premises of the owner if the owner will sign an agreement assuming total responsibility for the safe confinement of the animal. Confinement may be at the animal shelter, a private animal shelter, veterinary hospital or Humane Society shelter at the owner's option and expense.

c. Any animal which has bitten a person must be confined for a period of at least ten (10) days. The county health department or the Police Chief will be permitted by the owner to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the Police Chief or the county health department in making such examination.

d. The county health department shall serve notice in writing upon the owner of an animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine such animal for a period of not less than six (6) months except that animals properly treated with anti-rabic vaccine shall be confined for a period of not less than three (3) months.

3.109. SEIZURE OF ANIMALS RUNNING AT LARGE. DISPOSITION.

a. Any domestic animal running at large may be taken up by the Police Chief or any of the persons empowered to enforce this article and transported to the animal control shelter and there confined in a humane manner until redeemed or disposed of as hereinafter provided.

b. Immediately after impounding any domestic animal, the Police Chief shall make a reasonable effort to notify the owner of its impoundment and to inform the owner of the conditions whereby such owner can regain custody of the animal.

c. Animals not claimed by their owners, after notification or attempted notification, before the expiration of five (5) days shall become the property of the animal shelter and may be humanely destroyed or placed for adoption at the discretion of the animal shelter.

d. Any animal determined by the Police Chief to be abandoned shall be impounded by the animal shelter.

3.110. REDEMPTION.

a. The owner shall be entitled to resume possession of an impounded animal except as

herein provided in the cases of certain animals, upon compliance with the rabies vaccination and proper identification requirements and the payment of redemption fees. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

b. The owner of an impounded animal must apply for the redemption of this animal. The animal may not be released unless authorized by the Police Chief with assurance from the owner that proper care and custody will be maintained.

c. Redemption fees, as established and approved by Town Council, and on file with the Town Clerk, shall be collected from the owner by the Police Chief and turned over to the Clerk.

3.111. INJURED, DISEASED AND DEAD ANIMALS.

a. Anyone who strikes a pet with a motor vehicle or bicycle and injures or kills the pet must, if the owner thereof cannot be found, notify the Police Chief immediately. The Police Chief will then take the necessary steps to provide for the proper treatment or disposal of the pet.

b. The town is authorized to enter into agreements with licensed veterinarians for the care of injured pets. If the owner cannot be located, the town will pay for reasonable expenses incurred.

c. Any pet received by a veterinarian in critical condition from wounds, injuries, or disease, may be destroyed at such veterinarian's discretion if the owner cannot be contacted within twelve (12) hours. If the pet is suffering great pain, it may be destroyed immediately.

d. The owner of any pet which dies shall immediately provide for its burial or cremation if such owner knows of its death and the location of its remains. If such owner fails to do so within three (3) hours, the Police Chief shall arrange for the disposal and the owner shall be required to pay a removal and disposal fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

e. The town shall collect or cause to be collected all dead domestic animals found on public grounds or highways of the town. If the animal is identifiable, the town will notify the owner of the animal as soon as practical.

f. No person shall kill, or cause to be killed any rabid animal, or one suspected or having been exposed to rabies or which has bitten a person, nor remove such animal from the jurisdiction of the county without written permission of the health department. An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the county health department notified immediately.

g. In the event a suspect stray animal has bitten a person, the animal will be seized and the county health department contacted for necessary forms for processing. The animal will

then be taken to a consenting veterinarian who will euthanize the animal and remove the head. Once the head is removed, the county health department will pick up and ship the head to the state authorities for examination.

3.112. SLAUGHTERHOUSE, ETC., PROHIBITED.

No person shall be licensed or allowed to establish, in any manner or form, any butcher pen, slaughterhouse or abattoir or to butcher or slaughter cattle, swine, goats or calves within the town or in such close proximity to the town as to cause discomfort, danger of infection or unpleasant odors to come within the town.

3.113. REMOVAL OF DOG AND CAT EXCREMENT REQUIRED. EXCEPTIONS.

a. It shall be unlawful for any person owning, keeping or having custody or control of a dog or cat to fail to remove immediately the animal's excrement from any public or private property other than property owned or occupied by the person owning, keeping or having custody or control of said animal.

b. The provisions of this section shall not apply to seeing-eye dogs used by blind persons or to dogs used by police officers for law enforcement or tracking purposes.

ARTICLE II. BIRD SANCTUARY

Editor's Note. This article derives from the 1976 Jamestown Town Code, as amended; Question 20 of the Jamestown Questionnaire and generally accepted municipal practices.

3.201. ESTABLISHED.

a. The entire area within the corporate limits of The Town of Jamestown is hereby established and declared to be a wild bird sanctuary.

b. It shall be unlawful within the town to trap, hunt, shoot, harm, rob the nest or molest in any way any wild bird or fowl.

3.202. BIRDS CONSTITUTING A NUISANCE. ACTION TO RID.

a. If birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property, then in such event the proper authorities of The Town of Jamestown shall meet with representatives of the Audubon Society, any local bird clubs, garden clubs or humane society to determine a suitable solution to abate the nuisance.

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

ARTICLE III. PENALTIES

3.301. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 4. BEAUTIFICATION

ARTICLE 1. COMMISSION

- 4.101. Commission Created.
- 4.102. Membership. Terms. Compensation.
- 4.103. Function and Authority
- 4.104. Meetings.
- 4.105. Reports.
- 4.106. Interference With Commission.
- 4.107. Utility Exemption.
- 4.108. Flowers, Shrubs, Trees.

ARTICLE II. PENALTIES

- 4.201. Penalty. Exceptions.

CHAPTER 4. BEAUTIFICATION

Editor's Note. This chapter derives from the general authority of municipalities as provided by §5-7-30 of the 1976 South Carolina Code of Laws, Question 21 of the Jamestown Questionnaire and generally accepted municipal practices.

ARTICLE 1. COMMISSION

4.101. COMMISSION CREATED.

There is hereby created a "Beautification Commission."

4.102. MEMBERSHIP. TERMS. COMPENSATION.

a. The Commission shall consist of three (3) members who shall be appointed by the Town Council.

b. Members shall serve four (4) year staggered terms and the terms shall expire in even numbered years. A member shall continue to serve until his successor is appointed and qualifies.

c. Any member who resigns shall be replaced by appointment by the Mayor for the unexpired term of that member.

d. Any member having three (3) unexcused consecutive absences shall be automatically removed from the Commission, and the unexpired term filled by appointment by the Mayor.

e. Commission members shall serve without compensation.

4.103. FUNCTION AND AUTHORITY.

a. The function of the Commission shall be to promote compliance with all environmental projects of the town; to determine and promote ways for making its highway approaches thereto and the surrounding areas more attractive and aesthetically pleasing to the eye; to encourage specifically the preservation, protection and replacement of trees, flowers and shrubs within the town and prevent their unnecessary destruction pursuant to the general police powers of the town.

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

4.104. MEETINGS.

a. The Commission shall elect from its group a Chairperson, Vice-Chairperson, Secretary and Chairperson of Publicity. The Commission shall meet on call by the Chairperson. In his absence, the Vice-Chairperson may call such meetings.

b. The Chairperson may appoint such temporary committees from within or outside the membership of the Commission, as may be deemed necessary to effect the functions of the Commission.

c. Minutes of meetings shall be kept in written form as a permanent record, and copies shall be forwarded to Council.

d. Robert's Rules of Order shall be followed as a procedure guide for all meetings. A quorum shall consist of a majority of the members of the Commission, and a quorum shall be present to conduct business.

4.105. REPORTS.

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

4.106. INTERFERENCE WITH COMMISSION.

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

4.107. UTILITY EXEMPTION.

Public and private utility companies shall be exempt from the provisions of this chapter, provided they file with the Clerk/Treasurer the policies and procedures followed in their flower, shrub and tree trimming and removal practices and provided a mutually acceptable standard is agreed upon by the utility and Town Council.

4.108. FLOWERS, SHRUBS, TREES.

Each flower, shrub or tree destroyed or damaged in violation hereof shall constitute a separate offense.

ARTICLE II. PENALTIES

4.201. PENALTY. EXCEPTIONS.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 5. BUILDINGS

ARTICLE I. ADMINISTRATION

- 5.101. Authority of Inspectors.
- 5.102. Ordinary Repairs, Maintenance Authorized.
- 5.103. Homeowner's Provisions.
- 5.104. Liability Not Assumed by Town.
- 5.105. Unsafe Buildings. Repairs. Failure to Repair.
- 5.106. Same. Notice to Remove/Correct.
- 5.107. Unfit Dwellings.
- 5.108. Appeals.
- 5.109. Smoke-Free Municipal Building.

ARTICLE II. CODES

- 5.201. Authority. Enforcement.
- 5.202. Utility Connections.

ARTICLE III. MOBILE HOMES

- 5.301. Mobile Home Defined.
- 5.302. Foundation and Underpin Mandatory.
- 5.303. Utilities Required. Inspections. Septic Tanks.

ARTICLE IV. BUILDING AND PROPERTY NUMBERS

5.401. Numbers Required for Buildings and Property.

ARTICLE V. FAIR HOUSING

5.501. Month Designated.

ARTICLE VI. PENALTIES

5.601. Penalty

CHAPTER 5. BUILDINGS

Editor's Note. This chapter derives from the 1976 South Carolina Code of Laws and from Questions 22 through 25 of the Jamestown Questionnaire and generally accepted municipal practices.

The town has made arrangements with Berkeley County for functions applicable to buildings and this article has been included for local guidance.

ARTICLE I. ADMINISTRATION

5.101. AUTHORITY OF INSPECTORS.

The necessary authority for the enforcement of building provisions is hereby vested in Berkeley County, including inspectors.

5.102. ORDINARY REPAIRS, MAINTENANCE AUTHORIZED.

Ordinary minor repairs and general maintenance may be made, provided such repairs do not violate any of the provisions of this code, county ordinances or state statutes. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, minor carpentry, etc.

5.103. HOMEOWNER'S PROVISIONS.

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

b. 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 having work inspected, if required.

(Editor's Note. Section 40-59-160 of the 1976 South Carolina Code of Laws, as amended, provides that: *It is the duty of the building official, or other authority charged with the duty of issuing building or similar permits, of any incorporated municipality or subdivision of the municipality or county to refuse to issue a permit for any undertaking which would classify the applicant as a residential builder or residential specialty contractor under the provisions of this chapter unless the applicant has furnished evidence that he is either licensed or registered as required by this chapter or exempt from the requirements of this chapter. It is also the duty of the building official, or other authority charged with the duty of issuing building or similar permits, to report to the state licensing board the name and address of any person who, in his*

opinion, has violated this chapter by accepting or contracting to accomplish work which would classify the person as a residential builder or residential specialty contractor under the provisions of this chapter.)

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

5.105. UNSAFE BUILDINGS. REPAIRS. FAILURE TO REPAIR.

a. Every building which shall appear to the Inspector to be dangerous to life or limb or, because of its liability to fire, bad conditions of walls, overloaded construction, decay or other cause shall be held to be unsafe, the Building Inspector shall affix a notice of the dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent for the correction of such condition.

b. Failure to do so in sixty (60) days, unless extended by Town Council, shall constitute a misdemeanor punishable by the Municipal Court.

5.106. SAME. NOTICE TO REMOVE/CORRECT.

The Inspector shall report his findings to the Council which, after consideration, may cause to be issued an Ordinance Summons, as set forth in Chapter 14, Article 1 of this code for the immediate correction, removal or discontinuance of the hazard.

5.107. UNFIT DWELLINGS.

The Town Council may authorize the repairing, closing or demolition of unfit dwellings.

(1976 SC Code §31-15-20)

5.108. APPEALS.

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

5.109. SMOKE-FREE MUNICIPAL BUILDING.

a. The Town Hall of The Town of Jamestown is hereby declared to be and it shall remain a smoke-free environment.

b. Violation hereof shall constitute a misdemeanor.

ARTICLE II. CODES

Editor's Note. The Town of Jamestown has made arrangements with Berkeley County for the county to assume responsibility for code promulgation and enforcement. (JQ 25)

5.201. AUTHORITY. ENFORCEMENT.

a. The authority to promulgate and enforce provisions of building codes shall rest with Berkeley County.

b. Enforcement of all codes shall be administered by the Chief of Police or his designee.

5.202. UTILITY CONNECTIONS.

No supplier of water, gas or electric service shall initiate or reinstate service to any building, unless the owner thereof has been authorized by the appropriate official of Berkeley County.

ARTICLE III. MOBILE HOMES

Editor's Note. This article has been added by the editors, to provide for maintenance, utilities and taxes for mobile homes.

Section 31-17-310 of the 1976 South Carolina Code of Laws defined mobile homes. That section was repealed in 1989 by Act No. 128, §6. The reader was referred to §40-29-20 which defined a manufactured home as being "...somewhat analogous to the repealed provision." That definition is reproduced below.

5.301. MOBILE HOME DEFINED.

Mobile home shall mean a structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is build on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it.

(Editor's Note. "Trailers on permanent foundations are taxable as part of the realty and are not subject to the license fee if so affixed to the land within fifteen days after purchase or entry into this State." See Chapter 8, Article III, this code.)

(1964-65 Op Atty Gen. No. 1955, p 263)

5.302. FOUNDATION AND UNDERPIN MANDATORY.

It shall be unlawful to occupy for dwelling purposes a mobile home unless it shall have been securely placed on a permanent foundation in accordance with the building code.

5.303. UTILITIES REQUIRED. INSPECTIONS. SEPTIC TANKS.

a. Water and sewerage facilities shall be a prerequisite to either locating or occupying a mobile home within the corporate limits, unless otherwise authorized by the Administrator-Clerk, subject to appeal to the Council.

b. Before a sewer connection can be approved or made, an inspection shall be made by the appropriate official of Berkeley County.

c. It shall be unlawful to connect a mobile home to existing sewer connections without approval of the town.

d. If no sewerage facility is available, a mobile home may be connected to a septic tank which must meet DHEC standards and requirements.

ARTICLE IV. BUILDING AND PROPERTY NUMBERS

Editor's Note. In many towns, numbers are assigned by the Clerk/Treasurer or the Post Office; in The Town of Jamestown, Berkeley County assigns them.

5.401. NUMBERS REQUIRED FOR BUILDINGS AND PROPERTY.

a. All buildings and properties located within the corporate limits shall display a number as assigned by Berkeley County.

b. The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned, as follows:

(1) Numbers shall be durable and clearly visible.

(2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than fifty (50) feet from the street, the number shall be placed near the walk, post, tree or other appropriate place so that the number can be plainly seen from the street.

(3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three (3) inches, as space permits, provided it can be plainly seen from the street.

(4) It shall be the responsibility of the owner, occupant or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number.

(JQ 75)

ARTICLE V. FAIR HOUSING

5.501. MONTH DESIGNATED.

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

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

(JQ 26)

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

5.502. FAIR HOUSING ORDINANCE NOT RESCINDED.

a. The provisions of the Fair Housing Ordinance of The Town of Jamestown, as amended, dated April 7, 1987, are not repealed.

b. The provisions shall remain in full force and effect, as if fully set forth herein and made a part hereof.

(Editor's Note. Due to its technical nature and length, the Fair Housing Ordinance of April 7, 1987 detailing the provisions of fair housing are not included. The reader is referred to the Town Clerk for further information.)

ARTICLE VI. PENALTIES

5.601. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 6. RESERVED

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

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

- 7.101. Establishment of Municipal Court.
- 7.102. Jurisdiction. Contempt.
- 7.103. Civil Matters.
- 7.104. Judge. Appointment. Oath.
- 7.105. Same. Term.
- 7.106. Same. Compensation.
- 7.107. Same. Residency.
- 7.108. Acting Judge.
- 7.109. Same. Qualifications.
- 7.110. Restriction of Judge to Practice in His Court.
- 7.111. Sessions of the Court.
- 7.112. Same. Police to Attend. Powers.
- 7.113. Suspended Sentences. Public Service.
- 7.114. Rules of Procedure.
- 7.115. Maximum Penalties Court May Impose.
- 7.116. Fines to be Deposited in General Fund.
- 7.117. Clerk of Court. Records.

ARTICLE II. JURIES

- 7.201. Jury Commissioners. Town Council May Act.
- 7.202. Jury Box. Compartments.
- 7.203. Jury List. Computer Generated.
- 7.204. Juries. Single Trials. Trial Terms. Etc.
- 7.205. Refusal to Appear as Juror.
- 7.206. Refusal to Appear as Defendant.
- 7.207. Compensation.

ARTICLE III. PENALTIES

- 7.301. Penalty.
- 7.302. Maximum Penalty Court May Impose.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

Editor's Note. In 1980, the General Assembly adopted Act No. 480 which required all municipalities in this state to conform to the South Carolina Unified Judicial System by establishing a Municipal Court. The act also specified procedures to be followed. This chapter follows those requirements.

This chapter derives from the provisions of that authority, the 1976 Jamestown Town Code, an unnumbered ordinance dated 3-14-83 and Questions No. 31 and 32 of the Jamestown Questionnaire.

7.101. ESTABLISHMENT OF MUNICIPAL COURT.

There is hereby established a Municipal Court which shall be a part of the Unified Judicial System of the State of South Carolina.

(1976 SC Code §14-25-5)

7.102. JURISDICTION. CONTEMPT.

a. The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon Magistrates.

b. The Municipal Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts.

(1976 SC Code §14-25-45)

7.103. CIVIL MATTERS.

The Municipal Court shall have no jurisdiction in civil matters.

(1976 SC Code §14-25-45)

7.104. JUDGE APPOINTMENT. OATH.

a. The Municipal Court shall be presided over by a Municipal Judge, appointed by the Town Council.

(1976 SC Code §14-25-15)

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

7.105. SAME. TERM.

The Municipal Judge shall be appointed and serve at the pleasure of Council.

(JQ 31)

7.106. SAME. COMPENSATION.

The compensation of the Municipal Judge, when determined by Council, shall be included in the annual budget.

7.107. SAME. RESIDENCY.

The Municipal Judge shall not be required to be a resident of the town.

7.108. ACTING JUDGE.

a. The Council may appoint an Acting Judge, during the absence, sickness, incapacity or other disqualification of the Municipal Judge.

(1976 SC Code §14-25-25)

b. The acting Judge shall possess the qualifications of the Municipal Judge.

c. The Council may contract with the county to employ a Magistrate to preside over its court, in the absence of the Municipal Judge.

(1976 SC Code §14-25-25)

7.109. SAME. QUALIFICATIONS.

a. The qualifications required of Magistrates are hereby imposed upon the Municipal

Judge, with particular reference to §22-1-10 of the 1976 South Carolina Code of Laws, subsection c.

b. Before entering upon the discharge of the duties of his office, the Municipal Judge shall take and subscribe the oath of office prescribed by Article VI, Section 5, of the South Carolina Constitution. (See §2.108, this code.)

7.110. RESTRICTION OF JUDGE TO PRACTICE IN HIS COURT.

The Municipal Judge shall not practice law in the Municipal Court for which he is appointed.

(1976 SC Code §14-25-15)

7.111. SESSIONS OF THE COURT.

The Municipal Judge shall establish a regular place and time for the Court to hold its sessions.

7.112. SAME. POLICE TO ATTEND. POWERS.

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

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

(1976 SC Code §14-25-55)

7.113. SUSPENDED SENTENCES. PUBLIC SERVICE.

The Municipal Judge may suspend sentences imposed by him upon such terms and conditions as he deems proper including, without limitation, restitution or public service employment.

(1976 SC Code §14-25-75)

7.114. RULES OF PROCEDURE.

The Municipal Judge shall establish and prescribe all necessary and proper rules of procedure for the Municipal Court; provided however, that the same shall not conflict in any manner with existing state, county or municipal laws.

7.115. MAXIMUM PENALTIES COURT MAY IMPOSE.

Whenever the Municipal Judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars (\$500.00), not including any other court costs, or imprisonment for thirty (30) days, or both.

(1976 SC Code §14-25-65)

7.116. FINES TO BE DEPOSITED IN GENERAL FUND.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the Clerk/Treasurer who shall provide monthly accounting therefor to the Town Council.

(1976 SC Code §14-25-85)

7.117. CLERK OF COURT. RECORDS.

a. The Clerk/Treasurer or other municipal employee may be appointed by Council to serve as Clerk of Court.

b. He shall keep such records and make such reports as may be required by the Municipal Judge or the State Court Administrator.

(1976 SC Code §14-25-35)

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25 of the 1976 South Carolina Code of Laws, the 1976 Jamestown Town Code and the Jamestown Questionnaire No. 31 and 32.

7.201. JURY COMMISSIONERS. TOWN COUNCIL MAY ACT.

a. The Council shall appoint not less than three (3) nor more than five (5) persons to serve as Jury Commissioners.

b. The Council may act as Jury Commissioners, in lieu of appointing such commissioners.

(1976 SC Code §14-25-135)

7.202. JURY BOX. COMPARTMENTS.

a. The commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box.

b. Such box shall contain two (2) compartments, designated as "A" and "B," respectively.

(1976 SC Code §14-25-145)

c. Compartment "A" shall contain a separate ballot or number for each name on the jury list.

(1976 SC Code §14-25-155, as to c)

d. Compartment "B" shall contain the names of jurors, following selection.

e. When all names or numbers in Compartment "A" have been exhausted, the names or numbers shall be returned from Compartment "B" to compartment "A." Thereafter jurors shall continue to be drawn therefrom in the manner provided herein.

(1976 SC Code §14-25-175, et seq.)

7.203. JURY LIST. COMPUTER GENERATED.

a. A jury list shall be composed of all names on the official list of qualified electors of the town furnished to the town by the State Election Commission each year, or copied from the official voter registration list of the municipality.

(1976 SC Code §14-25-155)

b. Computer generated lists may be used in lieu of the jury box in the manner the Supreme Court by order directs.

(1976 SC Code §14-25-170)

7.204. JURIES. SINGLE TRIALS. TRIAL TERMS. ETC.

The method of drawing and selecting juries, conducting trials and the use of peremptory challenges shall conform in all respects to §14-25-165, et seq., of the 1976 South Carolina Code of Laws.

(Editor's Note. In 1981, the General Assembly completely rewrote §14-25-165. Due to its length, it is referenced here to avoid lengthy repetition.)

7.205. REFUSAL TO APPEAR AS JUROR.

It shall be unlawful for any person to fail, refuse or neglect to appear before the Municipal Court after having been duly summoned to serve as a juror therein, when lawfully required to do so.

(1976 SC Code §14-25-185)

7.206. REFUSAL TO APPEAR AS DEFENDANT.

In the event any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to said charges, at a day therein fixed, not later than five (5) days after the date of said summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the Municipal Court shall proceed with the trial of said case, as though the defendant were present.

7.207. COMPENSATION.

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

(JQ 32.b)

ARTICLE III. PENALTIES

7.301. PENALTY.

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

7.302. MAXIMUM PENALTY COURT MAY IMPOSE.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 8. FINANCE, BUDGET AND TAXATION

ARTICLE I. BUDGET AND FINANCE

- 8.101. Fiscal Year.
- 8.102. Budget and Accounting Year.
- 8.103. Annual Budget. Capital Projects. Summary. Tax Rate. Clerk to Notify County.
- 8.104. Same. Contingent Expenses.
- 8.105. Same. Public Hearing. Public Notice.
- 8.106. Same. Public Inspection.
- 8.107. Same. Failure to Adopt.
- 8.108. Same. Appropriations Shall Lapse.
- 8.109. Same. Financial Requirements.
- 8.110. Disbursements to be by Check. Signatures.
- 8.111. Returned Checks. Fee.
- 8.112. Audit.
- 8.113. Borrowing Revenues. By Ordinance.
- 8.114. Emergency Appropriations.

ARTICLE II. ANNUAL TAXES

- 8.201. Berkeley County Authorized to Bill and Collect Taxes.
- 8.202. Basis of Value of Property for Taxation.

ARTICLE III. MOBILE HOMES TAXES

- 8.301. Mobile Homes. Taxed as Real Property.

ARTICLE IV. PURCHASING

- 8.401. Purchasing Agent. Designated.
- 8.402. Same. Duties.
- 8.403. Financial Interest of Town Officials and Employees Prohibited.
- 8.404. Equipment, Supplies. Recovered Property. Public Auction.
- 8.405. Gifts and Rebates.
- 8.406. Cooperative Purchasing.
- 8.407. State Purchasing.

ARTICLE V. BUSINESS LICENSES

- 8.501. Administration. Enforcement.
- 8.502. Required.
- 8.503. Registration. Information Required. Procedures and Issuance.
- 8.504. Transferability. Liability for Revocation or Interference.
- 8.505. Term and Expiration Date. Applications.
- 8.506. Failure to Pay When Due. Additional Fee.
- 8.507. Delinquent Fees. Collection.
- 8.508. Nonpayment. Extension of Time for Payment.
- 8.509. Posting of License in Conspicuous Place Required.
- 8.510. State Law to Prevail.
- 8.511. Yard Sales. Notice. No Fee Required.
- 8.512. Schedule of Fees.

ARTICLE VI. PENALTIES

- 8.601. Penalty.

CHAPTER 8. FINANCE, BUDGET AND TAXATION

ARTICLE I. BUDGET AND FINANCE

Editor's Note. This article derives from the 1976 Jamestown Town Code, questions No. 33 through 49 of the Jamestown Questionnaire, pertinent additions by the editors and generally accepted municipal practices.

8.101. FISCAL YEAR.

The fiscal year shall begin on the first day of July of each year and shall end on the last day of the following June.

(JQ 33)

8.102. BUDGET AND ACCOUNTING YEAR.

The fiscal year shall constitute the budget and accounting year.

8.103. ANNUAL BUDGET. CAPITAL PROJECTS. SUMMARY. TAX RATE.
CLERK TO NOTIFY COUNTY.

a. Before the beginning of the budget year, the Mayor shall prepare a budget for the ensuing year. When adopted, the Mayor may transfer funds within and between departments as necessary to achieve the goals of the budget. He shall inform Council of this action not later than Council's next meeting.

(1976 SC Code §5-13-30(3)) (JQ 34.a)

b. The Mayor shall submit a summary of estimated income and expenditures and such other supporting data as may be needed together with estimates of all capital projects pending or which he believes should be undertaken within the budget year and within the next five (5) succeeding years.

c. The budget summary shall be in sufficient detail and summarized as to proposed income and expenditures in such a manner as to present to Council and to the taxpayers a simple and clear summary of the budget.

d. The annual budget ordinance shall state the annual tax rate which shall be sufficient

to produce revenue necessary to fund the general operations and debt service requirements of the municipality.

(JQ 34.b)

e. It shall be the duty of the Clerk/Treasurer to notify the appropriate officials of Berkeley County of any change in the tax millage rates, when approved by Council. (See Article II, this chapter.)

8.104. SAME. CONTINGENT EXPENSES.

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

8.105. SAME. PUBLIC HEARING. PUBLIC NOTICE.

a. Pursuant to §6-1-80 of the 1976 South Carolina Code of Laws, as amended, the Town Council shall determine a place and time for a public hearing on the budget.

b. Public notice shall be given by advertising the public hearing before the adoption of the budget in at least one (1) newspaper of local general circulation.

c. The notice shall be given not less than fifteen (15) days in advance of the public hearing and must be a minimum of two (2) columns wide with a bold headline.

d. The public notice shall consist of the requirements of §6-1-80 of the 1976 South Carolina Code of Laws.

(JQ 34.c)

(Editor's Note. Section 6-1-80 of the 1976 South Carolina Code of Laws requires every municipality to hold a public hearing on its budget

to provide notice to the public by advertising the public hearing before the adoption of its budget for the next fiscal year in at least one South Carolina newspaper of general circulation in the area...not less than fifteen days in advance of the public hearing." It also provides the details of the notice which "...must be a minimum of two columns wide with a bold headline.

e. Upon final adoption, the budget shall be in effect for the budget year.

8.106. SAME. PUBLIC INSPECTION.

The budget shall be a public record in the office of the Clerk/Treasurer, for public inspection during regular office hours.

8.107. SAME. FAILURE TO ADOPT.

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

8.108. SAME. APPROPRIATIONS SHALL LAPSE.

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

8.109. SAME. FINANCIAL REQUIREMENTS.

The budget shall identify various sources of anticipated revenue to meet the financial requirements of the budget.

8.110. DISBURSEMENTS TO BE BY CHECK. SIGNATURES.

All disbursements shall be by check and signed by the Mayor or Mayor Pro tempore.

(JQ 35)

8.111. RETURNED CHECKS. FEE.

a. All dishonored checks payable to the town and redeemed by the maker shall have added to the principal sum a collection fee for each such check.

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

(JQ 36)

8.112. AUDIT.

a. Prior to the end of each fiscal year, 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 municipality and shall submit a report to the Council.

b. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the municipality or of any of its officers.

c. He shall, within specifications approved by Council, post-audit the books and documents kept by any office, department, board or agency of the municipality.

(1976 SC Code §5-7-240)

(Editor's Note. Section 5-7-240 of the 1976 South Carolina Code of Laws requires the appointment of a "certified public accountant or public accountant or firm of such accountants." They can have "no personal interest, direct or indirect, in the fiscal affairs" of the town in "any of its offices.")

8.113. BORROWING REVENUES. BY ORDINANCE.

a. The Council may, during each fiscal year, borrow money for its current expenses and pledge for the payment thereof any revenues collected.

(1976 SC Code §5-7-30)

b. The borrowing of money shall be by ordinance.

(1976 SC Code §5-7-260)

8.114. EMERGENCY APPROPRIATIONS.

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

ARTICLE II. ANNUAL TAXES

Editor's Note. Section 5-7-30 of the 1976 South Carolina Code of Laws gives municipalities of this state the " ... *authority to levy and collect taxes on real and personal property ...* ."

Statutory authority for property subject to municipal taxes is found at §5-21-110. Taxes may be assessed only as authorized by the legislature. (Watson v. Orangeburg, 229 S. C. §367, 93, S. E. 2d 20 (1956)).

Section 5-7-300 authorizes a municipality to

...contract with the county for the collection of municipal taxes or for the collection of delinquent municipal taxes upon such terms and conditions as may be mutually agreeable to both the municipality and the county.

The Town of Jamestown has made such arrangements with Berkeley County.

8.201. BERKELEY COUNTY AUTHORIZED TO BILL AND COLLECT TAXES.

a. At such time as taxes for the town may be levied by the Town Council, the Assessor, Auditor and Treasurer of Berkeley County are hereby authorized to bill and collect taxes, including those delinquent, owing the municipality.

b. The Council hereby confers all necessary authority upon the foregoing officers to establish the same as the exclusive municipal agents for the assessment of property and the collection of all taxes due and payable to the municipality.

(1976 SC Code §5-7-300)

(Editor's Note. The South Carolina Legislature has eased the collection of vehicle taxes, in that one must now present a paid tax receipt as evidence of the tax having been paid, before SCDOT will issue a license tag. Each vehicle has a specific month in which this must be done.)

8.202. BASIS OF VALUE OF PROPERTY FOR TAXATION.

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

ARTICLE III. MOBILE HOMES TAXES

Editor's Note. This section derives from the 1976 South Carolina Code of Laws and an opinion of the Attorney General, to ensure that mobile homes are placed on the tax roles.

8.301. MOBILE HOMES. TAXED AS REAL PROPERTY.

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

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

(1976 SC Code §12-43-230)

(Editor's Note. "Trailers on permanent foundations are taxable as part of the realty and are not subject to the license fee if so affixed to the land within fifteen days after purchase or entry into this State." 1964-65 Op Atty Gen. No. 1955, p 263)

ARTICLE IV. PURCHASING

Editor's Note. The 1976 South Carolina Code of Laws, §11-35-50, requires that, *"all political subdivisions of the State shall adopt ordinances or procedures embodying sound principles of appropriately competitive procurement."*

This article derives from that requirement and Questions 45 through 47 of the Jamestown Questionnaire.

