

THE GENERAL ORDINANCES  
OF THE  
TOWN OF GASTON  
SOUTH CAROLINA

Published and enacted as a whole,  
the 2nd day of March, 2021  
Order of the Mayor and Council  
Of  
Gaston  
South Carolina

-By The-

BUREAU OF GOVERNMENTAL RESEARCH  
UNIVERSITY OF SOUTH CAROLINA  
Columbia, South Carolina

FOREWORD

In recognition of the need for a complete revision of the ordinances and regulations, the Council of the Town of Gaston has move to incorporate all existing acts and ordinances into one volume of a general nature.

This volume constitutes that compilation of the laws and ordinances of the Town of Gaston, South Carolina, with references to the State Statutes upon which each is based, when determined, and the rules and regulations for the government of the Municipality and the divisions thereof. All ordinances not contained herein are to be considered as repealed, unless otherwise specified herein.

The general index, which appears at the end of this volume, has been prepared with the determination of providing an accurate medium for locating the individual sections of municipal law as set forth in the many and various chapters of this volume.

It is our determination that this volume will be kept current by providing for easy insertion of amendments and new ordinances directly into this volume at the point of pertinency.

MAYOR AND COUNCIL MEMBERS OF  
THE TOWN OF GASTON

STATE OF SOUTH CAROLINA     ]  
   ]  
COUNTY OF LEXINGTON        ]     AN ORDINANCE TO REVISE AND  
   ]     CODIFY THE ORDINANCES OF  
   ]     GASTON, SOUTH CAROLINA

BE IT ORDERED AND ORDAINED BY THE COUNCIL of the Town of Gaston, South

Carolina in assembled:

THAT the following code and ordinances, both of a general and permanent nature, as revised and hereby published, shall be and are adopted as the CODE OF THE TOWN OF GASTON, SOUTH CAROLINA, 2021.

THAT the Code of the Town of Gaston, South Carolina, 2021, shall be in force on and after the date hereinafter appended, and all ordinances herein not included shall be considered abolished and repealed as of that same date.

PROVIDED: THAT the repeal provided for herein shall not affect any offense or act committed or done or any penalty or forfeiture incurred, or any contract or right established or accruing before said date of this adopting ordinances.

PROVIDED, FURTHER: THAT the repeal 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 of the CODE OF ORDINANCES OF GASTON.

THAT a copy of the CODE OF GASTON, SOUTH CAROLINA, 2021, shall be filed in the Office of the Clerk and Treasurer and be made available to persons desiring to examine the same.

BE IT ENACTED this the 2<sup>nd</sup> day of March, 2021 as witness our hands and seals, in Council done, at Gaston, South Carolina.

*Troy R. Divens*

Mayor

ATTESTED:

*Jennifer A. Hoyt*

Clerk

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THE CODE  
OF THE  
TOWN OF GASTON  
SOUTH CAROLINA  
2021



## **CHAPTER 1. GENERAL PROVISIONS**

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§ 1.01.        SHORT TITLES.

(A)

All ordinances of a permanent and general nature of the municipality as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections shall be known and designated as the Gaston Code, for which designation "codified ordinances" or "code" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B)

All references to codes, titles, chapters, and sections are to such components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "traffic code." Sections may be referred to and cited by the designation "§" followed by the number, such as "§ 10.01."

§ 1.02.        CAPTIONS.

Headings and captions used in this Code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 1.03.        DEFINITIONS.

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

"AND." May be read "OR," and "OR" may be read "AND," if the sense requires it.

"ANOTHER." When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

"CITY," "TOWN," "MUNICIPAL CORPORATION," or "MUNICIPALITY." When used in this Code shall denote the Municipality of Gaston irrespective of its population or legal classification.

"CORPORATE LIMITS" or "CORPORATION LIMITS." The legal boundary of the Municipality of Lexington.

"COUNCIL." The legislative authority of the municipality.

"COUNTY." Lexington County, South Carolina.

"IN THE CITY." Any territory, jurisdiction of which for the exercise of its regulatory power has been conferred on the city by public or private law.

"KEEPER" or "PROPRIETOR." Includes all persons, firms, associations, corporations,

clubs, and partnerships, whether acting by themselves or as a servant, agent, or employee.

"MAY." The act referred to is permissive.

"MONTH." A calendar month.

"MUNICIPALITY." The Municipality of Gaston, South Carolina.

"OATH." Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases "SWEAR" and "SWORN" shall be equivalent to "AFFIRM" and "AFFIRMED."

"OWNER." When applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or part of such property.

"PERSON." Includes an individual, corporation, business trust, estate, trust, partnership, association, club, society, and firm.

"PERSONAL PROPERTY." Includes all property except real.

"PRECEDING" and "FOLLOWING." Indicate the next before and the next after, respectively.

"PREMISES." As applied to property, includes land and buildings.

"PROPERTY." Includes real, personal, mixed estates and interests.

"PUBLIC AUTHORITY." Includes boards of education; the municipal, county, state, or federal government, its officers or an agency thereof; or any duly authorized public official.

"PUBLIC PLACE." Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

"REAL PROPERTY." Includes lands, tenements, and hereditaments.

"REGISTERED MAIL." Includes certified mail and "CERTIFIED MAIL" includes registered mail.

"RESIDENCE." The place adopted by a person as his/her place of habitation, and to which, whenever he is absent, he/she 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 his "RESIDENCE."

"ROADWAY." That portion of a street improved, designed, or ordinarily used for vehicular travel.

"S.C. CODE." The Code of Laws of South Carolina.

"SHALL." The act referred to is mandatory.

"SIDEWALK." That portion of the 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.

"STATE." The State of South Carolina.

"STREET." Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the municipality.

"TENANT" or "OCCUPANT." As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

"WEEK." Seven (7) consecutive days.

"WHOEVER." Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

"WRITTEN" or "IN WRITING." Includes printing and any representation of words, letters, symbols, or figures. When the written signature of any person is required it shall be in the proper handwriting of such person, or in case he is unable to write, his proper mark.

"YEAR." Twelve (12) consecutive months.

#### § 1.04. RULES OF CONSTRUCTION.

##### (A)

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(B)

As used in the code, unless the context otherwise requires:

(1)

The singular includes the plural, and the plural includes the singular.

(2)

Words of one gender include the other genders.

(3)

Words in the present tense include the future.

(C)

Calendar; computation of time.

(1)

The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day be Sunday it shall be excluded. (S.C. Code § 15-1-20)

(2)

In all cases where the law requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean the time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(D)

Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include such acts when done by an authorized agent.

(E)

Joint authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of the officers or other persons, unless it is otherwise expressly declared in the law giving the authority or inconsistent with state statute or other provisions.

(F)

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

(G)

Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the Municipality of Gaston" were added.

(H)

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of 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.

(I) Exceptions. The rules of construction shall not apply to any law which contains any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

§ 1.05. CONSTRUCTION OF REVISED ORDINANCES.

The provisions of this Code, so far as they are consistent with any prior ordinances, shall be construed as continuations of the prior provisions and not as new enactments.

§ 1.06. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

(A) 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.

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

§ 1.07. CONSTRUCTION OF SECTION REFERENCES

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this Code.

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

§ 1.08. CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the subject matter taken as a whole.

§ 1.09. SEVERABILITY.

Every chapter, section, subdivision, paragraph or provision of the Town of Gaston Code of Ordinances shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph or provision; and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph or provision.

§ 1.10. REFERENCE TO OFFICES.