8.401. PURCHASING AGENT. DESIGNATED.

a. The Administrator-Clerk shall serve as Purchasing Agent for the town and shall:

- (1) approve all purchase orders prior to a purchase transaction;
- (2) notify department heads of availability of funds; and,
- (3) keep appropriate records for audit purposes.

b. Procedures shall be:

- (1) A purchase order will be required for each purchase.
- (2) Purchase orders shall be approved prior to purchase.
- (3) Refer to purchase order number, when making a purchase or order. (The purchase order number should be referenced on the invoice.)
- (4) Indicate on the purchase order to which department the order should be charged.
- (5) A purchase order number may be given to the Police Department and the Water Department for purchases; provided, however, any item over fifty dollars (\$50.00) shall require approval from the Purchasing Agent.
- (6) Receipts shall be turned over to the Clerk/Treasurer at the end of each

month for reconciliation of the monthly statement.

(7) Any item to be purchased at a cost exceeding five hundred dollars (\$500.00) shall require Council approval.

(JQ 47)

c. Special Purchases:

(1) Emergency purchases shall be handled on an individual basis.

(2) Work contracts shall require a purchase order.

d. Department Heads shall assist the Purchasing Agent, by ensuring prices of items and bids are competitive.

(JQ 45)

8.402. SAME. DUTIES.

The Purchasing Agent is further authorized and shall be responsible for:

1. the purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the town government;

2. the storage and distribution of all supplies, materials and equipment required by any office, department or agency of the town government;

3. establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the town government. Such specifications shall be definite and certain and shall permit competition;

4. maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses;

5. soliciting and maintaining, when practical, an up-to-date list of qualified suppliers who have requested their names to be added to a "bidders list." The Purchasing Agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the town or who have failed to meet established specifications or delivery dates.

8.403. FINANCIAL INTEREST OF TOWN OFFICIALS AND EMPLOYEES PROHIBITED.

a. Any municipal officer or employee who has a financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a town officer or employee in matters related thereto.

b. Any officer or employee of the town who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall constitute malfeasance in office and, upon conviction, shall forfeit his office or position.

c. Violation of this section with the express or implied knowledge of the person or corporation contracting with or making a sale to the town, shall render the contract or sale voidable by the Town Council.

8.404. EQUIPMENT, SUPPLIES. RECOVERED PROPERTY. PUBLIC AUCTION.

The Purchasing Agent shall have authority to sell all vehicles, equipment, supplies, etc., including any unclaimed property recovered by the Police Department, 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. All moneys received from such sales shall be paid into the appropriate fund of the town.

(See also §13.112, this code as to recovered property.)

8.405. GIFTS AND 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.

8.406. COOPERATIVE PURCHASING.

The Purchasing Agent shall have authority to join with other units of government in cooperative purchasing plans when the best interest of the town would be served thereby.

8.407. STATE PURCHASING.

The Purchasing Agent shall have authority 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.

ARTICLE V. BUSINESS LICENSES

Editor's Note. This article derives from statutory authority as set forth in Section 5-7-30 of the 1976 South Carolina Code of Laws, as amended.

Administrative provisions are set forth in this article; financial requirements are set forth in Exhibit II at the end of this code, as provided in Section 8.512 of this article.

8.501. ADMINISTRATION. ENFORCEMENT.

a. The responsibility for administering this article is hereby vested in the Administrator-Clerk.

b. The responsibility for enforcement of this article is hereby vested in the Police Department.

8.502. REQUIRED.

a. Every person engaged in, or intending to engage in any trade, business, occupation or profession mentioned in this article shall, on or before the first day of July, obtain a license therefor in the manner provided by this article.

b. Every person commencing or engaging in any such trade, business or occupation in the town after the first day of July shall in like manner obtain a license therefor, before entering upon or engaging in such trade, business, occupation or profession.

c. Each separate place of business requiring a separate state license, though owned by the same individual, shall also require a separate town license.

8.503. REGISTRATION. INFORMATION REQUIRED. PROCEDURES AND ISSUANCE.

a. Every person required by this article to obtain a license to engage in any trade, business occupation or profession shall, at the time of applying for such license, make a statement and file the same with the Administrator-Clerk.

b. The statement shall set forth the name of the person, the type of business, trade, occupation or profession for which the license is required and the place where such trade, business, occupation or profession is to be conducted. Further, in the case of a firm, the name or names of the several members constituting the firm shall be listed.

c. The Administrator-Clerk shall, when the requirements of the preceding section are

met, issue to the applicant the proper license as required and provided for in this article.

d. The amount of such license shall be paid when such application is made for the license.

e. Nothing contained in this article shall in any way affect any other requirement of law elsewhere enacted in regard to any such trade, business, occupation or profession.

8.504. TRANSFERABILITY. LIABILITY FOR REVOCATION OR INTERFERENCE.

a. Any license applied for and issued under the provisions of this article shall be nontransferable.

b. The license shall be applied for, issued and granted with the express understanding and condition that should such license for any reason be revoked, annulled or canceled or should such trade, business, occupation or profession for the conducting, carrying on, or exercising, of which such license may have been granted under this article, be interfered with, restrained or prohibited by any authority paramount to the Town Council.

c. In such case and event, the town shall not be liable to the licensees or those claiming under him, for any damages arising from such revocation or cancellation or interfering with, restraint or prohibition of such trade, business, occupation or profession, or the license therefor granted under the provisions of this article.

8.505. TERM AND EXPIRATION DATE. APPLICATIONS.

a. All licenses granted and issued pursuant to and under the provisions of this article shall continue in full force, until the first day of July of each year, unless revoked or canceled, or such trade, business, occupation or profession be suspended within the provisions of Section 8.502 hereof.

b. All license applications shall be made to the Administrator-Clerk who shall prepare the form of license to be issued in all cases..

8.506. FAILURE TO PAY WHEN DUE. ADDITIONAL FEE.

a. If any person shall engage in or conduct any trade, business, occupation or profession for which a license is required by this article, without first obtaining a license therefor as required by section 8.502 hereof, such person shall be liable for the license required.

b. In addition thereto, such person shall be subject for each offense to a penalty of fifteen percent (15%) of the amount of such license, and the license and penalty shall be recovered as provided in this section.

c. If any person shall refuse or neglect to prepare and deliver to the Administrator-Clerk on or before the first day of July, the statement required by §8.503 hereof, the Administrator-Clerk shall proceed to ascertain as nearly as possible the trade, business, occupation or

profession of such person and upon the information thus acquired.

d. He is hereby empowered and instructed to issue said license required and prescribed to such person, having first collected the amount of license required, together with the penalty herein imposed.

8.507. DELINQUENT FEES. COLLECTION.

a. If the license fee and penalty herein imposed shall not be paid within fifteen (15) days after the Administrator-Clerk's ascertainment, suit may be brought in the name of the town in Municipal Court or any court of competent jurisdiction for the recovery of the license fees and the penalties thereon.

b. The remedies provided for in this section for the collection of the license fees shall not interfere with, alter, affect, nor restrict any other provision of this article, or any other ordinance of the town, providing for and prescribing the punishment of offenders against this article or any part thereof on account of the nonpayment of the license fees prescribed and provided for in this article and hereby imposed and required.

8.508. NONPAYMENT. EXTENSION OF TIME FOR PAYMENT.

a. Any person engaging in any trade, business, occupation or profession for which a license is required, without first obtaining such license shall, for each offense, be guilty of a misdemeanor.

b. Each day for which or during which such trade, business, occupation or profession shall be engaged in, or conducted without the license therefor shall be deemed a separate offense.

c. The Town Council, in its judgment, may extend the time for payment of any license tax, upon due application to the Administrator-Clerk.

d. No fractional part of any license shall be granted.

e. No conviction under the provisions of this section shall entitle any person to thereafter enter upon, engage in, carry on or conduct or exercise such trade, business, occupation or profession without paying the license fee and obtaining the proper license required therefor.

8.509. POSTING OF LICENSE IN CONSPICUOUS PLACE REQUIRED.

a. Every person exercising or engaged in any craft, business, or profession, or doing any act for which a license is required, shall secure and keep such license, at all times of

business, in a conspicuous place at his place of business, and, on demand of any authorized officials, shall produce the license.

b. It shall be the duty of the police to report to the Administrator-Clerk forthwith any party failing to secure a license as required by this article.

8.510. STATE LAW TO PREVAIL.

Any items not listed in this article and governed by state law, and where state law covers items listed in this article, such law shall prevail, respectively.

8.511. YARD SALES. NOTICE. NO FEE REQUIRED.

a. Yard sales shall be permitted.

b. Notice thereof shall be given to the Police Department, for protection purposes.

c. No fee shall be charged to hold a yard sale.

8.512. SCHEDULE OF FEES.

a. For purposes of this article, the *Schedule of Fees for Business Licenses*, as set forth in Exhibit II at the end of this Code of Ordinances, shall be controlling in all respects pertaining to business and professional licenses required by this article.

b. The *Schedule of Fees for Business Licenses* shall be maintained by the Administrator-Clerk.

c. Changes to the *Schedule of Fees for Business Licenses* shall be by ordinance.

ARTICLE VI. PENALTIES

8.601. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 9. FIRE DEPARTMENT

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- 9.101. Fire District Provisions Designated.
- 9.102. Appointment of Chief.
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- 9.501. State Firemen's Association.
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- 9.504. Receipt and Disbursement of Funds.
- 9.505. Use of Funds.
- 9.506. Authorization to Sign Checks.
- 9.507. State Fire Marshall Reports.

ARTICLE VI. PENALTIES

- 9.601. Penalty.

CHAPTER 9. FIRE DEPARTMENT

Editor's Note. Many towns in this state have made arrangements with their respective counties for fire service. The Town of Jamestown has a mutual aid agreement with Berkeley County.

This chapter derives from and sets forth basic provisions used by other towns for the protection of its citizens. It also derives, as amended, from the Jamestown Questionnaire, Questions 50 - 52.

General state statutes governing fire protection are found at Title 5, Chapter 25 of the 1976 South Carolina Code of Laws, as amended, entitled, "BUILDING CODES AND FIRE PROTECTION." Section 23-9-310, et seq., requires, *"In each city or town which has a regularly organized fire department....deriving benefits from the provisions of this article, there must be appointed a local board of trustees....to be composed of three or five members."*

Subsequent sections cover such things as trustees, compensation, officers, benefits, membership requirement to enjoy benefits, distribution of funds, use of funds, cash disbursements, etc.

ARTICLE I. ADMINISTRATION

9.101. FIRE DISTRICT PROVISIONS DESIGNATED.

The Jamestown Fire Department is hereby created, authorized and designated as the responsible organization to address fire and life safety issues including fire protection and emergency medical care.

(JQ 25)

9.102. APPOINTMENT OF CHIEF.

The Fire Chief shall be appointed by the Mayor.

9.103. VOLUNTEERS.

Volunteers shall be appointed by the Fire Chief.

(JQ 50.c)

9.104. REMUNERATION.

No fire person shall receive compensation for his services.

(JQ 50.d)

9.105. COMMAND AT SCENE OF FIRE.

The Fire Chief shall have control of operations at the scene of fire or other emergency incident. In event of his incapacity or absence, his duties shall devolve on the Assistant Chief. In the event of the incapacity or absence of the Assistant Fire Chief, such duties shall devolve upon the duty officer designated by the Fire Chief.

9.106. POSSESSION AND CONTROL OF BUILDINGS ON FIRE.

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

9.107. RIGHT OF ENTRY DURING EMERGENCIES.

In a fire or life threatening emergency, while endeavoring to control or extinguish fires or rescue injured victims, the Chief, or his designated representatives, may pass through and enter any adjacent building or property.

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

All motor equipment of the Fire Department, Police Department and the vehicles of volunteers shall have the right-of-way over all other vehicles, when responding to an alarm.

9.109. POLICE OFFICERS TO ENFORCE PROVISIONS.

Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire or other incident, where the Fire Department is operating and subject to availability of personnel, a police officer may be stationed at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within said block to be moved immediately and block the street from other vehicles.

9.110. FIRE INSPECTOR.

Berkeley County is hereby authorized to serve as Fire Inspector for the town.

(1976 SC Code §5-25-120) (JQ 51)

9.111. FIRE INVESTIGATIONS.

The Inspector shall hold an inquiry into the origin of every fire occurring within the limits of the town and file a report in writing of the investigation.

(1976 SC Code §5-25-160, §5-25-170)

9.112. BUILDING BURNED OR DESTROYED MORE THAN HALF ITS VALUE.

a. If an existing building is damaged by fire, deterioration or otherwise, in excess of fifty percent (50%) of its then physical value, said building shall be removed.

(1976 SC Code §5-25-1160 requires the removal)

b. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101 of this code.

c. Upon conviction, said person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from generally accepted municipal practices and acts prohibited by other municipalities and state statutes. See §56-5-760 of the South Carolina Code of Laws for operation of emergency vehicles.

9.201. FALSE ALARMS.

It shall be unlawful for any person to knowingly give a false fire alarm by telephoning, informing any person that an emergency exists, knowing the same to be untrue, or in any manner, communicating falsely to the Fire Department that an emergency exists.

(1976 SC Code §16-17-570)

9.202. PARKING AT HYDRANTS. OBSTRUCTING FIRE EQUIPMENT OR MEMBERS.

a. No person shall park any vehicle within fifteen (15) feet of a fire hydrant nor otherwise cause any obstruction to fire equipment at an emergency incident.

b. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in his official capacity or when proceeding to an emergency incident.

9.203. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.

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

(1976 SC Code §56-5-2530)

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

9.204. FAILURE TO OBEY LAWFUL ORDERS.

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

9.205. DRIVING OVER FIRE HOSE.

It shall be unlawful for any person, without permission of the Fire Chief or his designee, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the Fire Department.

(1976 SC Code §56-5-3850)

9.206. OPENING FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to interfere with or open for any purpose whatever any fire hydrants of the town, except in case of fire, without first having obtained a proper permit to do so from the local water authority.

9.207. BURNING TRASH.

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

9.208. FIRE HAZARD UPON LOTS, BUILDINGS, PREMISES; ACCUMULATION, GROWTH, ETC.

a. It shall be unlawful for any owner, tenant, occupant, person possessing, or any other person, to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.

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

9.209. FIRES NEAR BUILDINGS.

It shall be unlawful for any person to build or ignite a fire within the corporate limits that would endanger any property or building.

ARTICLE III. FIRE DISTRICT

Editor's Note. Section 5-25-1110 of the 1976 South Carolina Code of Laws requires every municipality in this state to pass an ordinance "**...establishing and defining fire limits, which shall include the principal business portion of the city or town.**" (Emphasis supplied.)

9.301. FIRE DISTRICT DEFINED.

The area designated by the Town Council and shown on a map on file with the Clerk/Treasurer shall constitute the fire limits.

(JQ 50.f)

ARTICLE IV. RESERVED

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

ARTICLE V. FIREMEN'S INSURANCE AND INSPECTION FUND

Editor's Note. This article summarizes the salient provisions of §23-9-310 of the 1976 South Carolina Code of Laws which sets forth the provisions governing the use of the funds, the 1976 Jamestown Town Code and Question 52 of the Jamestown Questionnaire.

Title 9 also requires any municipality receiving these funds to belong to the fund.

9.501. STATE FIREMEN'S ASSOCIATION.

At such time as the town may become a member of the State Firemen's Association as required for participation in the Firemen's Insurance and Inspection Fund, the town shall pay to the Treasurer of the association five percent (5%) of the gross proceeds received annually from the one percent (1%) tax on fire insurance allocated to the town.

(Editor's Note. Currently, the town is not a member.)

9.502. TRUSTEES. COMPENSATION.

a. The Mayor, Town Clerk and Chief of the Fire Department shall serve as trustees of said fund. They shall have control thereof and direct disbursements under such rules and regulations as may be adopted by them in accordance with state law.

b. They shall serve without compensation.

(JQ 52.a)

9.503. BENEFITS ACCEPTED.

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

9.504. RECEIPT AND DISBURSEMENT OF FUNDS.

a. The Town Clerk is hereby authorized to receive the benefits of said fund from the State Treasurer. All such funds shall be deposited in a special checking account and paid out only upon approval of the Trustees.

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

(JQ 52.b)

c. Upon written approval thereof, of the manner and method by which the funds are to be

disbursed, the expenditure shall be made.

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

(1976 SC Code §23-9-340)

9.505. USE OF FUNDS.

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

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

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

9.506. AUTHORIZATION TO SIGN CHECKS.

All disbursements shall be by check and signed by the Fire Chief and the Town Clerk.

(JQ 52.c)

9.507. STATE FIRE MARSHALL REPORTS.

The Town Clerk shall submit a report to the State Fire Marshall annually, as required, on or before October 31 of each year.

(1976 SC Code §23-9-340)

ARTICLE VI. PENALTIES

9.601. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 10. HEALTH AND SANITATION

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- 10.101. Jamestown Health Center.
- 10.102. Food Handling Establishments. Standards and Inspections.
- 10.103. Sale of Unsound, Unwholesome Food.

ARTICLE II. VACANT LOTS, PREMISES, LAND

- 10.201. Accumulations. Prohibited.
- 10.202. Same. Summons For Failure to Maintain Lots.
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- 10.301. Pit Privy Defined. Declared Unlawful.
- 10.302. Disposal of Human Excrement.
- 10.303. Building Contracts to Provide For Waste Disposal.

ARTICLE IV. PENALTIES

- 10.401. Penalty.

CHAPTER 10. HEALTH AND SANITATION

Editor's Note. Health matters in The Town of Jamestown are subject to supervision of the Berkeley County Health Department. This chapter has been added to amplify upon those arrangements, and several provisions have been incorporated herein to accomplish those purposes.

ARTICLE I. IN GENERAL

10.101. JAMESTOWN HEALTH CENTER.

Health matters, generally, shall be referred to the Berkeley County Health Department.

(JQ 53)

10.102. FOOD HANDLING ESTABLISHMENTS. STANDARDS AND INSPECTIONS.

a. All food handling establishments may be inspected at such time as designated by the Town Council or by the Police Department, subject to appeal to the Council.

b. All food handling establishments shall adhere to the State and County Health Department rules and regulations.

10.103. SALE OF UNSOUND, UNWHOLESOME FOOD.

a. It shall be unlawful to sell any meat, fish, bird, fruit or vegetable, milk or anything for human food or drink, not then being fresh or properly preserved, sound, wholesome and safe for such use.

b. This shall include the flesh of any animal which died by disease, or which was at the time of its death in an unsound or unwholesome condition.

(Editor's Note. Provisions have been made for the removal of solid waste, including garbage, by Berkeley County by placing recycling units in strategic places for the convenience of the citizens of Jamestown. As to tree removal, see §16.219, this code.)

ARTICLE II. VACANT LOTS, PREMISES, LAND

Editor's Note. This article derives from §5-7-80 of the 1976 South Carolina Code of Laws.

10.201. ACCUMULATIONS. PROHIBITED.

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any vacant lots, improved or unimproved premises, or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood, junk 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.

10.202. SAME. SUMMONS FOR FAILURE TO MAINTAIN LOTS.

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

10.203. SAME. HOW SUMMONS GIVEN.

The notice shall be served on the owner to whom it is directed or by Certified Mail, Return Receipt Requested, addressed to such owner at his last known post office address. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two (2) times within fifteen (15) consecutive days in a local newspaper of general circulation.

10.204. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR. PENALTY.

a. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101 of this code.

b. Upon conviction, any person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

ARTICLE III. TOILET FACILITIES

10.301. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

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

(1976 SC Code §44-55-210)

b. It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

(JQ 55)

10.302. DISPOSAL OF HUMAN EXCREMENT.

It shall be unlawful for any person, firm or corporation to deposit or throw upon the ground or bury any human excrement, solid or liquid, or to otherwise dispose of such substances in any manner other than into a public sewer or a sanitary septic tank constructed in accordance with DHEC requirements.

10.303. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.

a. All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal.

b. The contract shall provide for such facilities, the plans shall state the proposed method of disposal, and the Administrator-Clerk shall be notified.

ARTICLE IV. PENALTIES

10.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 11. HELL HOLE SWAMP

ARTICLE I. IN GENERAL

11.101. Festival.

CHAPTER 11. HELL HOLE SWAMP

ARTICLE I. IN GENERAL

Editor's Note. For a number of years, the local citizens have promoted an annual event which bears local historical significance and is highly promoted. It is felt that this celebration should be noted in this code, to put Council's "stamp of approval" on the festival.

11.101. FESTIVAL.

The first full weekend in May of each year is hereby recognized and designated to be known and annually celebrated as the

HELL HOLE SWAMP FESTIVAL

All residents of The Town of Jamestown are invited and are encouraged to participate.

CHAPTER 12. MOTELS, BOARDING HOUSES, RESTAURANTS

ARTICLE I. IN GENERAL

12.101. Food Accommodations. Unlawful to Defraud.

12.102. Types Prohibited. Appeals.

ARTICLE II. PENALTIES

12.201. Penalty.

CHAPTER 12. MOTELS, BOARDING HOUSES, RESTAURANTS

ARTICLE I. IN GENERAL

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

12.101. FOOD ACCOMMODATIONS. UNLAWFUL TO DEFRAUD.

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

12.102. TYPES PROHIBITED. APPEALS.

a. Unless approved by the Administrator-Clerk, it shall be unlawful for the operator, owner or manager of any bed and breakfast, or any rooming, boarding or lodging house, restaurant, cafe, tea room or lunch room, to employ or use any person or persons to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever to solicit such persons to become occupants or patrons thereof.

b. Appeals shall be made to Council.

ARTICLE II. PENALTIES

12.201. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

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- 13.303. Assaulting Officer.
- 13.304. Resisting Officer Making Arrest.
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- 13.308. Prisoners. Communication With.
- 13.309. Same. Escape From Custody Unlawful.
- 13.310. Approaching Within Twenty Feet of Person Being Arrested.
- 13.311. Imitating Signal or Call for Police Officer Prohibited.

ARTICLE IV. PENALTIES

- 13.401. Penalty.

CHAPTER 13. POLICE

Editor's Note. This chapter derives from the 1976 South Carolina Code of Laws, the 1976 Jamestown Town Code, No. 57 through 59 of the Jamestown Questionnaire and from generally accepted municipal practices.

ARTICLE I. IN GENERAL

13.101. COMPOSITION. APPOINTMENT.

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

(JQ 57)

13.102. CHIEF OF POLICE. AUTHORITY.

a. The Chief of Police shall supervise the Police Department and shall be responsible for security of business establishments and for any other matters of public safety and law enforcement.

b. To that end, police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.

13.103. SURETY BOND.

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

13.104. OATH OF OFFICE.

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

(Editor's Note. As to oath, please see §2.108, this code.)

13.105. COMPENSATION.

Compensation shall be determined by the Council and included in the annual budget.

13.106. POWERS. GENERALLY.

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

13.107. UNIFORMS.

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

13.108. BONDS AND FINES.

Members of the Police Department shall not collect bonds.

13.109. BAIL MONEY. COLLECTION.

a. Upon receipt of bail money, the apprehended person may be released, subject to his appearance before the Municipal Court.

b. Any person violating an ordinance of The Town of Jamestown or any state laws may be apprehended by a police officer and a summons issued for appearance in Municipal Court.

c. A trial date shall be designated in the summons by the apprehending officer.

13.110. JURISDICTION OF STREETS.

If any portion of a street or highway is within the boundary of the municipality, the remaining width of the street or highway, not within the municipal boundary but touching the boundary, shall be considered to be within the boundary of the municipality for purposes of its police jurisdiction.

(1976 SC Code §5-7-155)

13.111. OBSERVATION OF CONDITIONS.

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

13.112. POLICE TO SELL RECOVERED PERSONAL PROPERTY.

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

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

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

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

(See also §8.404, this code.)

13.113. EMERGENCIES. POLICE AND OTHER POLITICAL SUBDIVISIONS.

In case of emergency, the Mayor may, upon request of any other political subdivision of this state, send any law enforcement officers of the town to the requesting political subdivision.

(1976 SC Code §5-7-120)

13.114. ADDITIONAL DUTIES.

The members of the Police Department shall perform such other duties as may be directed and required by the Administrator-Clerk.

13.115. PROPERTY TO BE RETURNED.

Upon termination of services, for whatever reason, all members of the department shall return

any equipment and all official material or things belonging to the department. Failure to do so shall constitute a misdemeanor, punishable by the Municipal Court.

(See §14.817, this code, as to general employment.)

ARTICLE II. RULES OF CONDUCT

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

13.201. PERSONAL APPEARANCE.

All personnel on duty shall maintain an appearance of neatness, cleanliness and dignity, as may be approved by the Chief of Police. He shall be in uniform as his duties shall dictate. He shall keep said uniform clean, pressed and in good repair, and his equipment clean and in good working order.

13.202. DRINKING ON DUTY.

No member of the department shall partake of any alcohol or other intoxicating liquors while on duty.

13.203. CONDUCT. GENERAL Demeanor.

Each member of the department shall conduct himself at all times in a quiet and orderly manner.

13.204. SAME. ON DUTY.

Each officer shall, at all times while on duty, conduct himself in an orderly manner and act with prudence, coolness and judgment, but with a deliberate determination of effecting and strictly enforcing all the laws and ordinances of the town.

13.205. SAME. OFF DUTY.

All police personnel, while off duty, shall conduct themselves in such a manner as to command the respect of the public. He shall wear no uniform or any part thereof while off duty, unless he obtains permission in writing from a superior officer previous to the wearing of it.

13.206. PUBLIC DISCUSSION OF DEPARTMENT PROHIBITED.

No personnel shall discuss the activities or employees of the department with the general public. Complaints shall be made in accordance with the chain of command.

13.207. SUSPENSIONS. HEARING.

a. The Chief of Police may suspend or discharge any police officer for neglect of duty, disobedience of orders or violation of any law or ordinance. Within twenty-four (24) hours, he shall report such suspension or discharge and the reasons therefor to the Administrator-Clerk.

b. The Administrator-Clerk, upon written request of the officer disciplined, shall conduct a hearing at which the officer shall have the right to be heard.

c. The Administrator-Clerk may affirm or revoke such suspension or discharge, with appeals to the Council.

13.208. SAME. CHIEF OF POLICE.

The Chief of Police shall be disciplined by the Council.

ARTICLE III. INTERFERENCE

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

13.301. OBEDIENCE TO OFFICERS.

No person shall willfully fail or refuse to obey or comply with any lawful order or direction of any police officer or officer of the law while such officer is engaged in the performance of his official duties.

13.302. CITIZENS TO AID.

It shall be the duty of all citizens, when called upon by a police officer, to promptly aid and assist such officer in the discharge of his duties.

(1976 SC Code §5-7-30, §23-15-70)

13.303. ASSAULTING OFFICER.

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

13.304. RESISTING OFFICER MAKING ARREST.

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

13.305. OBSTRUCTING OFFICER.

It shall be unlawful for any person to obstruct, hinder and oppose a peace officer, or to attempt to do so, when such peace officer is engaged in making an arrest or in the discharge of his duty.

(1976 SC Code §16-5-50)

13.306. FAILURE TO STOP ON COMMAND OF OFFICER.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other peace officer.

13.307. AIDING AND ABETTING.

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinances. Such person shall be held and deemed a principal.

(1976 SC Code §16-1-40) (State v. Westfield, 1 Bail. (17 S.C.L. 132))

13.308. PRISONERS. COMMUNICATION WITH.

It shall be unlawful for any person, except authorized officials, to take anything to or in any way communicate with any prisoner confined unless permission to do so shall have first been obtained from the Chief of Police or his deputies.

13.309. SAME. ESCAPE FROM CUSTODY UNLAWFUL.

It shall be unlawful for any person to escape from custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist, or abet, directly or indirectly, another person or persons to escape from the custody of an officer making an arrest or an officer assisting therein.

(1976 SC Code §16-9-420)

13.310. APPROACHING WITHIN TWENTY FEET OF PERSON BEING ARRESTED.

a. It shall be unlawful for any person or persons willfully to approach nearer than twenty (20) feet to any police officer who is making an arrest or attempting to do so, or while on his way to jail with his prisoner.

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

13.311. IMITATING SIGNAL OR CALL FOR POLICE OFFICER PROHIBITED.

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, upon conviction, shall be guilty of a misdemeanor.

ARTICLE IV. PENALTIES

13.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 14. PUBLIC PEACE. OFFENSES

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CHAPTER 14. PUBLIC PEACE. OFFENSES

ARTICLE I. ORDINANCE SUMMONS

Editor's Note. This article is commonly referred to as the "*Ordinance Summons*" or "*Summons Ordinance*," as authorized by §56-7-80 of the 1976 South Carolina Code of Laws.

14.101. SUMMONS ORDINANCE. PROCEDURE FOR OFFENSES OTHER THAN
BREACH OF PEACE.

a. In all actions for the violation of the provisions of the ordinances of The Town of Jamestown, not amounting to a breach of the peace, the initial process may be a summons issued by the town officials or employees, who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the Municipal Court at a time to be set in the summons.

b. The summons shall cite only one (1) violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date and location of the hearing;
- (4) A description of the ordinance violated;
- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

c. Breach of peace shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

d. Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court, upon conviction, shall be guilty of a misdemeanor.

e. The Town Council shall designate individuals who shall be authorized to issue municipal summons which shall be spread upon the minutes of Council.

f. This section shall not apply to any ordinance which regulates the use of motor

vehicles on the public roads.

g. This section shall not be construed as a limitation upon the power of any person, officer or employee to seek or pursue any other lawful process or legal remedy.

h. The bond amount for violations shall be prescribed by the Municipal Judge. Bonds shall be posted in the manner prescribed by the Municipal Judge. Town code enforcement officers, when appointed, and town law enforcement officers shall be prohibited from accepting bonds.

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

(JQ 59)

ARTICLE II. ALCOHOLIC BEVERAGES

Editor's Note. Although various state laws regarding the regulation of alcoholic beverages have been repealed, this article has been included to provide guidance to the town and to assist the members of the Police Department.

14.201. DEFINITIONS.

ALCOHOLIC LIQUORS as used in this chapter shall mean any spirituous malt, vinous, fermented, brewed or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and used as a beverage.

14.202. JURISDICTION OF THE MUNICIPAL COURT.

The Municipal Court shall try and determine all cases involving any violation of this article occurring within the corporate limits and shall have jurisdiction over such criminal cases, with the right and duty of sending such cases, occurring within the corporate limits but beyond its jurisdiction to try, to the higher courts. Any persons convicted hereunder shall be treated as municipal prisoners.

(1976 SC Code §5-7-30)

14.203. PRIOR OFFENSES.

A conviction, plea of guilty, plea of nolo contendere or forfeiture of bond for the violation of any of the laws of this state, or of the United States relating to alcoholic liquor shall constitute prior offense for the purpose of any prosecution, or for the purpose of imposition of sentence for any subsequent violation of this chapter.

ARTICLE III. BEER, ALE, PORTER AND WINE

Editor's Note. Although various state laws regarding the regulation of alcoholic beverages have been repealed, this article has been included to provide guidance to the town and to assist the members of the Police Department.

14.301. UNLAWFUL TO SELL UNLESS TAX PAID.

a. It shall be unlawful for any person to sell or permit to be sold any beer, ale, porter, wine, malt or other beverage authorized to be sold under South Carolina statutes regulating same, on which tax levied be not paid.

b. The first offense shall be a misdemeanor and within the jurisdiction of the Municipal Court.

14.302. SALE TO MINORS.

It shall be unlawful for any person to sell beer, ale, porter, wine or other malt or fermented beverage to a minor under the age of twenty-one (21) years.

14.303. GIVING FALSE AGE.

It shall be unlawful for any person to whom beer or wine cannot be lawfully sold to knowingly give false information concerning his age for the purpose of purchasing beer or wine.