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

§ 1.11. ERRORS AND OMISSIONS.

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

§ 1.12. ORDINANCES REPEALED.

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

of this Code of Ordinances.

§ 1.13.           ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this Code of Ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 1.14.           ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body, or a certain municipal officer or employee, to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving such purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 1.15.           AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

(A) Any chapter, section, or division amended or added to this Code by ordinances passed subsequent to this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. Any chapter, section, or division repealed by subsequent ordinances may be excluded from this Code by omission from re-printed pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of such subsequent ordinances until the legislative body of the municipality shall adopt a new code of ordinances.

(B) The following language should be used by the municipality to amend, add, or repeal a chapter, section, or division:

(1) Section amended:

"Section \_\_\_\_\_ of the Gaston Code of Ordinances is amended to read as follows: . . ."

(2) Section added:

"Section \_\_\_\_\_, which reads as follows, is added to and amends the Lexington Code of Ordinances: . . ."



(3) Section repealed:

"Section \_\_\_\_\_ of the Gaston Code of Ordinances, which reads as follows, is repealed: . . ."

§ 1.16. VIOLATIONS OF RULES, REGULATIONS, AND ORDERS.

Except as otherwise provided in this Code, the violation of any rules, regulations, or orders promulgated by any officer or agency of the municipality under authority vested in him or it by law, by the provisions of this Code, or by any ordinance or resolution, shall be unlawful.

§ 1.17. LIABILITY OF CORPORATIONS 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.

§ 1.18 REFERENCES TO FEDERAL, STATE OR LOCAL LAW.

Whenever this Code of Ordinances refers to or adopts by reference a provision of Federal or State law:

(1) The reference or adoption is intended to incorporate future amendments to the provision of Federal or State law to maintain parallel meaning with this Code; and

(2) If the provision of Federal or State law is recodified or renumbered, the reference or adoption is intended to incorporate the recodification or the renumbering.

(3) This provision is also intended to apply to amendment or recodification of law upon which the Town of Gaston relies in carrying out the terms and conditions of its Code of Ordinances.

§ 1.19.            GENERAL PENALTY

Where an act or omission is prohibited or declared unlawful in this Code of ordinances, and no penalty of fine or imprisonment is otherwise provided, the offender shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.

§ 1.20.            MUNICIPAL SEAL.

The municipality shall have a common seal, which shall be affixed to all ordinances passed by Council 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.

The Seal shall consist of two concentric circles, the center of which shall contain the word “Seal” and the border of which shall contain the words “The Town of Gaston” and “South Carolina.”

The Seal shall be and remain in the custody of the Clerk.

**1st Reading 2/10/15—Chapters 1, 2, 3**

**2nd Reading 4/14/15—Chapters 1, 2, 3**

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**SECTION III — MAYOR AND COUNCIL**

- § 2.140. METHOD OF ELECTING BY NONPARTISAN ELECTIONS
- 2.141. TERM OF OFFICE.
- 2.142. ELIGIBILITY TO HOLD OFFICE.
- 2.143. FILING BY CANDIDATES FOR MAYOR AND COUNCIL.
- 2.144. OATHS OF OFFICE.

**SECTION IV — ELECTORS**

- § 2.145. QUALIFICATIONS

**ARTICLE VI. PURCHASING**

**Section I - GENERAL PROVISIONS**

- § 2.150. ADOPTION BY REFERENCE.

**ARTICLE VII. PERSONNEL**

**Section I - GENERAL PROVISIONS**

- § 2.160. ADOPTION BY REFERENCE.

**ARTICLE VIII. MUNICIPAL COURT**

**Section I - GENERAL PROVISIONS**

- § 2.170. VIDEO CONFERENCING.

## CHAPTER 2—ADMINISTRATION

### ARTICLE I. COUNCIL

#### Section I - GENERAL PROVISIONS

##### § 2.01. FORM OF GOVERNMENT.

The form of government for the municipality shall be the Mayor-Council form provided in S.C. Code § 5-11-10 et seq.

##### § 2.02. COMPOSITION; ELECTION OF COUNCIL

The Council shall be composed of a Mayor and four (4) Council members who shall be elected at large without reference to wards or place of residence at an election held as provided in Chapter 2.115 and as provided in the applicable State law.

**Statutory references**—Municipal elections, see S.C. Code § 5-15-10 et seq.; structure of Council form of government, see S.C. Code § 5-11-20

##### § 2.03. COMPENSATION OF MAYOR AND COUNCILMEMBERS.

(A) The Mayor and Councilmembers shall be paid such salaries [and compensated] as shall be provided for in the annual appropriation.

**Statutory reference**—Salaries to be determined by ordinance, see S.C. Code § 5-7-170

(B) Council members shall receive reimbursement of \$50.00 per month and the Mayor \$80.00 per month for the usage of their personal cell phone for Town business. Each Councilmember and Mayor will be required to provide a copy of the cell phone bill.



## **SECTION II — ORDINANCES AND RESOLUTIONS**

### **§ 2.20. COUNCIL ACTION.**

Council shall act by ordinance in all matters required by law to be done by ordinance specifically including those acts enumerated in S.C. Code § 5-7-260, as amended. In all other matters Council may act by ordinance or resolution.

### **§ 2.21. ORDINANCES FOR BENEFIT OF MUNICIPALITY.**

It shall be the duty of the Council to pass, from time to time, such ordinances as in their judgment shall best promote the interest of the citizens and property holders of the municipality.

### **§ 2.22. STYLE.**

The style of all ordinances shall be "Be it Ordered and Ordained by the Town Council of the Town of Gaston, South Carolina, in Council assembled and by the Authority Thereof."

### **§ 2.23. ENTERED IN BOOK.**

The Municipal Clerk shall enter in a well-bound book, copies of all ordinances passed by the Council. The book in which ordinances are thus entered shall be known as the "Ordinances at Large of the Town of Gaston, S.C." and shall be indexed.

### **§ 2.24. AMENDING OR REPEALING ORDINANCES.**

The Municipal Clerk shall write on the first page of every ordinance, if the same has been amended or repealed, as the case may be, the words "amended," or "repealed" with reference to the page of the ordinance book where the amending or repealing ordinance can be found. The amended or repealed ordinance shall be redlined.

### **§ 2.25. ENACTMENT.**

An ordinance may be proposed by any member of the Council. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The Council may at its discretion conduct a public hearing on any proposed ordinance. No ordinance shall be adopted

until it shall have been read and approved two (2) times on two (2) separate days with at least six (6) days between each reading. The introduction and first reading of any such ordinance may be by title only unless a full reading is requested by a member of the Council. On final adoption of an ordinance shall be signed by the Mayor and attested to by the Municipal Clerk who shall file the original with the minutes of the Council meeting.

§ 2.26.            SPECIAL ORDINANCES.

(A)

In addition to the requirements of § 2.25 herein, any ordinance which levies a tax, adopts a budget, or grants a franchise shall not be given final approval until Council shall have conducted a hearing thereon. Public notice of the time and place of such hearing shall be given by the Municipal Clerk at least ten (10) days prior thereto.

(B)

Emergency ordinances as provided under S.C. Code § 5-7-250, as amended, may be adopted on one reading by the affirmative vote of two-thirds (2/3) of the members of Council present at any meeting. Such ordinances shall automatically expire on day sixty-one (61) after the enactment.

§ 2.27.            CODIFICATION.