14.304. PURCHASE FOR TRANSFER TO PERSONS UNDER TWENTY-ONE.

It shall be unlawful for any person to transfer beer, wine or alcoholic liquor to persons under twenty-one (21) years of age for the purpose of consumption.

14.305. PURCHASE OR POSSESSION BY MINOR.

a. It shall be unlawful for any minor under the age of twenty-one (21) years to purchase, or knowingly have in his possession any beer, ale, porter, wine or any other similar malt or fermented beverage. Any such possession shall be prima facie evidence that it was knowingly possessed.

b. This section shall not apply to any employee lawfully engaged in the sale or delivery of any such beverage in an unopened container.

14.306. DRINKING, POSSESSION ON LICENSED PREMISES. PROHIBITED HOURS.

a. It shall be unlawful for any person to drink alcoholic liquors on the premises of any retail, wholesale or manufacturing alcoholic liquor business or business establishment.

b. It shall be unlawful to sell, give away, disperse or permit the consumption of any wine, beer or malt liquor in a place of business, including the premises, between the hours of 2:00 a.m. and 7:00 a.m.

14.307. DRINKING LIQUOR IN PUBLIC CONVEYANCES.

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

(See §14.617, this code, for drinking in public.)

14.308. SALES FROM VEHICLES.

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

14.309. ACTS PROHIBITED ON LICENSED PREMISES. REVOCATION OF LICENSE.

No holder of a permit authorizing the sale of beer or wine or any servant, agent or employee of the permittee shall knowingly do any of the following acts upon the licensed premises covered by such holder's permit:

1. Sell beer or wine to any person while such person is in an intoxicated condition;
2. Permit gambling or games of chance;
3. Permit any lewd, immoral or improper entertainment, conduct or practices;
4. Permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under local ordinances or the laws of the state;
5. Sell, offer for sale or possess any beverage or alcoholic liquor the sale or possession of which is prohibited on licensed premises under the laws of this state.

A violation of any of the foregoing provisions shall be grounds for the revocation or suspension of such holder's permit by the state.

14.310. SALE OF BEER OR WINE AFTER LICENSE REVOKED, CANCELED OR SUSPENDED.

It shall be unlawful for any licensee, or any holder of a license, to sell beer or wine at wholesale or retail, to sell or offer to sell beer or wine after such license shall have been revoked or canceled or during the period of a suspension of such license.

14.311. PERMITTEE SELLING DRAFT BEER TO BE APPROVED BY DHEC.

No person holding a retail permit to sell beer, ale, porter and other similar malt or fermented beverages, issued by the state, shall sell such beverages on draft, on tap or from kegs or other containers on the premises described in the permit, unless approved by the rules and regulations of DHEC governing eating and drinking establishments and other retail food establishments.

14.312. SAME. PERMIT AND HEALTH CERTIFICATE TO BE POSTED.

Both the permit issued by the state and the certificate of approval issued by DHEC shall be conspicuously posted on the premises.

14.313 MANUFACTURE, SELL, BUY, ETC., UNLAWFUL.

It shall be unlawful for any person, firm or corporation to manufacture, store, receive, transport, buy, sell, barter, exchange or deliver any unlawfully manufactured alcoholic beverages in the corporate limits.

14.314. UNLAWFUL PURCHASE.

It shall be unlawful for any person to purchase or otherwise procure any alcoholic liquor other than that purchased from licensed dealers within the state.

(See also §14.301, this chapter.)

14.315. UNLAWFUL TO CONSUME AT CERTAIN PLACES. PUBLIC PROPERTY.

a. It shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.

b. It shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, highways, roads or other public place within the corporate limits of The Town of Jamestown.

c. Possession of such container shall constitute prima facia evidence of a violation of this section.

d. This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.

14.316. UNSTAMPED LIQUOR CONTRABAND.

Alcoholic liquors not having affixed to the bottle or container the stamps required by law, found in the possession of anyone, are declared to be contraband and may be seized by any police officer without a warrant.

14.317. POWERS OF MUNICIPAL POLICE OFFICERS.

The Police Department of The Town of Jamestown shall enforce the provisions of this article.

ARTICLE IV. MUSICAL DEVICES. ENTERTAINMENTS

Editor's Note. This article derives from the Jamestown Questionnaire and generally accepted municipal practices.

14.401. MUSICAL DEVICES. HOURS OF BUSINESS.

It shall be unlawful for any place of business having in its possession for use any piccolo, nickelodeon, radio, television or other music-making machine, to be open not later than 1:00 a.m.

(JQ 61) (See also §14.709, this code.)

14.402. SAME. OPERATED LOUDLY.

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

14.403. DISTURBANCE AT ENTERTAINMENTS, GATHERINGS, ETC.

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

14.404. AMUSEMENT PLACES TO HAVE ENTRANCES OPENING ONTO STREET.

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

14.405. CARNIVALS AND STREET SHOWS PROHIBITED WITHOUT PERMIT.

a. All carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the Administrator-Clerk.

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

ARTICLE V. GAMING OPERATIONS

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

14.501. REGULATION OF GAMING OPERATION. APPLICABILITY.

The provisions of this article shall apply to all gaming operations as herein defined within The Town of Jamestown.

14.502. DEFINITIONS.

GAMING as used in this article shall mean any business or other operation conducting business within the town employing the use of legal mechanical or electronic devices. They may involve the offer to redeem points, games, tokens or other similar credits won.

14.503. LICENSING.

The owner of any gaming operation or device located within the town shall provide proof to the Town Clerk at the time of town business license application that all required licenses or permits have been issued by the appropriate state or other governmental agency; that all required fees or taxes pursuant to the issuance of such license or permit have been paid. If alcoholic beverages of any kind have previously been sold or are proposed to be sold at the same business location as such gaming operation or device, proof of such license or license application shall be provided to the Clerk at the time of town business license application.

14.504. SAME. RESTRICTIONS.

The town reserves the right to refuse to issue a business license to any applicant for such gaming operation or device if:

a. more than three (3) such devices or machines are proposed to be located at any otherwise lawfully licensed place of business within the town; or,

b. The proposed location of any such device or machine is closer than five hundred (500) feet from any church, school or public playground; or,

c. the proposed location of any such device or machine is in any type of temporary or

mobile structure or vehicle; or,

d. the proposed location of any such device or machine is in any town zoning district other than that district designated as "General Commercial."

14.505. ENFORCEMENT AND PENALTIES. APPEALS.

a. Any person who shall be found guilty of violating any provision of this article, or who shall be found guilty of failing to properly secure a business license pursuant to the provisions of this chapter, shall be deemed guilty of a misdemeanor.

b. Appeals shall be made to the Town Council.

ARTICLE VI. OFFENSES AGAINST MORALITY,
DECENCY AND PUBLIC WELFARE

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

14.601. ICEBOXES. ABANDONMENT PROHIBITED.

a. It shall be unlawful for any person to abandon or discard any icebox, refrigerator, ice chest or other type of airtight container of a capacity sufficient to contain any child without, prior to such abandonment, removing the door, lid or other device for the closing thereof.

b. It shall also be unlawful for any person in charge of property to knowingly permit any abandoned icebox, refrigerator, ice chest or other type of airtight container to remain thereon accessible to children without removing the door, lid or other device for the closing thereof.

(1976 SC Code §16-3-1010)

14.602. WELLS, OPEN PITS PROHIBITED.

It shall be unlawful for any owner or tenant to permit or allow any abandoned well or pit to remain open and unprotected on any place or premises owned or occupied by such person.

(1976 SC Code §16-3-1020)

14.603. LOITERING. UNLAWFUL. DEFINED.

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 or public place.

b. For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

(1) Obstruction of the unhampered passage of pedestrians or vehicles;

(2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or

(3) Refusing to move when requested to do so by an official authorized to do so, provided the Peace Officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

14.604. DISPLAY OR 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.

14.605. DISTURBANCE AT SCHOOLS.

It shall be unlawful:

1. For any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school, (b) to loiter about such school premises or (c) to act in an obnoxious manner thereon; or

2. For any person to enter upon any school premises or loiter around the premises, except on business, without the permission of the principal or person in charge.

(1976 SC Code §16-17-420)

14.606 DISTURBING THE PEACE.

It shall be unlawful for any person to conduct himself in such a manner as to result in a disturbance of the peace to the inhabitants of the town or to knowingly aid, assist or abet therein.

(1976 SC Code §5-7-30) (See §14.701, this code for "Disorderly Conduct.")

14.607. GAMBLING PROHIBITED. EXCEPTIONS.

a. It shall be unlawful for any person to engage in gambling or games of chance, to keep or operate, or permit to be kept or operated, any slot machines, punchboard, tipboard, or other device pertaining to games of chance of whatsoever name or kind.

b. Exceptions shall include automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin or bill deposited therein, and in which there is no element of chance, as may be permitted by state statutes.

14.608. SAME. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.

Upon the charging of any person in Municipal Court of a violation of §14.607, hereof, it shall be the duty of the police, whenever possible, to seize and take into possession any gaming device, machines, punchboard, tipboard, or other device of whatever name or kind pertaining to games of chance. Upon conviction in Municipal Court, it shall be the duty of the police officers of the town to destroy the gaming device of whatever name or kind.

14.609. SAME. HOUSES UNLAWFUL.

It shall be unlawful for any person or persons to keep or maintain a gambling house or room or place where people resort to engage in gambling or games of chance, or to permit gambling or games of chance in any building on their premises or under their control.

14.610. BAWDY HOUSES.

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

(1976 SC Code §16-15-90)

14.611. SAME. IMMORAL PURPOSES. SOLICITATION. PREMISES.

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

(1976 SC Code §16-15-90)

14.612. SAME. INFORMATION OR DIRECTION.

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

(1976 SC Code §16-15-90)

14.613. SAME. TRANSPORTATION OF PERSONS.

It shall be unlawful for any person to transport, carry, convey or assist by aiding, abetting,

encouraging, requesting or other, in transporting, carrying, conveying in or accompanying by any ways and means whatsoever any person for any immoral purpose.

(1976 SC Code §16-15-90)

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

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

(1976 SC Code §15-43-10)

14.615. INDECENT EXPOSURE. LANGUAGE.

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

14.616. PEEPING TOMS.

It shall be unlawful for any person to enter upon the private property of another to spy or look into the windows or doors of any building located on private property; provided, this section does not apply to police officers in the actual discharge of their duties.

14.617. INTOXICATING BEVERAGES. DRINKING IN PUBLIC.

It shall be unlawful for any person or persons to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public places, except for permitted activities.

14.618. SAME. PUBLIC DRUNKENNESS.

It shall be unlawful for any person to create a nuisance or disturbance upon the public streets or in any public place in a drunken condition.

(1976 SC Code §16-17-530)

ARTICLE VII. OFFENSES AGAINST THE PEACE. PUBLIC POLICY

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

14.701. DISORDERLY CONDUCT. DEFINED.

a. It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public inconvenience, annoyance, alarm or recklessly create a risk thereof by:

(1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace; or

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or addresses of abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or

(4) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent or profane writing, picture, mark or figure on any wall, fence, house or structure.

b. For the purpose of this section "public" means affecting or likely to affect any person or persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

(1976 SC Code §16-17-530) (See §14.606, this code, for "Disturbing the Peace.")

14.702. CARRYING FIREARMS. EXCEPTIONS.

It shall be unlawful for any person to carry about the person, whether concealed or not, any pistol, except as follows:

1. Any person carrying a permit issued by lawful authority, pursuant to South Carolina statutes.

2. Marshals, sheriffs, police officers or other law enforcement officers, or peace officers of the federal government or other states when they are carrying out official duties while in this

state.

3. Members of the Armed Forces of the United States or of the National Guard, organized reserves or the state militia when on duty.

4. Members of organizations authorized by law to purchase or receive firearms from the United States or this state, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while the members are at or going to or from their places of target practice, or their shows and exhibits.

5. Licensed hunters or fishermen while engaged in hunting or fishing.

6. Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of that person while possessing, using or carrying a pistol in the usual or ordinary course of business.

7. Guards of common carriers, banks and other financial institutions while engaged in that capacity and guards engaged in protection of property of the United States or any agency thereof.

8. Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

9. Any person in his home, or upon his real property, or fixed place of business.

10. Any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.

11. Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of one's fixed place of business.

12. Any night watchman while engaged in his duties as a night watchman.

14.703. CONCEALED WEAPONS.

Except as herein provided, it shall be unlawful for any person to possess or carry concealed about his person any dirk, metal knuckles, razor, ice pick, or other weapon usually used for the infliction of personal injuries.

(1976 SC Code §16-23-460)

14.704. SAME. CARRYING WEAPONS. KNIVES.

a. It shall be unlawful for any person to carry about his person, whether concealed or

not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.

b. It shall be unlawful for any person within the town to possess or conceal upon his person any knife, measuring seven (7) inches or greater in length either when opened or unopened, or any switchblade knife.

(1) For the purposes of this section, the term "switchblade knife" shall mean any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.

(2) This section does not apply to pocket knives, which when open, do not exceed five and one-half (5 1/2) inches in overall length.

(1976 SC Code §16-23-405)

14.705. DISCHARGE OF FIREARMS. DANGEROUS DEVICES.

a. It shall be unlawful for any person to point at or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.

b. It shall be unlawful, within the corporate limits, to fire, aim or discharge any air rifle, pellet rifle, sling shot or other device, in any manner, which may be intentionally used to harm any person or property.

c. Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or like performances or to peace officers in the discharge of their duties.

14.706. DISRUPTION OF COURT OR TOWN COUNCIL.

It shall be unlawful for any person to interrupt the proceedings of the Municipal Court or any official public meeting, or be guilty of disorderly conduct therein, or to commit any contempt of thereof.

14.707. CRIME WATCH AREA. TOWN DESIGNATED.

The Town Council hereby declares The Town of Jamestown to be a "*Crime Watch Area*," and hereby authorize the placing of signs upon highway rights-of-way upon highways entering the

town designating the community as a "*Crime Watch Area*." Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the General Assembly.

(JQ 68)

14.708. RIOTS; INSTIGATING, AIDING, PARTICIPATING.

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no wound inflicted, shall be subject to and liable for each offense as a misdemeanor.

(1976 SC Code §16-5-120, §16-5-130)

14.709. UNREASONABLE NOISE PROHIBITED.

a. The creation of any unreasonably loud, disturbing and unnecessary noises and noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section; provided however, that such enumeration shall not be construed to be exclusive of other noises:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.

(3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or

other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday noon to 7:00 p.m. Sunday, except in case of urgent necessity in the interest of public safety, and then only with a permit from the Administrator-Clerk, which permit may be renewed for a period of three (3) days or less while the emergency continues.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.

(9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof, provided, however, that this subsection shall not apply to houses of worship. (See also §15.303, this code.)

(11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.

(13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the Chief of Police.

(14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

(15) The starting of a motor vehicle engine of any kind using excessive

acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise. Any motor vehicle operated within The Town of Jamestown shall be kept under proper control at all times.

(16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(1976 SC Code §5-7-30) (Morrison v. Rawlinson. 193 S. C. 25, S. E. 2d 635 (1940)) (JQ 60)

(See also §14.401, this code.)

14.710. DRUG PARAPHERNALIA DEFINED. DECLARED UNLAWFUL.

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

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

(Editor's Note. Act No. 400 of the 1982 S. C. Legislature amended §44-53-110 of the 1976 South Carolina Code of Laws, as amended, relating to narcotics and controlled substances. This defined paraphernalia as used in administering or preparing marijuana, hashish or oils thereof or cocaine, to provide certain exceptions, to include paraphernalia in the definition of deliver or delivery and to amend the 1976 code by adding §44-53-391. That made it unlawful to advertise for sale, manufacture, possess, sell or deliver or to possess with the intent to sell or deliver paraphernalia.)

ARTICLE VIII. OFFENSES AGAINST PROPERTY

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

14.801. MALICIOUS MISCHIEF.

It shall be unlawful for any person to willfully or maliciously destroy or in any manner injure any property, real or personal, public or private, not his own within the town.

14.802. DAMAGING PROPERTY.

Any person or persons who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person or persons, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-11-510, §16-11-520)

14.803. FAILURE TO LEAVE PREMISES WHEN ORDERED.

Any person or persons who, when requested to leave the premises of another or the house wherein any one or more persons shall conduct business (except offices of public officers), shall refuse to do so, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-11-620) (State v. Hanapole, 255 S. C. 258, 178 S. E. 2d 247 (1970))

14.804. PETIT LARCENY. DEFINED.

a. Petit larceny is hereby defined as any article of goods, choses in action, bank bills, bills receivable, chattels or other article of personalty of which, by law, larceny may be committed or of any such fixture or part or product of the soil, severed from the soil by an unlawful act, or has a value of one thousand dollars (\$1,000.00).

b. The act is hereby declared to be a misdemeanor.

(1976 SC Code §16-13-30)

14.805. 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, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-13-180)

14.806. TRESPASSING; PRIVATE PROPERTY.

a. For the purposes of this section, private property shall mean the house and land surrounding the house, either owned or rented or occupied by any person.

b. Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor and punishable by the Municipal Court.

(Editor's Note. For detailed information regarding this subject, please refer to Title 16, Chapter 11, of the 1976 South Carolina Code of Laws, as amended.)

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

(1976 SC Code §16-13-240, §16-13-260)

14.808. 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 value less than twenty dollars (\$20.00), upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-13-290)

14.809. SHOPLIFTING.

Shoplifting is hereby declared to be a misdemeanor. Upon conviction, a person shall be guilty of shoplifting 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 cause to be carried away or transferred any merchandise displayed, held, stored or offered for sale by any wholesale or retail mercantile establishment with the intention of depriving the owner of the possession, use or benefit of said merchandise without paying the full value thereof.

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

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

(1976 SC Code §16-13-110)

14.810. ADVERTISING MATTER. PAINTING, PRINTING ON SIDEWALKS, ETC.

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the town for advertising or other purposes; provided however, that nothing herein contained shall be construed to prohibit SCDOT, the Police Department or any other department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for any other town purpose.

14.811. PUBLIC EVENTS. GAINING ADMISSION WITHOUT PAYMENT.

It shall be unlawful for any person:

1. where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.

2. unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission.

3. to aid, abet or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

14.812. BREAKING INTO MOTOR VEHICLE. GASOLINE TANK.

a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, upon conviction, shall be guilty of a misdemeanor.

b. Whoever shall break or attempt to break any tank, pump or other vessel, where kerosene, gasoline or lubricating oil is stored or kept, with intent to steal any such product therein contained, upon conviction, shall be guilty of a misdemeanor.

14.813. BAD CHECKS. UNLAWFUL TO ISSUE. PENALTY.

a. It shall be unlawful to draw, make, issue or deliver fraudulent checks to another

person, firm or corporation.

(1976 SC Code §34-11-60)

b. For such checks issued to the town, a penalty fee shall be charged the issuer. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

14.814. LANDMARKS; ALTERING, REMOVING.

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

(1976 SC Code §16-11-680)

14.815. FENCES; REMOVING, DESTROYING OR LEAVING DOWN.

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crop or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose, upon conviction, shall be guilty of a misdemeanor.

14.816. 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.

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

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

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

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

(3) a credit card which has expired; or

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

(1976 SC Code 16-14-20)

14.817. PROPERTY TO BE RETURNED TO TOWN.

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

(Editor's Note. As to police property, please see §13.115, this code.)

14.818. LIBRARY BOOKS, ETC. FAILURE TO RETURN.

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

(1976 SC Code 16-13-340) (JQ 65)

14.819. JUNKYARDS PROHIBITED. BUILDINGS.

a. No junkyard, whether for automobiles, machinery or other junk equipment, shall be operated in the town. No license shall be issued for such a business.

b. This section shall not apply to junk dealers who maintain their business in a completely enclosed building.

(Editor's Note. See §1.205, this code, for definitions of junk and junkyard.)

ARTICLE IX. OFFENSES AGAINST THE PERSON

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

14.901. ASSAULT AND BATTERY.

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

14.902. POINTING PISTOL OR GUN AT ANY PERSON.

It shall be unlawful for any person to point at any other person any loaded or unloaded firearm. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatrical or like performances or to peace officers in the discharge of their duties.

14.903. UNLAWFUL TO THROW OBJECT INJURING PERSON OR DAMAGING PROPERTY.

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken, or other property belonging to another damaged or destroyed.

ARTICLE X. PARADES. DEMONSTRATING. PICKETING

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

14.1001. PARADES, PICKETING, DEMONSTRATIONS.

a. It shall be unlawful to parade, picket or march unless permission has been secured from the town. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the Administrator-Clerk not less than seven (7) days prior to the time of such parade. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching.

b. 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 Town Council.

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

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

(5) Block, without a permit, 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 schools.

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

- (a) In a manner so as not to interfere with pedestrians or vehicular traffic.
 - (b) In a manner so as not to block entrances or exits to or from picketed establishments.
 - (c) No picket trespassing upon the property of the business establishment being picketed.
 - (d) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.
 - (e) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.
- (9) "Demonstrate," other than in accordance with the following principles:
- (a) Walking not more than two (2) abreast upon the public sidewalks or in groups of not more than thirty (30) persons.
 - (b) Observe all traffic control devices.
 - (c) Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.
 - (d) Assemble peacefully and speak peacefully for a period of time not exceeding thirty (30) minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.

(Darlington v. Stanley, 239 S. C. 139, 122 S.E. 2d 207 (1961))

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

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

14.1002. PERMIT REQUIRED. ISSUANCE.

Upon receipt of an application for a permit for a parade, procession or gathering, the Administrator-Clerk shall, in his discretion, issue a permit therefor, subject to considerations of

the public convenience and public welfare.

14.1003. IMPOSITION OF RESTRICTIONS.

a. The Administrator-Clerk shall have the authority to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as he shall deem fit or proper, consistent with this article.

b. Masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in The Town of Jamestown.

14.1004. APPEALS.

Appeals shall be made to the Council.

ARTICLE XI. PENALTIES

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

14.1101. MISDEMEANOR.

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

14.1102. ADOPTION OF CRIMINAL LAWS OF STATE OF SOUTH CAROLINA.

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

14.1103. PARTIES TO A CRIME.

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions, upon conviction, shall be guilty of such offense.

14.1104. 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 municipal ordinance shall have the same effect as a conviction after trial under such provisions.

14.1105. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

ARTICLE I. SOLICITING

- 15.101. Types Prohibited.
- 15.102. Use of Streets for Sales and Distribution Prohibited.
- 15.103. Appeals.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

- 15.201. Public and Private Property. Political Signs.
- 15.202. Handbills and Placards. Placement. Application.
- 15.203. Municipal or State Signs.

ARTICLE III. ADVERTISING NOISES

- 15.301. Loudspeakers, Musical Instruments for Advertising Purposes.
- 15.302. Noise Making for Other Purposes.
- 15.303. Same. Church Bells Excepted.

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- 15.401. Penalty.

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

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

ARTICLE I. SOLICITING

15.101. TYPES PROHIBITED.

Unless approved by the Administrator-Clerk, it shall be unlawful:

1. For the operator, owner or manager of any rooming, boarding or lodging house, restaurant, cafe, tea room, lunch room or storage garage, hereafter called establishment, to employ or use any person or persons to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever, and

2. For any person acting as agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

15.102. USE OF STREETS FOR SALES AND DISTRIBUTION PROHIBITED.

Unless approved by the Administrator-Clerk, it shall be unlawful for any person or group of persons to sell, solicit sales or offer for distribution any merchandise, publication, handbill or pamphlet while such person is standing in the street, areas reserved for parking spaces, the areas reserved for loading and unloading or to enter any of said areas for the purpose of sale and/or delivery of any said items.

15.103. APPEALS.

Appeals shall be made to the Council.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

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

15.201. PUBLIC AND PRIVATE PROPERTY. POLITICAL SIGNS.

a. It shall be unlawful to place any advertisement, notice or sign of any nature on public property within the corporate limits, without prior approval of the Administrator-Clerk, or on any private property without prior approval of the owner thereof.

b. The above shall include a banner, canvas, placard, picture, paper, circular, printed matter or any other similar means or device whatsoever.

c. It shall be unlawful to post political signs of any nature on public property, without prior approval of the Administrator-Clerk, including, but not limited to, power poles, telephone poles, street signs, etc.

15.202. HANDBILLS AND PLACARDS. PLACEMENT. APPLICATION.

a. Except as authorized by the Administrator-Clerk, no handbill or placard shall be distributed on public property within the corporate limits.

b. Application for permit to distribute advertising matter shall be made to the Administrator-Clerk.

15.203. MUNICIPAL OR STATE SIGNS.

It shall be unlawful for any person, firm or corporation to remove, tear down, deface or destroy any sign erected by municipal or state authorities.

ARTICLE III. ADVERTISING NOISES

Editor's Note. This article derives from generally accepted municipal practices. (For unreasonable noises, see §14.709, this code.)

15.301. LOUDSPEAKERS, MUSICAL INSTRUMENTS FOR ADVERTISING PURPOSES.

a. It shall be unlawful for any person to maintain and operate in any building or on any premises any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in a manner as to create unreasonably loud, excessive and disturbing noise.

b. This shall include any device which is or may be maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.

c. Also, any device so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

15.302. NOISE MAKING FOR OTHER PURPOSES.

a. It shall be unlawful for any person to make any noise upon a public street or in a proximity thereto as to be distinctly and loudly audible upon the street by any kind.

b. This shall include, but not be limited to, crying, calling or shouting, or any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for any purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

15.303. SAME. CHURCH BELLS EXCEPTED.

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

(See also §14.709.b.10, this code.)

ARTICLE IV. PENALTIES

15.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 16. STREETS AND SIDEWALKS

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- 16.201. Obstructions Prohibited. Permission Required For Exceptions.
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- 16.301. Permission Required. Bond Required.
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CHAPTER 16. STREETS AND SIDEWALKS

Editor's Note. This article derives from portions of Title 5, Chapter 27 of the 1976 South Carolina Code of Laws; the 1976 Jamestown Town Code; other applicable state statutes and generally accepted municipal practices. (See §5.401, this code, for house numbering.)

ARTICLE I. IN GENERAL

16.101. MAINTENANCE.

This article shall not apply to streets under the supervision and control of SCDOT or Berkeley County.

16.102. CONSTRUCTION.

a. No person, firm or corporation shall construct any new street within the corporate limits, without approval of the Council.

(Editor's Note. The reader is encouraged to review similar requirements in the town's Zoning Ordinance, to resolve any conflict.)

16.103. SIDEWALKS. PARKING PROHIBITED. EXCEPTIONS.

a. It shall be unlawful to park a vehicle on any sidewalk.

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

(1976 SC Code §56-5-2530)

16.104. INTERFERENCE WITH SIDEWALKS AND STREETS.

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

(1976 SC Code §5-7-30)

16.105. STREETS. NAMES. CHANGES PROHIBITED.

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

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

16.106. SURVEY MARKERS REQUIRED FOR NEW STREETS.

In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town where development or activity may affect a right-of-way, easement, or setback, shall be required to conduct a survey of said properties by a registered land surveyor. A permanent survey marker shall be erected on each corner of said property at the point where it intersects with any other property.

ARTICLE II. UNLAWFUL ACTS

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

16.201. OBSTRUCTIONS PROHIBITED. PERMISSION REQUIRED FOR EXCEPTIONS.

a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the town by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.

b. It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.

c. It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding twenty (20) feet.

d. Any person building a house or other structure within the town may obtain from the Administrator-Clerk permission for a partial and temporary use of the streets for said building purposes.

e. No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.

f. Any obstruction placed on any street, sidewalk or highway in violation of this section may be removed by police officers of the town or under their supervision.

g. This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction of a street, sidewalk, public way or utilities.

16.202. SAME. PROTECTION BY BARRICADES, LIGHTS.

While the obstructions provided for in this article remain on any street, sidewalk, highway or other public place, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

16.203. DAMAGING PUBLIC PROPERTY.

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

b. This section shall prohibit the erection of anything on public property, without the written consent of the Administrator-Clerk.

16.204. DEPOSITING ON STREETS, SIDEWALKS AND DRAINS PROHIBITED.

a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any trash, garbage or refuse matter of any kind onto streets or sidewalks.

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

16.205. BURNING ON STREETS PROHIBITED.

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

16.206. DANGEROUS SUBSTANCES ON STREETS OR SIDEWALKS.

It shall be unlawful for any person to throw or place on any street or sidewalk any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.

(1976 SC Code §57-7-20)

16.207. STREET LIGHTS. BREAKING, REMOVING.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with street lights.

16.208. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.

On corner lots there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet measured above the average elevation of the existing surfaces of the intersecting streets at their center lines, within the area formed by joining points on the property lines, measured as follows:

1. On property lines abutting streets fifty (50) feet or less in right-of-way width, the points on the property lines shall be not less than twenty-five (25) feet from the lot corner.
2. On property lines abutting streets more than fifty (50) feet in right-of-way width, the points on the property lines shall be fifty (50) feet from the lot corner.
3. This restriction shall not apply to buildings in business districts.

16.209. SAME. REMOVAL.

Whenever it shall be determined by the Police Chief that there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten (10) days after official written notice, remove such obstruction.

(1976 SC Code §5-7-80)

16.210. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR. PENALTY.

a. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101, this code.

b. Upon conviction, any person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

16.211. MERCHANDISE ON SIDEWALK S.

It shall be unlawful for any merchant to display merchandise on the streets or sidewalks without approval by the Administrator-Clerk.

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

a. It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.

b. It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.

(1976 SC Code 5-7-30)

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

16.213. LOTS DRAINING TOWARD SIDEWALK. APPEALS.

a. When required by the Administrator-Clerk, 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.

b. Appeals shall be made to the Council.

(1976 SC Code §5-7-30)

16.214. CURBS. BREAKING, DESTROYING PROHIBITED; PERMISSION REQUIRED, ENTRANCE TO PROPERTY.

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained permission therefor from SCDOT.

16.215. SPEAKING, EXHIBITING, ENTERTAINING ON STREETS.

Preaching, lecturing or speaking, exhibition or entertainment of any nature shall be permitted on the streets, sidewalks or public ways of the town, but the Chief of Police must be informed. Failure to do so shall constitute a misdemeanor.

16.216. DOORS AND GATES OPENING ONTO SIDEWALKS.

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

(1976 SC Code §5-7-30)

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

In the public interest, it shall be unlawful for any person or persons to obstruct, or cause to be obstructed, any drains, ditches or water courses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions.

16.218. GARBAGE, OTHER SOLID WASTE, TRASH, OFFENSIVE MATTER.

It shall be unlawful for any person or persons to throw or cause to be thrown any garbage, other solid waste, trash or other offensive matter onto any sidewalk, street, lot or public place.

16.219. TREE WASTE. REMOVAL.

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste.

(See the Editor's Note at §10.103, this code, as to solid waste.)

16.220. FENCES. REPAIRS.

It shall be unlawful for the owner or owners of lands, or lots of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town.

ARTICLE III. EXCAVATIONS

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

16.301. PERMISSION REQUIRED. BOND REQUIRED.

a. It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the town and SCDOT, except in a bona fide emergency situation.

(1976 SC Code §5-7-30)

b. Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town, a cash bond in a sum as may be estimated by the Administrator-Clerk to ensure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

16.302. DANGER SIGNALS REQUIRED. LIGHTS REQUIRED.

a. It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.

b. Adequate lights shall be displayed at night.

16.303. 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.

16.304. CUTS, EXCAVATIONS TO BE RESTORED.

Any such cut or excavation shall be restored according to the standards of SCDOT within a period of twenty-four (24) hours. Upon request, special consideration may be granted by the town or SCDOT due to extreme weather conditions.

16.305. FAILURE.

In the event that said repair should sink or give away within one (1) year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within a reasonable time of being notified by the town and/or SCDOT.