All ordinances enacted by the Council shall be codified. Standard codes, technical regulations, and zoning ordinances may be adopted and cited in the Code by reference and copies thereof shall be made available by the Municipal Clerk for distribution or for purchase at a reasonable price.

§ 2.28.            RESOLUTIONS.

A resolution may be proposed by any member of the Council either orally or in writing. Resolutions may be adopted at any Council meeting on a majority vote of the members present. Written resolutions shall be filed by the Municipal Clerk with the minutes of the Council meeting.

§ 2.29.            EMERGENCY POWERS OF MAYOR.

A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbance, catastrophe, or for any other reason, municipal public

safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

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

The Mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the municipality and to specific hours of the day or night; and to exempt from the curfew policemen, firemen, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the municipality.

### **SECTION III — MEETINGS OF COUNCIL**

#### **§ 2.35. MEETINGS OF COUNCIL.**

(A)

Regular meetings of the Council shall be held at least once in each month at such times and places as the Council may prescribe.

(B)

Special meetings of the Council may be held on call of the Mayor or of a majority of the members. Notice of special meetings shall be given immediately to all members of the Council by the Municipal Clerk.

(C)

All regular and special meetings of the Council shall be open to the public and the Municipal Clerk shall give public notice thereof.

#### **§ 2.36. MINUTES.**

The Municipal Clerk shall keep the minutes of all public meetings of Council which shall be a permanent public record. At each Council meeting the minutes of the previous meeting shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by Council.

#### **§ 2.37. PRESENCE OF QUORUM.**

A majority of the Councilmembers serving shall constitute a quorum for the conduct of business at any meeting. The Mayor or Mayor Pro Tempore shall preside except that in the absence of both, the members present shall elect a presiding member. All proceedings of Council shall be governed by Robert's Rules of Order.

#### **§ 2.38. AGENDA.**

Matters to be considered by Council at a regular meeting shall be placed on a written agenda prepared by the Administrator and publicly posted by the Municipal Clerk by noon on the day preceding meeting. Matters not on the agenda may be considered on request of a Council member unless two (2) members object.

#### **§ 2.39. ORDER OF PROCEEDINGS.**

The order of the proceedings of the Council shall be determined by the Council.

§ 2.40.            ADDRESSING COUNCIL RECOGNITION OF SPEAKERS.

- (A) Every member of the Council when about to speak shall address the Mayor as "Mr. or Ms. Mayor" and in speaking shall avoid all disrespect to the Council and all personalities, and shall confine himself/herself to the subject under consideration.
- (B) The Mayor, when addressed by a member who rises in order, shall name the member, using no title but that of Mr. or Ms. The member who shall rise first in order, shall be first heard. If several members rise about the same time, the Mayor shall decide who shall speak first.
- (C) No member shall speak more than twice on the same question without leave of the Council, except to explain.

§ 2.41.            VOTING.

All actions of Council shall be by majority vote (in accordance with Robert's Rules of Order) at a public meeting

§ 2.42.            REASONS FOR VOTING MAY BE RECORDED.

Any member of the Council may, if he desires, have his/her reasons for voting for or against or abstaining from voting for any measure recorded on the minutes.

§ 2.43.            INTERESTED MEMBER OR MAYOR NOT TO VOTE.

No member of Council or the Mayor shall vote on any question of a private nature, in the event of which he/she is personally or pecuniarily interested.

§ 2.44.            MAYOR'S POWER TO VOTE.

The Mayor shall vote on all questions coming before the Council

§ 2.45.            POWERS AND DUTIES WHEN MAYOR ABSENT.

The Council shall, at the first meeting after installation, elect one of the Councilmembers as Mayor Pro Tempore. It shall be the duty of the Mayor Pro Tempore to act as Mayor in the absence or inability of the Mayor from the municipality or when the Mayor is incapable of the

duties of his office. In the absence or inability to act of both the Mayor and Mayor Pro Tempore, the duties of the Mayor shall devolve on and be performed by such Councilman as the Council shall name.

#### **SECTION IV — COMMITTEES**

##### **§ 2.50. SPECIAL COMMITTEES.**

All special committees shall be appointed by the Mayor with the approval of the Council unless a ballot is called for.

##### **§ 2.51. STANDING COMMITTEES; WORKSHOP SESSIONS.**

There shall be no standing committees. Work heretofore performed by standing committees shall henceforth be done by Council meeting at least once each month in workshop sessions as a committee of the whole. Workshops shall be open to the public and shall be held at such times and places as Council may prescribe. Special workshops may be held on call of the mayor or a majority of Councilmembers. Notices of such meetings shall be given by the Municipal Clerk thereof.

## **ARTICLE 11. OFFICERS AND EMPLOYEES**

### **SECTION I — GENERAL PROVISIONS**

#### § 2.60. SALARIES.

Except as otherwise provided, the salary of all officers and employees of the municipality elected by the Council shall be fixed, designated, and regulated by resolution of the Council from time to time as the Council shall deem fit.

#### § 2..61. ENFORCEMENT OF ORDINANCES AND LAWS.

All officers and employees of the municipality shall enforce obedience to such statutes, provisions of this Code, or any ordinances, resolutions, or rules and regulations, or orders issued thereunder, as may relate to their regular duties, and any other statutes, provisions of this Code, or ordinances, resolutions, rules, regulations, or orders with whose enforcement they are properly chargeable, by any measures provided therein, by the proper report of any violation thereof, and by instituting such proceedings as may be necessary to such enforcement.

#### § 2..62. RIGHT OF ENTRY.

Whenever any officer or employee of the municipality is required or authorized by statute, the provisions of the code, or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicles, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

#### § 2..63. RESISTING OR INTERFERING WITH MUNICIPAL OFFICERS AND EMPLOYEES.

It shall be unlawful for any person to resist or interfere with any member of the Police Department, any member of the Fire Department, any member of the Board of Health, the Health Officer or his agent, or any other municipal officer or employee in the discharge of his duties.

## **SECTION II — MUNICIPAL FINANCE OFFICER**

### **§ 2.70.        SELECTION; TERM.**

The Town Council shall employ a Municipal Finance Officer who shall hold office at the pleasure of the Council.

### **§ 2.71.        BOND.**

Before entering on the duties of his/her office, the Municipal Finance Officer shall enter into bond in such sum as may be required and with such surety company as shall be approved by the Council, for the faithful performance of his/her duties.

### **§ 2.72.        DUTIES.**

The duties of the Finance Officer shall be those as described in the Classification and Compensation Plan as adopted and amended by Council.



### **SECTION III — MUNICIPAL CLERK**

#### **§ 2.73. SELECTION; TERM.**

The Town Council shall employ a Municipal Clerk who shall hold office at the pleasure of the Council.

#### **§ 2.74. DUTIES**

The duties of the Municipal Clerk shall be those as described in the Classification and Compensation Plan as adopted and amended by Council.

## **SECTION IV — MUNICIPAL ATTORNEY**

### **§ 2.75. SELECTION.**

The Town Council shall employ a Municipal Attorney who shall hold office at the pleasure of the Council.

### **§ 2.76. DUTIES AND COMPENSATION.**

(A)

It shall be the duty of the Municipal Attorney whenever called on by Council, or the necessity arises, to give his/her advice and direction to the Council, or any member thereof, or to the Mayor, Zoning Administrator, Municipal Clerk, Finance Officer, other such officers, and the Chief of Police, on any and all legal questions which may arise in the course of the administration of the municipal government, or in the discharge of the duties of their respective offices, and whenever required to do so by Council, he/she shall give his legal opinion in writing.