ARTICLE IV. LITTERING

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

16.401. PROHIBITED.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

16.402. DUTY OF BUSINESS OWNERS, OCCUPANTS.

a. The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

b. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

c. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle or receptacles above referred to, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

16.403. DUTY OF CUSTOMER.

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

ARTICLE V. PENALTIES

16.501. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 17. UTILITIES

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CHAPTER 17. UTILITIES

Editor's Note. The Town of Jamestown operates a water system but does not, as yet, have the benefit of a town sewerage system. Because it may be required by DHEC in the future to have one, this chapter has been prepared for that eventuality. By including the sewerage provisions at this time, it will obviate the necessity of amending this code when such a system is constructed.

All references to sewers or a sewerage system in this chapter, therefore must be held in abeyance until such time as may be determined by DHEC that such a system should be constructed. Then, all provisions included herein relating to such a system would become valid.

All references to water included in this chapter are valid and are subject to enforcement.

ARTICLE I. WATER AND SEWER

17.101. UTILITY DEFINED. NOT ABSOLUTE.

a. The word utility used in this chapter shall mean the water utility of The Town of Jamestown and also a town sewerage system, if and when constructed. Also, any public utility such as telephone, electric power, gas, cable television or any similar service provider.

b. This definition shall not be construed as absolute.

17.102. WATER AND SEWERAGE SYSTEMS COMBINED. DHEC PROVISIONS.

a. The waterworks system and the sewerage system, when constructed, are hereby combined which shall be under the supervision, direction and control of the Mayor and Council.

b. For the protection of health and the prevention of disease in The Town of Jamestown, there is hereby adopted the "*Rules and Regulations Governing the Development of Subdivisions for Water Supply and Waste Disposal*", as prescribed by the South Carolina Department of Health and Environmental Control (DHEC). The same is hereby adopted and incorporated as fully as if set out at length herein.

c. Flat rate monthly sewer charges shall be assessed, regardless of whether water is purchased from the town.

17.103. SERVICE. APPLICATION.

a. Any person desiring utility service furnished by the town shall make application for the same to the Town Clerk.

b. Such application shall contain the applicant's name, address and the uses for which such utility service is desired.

17.104. SAME. RESTRICTED TO ONE APPLICANT.

It shall be unlawful for any person obtaining utility service from the town to habitually permit any other person to use such utility service.

17.105. SAME. MAY NOT BE FURNISHED IF DEBTS TO TOWN NOT PAID.

Town utility service shall not be furnished to any user who is in debt to the town for any reason, unless approved by the Mayor and Council.

17.106. SAME. USE ASSUMED.

All premises connected to the utility service of the town shall be assumed to be using such utility service. The owner or occupant shall be charged therefor so long as such premises shall remain connected with the utility service.

17.107. UTILITY EXTENSIONS TO AREAS NOT SERVED.

a. The cost of expansion of the water and sewer system to areas not serviced by the town's water and sewerage system shall be approved by the Mayor and Council and borne by the property owners.

b. Such service may be extended, upon determination that the expansion is in the best financial interest of the town.

c. Those customers who do not receive service from the town, but wish to receive it, shall be required to pay for any additional costs for construction or laying of pipes, etc. if it is not in the best financial interest of the town to do so.

d. The charge shall be in addition to the tap fees for water and sewer system.

e. Both charges shall be in advance.

17.108. SEWER CONNECTIONS REQUIRED. SEPTIC TANKS. EXCEPTIONS.

a. Every building which is located such that the property line thereof is within two hundred (200) feet of a sewerage system shall be connected thereto within ninety (90) days of official notice to do so and shall utilize the same for wastewater disposal. Said connection shall be made prior to occupancy of any new building.

b. Owners may continue to use existing septic tanks of the type and kind approved by the Berkeley County Health Department. Owners will not be required to connect to a public sewer as long as the septic tank is maintained properly; provided, however, when such tank malfunctions, connection to the sewer shall be required.

c. Should it be impractical to connect with a sewer, any such real estate within a distance of two hundred (200) feet from such sewer, by reason of insufficient fall and lack of proper drainage or for other good and sufficient cause duly shown unto the town, the property owner shall not be required to connect therewith.

d. If the owners of property or buildings referred to hereinabove shall fail or neglect to comply strictly with all of the provisions of the preceding sections of this article within the requisite time, it shall be the duty of the Town Clerk to give notice in writing thereto. Said notice shall be by Certified Mail, Return Receipt Requested, to such owner, his agent or tenant, that such connection with a public sewer, or installation of a sanitary septic tank, must be made as required by this article.

e. No connection shall be made with the public sewer or sanitary septic tank unless a permit therefor has been obtained from the Town Clerk.

f. When a connection with the public sewer is made, all expenses to the user incident to making such connections and laying said sewer therefrom shall be paid by the owner of the premises.

g. The installation and all connections made to public sewers and the building of all septic tanks and the drainage thereof and therefrom shall be done by the owner of the real estate.

h. All connections with the public sewer and septic tanks referred to hereinabove shall be maintained in such condition and repair so that the same will not allow any overflow, seepage or other condition which may be or may become injurious or obnoxious to any member of the public.

i. Upon failure of any work to comply herewith, the town may require any faulty or insufficient work or material to be removed and replaced with such materials, workmanship and labor as required.

j. It shall be unlawful for any person, firm or corporation to connect to the sewerage system without proper authority.

17.109. WATER CONNECTIONS REQUIRED.

Every residence or other building requiring water service, which is located within two hundred feet

(200') of a water main shall be connected thereto and shall utilize the same for water for the premises.

17.110. PROPERTY OWNER RESPONSIBLE FOR INSTALLATION.

It shall be the responsibility of the property owner to install and maintain that portion of the water or sewer utility from the point of connection to the municipal water or sewerage system to the point of connection with the premises served thereby.

17.111. BACKFLOW PREVENTER.

An approved backflow preventer shall be installed at the water meter on the owner's or user's side, as required by DHEC.

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Sections 5-31-20 and 6-11-280 and generally accepted municipal utility practices.

17.201. POLLUTION OF WATER SUPPLY.

It shall be unlawful to defile or pollute 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.

17.202. ILLEGAL CONNECTION, TAMPERING OF WATER AND SEWERAGE SYSTEMS.

It shall be unlawful for any person, firm or corporation to:

1. connect with, use or tap any public water or sewer main without specific authorization of the Mayor and Council, in writing first obtained, other than normal connections for which connection fees shall have been paid, but not including private wells;
2. discharge any substance which may be harmful or liable to damage the public sewerage system or to obstruct the flow of sewage in said system;
3. connect or permit to remain connected, any open gutter or rain water conductor or cesspool with any sanitary sewer line;
4. after notice to cease and desist, violate the provisions of this article; and
5. tamper with any manhole cover, filter, bed or other appurtenance of the system without written authority or direct supervision of the proper municipal employee.

17.203. ILLEGAL AND UNMETERED HOOKUP. PENALTY.

- a. A penalty shall be charged for illegal and unmetered hookups to the water systems owned and operated by The Town of Jamestown.
- b. In addition to the penalty above, a monthly use charge shall be levied from the date of issue of a county building permit for the property.
- c. Such penalty and use charge shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.204. ILLEGAL RECONNECTION WHEN SERVICE IS 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 §17.403.c, this chapter.

17.205. TAMPERING WITH WATER METERS.

a. It shall be unlawful for any person to alter, change, deface, remove or otherwise tamper with or change any water meter or to make any connection to the town's utility systems without written permission from the town.

b. The subscriber shall be responsible to ensure that no one tampers with or changes any water meter connection with his knowledge. Water turned on at his meter after service has been discontinued by the town shall constitute his knowledge of the meter being tampered with.

c. Any person, firm or corporation to whom water is furnished from or by means of a meter, who shall, willfully and with intention to cheat and defraud the town, alter or interfere with such meter shall be guilty of a misdemeanor.

17.206. DESTRUCTION, DEFAACEMENT, ETC. UNLAWFUL.

a. It shall be unlawful for any person or persons to willfully destroy, break, injure, climb upon or deface or in any other manner, interfere with any public water mains, water tanks, sewers, fire hydrants, meter boxes, stop cocks, pumps or other fixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances.

b. It shall also be unlawful for any person or persons to willfully destroy, break, injure, deface or in any other manner interfere with any house, fence, wells, street mains, sluice pipes, gate valves, or to place advertisements or placards on any property belonging to the waterworks or sewerage system.

17.207. OBSTRUCTION OF UTILITY 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.

17.208. UNAUTHORIZED USE OF WATER. WITH CONTRACT.

Any person, firm or corporation having a contract, agreement, license or permission, oral or written, with or from the town for the use of water belonging to or furnished by the town for certain specified purposes, who shall willfully and intentionally withdraw or cause to be withdrawn water in any manner and appropriate it to his own use or to the use of any other person, for purposes other than those specified, shall be guilty of a misdemeanor.

17.209. SAME. WITHOUT CONTRACT.

Any person, firm or corporation having no contract, agreement, license or permission from the town for the use of water belonging to or furnished by the town, who shall willfully withdraw or cause to be withdrawn in any manner and appropriate such water from the mains or pipes of the town or any pipes connected therewith, for his own use or for the use of any other person, shall be guilty of a misdemeanor.

17.210. SAME. TAPPING WATER MAIN WITHOUT PERMIT.

It shall be unlawful for any person, firm or corporation to extend service pipes or perform any work connected with the extension thereof, attached to the mains and water supply on any premises within the town limits without first obtaining permission therefor in writing from the town.

17.211. DOUBLE METERS.

It shall be unlawful to install double meters onto the town water system.

17.212. USE OF SEPTIC TANKS.

Septic tanks approved by the Department of Health and Environmental Control kept in good sanitary condition will be approved where sewer lines are not provided, but under no condition will new or additional septic tanks be approved where sewer lines are provided.

(See also §17.108.b, this chapter.)

17.213. INSPECTION FOR UNSANITARY SEWERAGE DISPOSAL. ACTION.

a. The Mayor shall periodically require a member of the Police Department or some other officer to inspect residences to ascertain whether the provisions of this article are being complied with. Should such officer find that sewerage disposal is not being maintained in a sanitary manner as prescribed by the provisions of this article, he shall give written notice to the owner or occupant of the premises, and such person shall have seven (7) days to correct the unsanitary condition.

b. If, after this period, the unsanitary condition still exists, the inspecting officer shall nail across the privy or bathroom door the following notice: "**UNSANITARY - UNLAWFUL TO USE**" which shall be signed by the officer. The inspection officer shall have the right to enter upon any

premises and into any building necessary to the discharge of this duty, and interference by any person with the execution of this duty shall constitute a violation of this article.

17.214. PROHIBITED ACTS NOT INCLUSIVE.

The prohibited acts enumerated herein shall not be all-inclusive.

ARTICLE III. PUBLIC UTILITY CONSTRUCTION

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

17.301. UTILITY CONSTRUCTION. PERMIT REQUIRED. HEARING.

a. It shall be unlawful for any person, firm or corporation to use streets to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure facility for utilities, communications, cable television or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance which prescribes the term, fees and conditions for use and a permit obtained therefor.

(Ord. 98-4. 5-4-98)

b. The Mayor and Council, after written notice of not less than ten (10) days to the person seeking the permit shall grant a hearing at which the parties in interest shall be heard.

c. The decision of the Mayor and Council shall be final and binding on all parties.

17.302. SAME. INSTALLATION.

Property owners shall be responsible for the installation and maintenance of utility lines to the point where same are connected with the town's utility systems.

17.303. EXCAVATION FOR PIPE LAYING.

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

b. All paving disturbed in connection with the work shall be skillfully and carefully repaired and restored to its original status.

17.304. RIGHT OF ENTRY FOR INSPECTION.

a. As a condition precedent to connecting to the town's utility systems, representatives of the town shall be permitted to enter the premises of any utility user at reasonable times, to inspect or examine utility pipes and their connections and the use of water on the premises.

b. It shall be unlawful for any person to refuse entrance for such purposes as herein authorized.

ARTICLE IV. RATES AND FEES

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, §5-31-250 and §5-31-900; data furnished by the town and generally accepted municipal utility practices.

17.401. ESTABLISHMENT OF RATES. TO BE POSTED. CHANGES.

a. The Mayor and Council shall establish a schedule of charges for services rendered by the water and sewerage systems. Said schedule shall be reviewed periodically to insure that it is equitable and fair to user and town.

b. A monthly fee shall be charged to each water customer to cover testing charges assessed to the town by the "Safe Water Act" of the South Carolina Department of Health and Environmental Control (DHEC).

c. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

d. Any changes to said schedule shall be by ordinance.

17.402. WATER DEPOSIT REQUIRED. REFUND.

a. A one-time water deposit fee shall be required in advance from all applicants who apply for water service and/or sewer service.

b. Whenever service is discontinued, the deposit shall be returned, without interest, after first deducting all outstanding charges for utility services.

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

17.403. BILLINGS. WATER AND SEWER. GARBAGE FEE TO BE ADDED.

a. Each monthly utility bill shall become due on the tenth (10th) day of the month and payable in its entirety by the close of business on the eighteenth (18th) day of each month. If bills are not paid within ten (10) days thereafter, a penalty shall be added as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

b. If any bills shall remain unpaid by the twenty-eighth (28th) day of the following month,

all services to such user shall be discontinued forthwith and shall remain discontinued until such user shall have paid any past due bill and a reconnection fee. If the twenty-eighth (28th) day falls on a Saturday, Sunday or holiday, the delinquent date shall be the following business day.

c. Before the water and/or sewer can be returned to service, when disconnected for nonpayment, a fee shall be paid each and every time the water and/or sewer is reconnected.

d. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.404. FEES OR CHARGES. FAILURE TO PAY.

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 article. Service shall be reinstated as provided in §17.403.c.

17.405. NO FREE SERVICE.

It shall be unlawful to furnish water or sewer service free of charge to any person, firm or corporation.

17.406. WATER METERS REQUIRED. READINGS.

All water service furnished by the town shall be by the use of meters which shall be read at least once each month.

17.407. SAME. SEPARATE METERS.

A separate meter shall be installed for each dwelling unit or business establishment which makes use of water furnished by the town.

17.408. SAME. RESIDENTIAL COMPLEXES.

Each different unit in a residential complex, such as an apartment, shall have a separate water meter, unless a master meter is authorized.

17.409. CONNECTIONS. FEE REQUIRED.

a. For each new water and sewer connection to the utility systems there shall be charged a connection fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

b. No new connection shall be made until payment is made to the town of the cost of the connection fee or the actual cost of installation, whichever is greater.

17.410. LATE CHARGES. POSTED.

The schedule of late charges for water consumed and services provided shall be in accordance with schedules as established from time to time. Such charges shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.411. VOLUNTARY DISCONTINUANCE OF SERVICE.

Consumers wishing to discontinue the use of any utility service shall give notice thereof to the Administrator-Clerk. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

17.412. SAME. SEWER ONLY CONNECTED AND CHARGES BECOME DELINQUENT.

When water is not supplied by the town water system, but a sewer connection is provided, and the service charge becomes delinquent, necessitating a discontinuance of service, the fee to reconnect shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

ARTICLE V. PENALTIES

17.501. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 18. VEHICLES. TRAFFIC

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CHAPTER 18. VEHICLES. TRAFFIC

Editor's Note. This chapter derives, generally, from Title 56 of the 1976 South Carolina Code of Laws, the 1976 Jamestown Town Code and generally accepted municipal practices relating to traffic control.

ARTICLE I. IN GENERAL

18.101. SHORT TITLE.

This chapter may be cited as the "Traffic Ordinance."

18.102 UNIFORM ACT. DEFINITIONS.

For the purpose of this chapter, and local enforcement, applicable provisions of Title 56, Chapter 5 of the 1976 South Carolina Code of Laws, as amended, is hereby adopted and made a part of this code, including definitions set forth therein.

18.103. JURISDICTION OF MUNICIPAL COURT.

a. The Municipal Court may try and determine violations of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits, when the penalty prescribed by state law for such violations does not exceed thirty (30) days imprisonment or five hundred dollars (\$500.00) fine, or both.

b. The Court may have trial jurisdiction over such traffic cases the same as magistrates.

(1976 SC Code §56-5-6150)

18.104. AUTHORITY.

Pursuant to §5-7-30 of the 1976 South Carolina Code of Laws, as amended, the Chief of Police is hereby authorized to:

1. Regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, "U" turns, school zones and other official traffic-control devices indicating the place or manner of operating or parking vehicles, including "loading zones."

2. Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic.

3. Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

4. Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street.

5. The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the Town Council.

18.105. TRAFFIC CONTROL DEVICES. PLACEMENT. MAINTENANCE.
SPECIFICATIONS. OBEDIENCE. INTERFERENCE.

a. The Council may, from time to time, request SCDOT to place and maintain traffic control devices upon the streets of the town, as deemed necessary, to regulate, warn or guide traffic in the town.

b. All such traffic control devices shall conform to the specifications of SCDOT.

(1976 SC Code §56-5-930)

c. Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals.

d. No person shall willfully, without lawful authority, attempt to or alter, deface, injure, knock down or remove any traffic control device or sign or street name sign or any part thereof. In addition, any unauthorized person found in possession of any street sign or traffic control device from the town shall be deemed in violation of this section.

18.106. SPEED LIMIT VARIATION BY TOWN. SCDOT APPROVAL. SIGNS.

a. Whenever the Council shall have determined on the basis of an engineering and

traffic investigation that the maximum speed imposed by this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Town Council may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections;
- (2) Increases the limit within an urban district, but not to more than fifty-five (55) miles per hour; or
- (3) Decreases the limit outside an urban district, but not to less than twenty-five (25) miles per hour.

b. Any alteration of maximum limits on state highways or extensions thereof in the town, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT.

(1976 SC Code §56-5-1540)

c. Any altered limit established, as authorized by this article, shall be effective at all times, when appropriate signs giving notice thereof have been erected.

18.107. DRIVER'S AND VEHICLE LICENSES REQUIRED. EXCEPTIONS.

a. No person shall operate a motor vehicle on any street without , in his possession, a valid driver's license issued by this or another state to operate the vehicle, and said vehicle shall have current license tags.

(1976 SC Code §56-1-20, §56-3-110 et seq.)

b. This section shall not apply to persons expressly exempt by state law from the requirement of a driver's license nor shall this section be construed so as to interfere with reciprocity rights under state law as concerns the driver of a vehicle bearing an out-of-state license to driving with an out-of-state driver's license.

(1976 SC Code §56-1-30)

18.108. RESPONSIBILITY OF VEHICLE OWNER.

No person shall knowingly allow, permit or let any vehicle registered in his name to violate any of the ordinances of the town; provided, however, that all violations of parking ordinances shall

be presumed to be with the knowledge of the owner of such vehicle.

18.109. FIXING TRAFFIC TICKETS UNLAWFUL.

It shall be unlawful for any official or employee of the town to "fix" any ticket or summons issued by the Police Department for a violation of any traffic ordinance.

ARTICLE II. MOVING TRAFFIC

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Title 56, Chapter 5, §5-7-30 and generally accepted municipal practices.

18.201. ADOPTION OF STATE LAWS.

All vehicles shall be operated in accordance and conformity with all current state laws and this Code or amendments thereto, as such laws and amendments relate to the operation of vehicles. Such provisions are adopted by reference and made a part of this chapter as if fully set out herein, except those provisions relating solely to SCDOT and those provisions the penalty for which exceeds a fine of five hundred dollars (\$500.00) or imprisonment for more than thirty (30) days, or both.

18.202. CARELESS OPERATION OF A MOTOR VEHICLE. POINTS.

- a. It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.
- b. Any person failing to do so shall be guilty of the offense of careless operation of a motor vehicle.
- c. Careless driving shall be unlawful and may be considered a lesser offense than reckless driving.
- d. The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facie evidence of a violation of this section.
- e. The provisions of this article may be used in lieu of tickets requiring points.
- f. Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days.

(Ord. #16. 2-4-92) (JQ 74)

(Editor's Note. "Only a court could determine with finality whether a municipal ordinance prohibiting the careless operation of motor vehicles is inconsistent with state statutory provisions regulating the operation of motor vehicles as to preclude enforcement of such ordinance."

1988 Op Atty Gen. No. 88-16, p 54.")

18.203. RECKLESS DRIVING.

Any person who drives a vehicle in such manner as to indicate a willful or wanton disregard for the safety of persons or property, upon conviction, shall be guilty of reckless driving and of a violation of this section.

(1976 SC Code §56-5-2920)

18.204. DRIVING ACROSS PRIVATE PROPERTY TO MAKE TURNS.

a. It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to "cut a corner" purposely.

b. It is the intention of this section to prohibit corner-cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

18.205. STOP SIGNS.

When stop signs are erected at the entrance to any intersection, every driver of a vehicle shall stop, before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

18.206. ENTERING INTERSECTION OR MARKED CROSSWALKS.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate said vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

18.207. VEHICLES. BOARDING OR ALIGHTING FROM.

No person shall board or alight from any vehicle while it is in motion.

18.208. SAME. UNLAWFUL RIDING.

No person shall ride on any vehicle nor upon any portion thereof which is neither designated nor intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in a space intended for merchandise.

18.209. OPERATION ON PLAY STREETS.

Whenever authorized signs are erected indicating any street or any part thereof as a play street, no person shall drive a vehicle upon any portion thereof, except drivers of vehicles having business or whose residences are within such closed area.

18.210. LEAKING OR SCATTERING LOAD PROHIBITED.

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets.

18.211. DAMAGING PAVED SURFACES PROHIBITED.

It shall be unlawful for any person to operate, drive, or cause to be driven or operated, over, upon or across the paved streets or any thoroughfare, a vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle that would injure or damage the paved surface of said streets or thoroughfares.

18.212. SIDEWALKS. PROHIBITIONS.

It shall be unlawful for any person to ride, propel or park any automobile, motorcycle or other vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings.

18.213. OTHER PROHIBITIONS.

a. The use of all unlicensed motor vehicles, including, but not limited to, three-wheelers, four-wheelers, mini-bikes, go-carts, trail-bikes and other unlicensed vehicles is hereby forbidden on the streets, roads or sidewalks, within the corporate limits.

b. The use of such vehicles is hereby declared to be a nuisance.

(Editor's Note. These prohibitions are declared to be nuisances in that they (1) prevent the free circulation of traffic in, through and from the town; (2) the use thereof endangers the health, safety and welfare of the general public and (3) these conditions can be reduced by said prohibitions.)

18.214. "U" TURNS.

It shall be unlawful for any person driving a vehicle to make a "U" turn or other prohibited turn

at any point where such turn is prohibited by posted signs or to accomplish a "U" turn by deviously going into or through private property adjoining a street where such turn is prohibited.

18.215. STREETS UNDER REPAIR, CLOSED TO TRAVEL.

No person shall drive or cause to be driven any vehicle over any street which is being repaired or paved or over any part of a street wholly closed to travel.

18.216. NO-PASSING ZONES.

The Police Chief may determine those portions of any street where overtaking and passing a vehicle proceeding in the same direction or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(Editor's Note. In some instances this becomes the responsibility of SCDOT.)

18.217. PASSING UNLAWFULLY.

It shall be unlawful for any vehicle to pass another vehicle proceeding in the same direction when the passing vehicle is within one hundred (100) feet of an intersection, approaching a curve, when a solid yellow line is located in the lane of the passing vehicle or upon a hill or grade.

18.218. ADVERTISING PROHIBITED.

No person shall operate or park any vehicle on any street for the primary purpose of advertising, without the prior written approval of the Administrator-Clerk, with a copy to the Police Chief.

18.219. FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic and the conditions of the street.

18.220. HORN IN QUIET ZONES.

Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle,

except in an emergency.

18.221. DOORS OPENING INTO TRAFFIC.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

18.222. LOADS TO BE SECURELY CHAINED.

No person shall haul logs, pulpwood logs, lumber, crossties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chain shall be made of material of a dimension not less than one-half (1/2) inch in diameter.

18.223. SPEED RESTRICTIONS.

a. No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(1976 SC Code §56-5-1520 et seq.)

b. The speed limit within the town shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the Town Council.

18.224. LOWER SPEEDS REQUIRED.

The driver of every vehicle shall, consistent with the requirements of this article, drive at an appropriate speed when approaching and crossing an intersection, when approaching a hill crest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to other traffic or by reason of weather or street conditions.

18.225. IMPEDING FREE FLOW OF TRAFFIC UNLAWFUL.

It shall be unlawful for any person or group of persons to congregate upon the streets or sidewalks in such a manner as to impede the free flow of traffic.

18.226. SPECIAL HAZARDS.

Where special hazards exist, all motor vehicles shall obey posted signs giving notice of special conditions.

18.227. RACING OR DRAG RACING PROHIBITED.

It shall be unlawful for any person to engage in a motor vehicle race or contest for speed or acceleration on any public road, street or highway or to aid, abet or assist in any manner whatsoever in any such race contest. It shall be unlawful also for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed.

18.228. AUTHORIZED EMERGENCY VEHICLES.

a. The speed limitations set forth herein shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet.

b. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

18.229. SCHOOL ZONES.

It shall be unlawful for any person driving a motor vehicle within a designated school zone to fail to observe unusual care and caution. Speed limits as posted shall be carefully observed.

18.230. FAILURE TO DIM LIGHTS.

It shall be unlawful for the driver of any vehicle, from dusk to dawn, when approaching another vehicle from an opposite direction, to fail to dim the lights of his vehicle when it is within three hundred (300) feet of the approaching vehicle.

18.231. SHIFTING LANES WITHOUT SAFETY PRECAUTION.

It shall be unlawful for the driver of any vehicle to shift lanes of traffic without first ascertaining that a shift in lanes of traffic by his vehicle will not impede or interfere with the movement of any other vehicle upon the public right-of-way.

18.232. UNATTENDED VEHICLES.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway or street.

18.233. DRIVING WHILE INTOXICATED/UNDER INFLUENCE OF DRUGS.

It shall be unlawful for any person under the influence of intoxicating liquors, narcotic drugs, barbiturates, paraldehydes or drugs, herbs or any substance of like character, whether synthetic or natural, to drive any vehicle within the town.

(1976 SC Code §56-5-2930)

18.234. ACCIDENTS. ASSISTANCE REQUIRED.

Every person driving a vehicle of any kind which strikes or hits any person or another vehicle shall stop such vehicle at once and render such assistance as he can, give his name, post office address, license number and serial number of his vehicle to the other person or driver. He shall assist in calling a police officer and remain at the scene until a police officer arrives.

(Editor's Note. As to state laws relating to accidents, please see §56-5-1210 et seq., of the 1976 South Carolina Code of Laws.)

18.235. RIDING IN/ON MUNICIPAL VEHICLES UNLAWFUL.

It shall be unlawful for any unauthorized person or persons to ride in or on any municipal vehicle, without official authority to do so.

18.236. MOTORCYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.

b. No person riding a motorcycle shall attach the same or himself to any moving vehicle upon any street.

18.237. BICYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a bicycle in a reckless or dangerous manner.

b. No person riding a bicycle shall attach the same or himself to any moving vehicle upon any street.

18.238. SAME. LIGHTS REQUIRED.

Every bicycle operated at night shall be equipped with a lamp on the front exhibiting a white light visible from a distance of five hundred (500) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear except that a red reflector meeting the requirements of this section may be used in lieu of a red light.

18.239. SAME. PENALTY.

The penalty for a violation of §18.237 and §18.238 shall be confiscation of said bike until a fine which may be imposed by the Municipal Court is paid.

ARTICLE III. PARKING. STANDING. STOPPING

Editor's Note. This article is derived from parking standards used by other municipalities in this state.

18.301. PARKING. AUTHORIZED.

a. In addition to the other provisions of this article relative to parking, the Town Council may designate areas or spaces on town streets where the parking of vehicles is either permitted, prohibited or limited to a specific time or otherwise restricted.

b. When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day, except Sundays and public holidays.

c. When signs are erected giving notice that parking is limited to a certain period of time, no person shall park a vehicle for longer than the period and between the hours so designated, except on Sundays and public holidays.

18.302. PARKING. MANNER.

Where parking is permitted on streets not marked off for parking, the operator of any vehicle shall park such vehicle with the right front and right rear wheels as near as possible to the curb or side of the road and parallel thereto. Vehicles parked within marked areas shall not occupy any part of more than one (1) space. The operator of a parked vehicle shall enter the roadway only when the roadway is clear.

18.303. PARKING TICKETS AUTHORIZED.

a. The Chief of Police may, subject to the restrictions imposed in the foregoing sections, post signs and devices relating to the limitations upon parking at particular places. Penalties shall be imposed by placing a ticket upon any offending vehicle.

b. The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.

c. Failure to pay such amount within the prescribed time, however, shall subject the owner thereof to be summoned to municipal court and punished within its discretion.

18.304. BLOCKING STREETS AND ALLEYS. EXCEPTION.

a. No person shall stop, stand or park any vehicle upon a street or an alley in such a manner or under such conditions as to obstruct the well-traveled portion of the roadway.

b. No person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic.

c. A driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

18.305. LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone are in effect. In no case shall the stop for loading and unloading of materials exceed sixty (60) minutes.

18.306. HANDICAPPED PERSONS. PARKING. PENALTY.

a. It shall be unlawful to park at or in a space specifically designated for handicapped persons without proper authorization to do so.

b. A person violating the provisions of this subparagraph, upon conviction, is guilty of a misdemeanor and must be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days for each offense.

(Editor's Note. Section 56-3-1950 of the 1976 South Carolina Code of Laws defines "handicapped."

Section 56-3-1960 of the 1976 South Carolina Code of Laws authorizes a handicapped person to park in any metered or timed parking place without a fine, as long as the vehicle displays a current handicapped license plate.

Section §56-3-1965 of the 1976 South Carolina Code of Laws authorizes municipalities to designate parking spaces for handicapped persons. **§56-3-1970 requires a penalty of two hundred dollars (\$200.00) as set forth in this section for each offense.** §56-3-1971 authorizes "*All law enforcement officers...*" to issue "*a uniform parking violations ticket...*" to vehicles violating designated spaces for handicapped persons.)

18.307. HAZARDOUS OR CONGESTED PLACES.

When signs are erected at an approach to hazardous or congested places no person shall

stop, stand or park a vehicle in any such designated place.

18.308. SCHOOL ZONES.

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

18.309. SAFETY HAZARDS.

No vehicle shall be parked in any place within the town in such a fashion that it creates a safety hazard.

18.310. VISION OBSTRUCTION OF TRAFFIC UNLAWFUL.

No vehicle shall be parked on any street if the vehicle obstructs the vision of traffic approaching the vehicle in any direction, or which causes vehicles approaching the parked vehicle to alter their normal course of movement.

18.311. DISABLED VEHICLES.

The operator of any vehicle which becomes disabled on any street within the town shall:

1. Move the disabled vehicle to the extreme right side of the road;
2. Notify the Police Department immediately that the vehicle is disabled;
3. Make arrangements to have the vehicle removed from the town street and actually have the vehicle removed as quickly as possible;
4. Turn on warning flashers or place warning reflectors to advise other moving vehicles of the disabled vehicle; if no warning flashers and/or reflectors are available, remain with the vehicle to personally direct and warn other vehicles of the disabled vehicle.

(Editor's Note. See Article V, this chapter, for Abandoned Vehicles.)

18.312. FIRE LANES DESIGNATED. PARKING PROHIBITED. PENALTY.

- a. To provide for the emergency access of fire department apparatus and rescue operations, fire lanes may be designated adjacent to buildings. The fire lanes may be

designated by the use of no-parking signs, yellow curbing and/or pavement markings.

b. Any person who stops, stands or parks a vehicle in a designated fire lane, within the corporate limits of the town, shall be deemed to be in violation of this section.