(B)

He/she shall draw or supervise the drawing or drafting of all ordinances and other instruments of writing relative to the business of the municipality when required to so do by the Council or any member thereof; shall whenever notified to do so, attend meetings of the Council and shall take charge of all prosecutions of offenders and conduct the correspondence on all legal subjects which it may become necessary to investigate; and generally he/she shall be careful that the Council and officers shall not fall into error of the law in the administration and management of the business and affairs of the municipality. The Municipal Attorney shall receive such compensation for the discharge of his/her general duties as from time to time is approved by the Council.

## **SECTION V — MUNICIPAL JUDGE**

### **§ 2.77. SELECTION AND TERM.**

The Town Council shall employ a Municipal Judge who shall hold office at the pleasure of the Council.

### **§ 2.78. VACANCY.**

In the event of a vacancy or incapacity in the office of the Municipal Judge, his/her duties shall be performed by the Mayor as ex officio Municipal Judge with all the powers of the Municipal Judge.

### **§ 2.79. JURISDICTION; POWERS AND PROCEDURE.**

The Municipal Judge in criminal matters, shall have the same jurisdiction and powers as magistrate. The Municipal Judge may establish and prescribe all necessary and proper rules or procedure in Municipal Judge's court.

**SECTION VI — OTHER OFFICIALS**

**§ 2.80. ZONING ADMINISTRATOR.**

Provisions regarding the Zoning Administrator are contained in the Town of Gaston Zoning Code adopted by **Article 12, page 65.**

**ARTICLE III. BOARDS, COMMISSIONS, AND DEPARTMENTS**  
**SECTION I — GENERAL PROVISIONS**

§ 2.90. PLANNING COMMISSION.

Provisions regarding the Planning Commission are contained in the Zoning Ordinance Book.

§ 2.91. POLICE DEPARTMENT.

Provisions regarding the Police Department are contained in **Chapter 2.95.**

§ 2.92. BOARD OF ZONING APPEALS.

Provisions regarding the Board of Zoning Appeals are contained in the Zoning Ordinance Book.

## **ARTICLE IV. POLICE DEPARTMENT**

### **SECTION I — GENERAL PROVISIONS**

#### § 2.95. COMPOSITION; APPOINTMENT; COMPENSATION.

The Police Department shall consist of one Chief and as many other police as the Council may deem necessary for the safety and good order of the municipality. The Chief and other policemen/policewomen are to be hired according to the Personnel Policy Manual and their compensation shall be in accordance with the Classification and Compensation Plan.

#### § 2.96. POWERS AND DUTIES

All members of the Police Department shall at all times be subject to such rules and regulations as may from time to time be prescribed by the Council. The Chief of Police may make rules and regulations and when approved by the Council, the policemen/policewomen be subject thereto. Every policeman/policewoman shall be sworn in and thereupon invested with all the powers and be subject to all the duties of constables within the municipality. Every policeman/policewoman, when required by an ordinance, shall arrest and may hold in custody by imprisonment in the jail, not exceeding forty-eight (48) hours before being brought before the Municipal Judge, any person who is arrested whether pursuant to a warrant or not within the corporate limits of the municipality for ordinance violations committed within the presence of a police officer, and any other power of arrest given to police officers by state law.

#### § 2.97. SPECIAL POLICE OFFICER.

The Mayor and Chief of Police may in case of any emergency or of a mob or riot, appoint as many special police as in their judgment are necessary. Such special policemen/policewomen are to be paid such sum as may be agreed on. In the absence of the Mayor and Chief of Police the Council shall have the same authority granted to the Mayor and Chief of Police of this section.

#### § 2.98. BOND; FAILURE TO POST.

Each member of the Police Department shall, on the arrest of any person for violating any ordinances of the municipality, require such person to give a valid bond or pledge for his/her appearance at Municipal Judge's court for trial and, on failure to secure such bond or pledge, to imprison such person.

§ 2.99.            REMOVAL OF ARMS AND MONEY FROM PRISONER.

Before any member of the Police Department locks up a prisoner, he/she shall take from him/her and turn over to the Chief all moneys and arms found on the person of such prisoner.

§ 2.100.            SUSPICIOUS CHARACTERS; STREET OR SIDEWALK OBSTRUCTIONS; CROWDS.

Each member of the Police Department shall watch the conduct of all suspicious characters, prevent obstructions of the sidewalks or streets, and disperse all crowds of a riotous or noisy nature, or those disturbing the peace and quiet of the municipality.

§ 2.101.            FEE FOR RESPONDING TO FALSE ALARMS.

(A)

The Police Department shall respond, with all reasonable speed, to any and all alarm systems installed in the Town. The department shall take all necessary action to ensure the protection of the public in responding and rendering assistance. In the process of responding to such alarms, the Police Department shall determine whether or not the alarm was activated as the result of an emergency, accident, test, drill or other situation. The Chief of Police shall maintain records of responses to all alarms and the reason for activation. A fee of fifty dollars (\$50.00) shall be levied against the alarm user in the event of a false alarm after the third occurrence within any twelve-month period of time. Such fee shall constitute a lien against the property where the alarm was activated.

(B)

Any fee levied against any property (commercial or residential) pursuant to subsection (A) of this section, shall be added to the related business license or the following water/sewer bill for collection of said fee applicable to such property.

(C)

Any person affected by a decision of any Town official regarding this section may appeal said decision to the Town Council. Such appeal must be submitted in writing within thirty (30) days of notice of said decision.

§ 2.102.            FEE FOR OBTAINING COPIES OF ACCIDENT OR INCIDENT REPORTS.

The Gaston Police Department shall, effective upon execution of the ordinance codified in this section by the Mayor, charge three dollars (\$3.00) for providing copies of accident or incident reports. There shall be no charge, however, for providing copies to victims or other law enforcement agencies.

## **SECTION II — FALSE ALARMS**

### **§ 2.105. DEFINITIONS.**

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

"ALARM ADMINISTRATOR" means a person or persons designated by the Town to administer, control and review false alarm reduction efforts and administers the provisions of this ordinance.

"ALARM COMPANY" means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems.

"ALARM PERMIT" means a permit issued by the Town allowing the operation of an alarm system within the Town.

"ALARM SIGNAL" means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

"ALARM SYSTEM" means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

"ALARM USER" means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

"ALARM USER AWARENESS CLASS" means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

"AUTOMATIC DIAL PROTECTION DEVICE" means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Gaston Police Department a recorded message or code signal indicating a need for law enforcement response.

"CANCELLATION" means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Gaston Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil/criminal penalty, and no penalty will be assessed.

"FALSE ALARM" means the activation of an alarm system through mechanical or elec



tronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Gaston Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

"LOCAL ALARM" means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

"PERMIT YEAR" means a twelve-month period beginning on the day and month on which an alarm permit is issued.

"RUNAWAY ALARM" means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Gaston Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

"SIA CONTROL PANEL STANDARD CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

"TOWN" means the Town of Gaston or its agent.

"VERIFY" means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

§ 2.106.        ALARM PERMIT.

(A) Permit required. No person shall use an alarm system without first obtaining a permit for such alarm system from the Town. Each alarm permit shall be assigned a unique permit number, and the user may be required to provide the permit number along with the address to facilitate law enforcement dispatch.

(B) Application. The permit shall be requested on an application form provided by the Town. An alarm user has the duty to obtain an application from the Town.

(C) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.