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

(1976 SC Code §5-7-30)

18.313. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

a. Except at the direction of a Police Officer, no person shall stop, stand or park a vehicle, whether occupied or not:

(1) on a sidewalk;

(2) within an intersection;

(3) on a crosswalk;

(4) at any place where official traffic-control devices prohibit stopping, standing or parking.

b. Except to momentarily pick up or discharge passengers, no person shall stop, stand or park a vehicle, whether occupied or not:

(1) in a traveled portion of the street or highway;

(2) in front of a public or private driveway;

(3) within fifteen (15) feet of a fire hydrant;

(4) at any place where official traffic-control devices prohibit stopping, standing or parking.

c. Any person who stops, stands or parks a vehicle in a prohibited area within the corporate limits of the town shall be deemed to be in violation of this article.

d. The violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §56-5-2530)

18.314. HEAVY VEHICLES IN RESIDENTIAL AREAS.

a. No vehicle shall be parked on any street within any residential subdivision of the town which has a load capacity in excess of one (1) ton, provided that this section shall not apply to vehicles making deliveries or pickup within any subdivision while actually engaged in unloading or loading operations.

b. This section shall not apply to pickup trucks of less than one (1) ton.

ARTICLE IV. FUNERALS

Editor's Note. See §14.1001.c, this code as to official funerals.

18.401. DRIVING INTO FUNERAL PROHIBITED. EXCEPTIONS.

a. No driver of a vehicle shall drive between vehicles comprising a funeral while in motion and when such vehicles are conspicuously identified as required herein.

b. This provision shall not apply at intersections where traffic is controlled by traffic signals or police officers.

18.402. IDENTIFICATION.

A funeral procession of vehicles shall be identified as such by a display on the outside of each vehicle, when designated by the Chief of Police.

18.403. DRIVERS IN PROCESSIONS TO FOLLOW CLOSELY.

Each driver in a funeral shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as closely as practical and safe, with headlights on.

ARTICLE V. ABANDONED VEHICLES

Editor's Note. This article provides for the control of abandoned vehicles on public and private property under certain circumstances, as utilized by other municipalities. (See §18.311, this chapter, for disabled vehicles.)

18.501. INOPERABLE VEHICLES.

For the purposes of this article, the following words and phrases shall have the following meanings:

Abandoned Vehicle shall mean any vehicle parked for forty-eight (48) hours in excess of the time allowed for such parking by any provision of this chapter.

Junk Automobile shall mean any automobile with such present value that it would not be economical to repair or store it.

Unoperational automobile shall mean an automobile incapable of moving under its own power without repair.

18.502. UNLICENSED. SALVAGE, REPAIR ON PRIVATE PROPERTY.

a. It shall be unlawful for the 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 unless it is in a completely enclosed building. This provision, however, shall not apply to a licensed car dealer, new or used, upon property operated for his business.

b. No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, or for the purpose of storage or repair, unless said vehicle has a current vehicle license and unless said vehicle is covered or sheltered in such a fashion as to adequately prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes, other insects, rats or other vermin.

18.503. IMPOUNDMENT. DISPOSITION. EXPENSES. FORFEITURE.

a. If any such vehicle is found parked in violation of this code, or abandoned on the streets of the town, it shall be the duty of a police officer to cause such vehicle to be removed and conveyed to a designated place by the Chief of Police at the owner's expense. 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. If he is a nonresident, he shall be given notice by Certified Mail, Return Receipt Requested, if his address can be ascertained.

b. If the address of such owner cannot be ascertained, the Chief of Police, or his agent, shall advertise that such vehicle has been abandoned and impounded, giving an accurate description thereof. He shall include the name of the person licensed to operate it, the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within thirty (30) days. Such notice shall be published once a week for two (2) consecutive weeks in any newspaper published in the town. If such vehicle is not reclaimed after such advertisement, the same shall be sold for cash at public auction to the highest bidder in front of the Town Hall or such other place as may be designated therefor.

c. 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 Clerk/Treasurer, subject to the claim of the owner which shall be filed and proved within twelve (12) months thereafter.

d. If no such claim is filed and proven within that time, such proceeds shall be forfeited to the town.

18.504. RECORDS TO BE MAINTAINED.

The Chief of Police shall keep a written 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, including the amount received at the sale and any amount deducted therefrom.

ARTICLE VI. PEDESTRIANS

Editor's Note. This article provides for the safety of pedestrians and derives from generally accepted municipal practices.

18.601. OBEDIENCE TO TRAFFIC CONTROL SIGNALS REQUIRED.

Pedestrians shall strictly comply with the directions of any official traffic control signal or police officials.

18.602. USE OF RIGHT HALF OF CROSSWALKS.

Pedestrians shall move, whenever practicable, upon the right half of a crosswalk.

18.603. WALKING ON STREETS AND ROADWAYS.

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.

18.604. DRIVERS TO EXERCISE DUE CARE WITH REGARD TO PEDESTRIANS.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn, when necessary. He shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street.

ARTICLE VII. RAILROADS

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

18.701. DEFINITIONS.

As used in this article, the following words or phrases shall have the meanings ascribed to them:

GRADE CROSSING shall mean a crossing at the grade of a public street or highway over a track or tracks of a railroad.

RAILROAD shall mean a carrier of persons or property upon cars, other than street cars, operated on stationary rails.

RAILROAD TRAIN shall mean a steam or diesel engine, electric or other motor, with or without cars coupled thereto, and operated on rails.

RAILROAD SIGNAL or RAILROAD SIGN shall mean any sign, signal or device erected by authority of a public body or official beside a railroad and intended to give notice of the presence of a railroad track or the approach of a railroad train.

18.702. SPEED OF ENGINES.

It shall be unlawful to run an engine on any railroad within the municipality faster than fifty (50) miles per hour.

18.703. POISON SPRAY ON RAILROAD RIGHT-OF-WAY.

It shall be unlawful for any railroad, its agent or employees operating any railroad in and through the municipality to spray with poison the weeds and grass along the railroad right-of-way within the corporate limits.

18.704. STOP SIGNS AT DANGEROUS RAILROAD CROSSINGS.

The Mayor and Council have the authority to designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. No stop signs shall be erected without the approval of the South Carolina Department of Transportation (SCDOT).

18.705. FLAGMAN AT CROSSING.

The railroad company is hereby required to provide and keep stationed at each of its crossings within the corporate limits at least one flagman, unless warning devices are installed and maintained which comply with the 1976 South Carolina Code of Laws.

18.706. BLOCKING OF STREET BY TRAINS.

Any person who shall be in charge or control of an engine or a car upon the track of the railroad company, who shall stop any one of them upon or across any of the streets of the municipality longer than five (5) consecutive minutes shall be deemed guilty of a misdemeanor. At no time shall trains or railroad cars block more than two (2) crossings at one time, unless the train is in motion.

18.707. COMPLAINTS OF RAILROAD CONDUCT.

The Mayor and Council has the authority to apply directly to the South Carolina Public Service Commission for relief from conduct of any railroad within the corporate limits.

ARTICLE VIII. PENALTIES

18.801. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 19. DROUGHT RESPONSE

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CHAPTER 19. DROUGHT RESPONSE

Editor's Note. In 1985 the South Carolina General Assembly enacted Act No. 63 (§49-23-90 of the 1976 South Carolina Code of Laws) which affected every municipality in this state. The act required every municipality "engaged in the business...of supplying water for any purpose...to develop and implement drought response ordinances". They "...must be consistent with State Drought Response Plan..." In 1993 the Water Resources Commission was changed to the "Department of Natural Resources".

In 1987 the South Carolina Water Resources Commission required every city and town in the state to adopt an ordinance to guide the Mayor and Councils in times of extreme drought. The Commission prepared a recommended ordinance which the cities and towns adopted. It is included in this code. It is technical in part and may need clarification by the Commission, should the occasion arise. It is to be noted that the ordinance is effective only in times of extreme drought. This chapter meets the intent of the Commission.

Further, the act provided that the local drought ordinances must be adopted within eighteen (18) months of the approval of the General Assembly, and any proposed ordinance must first be submitted to the department for review to determine consistency with the State Drought Response Plan.

The law further provided, by §49-23-100, for penalties for municipalities not conforming to the provisions of the Act No. 63.

ARTICLE I. IN GENERAL

19.101. DECLARATION OF POLICY, PURPOSE AND INTENT.

a. Purpose: To (1) meet the mandate and requirements of the South Carolina Department of Natural Resources and to (2) achieve the greatest public benefit from domestic water use, sanitation, fire protection, and to provide water for other purposes in an equitable manner, The Town of Jamestown, South Carolina, hereby adopts the following regulations and restrictions on the delivery and consumption of water.

b. This chapter is hereby declared to be necessary for the preservation of public health, safety and welfare and shall take effect upon its adoption.

c. Whenever, in the judgment of the Mayor and Council it becomes necessary to conserve water in the service area, due to drought or other causes, the Mayor is authorized to issue a proclamation that existing drought conditions prevent fulfillment of the usual water use demands. The proclamation shall attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection and other essential needs become

endangered. Immediately upon the issuance of such a proclamation, regulations and restrictions set forth herein shall become effective and remain in effect until the water shortage is terminated and the proclamation is rescinded.

d. Water uses, regulated or prohibited hereunder, are considered to be non-essential; continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties.

19.102. DEFINITIONS.

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

Aesthetic water use shall mean water used for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial water use shall mean water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Conservation shall mean reduction in water use to prevent depletion or waste of the resource.

Customer shall mean any person, company or organization using water supplied by the town.

Domestic water use shall mean water used for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought alert phases:

a. Moderate drought shall mean when the Palmer Index reaches the range -1.50 to -2.99 and moderate drought conditions have been verified by best available information and conditions indicate this situation is expected to persist.

b. Severe drought shall mean when the Palmer Index reaches the range -3.00 to -3.99 and severe drought conditions have been verified by best available information.

c. Extreme drought shall mean when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

d. Palmer Index shall mean a measure of the severity of a drought or a wet spell in an area. Dry conditions shall be associated with negative values; wet conditions with positive values and normal conditions shall have a value of zero.

Drought Response Committee shall mean a committee composed of state and local representatives created for the purpose of coordinating responses to water shortages within

drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor.

Essential water use shall mean water used specifically for fire fighting, maintaining instream flow requirements and to satisfy federal, state or local public health and safety requirements.

Even numbered address shall mean street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A-M and locations without addresses.

Odd numbered address shall mean addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9 or letters N-Z.

Institutional water use shall mean water used by government, public and private educational institutions, public medians and rights of way, churches and their places of worship, water utilities and other lands, buildings and organizations within the public domain.

Landscape water use shall mean water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

Water shortage shall mean a lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

19.103. NONESSENTIAL WATER USE.

Nonessential water use categories may be curtailed during severe or extreme drought. Examples of nonessential water uses shall be as follows:

1. Residential and Institutional:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard surfaced areas.

(b) Washing buildings or structures for purposes other than immediate fire protection.

(c) Flushing gutters or permitting water to run or accumulate in any gutter or street.

(d) Washing any motor bike, motor vehicle, boat, trailer or other vehicle.

(e) Maintaining fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

(f) Filling or maintaining public or private swimming pools.

(g) Sprinkling lawns, plants, trees and other flora on private or public property,

except as otherwise provided under this chapter.

2. Commercial and Industrial:

- (a) Serving water routinely in restaurants.
- (b) Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.
- (c) Irrigating golf courses and any portion of its grounds, except as otherwise provided under this chapter.
- (d) Obtaining water from hydrants for construction purposes, fire drills or for any purpose other than fire fighting.
- (e) Serving customers who have been given a ten (10) day notice to repair leaks and have failed to comply.
- (f) Expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.

19.104. RESPONSES TO MODERATE, SEVERE AND EXTREME DROUGHT ALERT PHASES.

Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, are classified as moderate, severe and extreme.

Proclamations by the Mayor shall coordinate an appropriate response to the level of drought which exists.

Proclamations by the Mayor and Council setting forth responses to the various drought alert phases shall be based upon drought monitoring data, recommendations, declarations and/or notifications supplied by the regional Drought Response Committee or the South Carolina Department of Natural Resources.

1. Moderate Drought Alert Phase: When conditions indicate that a moderate drought condition is present, and is expected to persist, the South Carolina Department of Natural Resources will activate the Drought Information Center. It will notify the Mayor by certified mail and issue press releases concerning the drought conditions to the news media.

(a) Goal:

(1) A fifteen percent (15%) voluntary water use reduction for agricultural, commercial, industrial and institutional purposes.

(2) A thirty percent (30%) voluntary water use reduction for residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of nonessential water uses as provided herein.

(2) Institute an increased water supply system maintenance effort to identify and correct water leaks.

(3) Encourage water customers to comply with the listed voluntary water-use restrictions in all categories, while moderate drought conditions exist.

(c) Water-use restrictions:

(1) Agriculture, Irrigation and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(2) Commercial, Industrial, and Institutional:

(a) Reduce aesthetic, domestic, landscaping and water-based recreational activities such as swimming pools, water slides and other related water activities.

(3) Residential:

(a) Reduce water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.

(b) Reduce domestic, landscaping and water-based recreational activities such as swimming pools, water slides and other related water activities.

2. Severe Drought Alert Phase: A drought of this severity usually requires an official declaration and implementation of mandatory water use restrictions by the South Carolina Department of Natural Resources. In such cases, the Commission will notify the Mayor and issue press releases concerning the drought conditions to the news media.

(a) Goal:

(1) A fifteen percent (15%) water use reduction for agricultural, commercial, industrial and institutional purposes.

(2) A thirty percent (30%) water use reduction for residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of water use curtailment measures.

(2) Require water customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(c) Water-Use Restrictions:

(1) Agriculture, Irrigation, and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(b) Restrict irrigation use from 7:00 p. m. to 7:00 a. m. and prohibit water run-off.

(2) Commercial, Industrial, and Institutional:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary for maintaining health and safety.

(c) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(3) Residential:

(a) Restrict water use to seventy-five (75) gallons per person per day,

and a maximum of three hundred (300) gallons per household per day.

(b) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities.

(c) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(d) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

3. Extreme Drought Alert Phase: The South Carolina Department of Natural Resources will notify the Mayor by certified mail and issue press releases concerning the drought conditions to the news media. **Water use restrictions imposed during extreme drought conditions shall be mandatory.**

(a) Goal:

(1) A fifteen percent (15%) water use reduction for agricultural, commercial and industrial purposes.

(2) A thirty percent (30%) water use reduction for Institutional and residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of water use curtailment measures.

(2) Require water customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(c) Water-Use Restrictions:

(1) Agriculture, Irrigation, and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(b) Restrict irrigation use from 7:00 p. m. to 7:00 a. m. and prohibit water run-off.

(2) Commercial and Industrial:

- (a) Prohibit aesthetic water use.
- (b) Reduce domestic water use to minimum levels necessary to maintain health and safety.
- (c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.
- (d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.
- (e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(3) Institutional:

- (a) Prohibit aesthetic water use.
- (b) Reduce domestic water use to minimum levels necessary to maintain health and safety.
- (c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.
- (d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.
- (e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(4) Residential:

- (a) Restrict water use to fifty-five (55) gallons per person per day, and a maximum of two hundred twenty (220) gallons per household per day.
- (b) Reduce domestic water use to minimum levels necessary to maintain health and safety.
- (c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.
- (d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and

maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

19.105. NEW WATER SERVICE CONNECTIONS.

a. Correspondence regarding water availability, pipeline extension agreements and applications requesting service shall include conditions relating to water shortages.

b. No applications for new, additional, further expanded or an increase in size of water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed, unless such action is in compliance with the provisions of this chapter.

19.106. WATER RATES AND FEES.

a. In the event of an extreme drought related water shortage, the Mayor and Council is hereby authorized to monitor water use and limit households to sixty (60) gallons per household member per day. Domestic water use above this limit shall be subject to a per gallon fee.

b. Institutional, commercial, industrial and recreational water users shall be subject to a water use fee per one thousand (1000) gallons of water used, if the town deems adequate conservation measures have not been implemented.

c. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

19.107. RATIONING.

In the event a drought threatens the preservation of public health and safety, the rationing of water by the Mayor and Council is hereby authorized.

19.108. VARIANCES.

a. Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use curtailment/reduction and shall apply for a variance from curtailment.

b. Persons requesting exemption from the provisions of this chapter shall file a petition with the Mayor and Council for variance within ten (10) days after such curtailment becomes

effective.

c. When the provisions of this chapter have been invoked, persons requesting an exemption shall file a petition for variance with the town within ten (10) days of the effective date of water use curtailment or reduction. The town shall respond to requests for variances within five (5) days of receipt of information or within twenty (20) days of declaration of the curtailment, whichever comes first.

d. Petitions shall contain the following information:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision from which relief is requested.
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner.
- (5) Description of the relief desired.
- (6) Period of time for which the variance is sought.
- (7) Economic value of the water use.
- (8) Damage or harm to the petitioner or others if petitioner complies with this article.
- (9) Restrictions with which the petitioner is expected to comply and the compliance date.
- (10) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.
- (11) Other pertinent information, as requested.

e. In order for a variance to be granted, petitioner shall show one or more of the following conditions:

- (1) Compliance cannot be technically accomplished during the duration of the water shortage.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

f. The Mayor and Council may, in writing, grant temporary variances for existing water uses otherwise prohibited if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The Mayor and Council shall ratify or revoke any such variance at its next scheduled meeting. Any such variance so ratified may be revoked by later action of the Mayor and Council.

g. No such variance shall be retroactive or otherwise justify any violation occurring prior to the issuance of the variance.

h. Variances granted by the Mayor and Council shall be subject to the following conditions, unless waived or modified thereby:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

19.109. ENFORCEMENT.

a. Employees of the town shall, in addition to duties imposed by law, diligently enforce the provisions of this chapter.

b. They shall have the authority to issue written notices to appear when violations of this chapter occur during any declared moderate, severe or extreme drought or water shortage.

ARTICLE II. LEGALITY OF CHAPTER

19.201. CONTROL.

a. In the event that any portion of this chapter is held to be unconstitutional for any reason, the remaining portions hereof shall not be affected.

b. The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and other rules and regulations of the town.

ARTICLE III. PENALTIES

19.301. FINES AND PENALTIES.

a. Except as otherwise stated herein, violators of any provision of this chapter shall be subject to the following penalties:

<u>Violation</u>	<u>Classification</u>	<u>Penalty</u>
First offense	Infraction	\$ 25.00
Second offense	Infraction	\$ 50.00
Third and subsequent offense within the same drought period	Misdemeanor	\$ 100.00

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

b. After issuing one warning by certified mail, the water service of any person or customer may be disconnected whenever it is determined that such person has failed to comply with the provisions of this chapter.

(1) Services disconnected under such circumstances shall be restored only upon payment of a reconnection fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code, and any other costs incurred by the town in discontinuing service.

(2) In addition, suitable assurances shall be given to the town that the same action shall not be repeated during the drought or water shortage.

CHAPTER 20. FLOOD DAMAGE CONTROL

ARTICLE I. IN GENERAL

20.101. Flood Damage Control Vested in Berkeley County.

CHAPTER 20. FLOOD DAMAGE CONTROL

ARTICLE I. IN GENERAL

Editor's Note. In 1987, Berkeley County adopted Ordinance Number 87-8-15 which provided for Flood Damage Control and which permitted residents of the county to obtain flood insurance.

The ordinance included " ... *all areas of special flood hazard within the jurisdiction of Berkeley County.*" (Emphasis added.) As a result, the citizens of The Town of Jamestown have benefited therefrom.

20.101. FLOOD DAMAGE CONTROL VESTED IN BERKELEY COUNTY.

All requirements to obtain flood insurance by the citizens of The Town of Jamestown are hereby vested in all respects in the Flood Damage Control Ordinance, Number 87-8-15, of Berkeley County and all subsequent ordinances amending said ordinance as said amendments apply to The Town of Jamestown.

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First Reading: September 3, 2001

Second Reading: October 18, 2001

ORDINANCE No. 01-02

GRANTING TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP THE NON-EXCLUSIVE CONSENT OF THE GOVERNING BODY OF THE TOWN OF JAMESTOWN TO CONSTRUCT, MAINTAIN, AND OPERATE A FIBER-OPTIC COMMUNICATIONS CABLE IN, OVER, AND UPON THE STREETS, ALLEYS, BRIDGES, RIGHT-OF-WAYS, AND OTHER PUBLIC PLACES OF THE TOWN, AND WITH ANY NECESSARY RIGHT OF ACCESS THERETO, AND TO USE THAT CABLE TO TRANSMIT CABLE TELEVISION SERVICES AND DATA COMMUNICATIONS THROUGH JAMESTOWN WITHOUT PROVIDING, EXCEPT INDIRECTLY AND INCIDENTALLY, TELEVISION/DATA COMMUNICATIONS SERVICES TO CUSTOMERS WITHIN THE TOWN.

BE IT ORDAINED by the Mayor and Council of the Town of Jamestown in Council duly assembled, as follows:

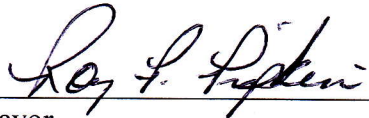
Section 1. The Town of Jamestown (the Town) has an obligation to manage its public rights-of-way, and in connection with that obligation and pursuant to SC Code Ann 58-12-10, the Town hereby imposes upon Time Warner Entertainment-Advance/Newhouse Partnership (the Company) a fee for the use of its public rights-of-ways in the amount of \$500.00 per year.

Section 2. This Ordinance is subject to the constitution and laws of the State of South Carolina.

Section 3. This Ordinance shall become effective upon acceptance by the Company, which shall be within thirty (30) days from the date of its ratification by the Town.

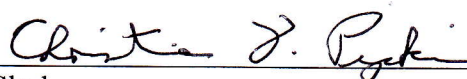
Section 4. The rights under the Ordinance accrue exclusively to the parties, their successors and assigns. It is the express intent of the parties that this ordinance shall not create any rights in third parties.

DONE AND RATIFIED in Council duly assembled THIS 18th, DAY OF October, 2001



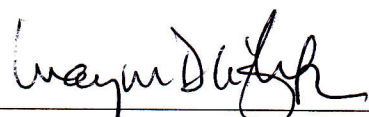
Mayor

ATTEST:



Clerk

ACCEPTANCE of the within granted Ordinance acknowledged by TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE Partnership THIS 23rd DAY OF October, 2001.

BY: 

ITS: Vice President

Ordinance No. 01-03

An Ordinance to Adopt Provisions for Drought Response

BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE
TOWN OF JAMESTOWN, SOUTH CAROLINA, THAT:

- A. Declaration of Policy and Authority: The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which the Town of Jamestown 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 supplied by the Town of Jamestown. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the Town of Jamestown hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Ordinance is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the Town of Jamestown.

If it becomes necessary to conserve water in its service area due to drought, the Town of Jamestown is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water-use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance 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 Ordinance are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The Drought Management Plan as outlined in Section I - III is hereby approved.

- B. **Moderate Drought Phase:** If any of the trigger levels in the Drought Management plan for Moderate Drought Phase are met, the Town of Jamestown 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 15% in residential water use and 15% in other water uses such as commercial, industrial, institutional and irrigation;

and a reduction in overall water use of 15%. To accomplish this, the Town of Jamestown will take the following actions:

- 1) Issue a Proclamation to be released to local media, Town of Jamestown '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 Town of Jamestown the voluntary conservation measures that the customers are requested to follow during Moderate drought conditions, including:
 - a. Reduce residential water use to 60 gallons per person per day and a maximum of 150 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 10 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 Town of Jamestown.
- 5) Continue to encourage and educate customers to comply with voluntary water conservation.

C. Severe Drought Phase: **If any of the trigger levels in the Drought Management plan for Severe Drought Phase are met, the** Town of Jamestown will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-

essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 20% in residential water use, 20% in all other water use categories, and a reduction in overall water use of 20%. To accomplish these goals, the Town of Jamestown will take the following actions:

- 1) Issue a Proclamation to be released to the local media, Town of Jamestown '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 Town of Jamestown 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 55 gallons per person per day and a maximum of 140 gallons per household.
 - 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 fire-fighting or flushing necessary to maintain water quality; and
 - d. Limit use of water by commercial and individual customers including, but not limited to, the following:
 - 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 10-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 Town of Jamestown.
- 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.

D. Extreme Drought Phase: If any of the trigger levels in the Drought Management plan for Extreme Drought Phase are met, the Town of Jamestown 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 25% in residential water use, 25% in all other categories of water uses and a reduction in overall water use of 25%. To accomplish these goals, the Town of Jamestown will take the following actions:

- 1) Issue a Proclamation to be released to the local media, the Town of Jamestown 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 Town of Jamestown the mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Limiting residential water use to 50 gallons per person per day and a maximum of 125 gallons per household.
 - 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.
- 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 10-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 Town of Jamestown.
- 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% of the customer's monthly average. If voluntary reduction of usage is not successful, the Town of Jamestown may, at its option, implement the following excessive use rate schedule for water:

Tier 1	0 - 2500 gallons	regular rate
Tier 11	2501 - 4000 gallons	2 times regular rate
Tier 111	Over 4001 gallons	3 times regular rate

- c. Impose a drought surcharge per thousand gallons of water that increases with higher usage. The general principle behind the drought surcharge is that the fee is imposed on water use in excess of 50% of average normal monthly use. The drought surcharge is a temporary fee imposed during the current water supply shortage and is not a cost-based rate. The drought surcharge is temporary and will be terminated at such time as the Town of Jamestown determines the water supply is above the trigger levels.
 - d. If the conservation measures of the Ordinance or Plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the Town of Jamestown may take additional actions including, but not limited to:
 - i. Decreasing the gallon 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 phase 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.

E. Rationing

If a drought threatens the protection of public health and safety, The *Town of Jamestown* is hereby authorized to ration water.

F. Enforcement of Restrictions

If any customer of the *Town of Jamestown* fails to comply with the mandatory water use restrictions of this Ordinance, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

First violation – a \$50.00 surcharge shall be added to the customer’s water bill;

Second violation – an additional \$100.00 surcharge shall be added to the customer’s water bill;

Third violation – the customer’s water service shall be terminated and restored only after payment of a surcharge of \$250.00 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the *Town of Jamestown* shall diligently enforce the provisions of the Drought Response Ordinance.

G. 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 *Town of Jamestown* within ten (10) working days after the issuance of the Proclamation requiring water use restrictions. All petitions for variances shall contain the following information:

- A. Name and address of the petitioner;
- B. Purpose of water usage;
- C. Special provision from which the petitioner is requesting relief;
- D. Detailed statement as to how the curtailment declaration adversely affect the petitioner;
- E. Description of the relief desired;
- F. Period of time for which the variance is sought;
- G. Economic value of the water use;
- H. Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- I. Restrictions with which the petitioner is expected to comply and the compliance date;
- J. Steps the petitioner is taking to meet the restriction from which the variance is sought and the expected date of compliance; and
- K. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Ordinance 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 *Town of Jamestown* is authorized to grant the request for variance.

In addition, the *Town of Jamestown* is authorized to grant temporary variances for existing water uses otherwise prohibited under the Ordinance 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 Ordinance occurring prior to the issuance of the variance. Variances granted by the *Town of Jamestown* 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.

H. Status of the Ordinance

- 1) If any portion of this Ordinance 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 Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the *Town of Jamestown*.
- 3) Nothing in this Ordinance 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.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS FINAL
ADOPTION

First Reading: _____ Mayor: _____

Second Reading: _____ Town Clerk: _____

ORDINANCE NO. G1-04

AN ORDINANCE TO AMEND THE TOWN CODE
TO PROVIDE FOR A BUILDING OFFICIAL AND
TO ADOPT INTERNATIONAL CODES

BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF JAMESTOWN, THAT

The Jamestown Code of Ordinances adopted June 15, 2000, is hereby amended as follows:

SECTION 1. Sections 5.101 and section 5.201 are hereby rescinded in their entirety and when rescinded, the following SECTIONS shall be inserted in lieu thereof:

5.101. OFFICE OF BUILDING OFFICIAL ESTABLISHED.

There is hereby established the office of Building Official which shall be responsible for the enforcement of all International Codes as set forth in §5.201, as amended, and such other duties as may be prescribed by the Mayor and Council.

5.201. INTERNATIONAL CODES ADOPTED.

The following International Codes, 2000 Edition, unless otherwise stated, are hereby adopted by reference as though they were copied herein but without appendixes unless, specifically noted:

- | | |
|----------------------------------|--|
| 1. Building Code | 6. Mechanical Code |
| 2. Electrical Code, 2002 Edition | 7. Plumbing Code |
| 3. Energy Conservation Code | 8. Property Maintenance Code, 1998 Edition |
| 4. Fire Code | 9. Residential Code, with South Carolina amendments. |
| 5. Fuel Gas Code | |

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby rescinded to the extent of conflict.

SECTION 3. This ordinance shall become effective upon its final reading.

First Reading September 20, 2004

Second Reading October 4, 2004

ATTEST: Christine P. Popkin
Town Clerk

Roy P. Popkin
Mayor

Sterling Lambert
Councilperson

Joan D. Gherry
Councilperson

Jimmy L. Callum
Councilperson

Harley D. Thomas
Councilperson

ORDINANCE NO: 01-05

**AN ORDINANCE TO AMEND THE
COMPENSATION FOR MAYOR AND COUNCIL**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF
JAMESTOWN, THAT**

SECTION 1. Section 2.105 a. is hereby rescinded in its entirety and when rescinded the following section shall be inserted in lieu thereof:

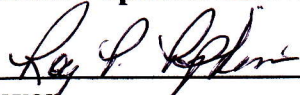
2.105 COMPENSATION, INCREASES, ACTUAL EXPENSES.

a. For each meeting attended, the mayor shall be paid thirty dollars(\$30.00), and members of Council shall be paid twenty dollars (\$20.00).

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby rescinded to the extent of conflict.

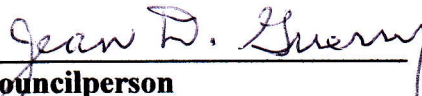
SECTION 3. This ordinance shall become effective upon its final reading.

First Reading 9-12-05

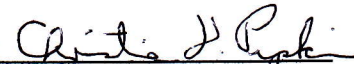


Mayor

Second Reading 10-1-05

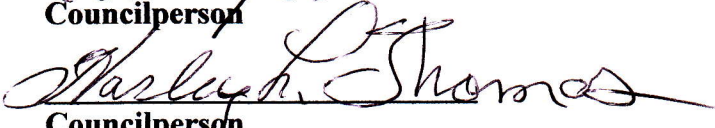


Councilperson

ATTEST: 



Councilperson



Councilperson

Councilperson

ORDINANCE NO: 01-06

STATE OF SOUTH CAROLINA	)	ORDINANCE SETTING A FRANCHISE
	)	FEE RATE FOR CABLE SERVICE
CITY/TOWN OF <u>JAMESTOWN</u>	)	PROVIDERS UPON EXPIRATION
	)	OR TERMINATION OF AN EXISTING
	)	FRANCHISE FOR CABLE SERVICE

WHEREAS, the Council has determined that it is in the interest of the municipality, under the provisions of State statutory law, including the South Carolina Competitive Cable Services Act (2006 Act 288, effective May 23, 2006), to set a franchise fee rate for the municipality for any cable service provider upon expiration of an existing franchise with the municipality or upon termination by the cable service provider of an existing franchise with the municipality,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City/Town of Jamestown, in Council, duly assembled, as follows:

A franchise fee rate of Five Percent (5%) of gross revenues derived from the operation of the cable system to provide cable service (as defined in Article 3, Chapter 12 of Title 58 of the South Carolina Code) is imposed for all cable service providers upon expiration of an existing franchise with the municipality or upon termination by the cable service provider of an existing franchise with the municipality. Notwithstanding any provisions of the expired or terminated franchise, the municipality, in the event of expiration or termination by the cable service provider of the franchise, reserves all rights to impose on the cable service provider all ad valorem taxes, service fees, sales tax, or other taxes and fees lawfully imposed or to be imposed on other businesses within the municipality.