(D) Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Town within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Town a form requesting updated information. The permit holder shall complete and return this form to the Town when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(E) Multiple alarm systems. If an alarm user has one or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

§ 2.107.        DUTIES OF THE ALARM USER.

(A) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms; and

(B) Provide the alarm company the permit number, (the number should be provided to the communications center by the alarm company to facilitate dispatch).

(C) Must respond or cause a representative to respond to the alarm system's location

within a reasonable amount of time when notified by the Gaston Police Department.

(D) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(E) An alarm user must obtain a new permit if there is a change in address or ownership of a business or residence.

§ 2.108. DUTIES OF THE ALARM COMPANY.

(A) Any person engaged in the alarm business in the Town, shall comply with the following:

(1) Obtain and maintain the required state, county and/or Town license(s).

(2) Provide name, address, and telephone number of the user or a designee to the Gaston Police Department, who can be called in an emergency, twenty-four (24) hours a day; and contact a key holder or other emergency contact who will respond immediately.

(3) Provide the most current contact information for the alarm user.

(B) Ninety (90) days after enactment of this ordinance the alarm installation companies shall, on all new and up-graded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(C) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(D) Provide written information of how to obtain service from the alarm company for the alarm system.

(E) An alarm company performing monitoring services shall:

(1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different

number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

(2) Provide address; and alarm user registration number, when available, to the communications center to facilitate dispatch and/or cancellations.

(3) Communicate any available information about the location of the alarm.

(4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary

§ 2.109.      PROHIBITED ACTS.

(A) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(B) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than ten (10) minutes.

(C) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Lexington Police Department.

§ 2.110.      ENFORCEMENT OF PROVISIONS.

(A) Excessive false alarms/failure to register. It is hereby found and determined that five (5) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

Third false alarm .....\$50.00

Fourth and seventh false alarm .....100.00

Fifth and ninth false alarm .....250.00

Sixth and over false alarms .....500.00

Failure to register .....100.00

(B) Other civil penalty(ies). Violations will be enforced through the assessment of civil penalty(ies) in the amount of one hundred dollars (\$100.00) per violation.

(C) Payment of civil penalty(ies). Civil penalty(ies) shall be paid within thirty (30) days from the date of the invoice.

(D) Civil noncriminal violation. A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

§ 2.111. APPEALS.

(A) Appeals process. Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Gaston Police Department within ten (10) days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the Town. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.

(B) Appeal standard. The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

§ 2.112. CONFIDENTIALITY.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the Town.

§ 2.113.        GOVERNMENT IMMUNITY.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Gaston Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

## ARTICLE V. ELECTIONS

### SECTION I — CONDUCT OF ELECTIONS

#### § 2.115. TIME OF ELECTIONS.

The municipal elections for the Town of Gaston shall be conducted in odd-numbered years, on the third Tuesday of January by Lexington County Election office. *1st Reading 4/1/2008 ;*

*2nd Reading 4/17/2008*

#### § 2.116. SPECIAL ELECTIONS.

Special elections may be ordered from time to time by the Council as may be required by law and such elections shall be conducted in the manner prescribed by law.

#### § 2.117. VOTING PLACES AND HOURS.

In all municipal elections the polls shall be located at the precincts established from time to time by the State and County Election Commissions in accordance with applicable provisions of the State Constitution and statutory laws. Such current precincts may be changed from time to time according to appropriate State and Federal Constitutional and statutory guidelines, including, but not limited to, the Federal Voting Rights Act. The poll shall be open from the hours of seven (7:00) a.m. to seven (7:00) p.m.

#### § 2.118. NOTICE OF ELECTIONS.

Lexington County Election office shall give public notice of all general and special elections at least sixty (60) days prior to such elections by publishing a notice in a newspaper of general circulation in the municipality. The notice shall contain the date of the election, the offices, or matters to be voted on at the election, the place of the voting polls, and any other information which the Council may deem advisable.

#### § 2.119. PRINTING OF BALLOTS.

(A)

The Lexington County Election Office shall procure the printing of the ballots in the form and in the number required by state law. The ballots shall contain the names of each of the qualified candidates who have submitted nominating petitions which have been validated by the Lexington County Registration and Election Commission pursuant to § 2.133 hereof. The ballots shall also contain space for the voters to write in the name of any other person for whom they wish to vote. No political party

affiliation shall be placed on the ballot for any candidate.

(B) Electronic or mechanical voting. The Town Council may authorize by action item from time to time electronic or mechanical voting. Council may use such voting machines as it feels in its discretion are suitable considering such factors as accuracy, safety, reliability, and efficiency. If paper ballots are needed for such things as absentee ballots, emergency voting, or curbside voting, then those paper ballots shall be printed in conformity with subsections (A) and (B) herein.

§ 2.120. METHOD OF DETERMINING ELECTION RESULTS.

The results of the elections shall be determined in accord with the nonpartisan plurality method prescribed by S.C. Code § 5-15-61, as amended, as follows:

(A) Where a single office is to be filled, the candidate for that office receiving the highest number of votes shall be declared elected.

(B) Where two (2) or more offices (constituting a group) are to be filled, the candidates for those offices receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared elected.

§ 2.121. COUNTING OF VOTES.

Immediately on the closing of the polls, the Managers of Election shall publicly count the votes cast and make a statement of the whole number of votes cast in the election, together with the number of votes cast for each candidate for each office. The Managers shall transmit this information to the Lexington County Election Commission and certify the results of the election to the Commission within one day after the closing of the polls. The Managers shall also account to the Municipal Election Commission for all ballots delivered to them, the ballot boxes, and the poll list in the manner prescribed by S.C. Code § 7-13-1150, as amended.

Nothing herein shall be construed to prevent the use of electronic or mechanical voting machines. Tapes, electronic transfer, or other means of counting, reporting, protecting, and verifying the vote may be used if deemed accurate, safe, reliable, and efficient by Town Council.

§ 2.122. MANDATORY RECOUNT OF VOTES.

Whenever the difference between the number of votes received by a candidate who has been declared elected to an office and the number of votes received by any other candidate not declared elected shall be not more than one percent (1%) of the total votes which were cast for such office, the Lexington County Election Commission shall order a recount of such votes to be



made forthwith unless such other candidate shall waive a recount in writing.

§ 2.123.        DECLARATION OF ELECTION RESULTS.

The Lexington County Election Commission shall officially declare the results of the election not later than three (3) days after the closing of the polls.

§ 2.124.        CONTEST OF ELECTION.

Within 48 hours after the closing of the polls any candidate may contest the result of the election in the manner provided under S.C. Code § 5-15-130, as amended. The Lexington County Election Commission shall conduct a hearing on the contest as provided by law and when its decision invalidates the election the Council shall order a new election as to the parties concerned.

§ 2.125.        VOTER REGISTRATION AND ELECTION COMMISSION.

The governing body of the Town of Gaston duly assembled in council ordained that all authority for the conducting of municipal elections is transferred to the Voter Registration and Election Commission for Lexington County in the following particulars:

- (1) The Lexington County Voter Registration and Elections Commission shall advertise municipal elections prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the Town of Gaston.
- (2) Immediately upon the closing of the polls at any municipal election in the Town of Gaston, the Lexington County Voter Registration and Elections Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Councilperson, canvass the vote and publicly display the unofficial results.
- (3) The Voter Registration and Elections Commission shall thereafter certify the results of the elections and transmit the certified results to the Gaston Town Council or an appointed authority representing the town government as soon as practicable following the certification.
- (4) Accept candidate filings, and filing fees, including, but not limited to notices of candidacy, candidacy pledges, hear and decide protests and certify the results of municipal elections.
- (5) Utilize an Automated Election System and computer counting with the count publicly conducted.

(6) The Town of Gaston Election Commission shall continue in its existence with its duties to be prescribed by Council as they may arise until further notice.

## **SECTION II — MUNICIPAL ELECTION COMMISSION**

### **§ 2.130. POWERS AND DUTIES.**

The Lexington County Election Commission shall conduct and generally supervise all municipal elections. The Commission is vested with the various functions, powers, and duties of municipal supervisors of registration and of commissioners of election as generally set forth within S.C. Code, Title VII. Among its various duties, the Commission shall prepare proper books of registration for each election, appoint the Managers of Election for each election, prepare and distribute ballots and election materials to the Managers of Election, conduct hearings on contested elections, and otherwise conduct the elections in accordance with law.

### **§ 2.131. VALIDATION OF NOMINATING PETITIONS.**

The candidate shall promptly deliver all nominating petitions to the Lexington County Registration and Election Commission, which shall examine all such petitions and certify the validity thereof to the municipal Election Commission no later than twelve (12:00) noon on the thirtieth day prior to the date of the election or if the thirtieth day falls on Sunday, by twelve (12:00) noon on the following Monday. After receipt of this certification, the Municipal Election Commission shall designate the official candidates whose names shall appear on the ballots.

### **§ 2.132. APPEAL OF DECISION OF COMMISSION.**

Within ten (10) days after notice of the decision of the Lexington County Election Commission, any party aggrieved thereby may appeal such decision to the Court of Common Pleas in the manner as provided by S.C. Code § 5-15-140, as amended

### **§ 2.133. ABSENTEE VOTING.**

The Lexington County Election Commission shall have the duty and obligation to supply the materials for absentee voting, to tabulate and count the absentee ballots, and to do all things required of a municipal Election Commission in regard to absentee voting as prescribed in Chapter 15 of Title 7 of the South Carolina Code of Laws, as amended.

### SECTION III — MAYOR AND COUNCIL

#### § 2.140. METHOD OF ELECTING BY NONPARTISAN ELECTIONS

(A) The Mayor and the four (4) Councilmembers shall be elected from the municipality at large in nonpartisan general elections.

(B) There shall be no wards within the municipality.

#### § 2.141. TERM OF OFFICE.

The Mayor and Councilmember shall be elected for terms of four (4) years. Two (2) Councilmembers shall be elected in the general election to be held during election year, and subsequently elected in the general elections to be held every fourth year thereafter. The Mayor and two (2) other Councilmembers shall be elected in the general election to be held during election year, and subsequently elected in the general elections to be held every fourth year thereafter. If an election is contested the incumbent shall hold over in office until the contest is finally decided. When a special election is held to fill any vacant unexpired term of the office of Mayor or Councilmember, the person elected to fill such term shall not take office until the time for protesting the election has passed. If a protest is filed the person elected shall not take office until the protest is finally resolved.

#### § 2.142. ELIGIBILITY TO HOLD OFFICE.

To be eligible to hold the office of Mayor or Councilmember or to become a candidate for election to the office of Mayor or Councilmember a person must be a qualified elector of the municipality as defined in § 2.145 hereof.

#### § 2.143. FILING BY CANDIDATES FOR MAYOR AND COUNCIL.

Any qualified elector as defined in § 2.145 hereof may become an official candidate for election to the office of Mayor or Councilmember and have his/her name placed on the ballot on compliance with the following requirements:

(A) The candidate must submit a nominating petition containing the signatures of not less than five percent (.05%) of the qualified electors.

(See new ordinance for temporarily suspending (A) Ord. # 2.143-2020)

(B) The aforesaid nominating petition must be filed with the Municipal Election Commission by delivering the petition to the Municipal Clerk no later than twelve (12:00) noon on the seventy-fifth day prior to the date of the election or if the seventy-fifth day falls on Sunday by twelve (12:00) noon on the following Monday. The Municipal Clerk, on behalf of the Municipal Election Commission, shall issue a receipt to the person submitting the petition which shall show the date it was submitted and the total number of signatures thereon.

(C) The nominating petition must meet the requirements of and be in the form required for all nominating petitions as specified by S.C. Code § 7-11-80.

§ 2.144. OATHS OF OFFICE.

Before entering on the duties of their respective offices the Mayor and Councilmen shall take the following oaths:

- (A) "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."
- (B) "As (Mayor) (Councilmember) of the municipality of Gaston, South Carolina, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God."

## **SECTION IV — ELECTORS**

### **§ 2.145. QUALIFICATIONS.**

(A) All qualified electors may vote in any general or special municipal election. To be a qualified elector a person must meet the following requirements:

(1) The person must be a resident of the municipality.

(2) The person must be registered by the County Registration and Elections Commission and possess a valid voter registration certificate issued by the Commission at least thirty (30) days prior to the election.

(3) The person cannot have a convicted felony record within the last twenty (20) years.

(B) Notwithstanding these requirements, any resident of the municipality who shall possess the qualifications for electors as established by State or Federal law shall be deemed to be a qualified elector.

## **ARTICLE VI. PURCHASING**

### **Section I - GENERAL PROVISIONS**

#### **§ 2.150. ADOPTION BY REFERENCE.**

The Town of Gaston Purchasing ordinance and any amendments thereto, are adopted by reference and made a part hereof as fully as if set out at length herein.

## **ARTICLE VII. PERSONNEL**

### **Section I - GENERAL PROVISIONS**

#### **§ 2.160. ADOPTION BY REFERENCE.**

The Town of Gaston Personnel Policy Manual and any amendments thereto, are adopted by reference and made a part hereof as fully as if set out at length herein.



## **ARTICLE VIII. MUNICIPAL COURT**

### **Section I - GENERAL PROVISIONS**

#### **§ 2.170. VIDEO CONFERENCING.**

The use of video conferencing equipment is hereby authorized in the Municipal Court for the conduct of noncapital offenses, bond hearings, preliminary hearings, contested motions, and acceptance of guilty pleas and sentencing (for offenses initially within the jurisdiction of the Municipal Court) subject to the conditions set forth by order of the Supreme Court of South Carolina, dated August 6, 2003, said terms and conditions being incorporated herein by reference.

**1st Reading 2/10/15—Chapters 1, 2, 3**

**2nd Reading 4/14/15—Chapters 1, 2, 3**

**CHAPTER 3.     ANIMALS, FOWL AND EXOTIC**  
**(Adopted Lexington County Animal Control Ordinance 3/5/19)**

**ARTICLE I.     LIVESTOCK**

- § 3.301.     Running At Large Prohibited.
- 3.302.     Impounding.
- 3.303.     Notice Of Impounding.
- 3.304     Sale Of Impounded Animals.
- 3.305.     Recovery Of Impounded Animals.
- 3.306.     Keeping Swine Or Hogs.
- 3.307.     Nuisances.
- 3.308.     Slaughterhouse, Etc., Prohibited.

**ARTICLE II.     BIRD SANCTUARY**

- § 3.401.     Establishment Of Bird Sanctuary.
- 3.402.     Unlawful Interference With Birds.
- 3.403.     Birds Constituting A Nuisance.

**ARTICLE III.     EXOTIC ANIMAL**

- § 3.501.     Definition of exotic animals.
- 3.502.     Prohibition.
- 3.503.     Provisions.
- 3.504.     Penalty.