This Ordinance shall be effective from the date of final reading and adoption.

DONE IN MEETING DULY ASSEMBLED, this ____ day of _____, 2006.

Mayor

ATTEST:

Municipal Clerk

First reading: November 6, 2006

Second reading and adoption: December 5, 2006

STATE OF SOUTH CAROLINA)
)
CITY/TOWN OF _____)
)
ORDINANCE GRANTING CONSENT TO
APPLICATION FOR FRANCHISE FOR
CABLE SERVICE AND SETTING
FRANCHISE FEE

WHEREAS, Article 8, section 15 of the Constitution of the State of South Carolina provides, among other things, that no law shall be passed by the General Assembly granting the right to a utility to construct and operate lines and facilities in a public street or on public property "without first obtaining the consent of the governing body of the municipality in control of the streets or public places proposed to be occupied for any such or like purpose"; and

WHEREAS, the General Assembly by 2006 Act 288 (known as the "South Carolina Competitive Cable Services Act") has imposed a system of a State-Issued Certificate of Franchise Authority ("COFA") under which a cable service provider may designate by application to the Secretary of State those municipalities in which the provider wishes to operate, and the municipality so designated, within the period of time after notice from the Secretary of State as set out in S.C. Code section 58-12-310, is to advise the Secretary of State whether the municipality consents to the COFA or denies consent; and

WHEREAS, S.C. Code section 5-7-260(4) requires that the municipal council act by ordinance in granting, renewing or extending a franchise; and

WHEREAS, the Council has determined, in the exercise of its lawful discretion and authority, to grant its consent to a franchise and to the application for a COFA for the applicant,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City/Town of _____, in Council, duly assembled, as follows:

1. The Council, as the municipal governing body, consents to the application of _____ (copy attached) to operate cable service within the municipality.

2. The maximum franchise fee rate allowed by controlling law shall apply to the applicant's provision of cable service within the municipality. The municipality reserves all rights to impose on the applicant all ad valorem taxes, service fees, sales tax, or other taxes and fees lawfully imposed or to be imposed on other businesses within the municipality.

3. All rights of the municipality under Article 8, section 15 of the Constitution of the State of South Carolina, under State law (including the South Carolina

Competitive Cable Services Act), and under any superseding Federal law are specifically reserved.

This Ordinance shall be effective from the date of final reading and adoption.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____

Mayor

ATTEST:

Municipal Clerk

First reading: _____
Second reading and adoption: _____

Approved as to form: _____
Municipal Attorney

ORDINANCE NO: 01-08

AN ORDINANCE TO REPEAL ARTICLE II. BIRD SANCTUARY

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN
OF JAMESTOWN, SOUTH CAROLINA.**

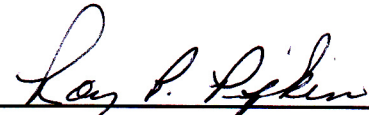
SECTION 1. Section 3-201 and Section 3-202 of the town code is hereby repealed in its entirety.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

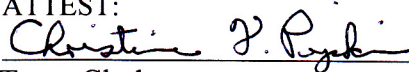
SECTION 4. This ordinance shall become effective upon its final adoption

February 5, 2008
First Reading



Roy P. Pipkin, Mayor

March 4, 2008
Second Reading

ATTEST:


Town Clerk

ORDINANCE # 01-11

ESTABLISHMENT OF RATES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN, SOUTH CAROLINA:

SECTION 1. Section 17.401 of the Town Code is hereby amended to reflect new water rates as listed below and change hereto in the schedule of rates and fees found in this ordinance in **exhibit 01-01**

<u>GALLONS USED</u>	<u>COST</u>
2,500 and less (Base water rate)	\$13.00
2,501 to 12,500 (per 1,000)	\$2.00
12,501 to 22,500 (per 1,000)	\$3.00
22,501 and up (per 1,000)	\$4.00

SECTION 2. Section 17.402 of the Town Code is hereby amended to reflect the new Water Deposit Fee. Residential: \$50.00, Commercial: \$100.00

SECTION 3. SECTION 17.403 of the Town Code is hereby amended to reflect the new reconnection fee for customers that are delinquent in payment of monthly water bills and change hereto in the schedule of rates and fees found in this ordinance in **EXHIBIT 01-01**

\$100.00 for Residential and \$200.00 for Commercial. If meter is removed because of delinquent payment or any other misuse, the reinstatement fee will be \$200.00 for Residential and \$400.00 for Commercial.

SECTION 4. Section 17.049 of the Town Code is hereby amended to reflect the new connection fee for new customers and change hereto in the schedule of rates and fees found in this ordinance in **EXHIBIT 01-01**

Residential: \$600.00 on the same side of the road as water main. On the opposite side of the road; customer will incur additional labor and material cost.

Commercial: \$1000.00 on the same side of the road as water main. On the opposite side of the road customer will incur additional labor and material cost.

New Residential customer with an existing installed meter will be charged a \$100.00 cut on fee.
New Commercial customer with an existing installed meter will be charged a \$200.00 cut on fee.

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 6. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 7. This ordinance shall become effective July 1, 2011

April 5, 2011

First Reading

Roy P. Pipkin, Mayor

May 3, 2001

Second Reading

Jean D. Guerry, Mayor Pro Tempore

Jimmie Callum, Council Member

Marty Britt, Council Member

Ruth Thomas, Council Member

ATTEST:

Town Clerk

ORDINANCE #01-12

An Ordinance Amending the Business License Ordinance Provisions for Insurance Companies

WHEREAS, the South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S. C. Code §§ 38-7-160 and 38-45-10 through 38-45-195; and

WHEREAS, the act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax; and

WHEREAS, the act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums; and

WHEREAS, the act authorizes the Municipal Association of South Carolina to act as the municipal agent for purposes of distributing to municipalities the municipal brokers tax collected by the South Carolina Department of Insurance; and

WHEREAS, it is necessary to amend the Business License Ordinance to conform to the State law as amended;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jamestown, that the Business License Ordinance is amended by changing the provisions for insurance companies as follows:

SECTION 1.

SIC NAICS
CODE or CODE

63	5241	<u>Insurance Companies</u>: Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.
----	------	--

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

631-632	52411	<u>Life, Health and Accident</u>	0.75% of Gross Premiums
633-635	524126	<u>Fire and Casualty</u>	2% of Gross Premiums
636	524127	<u>Title Insurance</u>	2% of Gross Premiums

SECTION 2.

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 3.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 4.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

ORDINANCE NO. 01-16

AN ORDINANCE TO ADOPT 2015 EDITION OF THE
INTERNATIONAL BUILDING CODE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN, SOUTH
CAROLINA:

That the Jamestown Code of Ordinance adopted November 1, 2011, is hereby amended as follows

SECTION 1. Section 5.201 is hereby amended to reflect the changes as outlined in 2015 International building code unless otherwise stated, are hereby adopted by reference as though they were copied herein but without appendixes unless, specifically noted:

Appendix 1: See Fee schedule attached

Appendix 2: See 2015 International Building Code

Appendix 3: Building Inspector Responsibilities

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective upon its final adoption.

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D Guerry, Mayor Pro Tempore

ATTEST:

Jimmie Callum, Council Member

Town Clerk

Ruth Thomas, Council Member

Douglas Guerry, Council Member

Ordinance #01-18

AN ORDINANCE FOR 100 PERCENT PETITION ANNEXATON

WHEREAS, a proper petition has been filed with the Town Council of Jamestown by 100 percent of the owners of the property owning 100 percent of the assessed value of the contiguous property hereinafter described petitioning for annexation of the property to the Town of Jamestown under the provisions of S.C. Code Section 5-3-150(3); and

WHEREAS, it appears to Council that annexation would be in the best interest of the property owners and the Town of Jamestown;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jamestown, South Carolina, this day of February 6, 2018 that the property herein described is hereby annexed to and becomes a party of the Town of Jamestown effective date March 1, 2018

The properties to be annexed are three parcels located on Highway 41 north of the existing municipal limits, to the east of Highway 41. The parcels extend 408 feet North East, then 350 feet North West to Highway 41

The properties are designated as follows on the County tax Maps: TMS 075-00-00-008, TMS 075-00-00-046, TMS 075-00-00-064

Tax maps are attached

The property shall not be zoned pending confirmation.

First Reading: January 9, 2018

Mayor

Second Reading: _____

Attest:

Clerk

ORDINANCE NO. 01-20
AN ORDINANCE FOR
ESTABLISHMENT OF WATER RATES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN SOUTH CAROLINA

SECTION 1. Section 17.401 of the Town Code is hereby amended to reflect new water rates as listed below and change hereto in the schedule of rates and fees found in this ordinance in EXHIBIT 01-01.

<u>GALLONS USED</u>	<u>COST</u>	
2,500 and less (Base water rate)	\$15.00	IN TOWN CONNECTIONS
2,500 and less (Base water rate)	\$17.00	OUT OF TOWN CONNECTION
2,500 and less (Base water rate)	\$35.00	COMMERCIAL (2-inch meter)

SECTION 2. Section 17.403 of the Town Code is hereby amended to reflect new water rates as listed below and change hereto in the schedule of rates and fees found in this ordinance in EXHIBIT 01-01 and 01-02.

Penalty fee for failure to pay water bill by due date is \$3.00 per monthly billing.

Reconnection fee for customers that are delinquent in payment of monthly water bills is \$50.00.

SECTION 3. Section 17.409 of the Town Code is hereby amended to reflect the new connection fee for new customers and change hereto in the schedule of rates and fees found in this ordinance in EXHIBIT 01-02.

Residential: \$800.00 on the same side of the road as water main. On the opposite side of the road; customer will incur additional labor and material cost for boring under roadway.

Commercial: \$2,000.00 on the same side of the road as water main. On the opposite side of the road; customer will incur additional labor and material cost for boring under roadway.

SECTION 4. Section 17.413 of the Town Code is hereby added to reflect new customer existing water meter rates as listed below and change hereto in the schedule of rates and fees.

Residential: \$200.00 fee for a new connection of an existing residential water meter.

Commercial: \$600.00 fee for a new connection of an existing commercial water meter.

SECTION 5. Section 17.414 of the Town Code is hereby added to reflect change of account name. Qualified applicants include married spouse, life partner, persons known to be living as a couple or adult child living in the house. A new application is required to be completed and a \$25 fee.

SECTION 6. Section 17.415 of the Town Code is hereby added to reflect if the property to be served is located in an unincorporated area of the county and not subject to a properly executed and recorded declaration of covenant the property owner(s) shall, prior to or contemporaneously with an application, submit:

- (1) A properly executed annexation petition to the Town of Jamestown, if the property is contiguous to the corporate limits of the town; or
- (2) A properly executed, recordable declaration of covenant, if the property is not contiguous to the corporate limits of the town and not already subject to a properly recorded declaration of covenant.

No water service shall be provided, transferred, permitted or allowed until such time as an annexation petition or declaration of covenant as is provided for herein is submitted to the town.

An applicant or transferor shall provide proof of ownership, leasehold interest, occupancy, residency, authority, identity or existence, if a legal entity, upon request and shall not receive or continue to receive water service until the requested proof has been provided and/or verified by the town.

The provision of service to customers outside the corporate limits by the town is deemed to be a contract subject to all rate schedules, rules, regulations and ordinances of the town as may be amended from time to time. The contract does not create or impose upon the town any obligation to provide service in the future. Service may be discontinued at any time in the sole and exclusive discretion of town council upon reasonable notice.

SECTION 6. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 7. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 8. This ordinance shall become effective after its final adoption.

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmie Callum, Council Member

Town Clerk

Ruth Thomas, Council Member

Douglas B. Guerry, Council Member

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

)
)
)

ORDINANCE NO. 01-21

AN ORDINANCE CHANGING THE BUSINESS LICENSE YEAR FOR BUSINESS LICENSE TAXES IN THE TOWN OF JAMESTOWN; PROVIDING FOR A TRANSITIONAL CALCULATION YEAR; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Jamestown (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to levy a business license tax on gross income;

WHEREAS, acting pursuant to such authority, the Municipality adopted Ordinance No. 02-11 (the "Business License Ordinance"), which ordinance establishes the requirement that each person or entity doing business within the Municipality must register the business and make application for a business license on or before the due date of each year;

WHEREAS, the Business License Ordinance provides that yearly licenses issued thereunder, with certain exceptions as provided by State law, shall be issued for the twelve-month period of July 1 – June 30 (the "License Period");

WHEREAS, the Business License Ordinance provides that the business license tax for each business license shall be based on the gross income of the licensee for a twelve-month period preceding the date of issuance of the license;

WHEREAS, Act No. 176 of 2020, now codified at S.C. Code §§ 6-1-400 to -420 (the "Business License Standardization Act"), requires the adoption of a standardized, statewide License Period from May 1 to April 30 of each year;

WHEREAS, the Business License Standardization Act further requires the adoption of a standardized, statewide Calculation Period based on the gross income for the calendar year preceding the due date, for the business's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year; and

WHEREAS, the purpose of this Ordinance is to amend the Business License Ordinance to conform to the Business License Standardization Act by adopting the required standardized, statewide License Period and Calculation Period;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jamestown as follows:

SECTION 1. Adoption of Standardized License Year. Business licenses issued for the 2021 license year shall expire on April 30, 2022. Such license year ending on April 30, 2022, shall commence

on July 1, 2021 and shall run for a 10 month period. Beginning with business licenses issued for the 2022 license year, the License Period within the municipality shall be from May 1 to April 30.

SECTION 2. Adoption of Standardized Calculation Period. Beginning with business licenses issued for the period from May 1, 2022, to April 30, 2023, the Calculation Period for gross income shall be the calendar year preceding the due date; the business's twelve-month fiscal year preceding the due date; or a twelve-month projected income based on the monthly average for a business in operation for less than one year.

SECTION 4. General Repealer; Effectiveness. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective immediately.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

ORDINANCE NO.01-23

AN ORDINANCE

AUTHORIZING AND DIRECTING THE TOWN OF JAMESTOWN TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the TOWN of JAMESTOWN (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes");

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in [ITP, BTP, and TTP];

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance **No. 02-21** on **DECEMBER 7, 2021** in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the TOWN Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the TOWN of JAMESTOWN, as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The MAYOR (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the [ITP, the BTP, and the TTP]. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the

office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

- b) As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, "gross premiums" shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the "Brokers Act") establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the

business license tax for “retail telecommunications services,” as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.

- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall

apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20____.

Mayor: Roy P. Pipkin

ATTEST:

Clerk: Christine Pipkin

First reading: MARCH 7, 2023

Final reading: APRIL 4, 2023

LOCAL REVENUE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this 4 day of April A.D., 2023, by and among the Municipal Association of South Carolina (the "Association") and all the parties who are now or may hereafter become participants ("Participants") in South Carolina Local Revenue Services, a division of the Association ("LRS"),

WITNESSETH:

WHEREAS, certain governmental functions may be more efficiently and effectively provided in cooperation with other governments, particularly when the sharing of such functions may deliver economies of scale, avoid redundancies in staffing, facilitate intergovernmental communication and coordination, benefit the citizens and taxpayers of the State by offering single points of contact, and allow retention of highly trained and specialized staff or private contractors in situations in which it would not be cost effective for a single government to retain such professionals;

WHEREAS, Article VIII, sec. 13 of the South Carolina Constitution provides that any incorporated municipality "may agree with . . . any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof," and that "[n]othing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;"

WHEREAS, S.C. Code § 4-9-41(A) provides that any "incorporated municipality ... may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution;"

WHEREAS, certain municipalities in the State have determined that it would be effective and efficient to jointly perform certain functions, including without limitation the business license functions more fully described below;

WHEREAS, LRS is a division of the Association and a committee of the board of directors of the Association and will establish or continue one or more Revenue Service Programs (as hereinafter defined); and

WHEREAS, the Participants, through action of their respective governing bodies, have elected to comply with the conditions of this Agreement and to authorize LRS to perform the functions and exercise the powers herein described;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, and obligations herein contained, which are given to and accepted by each signatory hereof to the other, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

- (a) "Appeals Board" means the board created pursuant to Section 8 hereof for purposes of hearing and determining appeals under this Agreement.
- (b) "Association" means the Municipal Association of South Carolina.
- (c) "Gross Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the total amount of Impositions collected by LRS during such period.
- (d) "Imposition" means any tax, fee, rate, charge, fine, penalty, or interest charge that has been lawfully imposed by a Participant and for which a Revenue Service Program has been established. Such Impositions include, without limitation, Statewide Business License Taxes.
- (e) "LRS" means South Carolina Local Revenue Services, established by this Agreement.
- (f) "LRS Board of Directors" means the board of directors of LRS.
- (g) "LRS Business License Official" shall mean the person designated from time to time by the LRS Board of Directors to act as the business license official (as such term is used in S.C. Code §§ 6-1-400 to -420) with respect to one or more Revenue Service Programs. The LRS Board of Directors may, but need not, designate different persons as the LRS Business License Official for different Revenue Service Programs.
- (h) "Participant" means a local government that has become a participant in LRS by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart.
- (i) "Net Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the amount of Gross Proceeds that remain for distribution to Participants after the payment of operation and maintenance expenses (including, without limitation, LRS's compensation) for such period.
- (j) "Revenue Service Programs" means any one or more programs established or continued by LRS to administer, assess, collect, and enforce Impositions. Such Revenue Service Programs may include, without limitation, programs for the administration, assessment, collection, and enforcement of Statewide Business License Taxes.
- (k) "S.C. Code" means the South Carolina Code of Laws of 1976, as amended.
- (l) "State" means the State of South Carolina.
- (m) "Statewide Business License Taxes" means business license taxes that, pursuant to the S.C. Code, are applicable in a manner or at a rate that applies throughout the State. Such business license taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and such other business license taxes as may now or hereafter be made

applicable throughout the State in a manner or at a rate that has been established by State law.

Section 2. Authorization of LRS. The municipalities that are initial signatories hereto do hereby establish LRS and authorize it to perform the functions and exercise the powers described in this Agreement. The functions to be performed hereunder are more specifically described in Section 5 below and the powers to be exercised are more specifically described in Section 6 below. The Participants, regardless of their respective dates of admission to LRS, further agree as follows:

- (a) The functions and powers described in this Agreement would be more efficiently and effectively performed and exercised in cooperation with other governments through LRS;
- (b) The Participants shall comply with the conditions of this Agreement and, by joining LRS, shall jointly perform the functions and exercise the powers herein described by contract with LRS.

Section 3. Participation. The right to participate in LRS shall be limited to local governments within the State. A qualifying entity may become a Participant by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart. LRS shall be sole judge of whether an applicant shall be admitted as a Participant. A Participant may be suspended or expelled by the LRS Board of Directors from LRS, provided that such suspension or expulsion shall not be effective until 30 days after written notice of suspension or expulsion has been mailed to it.

Section 4. LRS Board of Directors. LRS shall be governed by a Board of Directors containing five Directors. The members of the Association's Executive Committee (comprising the President, First Vice President, Second Vice President, Third Vice President, and Immediate Past President of the Association) shall serve *ex officio* as Directors of LRS, with terms of office coterminous with their terms as officers of the Association. The President of the Association, or in his or her absence the First Vice President of the Association, shall serve as chair at meetings of the LRS Board of Directors. With respect to LRS's officers, the members of the LRS Board of Directors shall occupy the same offices as they do with respect to the Association.

Section 5. Functions of LRS. LRS may, and at the direction of and subject to the control of the LRS Board of Directors shall, establish or continue one or more Revenue Service Programs including, without limitation, for the administration, assessment, collection, and enforcement of Statewide Business License Taxes and other Impositions related to Statewide Business License Taxes. LRS's functions with respect to the Revenue Service Programs shall include, without limitation, training employees; developing resources to assist business license functions; making necessary investigations into entities or individuals subject to Impositions; developing databases for the application, calculation, allocation, and distribution of Impositions; establishing procedures for determining and calculating the amounts due as Impositions; communicating with entities or individuals subject to Impositions; collecting current and delinquent Impositions; initiating, defending, managing, resolving, and settling disputes or litigation matters that affect more than

one Participant; and acquiring, licensing, developing, improving, maintaining, and protecting software and other information technology infrastructure.

Section 6. Powers of LRS. LRS shall have the following powers:

- (a) adopt bylaws for the regulation of its affairs and the conduct of its business and prescribe rules and policies and promulgate regulations in connection with the performance of its functions and duties;
- (b) adopt an official seal and alter it at its pleasure;
- (c) maintain an office at a place it determines;
- (d) sue and be sued in its own name and plead and be impleaded;
- (e) require documentation of amounts due from taxpayers, including without limitation by requiring reconciliation reports in which the taxpayer provides sufficient information to verify whether revenues of the taxpayer are appropriate for exclusion as non-municipal revenues and to determine the proper allocation of Impositions among Participants;
- (f) receive, administer, and comply with the conditions and requirements of a gift, grant, or donation of property or money;
- (g) acquire by purchase, lease, gift, or otherwise, or obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof in conformity with state law;
- (h) sell, lease, exchange, transfer, mortgage, or otherwise dispose of, or grant options for any such purposes with respect to, any real or personal property or interest therein in conformity with state law;
- (i) make and execute contracts, agreements, or other undertakings with such agents, service contractors, persons, firms, corporations, and attorneys as it deems appropriate to perform its functions and exercise its powers;
- (j) acquire, license, develop, improve, maintain, and protect software and other information technology infrastructure;
- (k) employ professionals, support staff, attorneys, appraisers, financial advisors, and other consultants and employees as required in the judgment of LRS and fix and pay their compensation from funds available to LRS for that purpose;
- (l) transact any lawful business that will aid the purposes and functions of LRS;
- (m) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of LRS; and
- (n) do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of LRS

Section 7. Attorney-in-Fact Designation; Dispute Resolution and Conduct of Litigation. Each Participant hereby appoints LRS and its designees as its agent and attorney-in-fact to act on its behalf with respect to Impositions. As agent and attorney-in-fact, LRS shall be fully empowered to initiate, defend, manage, resolve, and settle any disputes or litigation (whether in its own name or in the name of the Participants) relating to Impositions owing or payable to one or more Participants; to pay all expenses, costs, and judgments that might be incurred against LRS when acting on behalf of its Participants for communication, investigation, negotiation, enforcement, defense, or settlement with respect to Impositions; and to take all other actions as may be necessary to administer, collect, investigate, enforce, and implement the Revenue Service Programs. Each Participant, pursuant to Rule 17 of the S. C. Rules of Civil Procedure and Rule 17 of the Federal Rules of Civil Procedure, specifically acknowledges the standing of LRS to prosecute a civil action for collection in its behalf and hereby ratifies any such action that LRS may commence.

The LRS Board of Directors may, by majority vote, authorize a third party (including without limitation the Association) to act as attorney-in-fact to the same extent as set forth in this section on behalf of the Participants.

LRS's authority to initiate, defend, manage, resolve, and settle disputes and litigation shall be subject to the following terms and conditions:

- (a) If, with respect to any particular dispute, a proposed compromise or settlement would reduce the amount asserted by LRS to be payable to an individual Participant by more than ten percent (10%) of the total amount remitted by LRS to such Participant in the immediately preceding year for the relevant Revenue Service Program, then, notwithstanding subsections 7(b) and 7(c) below, LRS shall be required to secure the written consent of such Participant before compromising or settling such dispute with respect to such Participant. Otherwise, LRS shall be entitled to compromise or settle such dispute on behalf of each Participant without further authorization by such Participants beyond that contained herein.
- (b) Any proposed compromise or settlement that would result in a reduction of \$100,000 or less from the amount originally claimed to be due and owing by LRS may be approved or denied by LRS without separate approval by the LRS Board of Directors. The LRS Board of Directors shall, by appropriate action from time to time, designate one or more staff members or contractual counterparties who are authorized to compromise or settle such disputes.
- (c) Any proposed compromise or settlement that would result in a reduction of more than \$100,000 from the amount originally claimed to be due and owing by LRS must be approved or denied by the LRS Board of Directors.

- (d) Any proposed compromise or settlement that would result in a waiver of penalties, interest, late charges, or other amounts owing due to late payment of an Imposition must be approved or denied by the LRS Board of Directors.

Section 8. Appeals Process. The Participants acknowledge that, pursuant to local ordinances, regulations, and rules, each Participant has its own procedures by which matters relating to the calculation, assessment, and collection of business license taxes may be appealed. With respect to Impositions subject to this Agreement, however, each Participant has enacted a local ordinance by which appeals relating to such Impositions are excluded from the otherwise applicable local ordinance. Each Participant agrees that the appeals process described in this Section shall apply to all appeals relating to Impositions subject to this Agreement. Each Participant hereby consents to the adoption of the appeals process described in this Section; specifically declares its intention that such appeals process shall be deemed an exception to its otherwise applicable local ordinances, regulations, and rules; and agrees that it has or will approve such appeals process by appropriate local action.

- (a) There is hereby created a board for purposes of hearing appeals pursuant to this Section (the “Appeals Board”). The Appeals Board shall contain three members. The President of the Association, the Executive Director of the Association, and the President of the South Carolina Business Licensing Officials Association (“BLOA”) shall each serve *ex officio* as members of the Appeals Board, with terms of office coterminous with their terms as officers of the Association or BLOA, as appropriate. The President of the Association, or in his or her absence the Executive Director of the Association, shall serve as chair at meetings of the Appeals Board.
- (b) With respect to the calculation, assessment, and collection of Impositions, the following appeals process, as required by Section 6-1-410, shall apply.
- (1) If a taxpayer fails or refuses to pay an Imposition by the date on which such Imposition is due, the LRS Business License Official may serve notice of assessment of the Imposition due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
- (2) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS

in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.

- (3) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

Section 9. LRS May Be Separately Organized. Hereafter, the LRS Board of Directors may determine, for corporate governance, recordkeeping, and operational purposes, that LRS should be established as a separate entity, either under the South Carolina Nonprofit Corporation Act, currently codified at Title 33, Chapter 31 of the S.C. Code, or otherwise. If the LRS Board of Directors so determines, it may take all such actions as may be necessary to organize LRS as a separate entity without further approval by the Participants, provided that such organization shall not otherwise vary or modify the terms of this Agreement except to the extent necessary to reflect the new organizational structure of LRS.

Section 10. Participation in a Revenue Service Program. A Participant may elect to participate in a Revenue Service Program by signing and delivering a separate supplement to this Agreement with respect to such Revenue Service Program (each, a "Participant Program Supplement"). The Participant Program Supplements shall be substantially identical within each Revenue Service Program. The form of the Participant Program Supplement is attached hereto as Appendix A.

Section 11. Collection of Impositions; Distributions; Payment for Services; Prohibition on Lobbying Activity.

- (a) LRS shall collect, subject to the Participant Program Supplements, all Impositions subject to this Agreement.

- (b) The Participants will compensate LRS for its services. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of each Participant within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Participants acknowledge that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to each Participant separately within each Revenue Service Program. Hereafter, and notwithstanding Section 13 below, the LRS Board of Directors by majority vote may amend the compensation method by giving notice to all participating Participants at least ninety days prior to the effective date of such amendment. Such amendment shall become effective after the ninety-day notice period with respect to each Participant without further action by such Participant, provided that such Participant may withdraw from participation at any time within ninety days after notice of the amendment is provided.
- (c) LRS will regularly, and not less than once in each calendar quarter, distribute the Net Proceeds to Participants.
- (d) No funds or personnel of LRS may be used or employed to influence any election; support or oppose any partisan organization; support or oppose the enactment, repeal, or modification of any federal or state legislation; or seek to influence any federal or state local government officials in the discharge of their official functions.

Section 12. Fiscal Year. LRS shall operate on a fiscal year from 12:01 a.m. January 1 of each year to 12:00 midnight December 31 of the succeeding year (the “LRS Year”). Application for participation, when approved in writing by LRS shall constitute a continuing contract for each succeeding LRS Year unless cancelled by LRS.

Section 13. Amendment. This Agreement may be amended by an agreement executed by those Participants constituting a majority of the Participants in LRS during the current LRS Year. In lieu of this amendment procedure, the Participants hereby appoint a 4/5 majority (i.e., at least four Directors) of the LRS Board of Directors agents to make any amendments to this Agreement that would not fundamentally alter the contemplated arrangement. Written notice of any amendment proposed for adoption by the LRS Board of Directors shall be mailed to each Participant not less than 30 days in advance. Written notice of amendments finally adopted by the LRS Board of Directors shall be mailed to each Participant not more than 30 days after adoption.

Section 14. Terms Applicable on Admission. Any entity that formally applies to participate in LRS and is accepted by LRS shall thereupon become a party to this Agreement and be bound by all of the terms and conditions hereof. A Participant may withdraw from participation by delivery of written notice of withdrawal at least 90 days prior to the end of an LRS Year, to be effective as of the end of such LRS Year.

Section 15. Term; Dissolution. LRS has been established with the bona fide intention that it shall be continued in operation indefinitely and that the contributions to LRS shall continue for an indefinite period. However, the LRS Board of Directors reserves the right at any time to terminate LRS by a written instrument to that effect executed by at least four-fifths (4/5) of the members of the LRS Board of Directors. Such written termination notice shall be delivered to each Participant no less than 120 days prior to the effective date of termination. In the event of such termination, Participant contributions shall cease as of the date of termination and the assets then remaining in the fund shall continue to be used and applied, to the extent available, for the (a) payment of claims arising prior to such termination and (b) payment of reasonable and necessary expenses incurred in such termination. Any monies or other assets thereafter remaining in LRS shall be distributed pro rata to the Participants in LRS as of the day of termination. In no event shall any such assets be returned or distributed to any individual. Upon such termination, the LRS Board of Directors shall continue to serve for such period of time and to the extent necessary to effectuate termination of LRS.

[signatures appear on following page]

IN WITNESS WHEREOF, the Participants listed below acknowledge their participation in LRS and acceptance of obligations thereunder, by the due execution hereof, following appropriate governmental body approval, by its mayor or other duly authorized official. Further, LRS has caused these presents to be signed by its President and attested by its Vice President.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

B. Todd Glover, Executive Director

**LOCAL REVENUE SERVICES, A DIVISION OF THE
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

TOWN OF JAMESTOWN, SOUTH CAROLINA

Name: Roy P. Pipkin

Title: Mayor

ATTEST:

Name: Christine Pipkin

Title: Town Clerk of Jamestown

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the Town of Jamestown] (the “Municipality”) has applied for and been approved to participate in South Carolina Local Revenue Services (“LRS”);

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the “Agreement”) by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: [ITP / BTP / TTP].

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the “Brokers Insurance Statute”), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance ("DOI") and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the Town of Jamestown (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: [ITP / BTP / TTP].

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance ("DOI") and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

TOWN OF JAMESTOWN, SOUTH CAROLINA

Name: Roy P. Pipkin

Title: Mayor

ATTEST:

Name: Christine Pipkin

Title: Town Clerk of Jamestown

ORDINANCE NO. 01-24

AN ORDINANCE TO EXPAND THE AREA OF THE SPECIAL FIRE TAX DISTRICT TO INCLUDE THE AREA WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF JAMESTOWN.

WHEREAS, the Berkeley County Fire Chiefs' Association has presented to the Berkeley County Council its recommendations for revenues and expenditures as acquired by the Special Fire Tax District pursuant to a uniform service charge; and

WHEREAS, the Town of Jamestown does not desire to create a municipal fire department; and

WHEREAS, the Town of Jamestown desires to be included in the Special Fire Tax District for the purposes of assessing a fire fee and providing fire protection services within the municipal boundaries of the Town of Jamestown; and

NOW, THEREFORE, BE IT ENACTED that the boundaries of the Special fire Tax District in Ordinance 96-7-35 are amended to include the municipal boundaries of the Town of Jamestown.

ADOPTED this ____ day of September, 2024.

JAMESTOWN, SOUTH CAROLINA

Roy P. Pipkin, Mayor
Town of Jamestown

Attest:

Town Clerk

ORDINANCE NO.01-25

AN ORDINANCE

AMENDING THE BUSINESS LICENSE ORDINANCE OF THE TOWN OF JAMESTOWN TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

WHEREAS, the Town of Jamestown (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 02-21 on December 7, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the Town Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jamestown, as follows:

SECTION 1. Amendments to Appendix B Appendix B to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended and restated as set forth on the attached Exhibit A.

SECTION 2. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2026.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20____.

Mayor

ATTEST:

Clerk

First reading: September 2, 2025

Final reading: October 7, 2025

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

**APPENDIX B
Classes 1 – 8: Business License Class Schedule by NAICS Codes**

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	3
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	2
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	6
54	Professional, scientific, and technical services	4
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	3
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	3
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2025 Class Schedule is based on a three-year average (2019 - 2021) of IRS statistical data.

ORDINANCE NO. 02-04
AMENDING THE BUSINESS LICENSE ORDINANCE
LEVYING A BUSINESS LICENSE TAX ON RETAIL
TELECOMMUNICATIONS SERVICES

WHEREAS, South Carolina Code sections 58-9-2200 through 58-9-2270, effective June 30, 1999, provide for municipal business license taxes on "retail telecommunications services" as defined and limited therein; and

WHEREAS, the South Carolina General Assembly, on June 3, 2004, ratified an act (Rat # 0406) amending S.C. Code sections 58-9-2200, 58-9-2220, and 58-9-2230, that will take effect upon approval by the Governor, and that, among other things, authorizes municipalities, for business license tax years beginning after 2003, to levy a maximum business license tax on the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year at the rate of one percent; and

WHEREAS, it is necessary to amend the Business License Ordinance to conform to the State law as amended;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jamestown, that the Business License Ordinance is amended as follows:

Section 1.

a. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code section 58-9-2200, shall be at the maximum rate authorized by S. C. Code section 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by State law as in effect on February 1, 2005. Declining rates shall not apply.

b. In conformity with S.C. Code section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

Section 2.

a. For the year 2005, the business license tax for "retail telecommunications services" shall be due on February 1, 2005, and payable by February 28, 2005, without penalty. For years after 2005, the business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

b. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

Section 3.

Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Section 4.

a. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

b. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

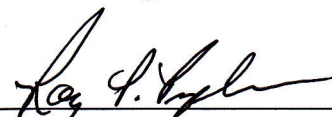
Section 5.

As authorized by S. C. Code section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code section 58-9-2200 shall continue in effect. Notwithstanding the provisions of the Agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this Ordinance and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

Section 6.

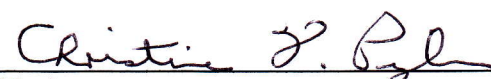
All previous ordinances, or portions of ordinances, in conflict with this Ordinance are hereby repealed.

This Ordinance shall be effective on the date of final reading.



Mayor

ATTEST:



Clerk

First reading: September 20, 2004

Final reading: October 4, 2004



ORDINANCE NO:02-08

AN ORDINANCE TO REPEAL 18.202 CARELESS OPERATION OF A MOTOR VEHICLE AND TO ADD 18.240 DISREGARDING A TRAFFIC LAW.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN, SOUTH CAROLINA;

SECTION 1. Section 18.202 of the town code is hereby repealed in its entirety.

SECTION 2. Add Section 18.240 DISREGARDING A TRAFFIC LAW to the town code reading;

a. It is unlawful and it is a misdemeanor for any person to operate a motor vehicle within the town limits without care, caution and without full regard for the safety of others or fail to otherwise perform any act required by law.

b. The operation of a motor vehicle, when the same or any of its components if not in proper working or safe condition shall be prima facia evidence of a violation of this section.

c. The provisions of this article may be used in lieu of citations requiring points.

d. Any person violating the provisions of this section shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days.

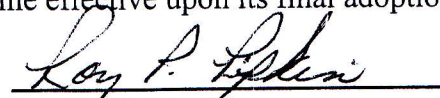
SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

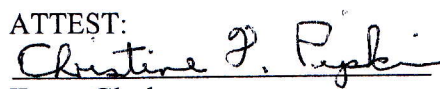
SECTION 4. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective upon its final adoption

August 4, 2008
First Reading

September 2, 2008
Second Reading


Roy P. Pipkin, Mayor

ATTEST:

Town Clerk

ORDINANCE # 02-11

ESTABLISHMENT OF RATES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN, SOUTH CAROLINA:

SECTION 1. Section 8.512 of the Town Code is hereby amended to reflect new Business license rates as listed below and change hereto in the schedule of rates and fees found in this ordinance in **exhibit II**

Business License rate to be paid not later than 1 July annually for each type of business in Section 8.512, exhibit II. The new rates will reflect each business that is listed in exhibit II. The rate increase for all businesses with gross receipts from \$0 - \$1000.00 will be \$75.00 annually and \$.50 per each additional thousand or fraction of. Peddlers License will remain \$30.00 annually \$.50 per each additional thousand or fraction of.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective July 1, 2011

April 5, 2011

First Reading

Roy P. Pipkin, Mayor

May 3, 2011

Second Reading

Jean D. Guerry, Mayor Pro Tempore

Jimmie Callum, Council Member

Attest:

Marty Britt, Council Member

Town Clerk

Ruth Thomas, Council Member

ORDINANCE NO. 02-16

AN ORDINANCE TO

Add CHAPTER . HOSPITALITY TAX of the JAMESTOWN TOWN CODE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN SOUTH CAROLINA:

SECTION 1.

ARTICLE I. AUTHORITY

This ordinance is enacted pursuant to the authority of Title 5 of the S.C. Code, including, without limitation S.C. Code Ana. Section 5-7-30 (Supp. 1999), which provide, in relevant part, that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare, and convenience of the municipality and for the preservation of the general health, peace, and order in the municipality and further that municipalities may establish uniform service charges.

ARTICLE II. DECLARATION OF PURPOSE AND INTENT

This article is enacted to preserve the general health, safety, and welfare of the general public within the municipality, by creating a uniform fee for the purpose of creating a fund for uses that are enumerated in Section 6-1-730 of the Code of Laws of South Carolina, as amended. This fund will be used to pay in whole or in part for current and future public park facilities; for capital expenditures to promote quality of life, tourism, recreation, cultural and historic structures and to provide infrastructure and promotion to and for these projects.

ARTICLE III. IMPOSITION

A fee equal to two (2) percent is hereby imposed on the gross proceeds derived from the sale of prepared food and beverages (for immediate consumption or take out) by a restaurant, caterer, hotel or motel with restaurant and/or lounge facilities, or other food service facility within the town. In addition, the fee shall be imposed on all food and beverages prepared or modified in the town limits by convenience stores or grocery stores that have specified areas where food and beverages are prepared for immediate consumption or carry out. This fee applies to meals and beverages sold in establishments licensed for on premise consumption of alcoholic beverages, beer, or wine. This fee does not apply to organizations that are exempt from collecting sales tax according to Section 12-36-2120 of the Code of Laws of South Carolina, as amended.

ARTICLE IV. PAYMENT OF FEE

- (a) Payment of the fee established herein shall be the liability of the consumer of the services for items described in ARTICLE III. The fee shall be paid at the time of delivery of the services or items to which the fee applies and shall be collected by the provider or seller of the items.
- (b) The fee collected by the seller or provider of the items as required under ARTICLE III shall be remitted to the city as follows:
 - (1) On a monthly basis when the estimated amount of average collections is more than fifty dollars (\$50.00) a month (annual gross revenue in excess of twenty thousand dollars (\$20,000.00)).
 - (2) On a quarterly basis when the estimated amount of average collections is between twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month (annual gross receipts between ten thousand dollars (\$10,000.00) to twenty thousand dollars (\$20,000.00)).
 - (3) On an annual basis when the amount of average collections is less than twenty-five dollars (\$25.00) a month (annual gross receipts less than ten thousand dollars (\$10,000.00)).

- (c) Total collections and required reports shall be submitted to the municipality by the twentieth day of the month and shall cover sales for the previous month. A copy of the completed South Carolina State Sales and Use Tax Return Form (Form ST-3) shall be attached along with the required reports. When a hospitality fee return is filed and the fees due on it are paid in full on or before the final due date, the filer is allowed a discount of two (2) percent on the fees shown to be due by the return.
- Payments covered under the provisions of subsection (b)(2) shall be submitted quarterly by the twentieth day of January, April, July and October for the previous quarterly sales or annually by the twentieth of January for the calendar year sales as provided in subsection (b)(3).
- (d) When the twentieth of the month falls on a weekend or a holiday, the municipality will accept, without penalty, payment on the following work day. Any collections not remitted by the above stated deadlines shall be subject to a penalty of ten (10) percent of the unpaid amount for each calendar month or portion thereof after the due date until paid. The failure to collect from patrons the amount imposed by this article shall not relieve any establishment subject to this article from making the required remittance.
- (e) Any person violating this article shall be deemed guilty of an offense and shall be subject to punishment pursuant to the municipality's Code of Ordinances upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent amount, penalties, and costs provided for herein.

ARTICLE V. HOSPITALITY FEE FUND

A fund or an account, to be known as the Town of Jamestown Local Hospitality Fee Fund shall be established, and all revenues received from the hospitality fee shall be deposited into this fund or account. The principal and any accrued interest from this fund or account shall be expended only as permitted in ARTICLE VI below.

ARTICLE VI. PERMITTED USES OF FUNDS

The municipality is hereby authorized to utilize the funds collected from the imposition of the hospitality fee for the purposes enumerated in Section 6-1-730 of the State Code of Laws of South Carolina and as may be amended.

ARTICLE VII. INSPECTION AND AUDITS

For the purpose of enforcing the provisions of this section the town clerk or other authorized agent of the city is empowered to enter upon the premises of any person subject to this section to make inspection, examine and/or audit the books and records, and it shall be unlawful for any person to fail or refuse to make available the necessary books and records. In the event that the audit or inspection reveals that the establishment has filed false information, the cost of the audit shall be added to the corrected amount due and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper fee shall constitute a separate offense. The town clerk, or other authorized agent of the city, may make systematic inspections of the businesses within the town to ensure compliance with this section. Records of inspections and audits shall not be deemed public records and shall not be released by the city.

ARTICLE VIII. AUTHORIZATION FOR USE

Authorization to utilize revenues from the hospitality fund shall be by the annual budget ordinance duly adopted by the city council.

ARTICLE VIII. SEVERABILITY

If any section, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity, of the remaining sections, phrases, sentences, or portions thereof.

This article shall become effective immediately upon adoption and all applicable businesses shall be responsible for collecting and remitting the tax beginning on January 1, 2017.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective upon its final adoption.

FIRST READING

Roy P. Pipkin, Mayor

SECOND READING

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmie Callum, Council Member

Town Clerk

Ruth Thomas, Council Member

AS TO FORM:

Douglas B. Guerry, Council Member

Town Attorney

ORDINANCE NO. 02-18

AN ORDINANCE TO

Establish Acceptable Use of Recreational Facilities
(To be added to CHAPTER 4. BEAUTIFICATION ARTICLE 2. PARKS)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN SOUTH CAROLINA

SECTION 1.

ARTICLE I. ADMINISTRATION

1.001 MUNICIPAL RECREATIONAL PARK & FACILITIES

The Jamestown Recreational Park is owned and managed by the Town of Jamestown and is thus subject to the regulatory standards set by the Town Council.

ARTICLE II. OPERATING RULES

2.001 PARK RULES

1. Park hours are from sunrise to sunset. Usage after sunset requires a permit from Town Hall.
2. All pets must be on a leash at all times.
3. Alcoholic beverages and illegal drugs will not be tolerated in the park.
4. Fireworks and weapons are not allowed in the park except for authorized personnel.
5. No excessively loud music is permitted.
6. Portable self-contained grills are allowed in the park provided they are kept at least 12" off the ground. A PARK RESERVATION is required for Larger grills or cooking systems that are towed behind a vehicle. These cooking systems are allowed in picnic areas but not in the shelter building. The resulting coals and grease must be removed from the park before leaving along with any trash or debris.
7. Disruptive and disturbing behavior and abusive language will not be tolerated, violators will be prosecuted in accordance with town ordinance.
8. Failure to comply with any of the above rules is sufficient grounds for any town official, or law enforcement officer to remove and ban any individual or group.
9. Events sponsored by the municipality are exempt from the rules.

2.002 PARK FACILITIES

1. Park facilities are available for use by all persons.
2. Parks cannot be used for fundraising or political purposes.
3. Electrical and water use require a PARK RESERVATION.
4. The picnic shelter(s) may be reserved, although not required. Unless reserved, facilities are operated on a first use basis.
5. The children's playground cannot be reserved and is open for use during all events.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective upon its final adoption.

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmie Callum, Council Member

Town Clerk

Ruth Thomas, Council Member

Douglas B. Guerry, Council Member

ORDINANCE NO. 02-20

An ordinance to amend the penalty for late water payments

BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF JAMESTOWN SOUTH CAROLINA

SECTION 1: Section 17.403 of the Town code is hereby amended to reflect new penalty fees for failure to pay water bill by due date is \$2.00 per monthly Billing.

SECTION 2: All ordinance or parts of ordinance in conflict with this ordinance are hereby rescinded to the extent of conflict.

SECTION 3: This ordinance will become effective upon its final reading.

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmie Callum, Council Member

Town Clerk

Ruth Thomas, Council Member

Douglas B. Guerry, Council Member

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

TOWN OF JAMESTOWN

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ORDINANCE # 02-21

**AN ORDINANCE TO ADOPT A REVISED BUSINESS
LICENSE ORDINANCE IN ACCORDANCE WITH THE
BUSINESS LICENSE STANDARDIZATION ACT (2020 ACT
NO. 176)**

WHEREAS, in September 2020, the South Carolina General Assembly adopted the South Carolina Business License Tax Standardization Act (2020 Act No. 176), now codified at S.C. Code Sections 6-1-400 to 6-1-420 (the "Act"); and,

WHEREAS, the Act requires all municipalities and counties that impose a business license tax to adopt a standard business license year of May 1 through April 30; and,

WHEREAS, the Act requires all municipalities and counties that impose a business license tax to utilize the Act's standardized business license requirements and class schedule; and,

WHEREAS, the Act requires all municipalities and counties to update their business license class schedules every odd year based on the latest available IRS statistics; and,

WHEREAS, in establishing the rates for the business license taxes set out in the 2022 Business License Ordinance, the Council has determined, as contemplated by new S.C. Code section 6-1-400(G)(1) and (2), that, in addition to the sound basis of taxation using IRS statistics on profitability, a rational basis also exists for particularized treatment of certain business subclassifications with individually designated rates, for reasons of economic stimulus or in consideration of the enhanced or disproportionate demands for municipal services or infrastructure; and,

WHEREAS, in order to comply with the requirements of the Act, the Town of Jamestown (the "Municipality") has prepared the attached 2022 Business License Ordinance, which is incorporated herein by this reference,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Jamestown, in Council, duly assembled, as follows:

1. The attached 2022 Business License Ordinance is hereby adopted and shall become effective beginning with the business license period commencing on May 1, 2022 ("the Effective Date").
2. Current Town Code sections related to business licensing shall be repealed and

replaced in their entirety beginning with the Effective Date of the 2022 Business License Ordinance on May 1, 2022, with the following exceptions:

- (a) Any ordinances of the Town related to collections programs administered by the Municipal Association of South Carolina, including without limitation, the Insurance Tax Collection Program (ITCP), the Brokers Tax Collection Program (BTCP), the Telecommunications Tax Collection Program (TTCP), and Setoff Debt Collection Program, shall remain in full force and effect in accordance with their terms except to the extent specifically amended by the 2022 Business License Ordinance, and
 - (b) The repeal shall not affect any previous or pending prosecution or civil action for enforcement of the repealed ordinances or Town Code sections, or for collection of any business license taxes or penalties or interest arising from the repealed ordinances or Town Code sections, and neither shall the repeal prevent such a prosecution or civil action from being commenced for any violation occurring prior to the repealing of the ordinances or Town Code sections.
- 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this Ordinance.
 - 4. If any section, subsection, or clause of this Ordinance or the attached 2022 Business License Ordinance shall be deemed or determined to be unconstitutional or otherwise invalid, the validity of the remaining section, subsections, and clauses shall not be affected thereby.

Following adoption of this Ordinance on its second and final reading, the attached 2022 Business License Ordinance, along with the remaining provisions of this Ordinance, shall become effective, as provided above, beginning with the business license period commencing on May 1, 2022.

DONE IN MEETING DULY ASSEMBLED, this 7 day of December 2021.

Roy P. Pipkin, Mayor

Attest:

Christine F. Pipkin, Municipal Clerk

First Reading: November 2, 2021

Second Reading and Adoption: December 7, 2021

2022 BUSINESS LICENSE ORDINANCE

Section 1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the Town of Jamestown, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

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

“Charitable Organization” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

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

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

“Council” means the Town Council of the Town of Jamestown.

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

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

government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

"License Official" means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

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

"Municipality" means the Town of Jamestown, South Carolina.

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

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

Section 3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2022, shall commence on January 1 and shall run for a 16-month period. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly

license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new

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

- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.
- D. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

Section 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.
- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate

one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (10%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 13. Notices. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or

prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or

- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

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

Section 15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

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

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its

designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or

returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

	INCOME: \$0 - \$1,000	INCOME OVER \$1,000
RATE CLASS	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$75	\$0.50
2	\$75	\$0.50
3	\$75	\$0.50
4	\$75	\$0.50
5	\$75	\$0.50
6	\$75	\$0.50
7	\$75	\$0.50
8.1	\$75	\$0.50
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$1,000	\$ 75 PLUS
Each additional 1,000.....	\$ 0.50

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for

which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482 – Railroad Companies (See S.C. Code § 12-23-210).

8.3 NAICS 517311, 517312 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 and 5242 – Insurance Companies and Brokers:

Independent agents, brokers, and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) **[Type I and Type II]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine	\$12.50 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 – Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) **[Type III]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine \$180.00 PLUS

Business license \$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

Business License Class Schedule by NAICS Code

Appendix B

This appendix will be updated every odd year based on the latest available IRS statistics. The 2021 Business License Class Schedule may be accessed at:

NAICS Sector/Subsector	Industry Sector	Class
0.00000		0.00
110000	Agriculture, forestry, hunting and fishing	2.00
210000	Mining	4.00
220000	Utilities	1.00
230000	Construction (gross or job based)	8.10
310000	Manufacturing	2.00
320000	Manufacturing	2.00
330000	Manufacturing	2.00
420000	Wholesale trade	1.00
423930	Recycling material merchant wholesale (junk and scrap)	1.00
423940	Wholesale trade	1.00
440000	Retail trade	1.00
441300	Retail trade	1.00
480000	Transportation and warehousing	2.00
482000	Rail transportation (railroads, fixed fee by state law)	8.20
483000	Transportation and warehousing	2.00
485320	Transportation and warehousing	2.00
510000	Information	4.00
520000	Finance and insurance	7.00
522299	Securities, commodity contracts, and other financial investments	7.00
530000	Real estate and rental and leasing	7.00
540000	Professional, scientific, and technical services	5.00
550000	Management of companies	7.00
560000	Administrative and support and waste management and remediation services	4.00
610000	Educational services	4.00
620000	Health care and social assistance	4.00
710000	Arts, entertainment, and recreation	3.00
713120.1	Non-payout amusement / coin operated machines (S.C. Code §12-21-2746)	8.51
713120.2	Non-payout amusement / coin operated machines §12-21-2720(A)(3) [Type III].	8.52
713121	Amusement parks and arcades (NAICS 710100 -713120) Based on gross	3.00
721000	Accommodation	3.00
722000	Food services	1.00
810000	Other services	5.00

ORDINANCE NO.02-23

AN ORDINANCE PURCHASING AND PROCUREMENT PROCEDURES FOR THE TOWN OF JAMESTOWN

WHEREAS, the Town of Jamestown (the “Municipality”) is a municipal corporation and political subdivision of the State of South Carolina;

WHEREAS, the Council of the Municipality (the “Council”) is the duly elected governing body of the Municipality;

WHEREAS, S.C. Code § 11-35-5320 requires that “political subdivisions of the State shall adopt ordinances or procedures embodying sound principles of appropriately competitive procurement”;

WHEREAS, the Council now desires to adopt an Ordinance establishing procurement and purchasing procedures for the Municipality;

WHEREAS, the Council has determined, as a fact and after appropriate investigation, that the procedures set forth in this Ordinance are appropriately competitive;

NOW, THEREFORE, be it ordained by the Council as follows:

Article I: General Provisions

Section 1.01. **Purpose.** The purpose of this Ordinance (the “Ordinance”) is to establish appropriately competitive procurement procedures for the Town of Jamestown, South Carolina.

Section 1.02. **Application of Ordinance.**

- (a) **General Application.** This Ordinance applies only to Procurements entered into after the effective date hereof.
- (b) **Field Purchase Orders.** This Ordinance does not apply to any Procurement of goods or services under \$500.00, or repairs under \$3,000.00, either of which may be Procured by way of a field purchase order without competitive bidding.
- (c) **Real Property.** This Ordinance does not apply to Procurements of real property.
- (d) **Prior Ordinances.** This Ordinance repeals and supersedes all prior, inconsistent ordinances and resolutions of the Municipality that established or regulated Procurement procedures.

Section 1.03. **Definitions.**

- (a) “Director” means the person designated by the Mayor as the Municipality’s purchasing director.

(b) "Procurement" means buying, purchasing, renting, leasing from a third party, or otherwise acquiring any goods, supplies, services, equipment, or construction.

(c) "Public Procurement Unit" means any county, city, town, or any other political subdivision of the State of South Carolina (the "State"); any public agency or authority within the State; any other entity in the State that expends public funds for procurement of property, supplies, services, or construction; and the Municipal Association of South Carolina.

(d) "Responsible/Responsive Bidder" means a person or entity who (1) demonstrates the capability in all respects to perform fully the contract requirements, (2) possesses integrity and reliability that, as substantiated by past performance and reputation, will assure good faith and quality performance, and (3) submits a bid or proposal that conforms in all material aspects to the Invitation for Bids or Request for Proposals.

Section 1.04. Purchasing Authority. Municipality representatives shall have the authority to approve contracts as follows:

(a) the Director shall have the authority to approve any contract subject to this Ordinance that is equal to or less than \$5,000.00;

(b) the Mayor shall have the authority to approve any contract subject to this Ordinance that is equal to or less than \$10,000.00;

(c) the Council shall approve by resolution any contract subject to this Ordinance that exceeds \$10,000.00;

Section 1.05. Severability. If any provision or application of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provisions or application. To this end the provisions of this Ordinance are declared to be severable.

Section 1.06. No Personal Benefit. No employee or official of the Municipality may directly or indirectly solicit, accept, or receive any gift under circumstances in which it could be inferred that the gift was intended to or could reasonably influence a Procurement decision.

Section 1.07. Effective Date. This Ordinance shall become effective upon approval by Council.

Article II: Source Selection and Contract Formation

Section 2.01. Methods of Source Selection. Except where noted herein, all Municipality contracts shall be awarded by one of the following methods:

- (a) Invitation for Bids (Section 2.02);
- (b) Request for Proposals (Section 2.03);
- (c) Emergency Procurement (Section 2.04);
- (d) Small Purchases (Section 2.05); or

- (e) Sole Source (Section 2.06).

Section 2.02. Invitation for Bids.

(a) Notice of Invitation for Bids. An Invitation for Bids shall include (or state where such information is available) a purchase or project description, together with the summary contractual terms and conditions applicable to the Procurement. The Invitation for Bids shall be publicly announced. The Director shall determine in his or her discretion the appropriate method by which an Invitation for Bids is publicly announced.

(b) Receipt and Opening of Bids. All bids (whether sealed or not) received prior to the bid opening shall be kept secure and unopened. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. The Director or his or her designee shall tabulate the name of each bidder, the amount of each bid, and such other relevant information as he or she deems appropriate. The final bid tabulation shall be made available upon request to all bidders after contract award.

(c) Bid Evaluation and Bid Acceptance. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids and any addenda thereto. No criteria may be used in bid evaluation that is not set forth in such Invitation for Bids or addenda. Subject to the Municipality's right to reject all bids, the selected bid shall be accepted unconditionally without alteration or correction, except as otherwise authorized in this Ordinance or by the (**Mayor**) in writing. Prior to accepting or rejecting the lowest bid, the Director shall have the authority to negotiate with the low bidder for modifications of the low bid and the proposed contract, unless the Invitations for Bids specifically provides to the contrary.

(d) Correction or Withdrawal of Bids; Cancellation of Awards. The Director may permit, in his or her discretion, correction or withdrawal of inadvertently erroneous bids before bid opening, withdrawal of inadvertently erroneous bids after award, or cancellation of awards or contracts based on such bid mistakes.

(e) Award. If an award is to be made, the contract shall be awarded by written notice or purchase order to the lowest Responsible/Responsive Bidder. In determining responsibility, the Director may consider:

- (i) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (ii) Whether the bidder can perform the contract or provide the services promptly or within the time specified, without delay or interference;
- (iii) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (iv) The quality of performance of previous contracts or services by the bidder;

- (v) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services;
- (vi) The sufficiency of the financial resources and ability of the bidder to perform the contract or to provide the service;
- (vii) The quality, availability, and adaptability of the supplies or contractual services to the particular use required; and
- (viii) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- (ix) In addition, the Director may allow the lowest local bidder (defined as a bidder maintaining a place of business physically located and operating within the limits of Berkeley County in which the Municipality is located (the "County"), whose bid is within 2% of the lowest non-local bidder, to match the bid submitted by the non-local bidder and thereby be awarded the contract, if:

The total purchase price is \$15,000.00 or more;

The local bidder has a valid business license issued by the County or one of the municipalities within the County, which business license was issued at least twelve months prior to bid opening date; and

For a period of twelve months or more the local bidder has maintained a physical business address (not including a Post Office Box) located within the limits of the County;

provided, however, that if the procurement is to be made pursuant to state or federal guidelines that prohibit or restrict local preference, then there shall be no local preference.

In the event two or more bidders are tied in price while otherwise meeting all of the required conditions, the contract shall be awarded to the local bidder. If two or more of such bids are submitted by local bidders, the Director shall award the contract to one of the local tie bidders by drawing lots in public. If local bidders are not involved in the tie bids, the Director shall award the contract to one of the outside tie bidders by drawing lots in public.

- (f) Right of Rejection and Resolicitation. The Director has the right, prior to award of the contract, to reject any and all bids for cause, or without cause, as he or she deems appropriate. The Municipality has the right to determine not to award the contract to any bidder or to determine to resolicit bids based upon modified terms and conditions.

Section 2.03. Request for Proposals.

- (a) Selection Committee. For each project in which a Request for Proposals is used, the Director or the relevant department head will establish a selection committee (the

“Committee”) of at least two members. The Director and the relevant department head may be members of the Committee.

(b) Notice of Request for Proposals. The Request for Proposals shall include (or state where such information is to be made available) a description of the project, enumerating all required professional services for the project. The Request for Proposals shall set forth the evaluation criteria to be used. The Request for Proposals shall be publicly announced. The Director shall determine in his or her discretion the appropriate method by which a Request for Proposals is publicly announced.

(c) Receipt and Safeguarding of Proposals. All proposals (whether or not sealed) received prior to the proposal opening shall be kept secure and unopened.

(d) Evaluation Factors. The Request for Proposals shall state the relative importance of each evaluation criterion, but need not require numerical weighting. No factors or criteria that are not included in the Request for Proposals may be used in evaluation, provided that the Request for Proposals may contain provisions allowing minor amendments to the evaluation criteria prior to award. If the Request for Proposals provides for numerical weighting of evaluation criteria, then the Municipality must adhere to such weightings. The Committee shall document the basis on which the award is made and shall make a determination of responsibility. The written documentation and determination may be included in the purchase order, or may be otherwise formalized in such method as may be determined by the Director in his or her discretion.

(e) Negotiation. The Committee will review all submissions, and may interview those responding persons deemed by the Committee to be most qualified. Following such review, the Committee shall determine the most qualified proposer, and may negotiate a contract with such proposer. In the event a satisfactory contract cannot be negotiated with the most qualified proposer, the Committee may negotiate a contract with the next most qualified proposer, and so on, until a satisfactory contract can be negotiated. Nothing contained herein requires the Committee to negotiate a contract with an unqualified proposer or with a proposer who submits an unresponsive proposal.

(f) Right to Withdraw and Resolicit. Until award, the Director has the right to determine not to award the contract to any proposer or to determine to resolicit proposals based upon modified terms and conditions.

Section 2.04. Emergency Procurement. Notwithstanding any other provision of this Ordinance, the Mayor may make or authorize others to make emergency procurements when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions, *provided* that such emergency procurements shall be made as competitively as is reasonably practicable under the circumstances. The Director shall prepare a written determination of the basis for the emergency and for the selection of the particular contractor (which determination may be included in the purchase order).

Section 2.05. Small Purchases. Any Procurement not exceeding \$5,000.00 may be made by the Director following procedures established by the Director to ensure appropriate

competitiveness. The general procedures for small purchases shall be set forth by the Director in writing, and must be approved by the Mayor.

Section 2.06. Sole Source. A contract may be awarded for goods, supplies, services, equipment, or construction without competition if the Director determines in writing (which determination may be included in the Purchase Order) that there is only one legitimate and efficacious source for the required goods, supplies, services, equipment, or construction. After determining that a sole source purchase is warranted, the Director has the authority to negotiate the price, terms, and conditions of the Procurement. Examples of a permissible, non-competitive procurement include, but are not limited to, those situations where the Director, or a requesting Department Head, has determined that the compatibility of equipment, accessories, services, systems, software, or replacement parts is of paramount importance.

Section 2.07. [Reserved].

Section 2.08. Prequalification of Bidders.

- (a) The Director may prequalify all prospective bidders or proposers.
- (b) Notice of prequalification shall be publicly announced and shall set forth the criteria (or state where such criteria are to be made available) by which the qualifications of prospective bidders shall be determined. Only those criteria set forth in the prequalification notice may be considered in prequalifying bidders. The Director shall make prequalification decisions in the exercise of his or her reasonable discretion, and shall make a written determination of the bases for the prequalification decision (which determination may be included in the Purchase Order). Prior to issuance of an Invitation for Bids or Request for Proposals, all prospective bidders or proposers that were provided with prequalification notices will be notified of the Director's decisions relating to prequalification.

Section 2.09. Bond and Security.

- (a) Bid security may be required for all construction contracts entered into pursuant to an Invitation for Bids. If required, bid security shall be one or more bonds provided by one or more surety companies meeting the criteria established by the Director. If required, bid security shall be in an amount equal to at least five percent of the bid, unless a higher percentage is specified in the Invitation for Bids. Any bid that does not comply with the bid security requirements shall be rejected.
- (b) When a construction contract or other contract to improve real property is awarded and the value of such contract exceeds \$50,000, the Municipality shall require the contractor to provide a performance bond and a labor and material payment bond in the full amount of the contract. The bond must be secured by cash or must be issued by a surety company that is acceptable to the Municipality.

(c) Nothing in subparagraph 2 above shall be construed to limit the authority of the Municipality to require a performance bond or other security in addition to the bonds specified above.

(d) Bonding requirements may be temporarily waived for any emergency procurement.

Section 2.10. Exempted Items.

(a) Council, upon recommendation of the Mayor, may exempt by ordinance specific items, services, or projects from the purchasing procedures required in this Ordinance when Council finds that such exemption is in the interest of the Municipality and its citizens.

(b) The following services and/or Procurements shall be exempt from the provisions of this Ordinance.