## ARTICLE I. LIVESTOCK

### § 3.301. Running at Large Prohibited.

It shall be unlawful for any person, either the owner or one in possession thereof, to allow horses, mules, cows, cattle, hogs, goats or other stock to run at large upon either public or private property of any other person.

### § 3.302. Impounding.

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

### § 3.303. Notice Of Impounding.

It shall be the duty of the Police Chief, immediately after impounding any cattle so found running at large, to put up a notice, by personal communication, or in a newspaper of general circulation within the municipality or to post such notice in three (3) public places in the municipality describing the cattle or fowl so impounded. Such notice shall be posted for five (5) days.

### § 3.304. Sale Of Impounded Animals.

After the lapse of five (5) days, if cattle so impounded are not redeemed, they will be sold at public outcry or otherwise, by the Police Chief to defray the expense of keeping them. Any surplus from the sale over expenses shall be paid over to the owner of the impounded animal.

### § 3.305. Recovery Of Impounded Animals.

The owner of any animal impounded under the preceding sections of this chapter may redeem such animal at any time before sale. The town reserves the right to recover any cost associated with the impounding of the animal by the owner before the animal shall be released.

§ 3.306. Keeping Swine Or Hogs, Cows, Chickens, Stables.

It shall be unlawful for any person to keep swine or hogs, cows, or chickens in such a manner as to create a nuisance. All stables, houses and barns shall be kept in a clean and sanitary condition and the manure not allowed to accumulate and shall be subject to regulations prescribed by the health officer.

§ 3.307. Nuisances.

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

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

§ 3.308. Slaughterhouse, Etc., Prohibited.

No person, persons, firm, corporation or co-partnership shall be licensed or allowed to establish, in any manner or form, any butcher pen, slaughterhouse, or abattoir within the corporate limits of the municipality.

## ARTICLE II. BIRD SANCTUARY

### § 3.401. Establishment Of Bird Sanctuary.

The entire area embraced within the corporate limits of the municipality hereby designated a bird sanctuary.

### § 3.402. Unlawful Interference With Birds.

Subject to § 3.401 herein, it shall be unlawful to trap, hunt, shoot or attempt to shoot, or molest in any way any bird or wild fowl or to rob nests or wild fowl nests.

### § 3.403. Birds Constituting A Nuisance.

If starling or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property in the opinion of the County Board of Health, then said health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of said clubs as are found to exist in the municipality after at least three (3) days actual notice of the time and place of said meeting has been given to the representatives of said clubs. If no satisfactory course of action is found to abate such nuisance at such meeting, said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of the Chief of Police.

### ARTICLE III. EXOTIC ANIMAL

#### § 3.501. Definition of exotic animals.

Exotic Animal means those species of animals that are exotic to humans. Exotic animals include:

- A. Class Mammalia.
  - 1. Order Artiodactyls (only hippopotamuses and giraffes).
  - 2. Order Carnivore (only those specified below).
    - a. Family Felidae [(all species except domestic cats) this includes lions, tigers, cougars, leopards, ocelots, servals].
    - b. Family Canidae (only wolves, coyotes and jackals).
    - c. Family Ursidae (all bears).
    - d. Family Hyaenidae (hyenas).
  - 3. Order Perissodactyl a (only rhinoceroses).
  - 4. Order Primates (only gorillas).
  - 5. Order Proboscidea (elephants).
- B. Class Reptilians.
  - 1. Order Squamata (only Varanidae family animals specified below).
  - 2. Family Varanidae (only water monitors and crocodile monitors).
  - 3. Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) all species

#### § 3.502. Prohibition.

It shall be unlawful to keep, maintain, or have in his or her possession or control within the Town of Gaston exotic animal as defined herein.

#### § 3.503. Provisions.

The provisions of section 3.502 shall not apply to approved circuses that are within the Town limits.

#### § 3.504. Penalty.

Any person violating the provisions of section 3.502 shall be subject to the maximum penalty as authorized by municipality's court and as further set forth in the general penalty.

**1st Reading 2/10/15—Chapters 1, 2, 3**

**2nd Reading 4/14/15—Chapters 1, 2, 3**

## **CHAPTER 4. BUILDINGS, HOUSING, AND URBAN DEVELOPMENT**

### **ARTICLE I. ADOPTION OF BUILDING CODES**

- § 4.101. Adoption Of International Building Code.(**2018**)
- 4.102. Adoption Of International Plumbing Code. (**2018**)
- 4.103. Adoption Of International Residential Code. (**2018**)
- 4.104. Adoption Of International National Electrical Code. (**2017**)
- 4.105. Adoption Of International Fire Code. (**2018**)
- 4.106. Adoption Of International Mechanical Code. (**2018**)
- 4.107. Adoption Of International Fuel Gas Code. (**2018**)
- 4.108. Adoption Of International Energy Conservation. (**2009**)

*1st Reading 1/7/2020*  
*2nd Reading 2/4/2020*

### **ARTICLE II. THE BUILDING DEPARTMENT**

- § 4.201. Establishment.
- 4.202. Creation Of Certain Offices.
- 4.203. Duties Of Building Inspector.

### **ARTICLE III. STANDARDS OF CONSTRUCTION**

- § 4.301. Generally.
- 4.302. Building Permits.
- 4.303. Industrial Buildings.

## **ARTICLE IV. IMPROPER MAINTENANCE OF BUILDING OR STRUCTURES**

- § 4.401. Unsafe Buildings Or Structures.
- 4.402. Elimination Of Unsafe Conditions.
- 4.403. Appeals From Decision Of Building Inspector Declaring Building Or Structure Unsafe.
- 4.404. Unlawful Interference With Premises Caused To Be Vacated Because Of Unsafe Conditions.
- 4.405. Penalties.

## **ARTICLE V. TRAILERS AND TRAILER PARKS**

- § 4.601. Definitions.
- 4.602. Parking Regulations.
- 4.603. *Trailers and Trailer Parks. (Adopted May 15, 1978. Amended November 3, 1987. Amended February 1, 1988.)*
- 4.603.1. *Trailer and Trailer Park Ordinance. (Adopted June 3, 1986.)*
- 4.604. License Required.
- 4.605. Garbage And Waste, Sewer System.

## **ARTICLE VI. PLANNING AND ZONING**

**(REFER TO PLANNING, ZONING AND LAND USE ORDINANCE BOOKS)**



4.709.A. E-911 Address Ordinance.

## **ARTICLE VIII. MOBILE/MANUFACTURE HOMES AND MOBILE HOME PARKS**

§ 4.801. Definitions.

4.802. *Mobile Home Parks. See attachment (Adopted November 3, 1987. Amended August 7,  
1992.)*

## **ARTICLE I. ADOPTION OF BUILDING CODES**

### **§ 4.101. Adoption Of International Building Code.**

There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures – that certain building code known as the International Building Code, being particularly the 2015 edition or current edition with amendments and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk of the Municipality and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the municipality.

### **§ 4.102. Adoption Of Plumbing Code.**

There is hereby adopted for the purpose of regulating the installation of all plumbing, and to secure the beneficial interest and purposes thereof, which are health, sanitation, general public safety and welfare, that certain plumbing code know as the International Plumbing Code, being particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council, and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

### **§ 4.103. Adoption Of Residential Code.**

There is hereby adopted for the purposes of public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal demolition, and occupancy of dwellings, apartment houses, rooming houses or buildings or structures used as such, inspection, permits, fees, and penalties connected therewith, that certain International Building Code, being particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1)

copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

§ 4.104. Adoption Of Electrical Code.