- (i) Works of art for museum and public display.
- (ii) Published books, library books, maps, periodicals, and technical pamphlets.
- (iii) Copyrighted educational films, filmstrips, slides, and transparencies.
- (iv) Postage stamps, postage fees, and telephone service.
- (v) Professional dues, membership fees, and seminar registration fees.
- (vi) Medicine and prescription drugs.
- (vii) Utilities including gas, electric, water, and sewer.
- (viii) Advertisements in professional publications or newspapers.
- (ix) Food and beverage items.
- (x) Credit/bank card services.
- (xi) Professional Services, including but not limited to accounting services; advertising and marketing services; legal services; design services, including but not limited to architectural, engineering, and landscape design services; public relations services; and underwriting and financial services.

(c) The term "Exempted Services" shall include out-of-pocket expenses and other charges billed to the Municipality by any of the foregoing service providers where such expenses and charges are of the type usually billed to the client by such type of service provider.

(d) The Director may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of products, supplies, or services with one or more Public Procurement Units in accordance with an agreement entered into between the participants. Such cooperative procurement may include, but is not limited to, joint or multiparty contracts between Public Procurement Units.

(e) The Director may Procure goods or services pursuant to an existing contract held by another Public Procurement Unit, upon a determination that such contract was awarded pursuant to appropriately competitive procedures. Without limiting the generality of the foregoing, it is hereby declared that contracts held by the State of South Carolina for the purchase of goods or supplies were awarded pursuant to appropriately competitive procedures.

Section 2.11. Repeat Orders. The Director may approve the purchase of additional goods or services pursuant to a Procurement for up to one year following the award, provided that the per unit price of such goods or services may not exceed the per unit price specified in the original award.

Article III: Contract Administration; Resolving Protests

Section 3.01. Multi-Year Contracts. To the extent permitted by law, a contract for supplies or services may be entered into for a period of time not to exceed a total of 5 years, *provided* that (a) the terms of the contract and the conditions of renewal or extension (if any) are included in the solicitation and (b) pricing increases for succeeding fiscal periods (if any) shall not exceed ten percent (10%) of the preceding year's contract price.

Section 3.02. Right to Protest. Any actual or prospective bidder, proposer, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Director. The protest, setting forth the grievance and the grounds therefore, shall be submitted in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no circumstance more than fifteen calendar days after notification of award of the contract.

Section 3.03. Authority to Resolve Protests. The Director shall have the authority to settle and resolve a protest of an aggrieved bidder, proposer, or contractor concerning the solicitation or award of a contract. If the protest is not resolved by mutual agreement within five calendar days of the notice of protest, the parties shall submit the dispute to non-binding mediation, which shall be concluded within ten calendar days of the notice of protest.

Section 3.04. Decision. Should the parties fail to resolve the protest in mediation, the Director shall promptly issue a decision in writing, stating the reasons for the action taken. A decision of the Director shall be final and conclusive, and a copy of the decision shall be mailed or otherwise furnished immediately to the protestor and any other party intervening.

Article IV: Debarment.

Section 4.01. The offer of cash, merchandise, or any other thing of value to a Municipality official or employee by any vendor or contractor, or prospective vendor or contractor, may be reason for declaring such individual or firm to be an irresponsible bidder and for debarring such individual or firm from participation in the Municipality's procurement process for a period of not less than two years.

ADOPTED IN COUNCIL DULY ASSEMBLED this [Date] day of [Month], [Year].

First Reading

Roy P. Pipkin, Mayor

November 14, 2023

Second Reading

John Madray, Mayor Pro Tempore

Jimmie Callum, Council Member

Attest:

Ruth Thomas, Council Member

Town Clerk

Patsy Litchfield, Council Member

ORDINANCE No. 03-04
Amending The Business License Ordinance
Provisions For Insurance Companies and
For Brokers For Non-admitted Fire and Casualty Insurers

BE IT ORDAINED by the Mayor and Council of the Town of Jamestown, that the Business License Ordinance is amended by changing the provisions for insurance companies and for brokers for non-admitted fire and casualty insurers to read as follows:

SECTION 1.

SIC NAICS

CODE or CODE

63 5241

Insurance Companies: Except as to fire insurance, "gross premiums" means gross premiums collected (1) on policies on property or risks located in the municipality, and (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by the insurance company's office located in the municipality or by the insurance company's employee doing business within the municipality or by the office of the insurance company's licensed or appointed producer (agent) located in the municipality or by the insurance company's licensed or appointed producer (agent) doing business within the municipality. As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute doing business within the municipality whether or not an office is maintained therein. A premium collected on property or a risk located within the municipality shall be deemed to have been collected within the municipality. Declining rates shall not apply.

631-632 52411 Life, Health and Accident 0.75% of Gross Premiums

633-635 524126 Fire and Casualty 2% of Gross Premiums

636 524127 Title Insurance 2% of Gross Premiums

6411 524210 Brokers for Fire and Casualty Insurers - Non-admitted:

As to brokers for non-admitted fire and casualty insurers, "gross premiums" means gross premiums collected by or for fire and casualty insurers not licensed in South Carolina (1) on policies on property or risks located in the municipality and/or (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered,

applied for, produced or serviced by a broker located in or doing business within the municipality. Brokers shall provide, with their payment of the tax, a copy of the report required by the State Department of Insurance showing the locations of the property or risks insured. 2% of Gross Premiums [Premiums for non-admitted business are not included in broker's gross commissions for other business. Declining rates shall not apply.]

SECTION 2.

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies and brokers for non-admitted fire and casualty insurers shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 3.

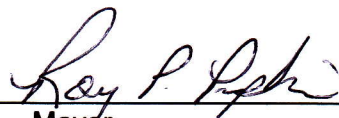
Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 4.

The Agreement with the Municipal Association of South Carolina, pursuant to S. C. Code section 5-7-300, for collection of current and delinquent license taxes from insurance companies and brokers for non-admitted fire and casualty insurers shall continue in effect.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

Mayor

ATTEST:



Clerk

First reading: November 1, 2004

Final reading: December 6, 2004

ORDINANCE NO.03-23

AN ORDINANCE

AMENDING THE BUSINESS LICENSE ORDINANCE OF THE TOWN OF JAMESTOWN TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

WHEREAS, the Town of Jamestown (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 02-21 on December 7, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the Town Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jamestown, as follows:

SECTION 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 – Telephone Companies.
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: "**8.6 NAICS Code Varies – Billiard or Pool Tables**. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that."

SECTION 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended and restated as set forth on the attached Exhibit A.

SECTION 3. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20____.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

**APPENDIX B
Classes 1 – 8: Business License Class Schedule by NAICS Codes**

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	2
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.

2019 MODEL BUSINESS LICENSE ORDINANCE

Section 1. License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City/Town of _____, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

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

“Charitable Organization” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

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

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

“Gross Income” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality. Gross income for agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums written. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies.

“License Official” means a person designated to administer this ordinance.

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

“Municipality” means the City/Town of _____, South Carolina.

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

Section 3. Purpose and Duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for the twelve-month period of May 1 to April 30. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. License Tax.

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Section 5. Registration Required.

A. The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by

the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

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

Section 6. Deductions, Exemptions, and Charitable Organizations.

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

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

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful.

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

Section 8. Display and Transfer.

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Article.

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

Section 10. Inspection and Audits.

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

B. The License Official shall have the authority to make inspections and conduct audits of businesses within the Municipality to insure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

A. If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and

statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to Council.

Section 12. Delinquent License Taxes, Partial Payment.

A. For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for sixty (60) days after its due date, the License Official shall report it to the municipal attorney for appropriate legal action.

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

Section 13. Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License.

The License Official shall deny a license to an applicant when the License Official determines:

A. The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

B. The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens; or

C. The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

D. The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

E. The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

F. The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License.

When the License Official determines:

A. A license has been mistakenly or improperly issued or issued contrary to law; or

B. A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or

C. A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

D. A Licensee has been convicted , within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

E. A Licensee has engaged in an unlawful activity or nuisance related to the business; or

F. A Licensee is delinquent in the payment to the Municipality of any tax or fee,

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council.

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days

after service by mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on proposed revocation shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

Section 17. Consent, franchise or license required for use of streets.

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

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

Section 18. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

Section 19. Violations.

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

Section 20. Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Section 21. Classification and Rates.

A. The classifications of businesses included in each rate class are listed with United States North American Industry Classification System (NAICS) codes, by sector, sub-sector, group or industry. The Business License Class Schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a license tax. The business classification, pursuant to the most recent version of the Business License Class Schedule adopted by the council, most specifically identifying the subject business, shall be applied to the business. The License Official shall have the authority to make the determination of the business classification most specifically applicable to a subject business...

B. The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current Business License Rate Schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council. A copy of the Class Schedule and Rate Schedule shall be filed in the office of the municipal clerk.

APPENDIX A

RATE SCHEDULE

<u>RATE CLASS</u>	<u>INCOME: \$0 - \$2,000 BASE RATE</u>	<u>INCOME OVER \$2,000 Rate per Thousand or fraction thereof</u>
1	\$.00	\$
2	\$.00	\$
3	\$.00	\$
4	\$.00	\$
5	\$.00	\$
6	\$.00	\$
7	\$.00	\$
8.1	\$.00	\$
8.2	\$ set by State statute	
8.3	MASC Telecommunications	
8.41	\$.00	\$
8.42	\$.00	\$
8.5	\$.00	\$
8.61	\$.00	\$
8.62	\$.00	\$
8.7	MASC Insurance	
8.81	\$12.50 + \$12.50 per machine	
8.82	\$.00	\$
8.83	\$12.50 + \$12.50 per machine	
8.91	\$.00	\$
8.92	\$.00	\$
8.93	\$.00	\$
8.10	\$.00 + \$5.00 per table	\$

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
OVER 4	60%

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

- 8.1 NAICS 230000 - Contractors, Construction, All Types** [Non-resident rates apply]
Having permanent place of business within the municipality
Minimum on first \$2,000.....\$ _____ PLUS
Each additional 1,000.....\$ _____

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

- 8.2 NAICS 482 - Railroad Companies** – (See S.C. Code § 12-23-210)

- 8.3 NAICS 517311, 517312 - Telephone Companies:**

A. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

8.41 NAICS 423930 - Junk or Scrap Dealers [Non-resident rates apply]

Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000 \$ _____

8.42 NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000 \$ _____ PLUS
Per \$1,000, or fraction, over \$2,000 \$ _____

**8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail
(except auto supply stores - see 4413)**

Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales

direct retail sales of merchandise. [Non-resident rates apply]

8.61 Regular activities [more than two sale periods of more than three days each per year]
Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

8.62 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]
Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

Applicant for a license to sell on private property must provide written authorization from the property owner to use the intended location.

8.7 NAICS 5241 - Insurance Companies:

Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident 0.75% of Gross Premiums

NAICS 524126 - Fire and Casualty..... 2% of Gross Premiums

NAICS 524127 - Title Insurance 2% of Gross Premiums

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

NAICS 713120 - Amusement Machines, coin operated (except gambling) -

Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) – **[Type I and Type II]**

8.81 Operator of machine\$12.50/machine PLUS
.....\$12.50 business license
for operation of all machines (not on gross income).[§12-21-2746]

8.82 Distributor selling or leasing machines
(not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.]
Minimum on first \$2,000 \$ _____ PLUS
Per \$1,000 or fraction over \$2,000\$ _____

NAICS 713290 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III]

8.83 Operator of machine\$12.50/machine PLUS
.....\$12.50 business license
for operation of all machines (not on gross income). [§12-21-2720(B)]

8.82 -. Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] -Minimum on first \$2,000..... \$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

8.91 NAICS 713290 - Bingo halls, parlors –
Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

8.92 NAICS 711190 - Carnivals and Circuses -
Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

8.93 NAICS 722410 - Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises)
Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over \$2,000\$ _____

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

8.10 NAICS 713990 - Billiard or Pool Rooms, all types \$5.00 or \$12 per table PLUS
Minimum on first \$2,000\$ _____ PLUS
Per \$1,000, or fraction, over 2000.....\$ _____

NAICS 22112 - Electric Power Distribution..... See Consent or Franchise

NAICS 22121 – Natural Gas DistributionSee Consent or Franchise

NAICS 517110 – Television: Cable or Pay
Services using public streets.....See Franchise

Business License Class Schedule by NAICS Code

Appendix B

**This appendix will be updated annually based on the latest available IRS statistics.
The updated Business License Class Schedule may be accessed at
<http://www.masc.sc/SiteCollectionDocuments/Finance/BL-AppxB.pdf>**

APPENDIX A

FREEDOM OF INFORMATION ACT

Editor's Note. Act No. 118, of the 1987 South Carolina Legislature repealed Chapter 3 of Title 30 of the 1976 South Carolina Code of Laws, (commonly called the "Freedom of Information Act"). A new Chapter 4 was added, effective May 26, 1987, which incorporated numerous changes in the Act.

Recent changes include Act No. 269 (1992), Act No. 458 (1996) and Act No. 356 (1998) and are reproduced herein for ease of reference.

- §30-4-10. Short Title.
- §30-4-15. Findings and Purpose.
- §30-4-20. Definitions.
- §30-4-30. Right to inspect or copy records; fees; notification as to public availability of records.
- §30-4-40. Disclosures.
- §30-4-50. Certain matters declared public information.
- §30-4-60. Meetings of public bodies shall be open.
- §30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.
- §30-4-80. Notice of meetings of public bodies.
- §30-4-90. Minutes of meetings of public bodies.
- §30-4-100. Injunctive relief; costs and attorney's fees.
- §30-4-110. Penalties.

§30-4-10. Short Title.

This Chapter shall be known and cited as the "Freedom of Information Act."

§30-4-15. Findings and Purpose.

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

§30-4-20. Definitions.

(a) "Public body" means any department of the State, and 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, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this Chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation are not public bodies for the purpose of this Chapter.

(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, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except nonidentifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of this act. Nothing herein authorizes or requires the disclosure of those records where the public body, prior to January 20, 1987, by a favorable vote of three-fourths of the membership, taken after receipt of a written request, concluded that the public interest was best served by not disclosing them. Nothing herein authorizes or requires 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 the 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.

§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 §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. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. 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 fifteen 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 and, if the request is granted, the record must be furnished or made available for inspection or copying. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the fifteen days allowed herein, the request must be considered approved.

(d) The following records of a public body must be available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

- (1) minutes of the meetings of the public body for the preceding six months;
- (2) all reports identified in Section 30-4-50(A)(8) for at least the fourteen-day period before the current day; and
- (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

§30-4-40. Disclosures.

(a) A public body may but is not required to disclose the following information.

(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; and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.

(*) All materials, regardless of form, gathered by a public body during a search to fill an employment position, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this item, the public body must disclose, upon request, the number of applicants considered for a position. For the purpose of this item 'materials relating to not fewer than the final three applicants' do not include an applicants income tax returns, medical records, social security number, or information otherwise exempt from disclosure by this section.

(*) (Editor's Note. At the time of this publication, no number had been assigned.)

(A) Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented.

(B) Any data, records, or information developed collected, or received by or on behalf of faculty, staff, employees, or students of a state institution of higher education or any public or private entity supporting or participating in the activities of a state institution of higher education in the conduct of or as a result of study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity until the information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This item, applies to, but is not limited to, information provided by participants in research, research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works.

(C) The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation, to a state regulatory agency.

(D) The exemptions in this item do not extend to the institution's financial or administrative records.

(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, and telephone number or other such information of an individual or individuals who are handicapped or disabled when the information is requested for person-to person commercial solicitation of handicapped persons solely by virtue of their handicap. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

(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 of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property; however:

(A) these documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;

(B) a contract for the sale or purchase of real estate shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts of sale or purchase where the execution of the deed occurs within twelve months from the date of sale or purchase;

(C) confidential proprietary information provided to a public body for economic development or contract negotiations purposes is not required to be disclosed.

(6) All compensation paid by public bodies except as follows:

- (A) For those persons receiving compensation of fifty thousand dollars or more annually, for all part-time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances or the like, and for employees at the level of agency or department head, the exact compensation of each person or employee;
- (B) For classified and unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation between, but not including, thirty thousand dollars and fifty thousand dollars annually, the compensation level within a range of four thousand dollars, such ranges to commence at thirty thousand dollars and increase in increments of four thousand dollars;
- (C) For classified employees not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the salary schedule showing the compensation range for that classification including longevity steps, where applicable;
- (D) For unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the compensation level within a range of four thousand dollars, such ranges to commence at two thousand dollars and increase in increments of four thousand dollars.
- (E) For purposes of this subsection (6), "agency head" or "department head" means any person who has authority and responsibility for any department, of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

(7) Correspondence or work product 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; however, nothing herein may 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.

(9) Memoranda, correspondence, documents, and working papers relative to efforts or activities of a public body to attract business or industry to invest within South Carolina.

(10) Any standards used or to be used by the South Carolina Revenue and Taxation for the selection of returns for examination, or data used or to be used for determining such standards, if the Commission determines that such disclosure would seriously impair assessment, collection, or enforcement under the tax laws of this State.

(11) Information relative to the identity of the maker of a gift to a public body if the maker specifies that his making of the gift must be anonymous and that his identity must not be revealed as a condition of making the gift. For the purposes of this item, "gift to a public body" includes, but is not limited to, gifts to any of the state-supported colleges or universities and museums. With respect to the gifts, only information which identifies the maker may be exempt from disclosure. If the maker of any gift or any member of his immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure.

(b) If any public record contains material which is not exempt under subsection (a) of this section, the public body shall separate the exempt and nonexempt material available in accordance with the requirements of this Chapter.

§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 §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 30-4-70;

(8) Reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information

exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

(9) Statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit 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.

§30-4-60. Meetings of public bodies shall be open.

Every meeting of all public bodies shall be open to the public unless closed pursuant to §30-4-70 of this Chapter.

§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, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, where the legal advice related to a pending, threatened or potential claim or other matters covered by the attorney-client privilege, 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) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

(6) Before going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "specific purpose" means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to §30-4-70 (a)(1) or §30-4-70(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session to be stated. No action may be taken in executive session except (a) to adjourn or (b) to return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

(b) No chance meeting, social meeting, or electronic communication may 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.

(c) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

(d) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.

§30-4-80. Notice of Meeting of Public Bodies.

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agendas, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

(b) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must 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 must give notice during weeks of the legislative session only if it is practicable to do so.

(c) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (a), must make reasonable and timely efforts to give notice of their meetings.

(d) Written public notice must include but need not be limited to posting a copy of the notice at the principle 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.

(e) All public bodies shall notify persons or organizations, 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 must be noted in the minutes of the meetings.

§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 §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 §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.

§30-4-100. Injunctive Relief; Costs and Attorney's Fees.

(a) Any citizen of the State may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the provisions of this chapter in appropriate cases as long as such application is made no later than one year following the date on which the alleged violation occurs or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

(b) If a person or entity seeking such relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation. If such person or entity prevails in part, the court may in its discretion award him or it reasonable attorney fees or an appropriate portion thereof.

§30-4-110. Penalties.

Any person or group of persons who willfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days for the second offense and shall be fined three hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense.

(Editor's Note. This reproduction is from the Code of Laws of South Carolina published by the Lawyers Cooperative Publishing Company, Rochester, New York. It should be noted that annotations, case notes, history of sections, opinions of the Attorney General and research references have not been included above. The reader is referred to the parent volumes for that data.)

APPENDIX B

Editor's Note. The following is a sample ordinance to illustrate one way of amending this code. The amended section has been chosen arbitrarily, as an example only, and it is not to be considered as official action.

On the following pages, additional suggestions are listed for the guidance and convenience of municipal officials when ordinances are to be considered.

All ordinances are required, by this code, to be numbered. They should either be an amendment to this code, or a new section/chapter to be added.

=====

SAMPLE ORDINANCE FORM**SAMPLE ORDINANCE FORM**

ORDINANCE NO. ____

AN ORDINANCE ENTITLED

CHANGE IN TIME OF REGULAR COUNCIL MEETINGS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN,
SOUTH CAROLINA:

SECTION 1. Section 2.201 of the Town Code is hereby amended by rescinding the time authorized for regular Council meetings (7:00 p.m.) and inserting in lieu thereof "1:30 p.m.," so that when amended the time for regularly scheduled meetings of Council shall be 1:30 p.m..

(THIS IS SAMPLE WORDING ONLY)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

(THIS PARAGRAPH CANCELS ANY CONFLICTING ORDINANCES.)

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

(THIS PARAGRAPH LIMITS ANY RULING BY THE COURTS TO THE SPECIFIC SECTION TO WHICH THE RULING APPLIED.)

SECTION 4. This ordinance shall become effective upon its final adoption.

(ALL ORDINANCES MUST HAVE AN EFFECTIVE DATE.)

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmy Callum, Council Member

Town Clerk

Thomas Lake, Council Member

AS TO FORM:

Terrence Snider, Council Member

Town Attorney

(ALL ORDINANCES MUST HAVE TWO READINGS, AT LEAST SIX DAYS APART, AND MUST BE SIGNED BY THE MAYOR AND SIGNED AND ATTESTED BY THE MUNICIPAL CLERK.)

ADDITIONAL NOTES TO BE USED AS GUIDANCE FOR AMENDMENTS TO THIS CODE:

1. Some municipalities prefer to repeal the entire amended section and have it retyped in its entirety to avoid future confusion or misunderstanding as to the intent of Council. Others prefer the "short version," as above. This is especially true if the amended section is lengthy. Either way is local choice.
2. If a date other than that of second reading is to be the effective date, it should be inserted accordingly as a part of Section 3 (of the sample ordinance) or the appropriate section number in the amending ordinance. Example: "effective on December 1, 2000."
3. More space than that shown in the sample ordinance can be utilized between sections, the date of readings and the signatures of the Mayor and Administrator-Clerk to space it more aesthetically on the page.
4. Upon adoption of the ordinance, the original copy, with signatures, should be placed in the "*Book of Ordinances*" (as discussed in §2.111 of this code).
5. Also upon adoption, the official copy of the code should be amended accordingly and copies reproduced and distributed to the holders of the code and inserted in any extra copies which have not been distributed, to keep all copies current. The Clerk/Treasurer should retain a list of all persons to whom a code has been distributed so that they may receive copies of future amendments. Such amendments are called "Supplements."
6. When the code is amended, each change should be noted by Supplement number and date at the bottom of the amended page, left hand corner, to denote the change. Example: Supplement #1. 8-5-2000, Supplement #2. 10-1-2000, etc.
7. Such changes should be noted also in the general Table of Contents, Chapter Table of Contents and the Index, as appropriate. Maintaining a chronological list of all supplements in the "*Book of Ordinances*" by date of supplement will prove helpful for future reference.
8. For EMERGENCY ORDINANCES, see §2.119 of this code.
9. Amending or repealing ordinances should be noted on the original copy of the ordinance repealed or amended, as required by law and as codified in §2.112 of this code.
10. As to updating this code, some municipalities prefer to do so as amendments are made; others prefer doing so on a quarterly, semiannual or annual basis. This code requires, at a minimum, an annual update. If a different updating schedule is preferred, the requirement should be amended accordingly. (See §2.115 of this code.)

EXCERPT

1976 CODE OF LAWS OF SOUTH CAROLINA

CHAPTER 9

MAYOR-COUNCIL FORM OF GOVERNMENT

§5-9-10 Applicability of Chapter 7.

§5-9-20 Structure of mayor-council form of government; election of council members.

§5-9-30 Responsibilities and powers of mayor.

§5-9-40 Establishment of municipal departments, offices and agencies by council; employment of administrator to assist mayor; offices and agencies under direction of mayor administered by officer appointed by mayor.

§5-9-10. APPLICABILITY OF CHAPTER 7.

Except as specifically provided for in this chapter, the structure, organization, powers, duties, functions and responsibilities of municipal government under the mayor-council form shall be as prescribed in Chapter 7.

§5-9-20. STRUCTURE OF MAYOR-COUNCIL FORM OF GOVERNMENT; ELECTION OF COUNCIL MEMBERS.

a. Under the mayor-council form of government there shall be a municipal council composed of a mayor and not less than four council members.

b. The members of council shall be elected in accordance with Chapter 15.

§5-9-30. RESPONSIBILITIES AND POWERS OF MAYOR.

The mayor shall be the chief administrative officer of the municipality. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under Chapters 1 through 17. He shall have the following powers and duties:

(1) to appoint and, when he deems it necessary for the good of the municipality, suspend or remove all municipal employees and appointive administrative officers provided for by or under Chapters 1 through 17, except as otherwise provided by law, or personnel rules adopted pursuant to Chapters 1 through 17. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) to direct and supervise the administration of all departments, offices and agencies of the municipality except as otherwise provided by Chapters 1 through 17;

- (3) to preside at meetings of the council and vote as other councilmen;
- (4) to act to insure that all laws, provisions of Chapters 1 through 17 and ordinances of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;
- (5) to prepare and submit the annual budget and capital program to the council;
- (6) to submit to the council and make available to the public a complete report on the finances and administrative activities of the municipality as of the end of each fiscal year; and
- (7) to make such other reports as the council may require concerning the operations of municipal departments, offices and agencies subject to his direction and supervision.

§5-9-40. ESTABLISHMENT OF MUNICIPAL DEPARTMENTS, OFFICES AND AGENCIES BY COUNCIL; EMPLOYMENT OF ADMINISTRATOR TO ASSIST MAYOR; OFFICES AND AGENCIES UNDER DIRECTION OF MAYOR ADMINISTERED BY OFFICER APPOINTED BY MAYOR.

The council may establish municipal departments, offices and agencies in addition to those created by Chapters 1 through 17 and may prescribe the functions of all departments, offices and agencies, except that no function assigned by law to a particular department, office or agency may be discontinued or assigned to any other agency. The mayor and council may employ an administrator to assist the mayor in his office.

All departments, offices and agencies under the direction and supervision of the mayor shall be administered by an officer appointed by and subject to the direction and supervision of the mayor.

APPENDIX D

ORDINANCES NOT REPEALED BY THIS CODE

Editor's Note. As pointed out in the enacting ordinance of this code, certain ordinances have not been codified due to the nature of the ordinance. These have been listed below. The original of each ordinance listed below is maintained, where appropriate, by the Clerk/Treasurer.

Those ordinances which pertain to the following are not included:

1. Annexation
2. Assessments
3. Bonded indebtedness
4. Budgets
5. Buildings
6. Contracts
7. Fair Housing
8. Franchises
9. Grant agreements
10. Leases
11. Loans
12. Options
13. Planning
14. Property Conveyances
15. Sale, lease or contract to sell lands
16. Subdivision Plats
17. Tax Levies and other charges
18. Zoning

The Town of Jamestown, South Carolina
Schedule of Rates and Fees

June 15, 2000

Section	Description	Fee
3.103.a	Annual fee per animal for owning in excess of 3 dogs and/or cats	25.00
3.110	Pet redemption fee	
3.111	Pet removal and disposal fee per carcass	50.00
7.207	Compensation per session per person to jurors	2.00
8.111	Returned check fee	10.00
14.813		
17.203	Penalty for unmetered, illegal hookup to water systems	25.00 to 100.00
17.401	Water rates: Minimum charge including 2,500 gallons of usage 2,501 to 12,500 gallons of usage 12,501 to 59,500 gallons of usage	 9.00 0.85 per 1,000 gallons 0.75 per 1,000 gallons
17.402	Water deposit fee: Residential Commercial	 25.00 50.00
17.403	Penalty fee for failure to pay water bill.	2.00

Section	Description	Fee
17.403	Water reconnection fee	
	Residential	25.00
	Commercial	25.00
17.409	Water connection fee for installation	
	Residential	
	Same side of road as water main	300.00
	Opposite side of road as water main	Labor and material cost of the connection.
	Commercial	
	Same side of road as water main	300.00
	Opposite side of road as water main	Labor and material cost of the connection.
19.106	Water rates and fees under drought conditions	

The Town of Jamestown, South Carolina
Schedule of Fees for Business Licenses

June 15, 2000

Editor's Note. See Editor's Note at Chapter 8, Article V, of this code for authority to levy license fees.

The following sums and amounts shall be paid, per annum, to the Administrator-Clerk who, upon receipt thereof, shall grant and issue therefor the proper license provided for the following trades, occupations and professions or as such may by the Town Council be further specified and determined.

Auto Dealers doing business of any kind at retail not specifically taxed in this article, on total gross receipts, not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales on receipts on fraction thereof.

Bakeries, selling wholesale, see Merchants, wholesale.

Barbershops, on gross income not exceeding \$1,000.00, one chair \$30.00; each additional chair \$5.00 or fraction thereof.

Billiard room or pool room, on gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1000.00 sales or receipts or fraction thereof.

Building supplies, retail, see Merchants, retail.

Building supplies, wholesale, see Merchants, wholesale.

Butcher, retail, see Merchants, retail.

Butcher, wholesale or itinerant, see Merchants, wholesale.

Cafes, on gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Carnival, shows or aggregations, each exhibition, attraction or concession, per day or night on gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Dairies, selling and delivering milk or milk products of others within the town on gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Dairies, maintaining retail stores pay merchants retail license in addition.

Dance halls, on gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Dry Cleaning, see Laundries.

Electrical and Rewinding shops, see Repair Shops, general.

Exhibitions, see Carnivals.

Filling Stations, see Merchants, retail.

Finance Companies, any person engaged in the business of making loans on automobiles, electric refrigerators, electric stoves, washing machines or similar merchandise or buying commercial paper, or any person or agent of such, lending money and taking or receiving as securities therefor chattel mortgage, rent, contract, bill of sale, pledge, pledges of personal property, and who collects, receives or receipts for sale money loaned on the interest thereon or payment for any charge made incident to making or securing such loan in partial payments or installments, on total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Garages, repairing only, see Repair Shops, general.

Garages selling accessories, pay retail merchants license on income from sale of accessories.

Gas Companies, bottled, on total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Gas Companies, manufacturing and distributing gas within the town, on total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Insurance, see Administrator-Clerk for effective ordinance.

Kerosene Distributors, see Merchants, wholesale.

Laundries, Dry Cleaners, or combinations, on the total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Laundries with self-service machines for hire, on the total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Lunch Stands, see Cafes.

Machines, coin for the playing of music, operated by a slot wherein is deposited any coin or thing of value, \$10.00 each.

Machines, coin, of any article, except music, operated by a slot wherein is deposited any coin or thing of value, piccolo, pinball machines or any kind of amusement device, \$10.00 each.

Manufacturers, not specifically mentioned, on the total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Merchant, itinerant, see Peddlers.

Merchants, Retail, doing business of any kind at retail not herein specifically taxed on total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Merchants, Wholesale, doing business of any kind at wholesale not herein specifically taxed, on total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Money Lenders, see Finance Companies.

Peddlers, Hucksters or Itinerant Salesmen, delivering from trucks or other vehicles at the time of sale, or engaging in any other business, on the total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Restaurants, see Cafes.

Soda Water Fountains, see Merchants, retail.

Telephone Companies or Agencies, see Administrator-Clerk for effective ordinance.

Unclassified, any business or act permitted and not specifically classified in this article on total gross receipts not exceeding \$1,000.00---\$30.00; .50 on each additional \$1,000.00 sales or receipts or fraction thereof.

Wood Dealers, see Merchants, retail.

For any trade, occupation, business or profession not specifically designated in this schedule, a license tax of not less than one dollar (\$1.00) and not more than one hundred dollars (\$100.00) shall be prescribed and fixed by the Town Council, prior to the issuance of a business license.

ORDINANCE NO. _____

AN ORDINANCE TO

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JAMESTOWN,
SOUTH CAROLINA:

SECTION 1.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective upon its final adoption.

First Reading

Roy P. Pipkin, Mayor

Second Reading

Jean D. Guerry, Mayor Pro Tempore

ATTEST:

Jimmy Callum, Council Member

Town Clerk

Thomas Lake, Council Member

AS TO FORM:

Terrence Snider, Council Member

Town Attorney

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