There is hereby adopted for the purpose of the practical safeguarding or persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling and for other purposes, that certain electrical code known as NEC, being particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council, and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

(A) Rules and Regulations for Granting Electric Permits:

- (1) A copy of certificate of final approval on individual sewage disposal system  
Must be presented.  
A single family dwelling must be o 1/2 acre or 2500 sq. ft. for septic tank.  
Septic tank must be re-inspected if tank is 12 months old before a dwelling  
Can be reconnected.
- (2) A minimum 24-hour waiting period is required for inspection by our  
Inspector.
- (3) Must furnish proof of ownership or lease agreement with owner. Long-term  
Lease to be considered permanent.

Types of Permits:

Permanent—**See Fee Schedule**

Light pole only—such as security light—**See Fee Schedule**

Temporary service pole—such as used for construction—**See Fee Schedule**

§ 4.105. Adoption Of Fire Code.

There is hereby adopted for the purpose of safeguarding to a reasonable degree of life And property from hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous substances, materi-

als and devices, and from conditions hazardous to life or property in the use and occupancy of buildings or premises, that certain fire prevention code known as International Fire Code, being particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council, and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

§ 4.106.      Adoption Of Mechanical Code.

There is hereby adopted for the purpose of regulating the installation of all mechanical, and to secure the beneficial interest and purposes thereof, which are general public safety and welfare, that certain mechanical code known as the International Mechanical Code, being particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council, and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

§ 4.107.      Adoption Of Fuel and Gas Code.

There is hereby adopted for the purpose of regulating the installation of all fuel and gas, and to secure the beneficial interest and purposes thereof, which are health, public safety and welfare, that certain fuel and gas code known as the International Fuel and Gas Code, being particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council, and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

§ 4.108.      Adoption Of Energy Conservation Code.

There is hereby adopted for the purpose of the regulating the energy consumption that certain energy conservation code known as the International Energy Conservation Code, being

particularly the 2015 edition or current edition with modifications approved by the South Carolina Building Codes Council, and no appendices, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out herein, and the provisions thereof shall be controlling as therein stated within the corporate limits of the municipality.

## **ARTICLE II. THE BUILDING DEPARTMENT**

### **§ 4.201. Establishment.**

There is hereby established a department to be called the Building Department, which shall be under the direction of a Building Official.

### **§ 4.202. Creation Of Certain Offices.**

There are hereby created the following offices: Building Inspector; Gas Inspector; Plumbing Inspector; Housing Inspector; Electrical Inspector; and Fire Inspector, to be appointed by the Mayor and Council to serve at their pleasure and for such compensation as may be prescribed by them. One person may serve in each and all of the several capacities named in this section. Such official or officials need not devote his entire time to the duties thereof. During temporary absence or disability of such officer or officers, the appointing authority shall designate an acting official to serve.

### **§ 4.203. Duties Of Building Inspector.**

The Building Inspector shall determine whether or not any building or structure constitutes an unsafe building as defined in § 4.401 and shall, upon finding such unsafe conditions to exist, give written notice stating the defects thereof to the owner, agent or person in control of such building or structure, and cause the same to be abated in accordance with the provisions of § 4.402. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. During the required vacancy, the Building Inspector shall cause to be posted at each entrance to such building or structure a notice: "This Building Is Unsafe And Its Use Or Occupancy Has Been Prohibited By The Building Inspector." In cases of emergency involving imminent danger to human life or health, the Building Inspector shall promptly cause such building, structure, or portion thereof to be made safe or removed. The Building Inspector shall also inspect the construction of new building or structures and new additions to preexisting buildings or structures to insure that said construction conforms to the requirements of § 6.301 (S. C. Code of Laws, 1962, §§ 47:1182 and 47:1189.)

### ARTICLE III. STANDARDS OF CONSTRUCTION

#### § 4.301. Generally.

No building or structure nor any additions thereto shall be erected unless it conforms to the requirements set out in the **International Building Code** herein adopted by reference in § 4.401. Any owner, agent, or person in control of a nonconforming building shall be given twenty (20) days in which to render it conforming to be prescribed requirements. PROVIDED, that where it is impossible or highly impractical to cause such building or structure to conform within this period a good faith effort and substantial progress will suffice; and PROVIDED, FURTHER, that said building or structure shall be made to conform within a reasonable time thereafter. Any such extension of the twenty (20) day period shall be in writing and signed by the Building Inspector or, in his absence, by a member of the Council. The twenty (20) day period shall begin to run when the owner, agent, or person in control receives written notice of any violation and, subject to the provision above, every twenty (20) days during which any defect in the building is willfully allowed to remain after notice from the inspector shall constitute a separate and distinct offense. (S. C. Code of Laws, 1962, § 47:1191.)

#### § 4.302. Building Permits.

No building or structure nor any additions thereto shall be erected unless a permit has been issued in accordance with the provisions of the **International Building Code** herein adopted by reference in § 4.401.

#### § 4.303. Industrial Buildings.

No building or premises in the municipality not heretofore used for industrial purposes unless special permission for such erection or use is granted by the Council. Any person, firm or corporation refused permission to erect or use a building for industrial purposes shall have the right to petition the Council to have a public hearing on the matter, which public hearing shall be granted by the Council.

## **ARTICLE IV. IMPROPER MAINTENANCE OF BUILDINGS OR STRUCTURES**

### **§ 4.401. Unsafe Buildings Or Structures.**

All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally in contemplation of this section, unsafe buildings. All such buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition. (S. C. Code of Laws, 1962, § 47:1189.)

### **§ 4.402. Elimination Of Unsafe Conditions.**

Upon receipt of written notice the owner, agent or person in control of a building or structure declared to be unsafe shall cause the same to be made safe within the time stated in such notice by completing specified repairs or improvements or by demolishing and removing the building or structure or portion thereof. If necessary, the building shall be vacated until the unsafe conditions have been abated. In case the owner, agent or person in control cannot be found within the stated time limit or if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure, or portion thereof to be demolished, secured or required to remain vacant. In cases of emergency, the unsafe conditions shall be abated by the Building Inspector with such assistance and at such cost as he may deem necessary. For this purpose, adjacent structures may be caused to be vacated, fences erected, public or private ways closed, or other appropriate relief measures taken. Cost incurred under this section shall be paid out of the treasury on certificate of the Building Inspector. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

### **§ 4.403. Appeals From Decision Of Building Inspector Declaring Building Or Structure Unsafe.**

The owner, agent or person in control shall have the right, except in case of emergency, to appeal from the decision of the Building Inspector and to appear before the Council at a specified time and place to show cause why he should not comply with said notice. (S. C. Code of Laws, 1962, § 47:1188.)



§ 4.404.      Unlawful Interference With Premises Caused To Be Vacated  
Because Of Unsafe Conditions.

It shall be unlawful for any person, firm or corporation or their agents or other servants to remove the “unsafe notice” posted on premises caused to be vacated because of unsafe conditions without written permission from the Building Inspector, or for any person to enter such building except for the purpose of making the required repairs or demolishing the same. (S. C. Code of Laws, 1962, § 47:1193.)

§ 4.405.      Penalties.

Any person, firm, corporation or agent who shall violate any of the provisions of this article, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or a portion thereof during which any violation of any provision of this article is committed or continued.

## ARTICLE V. TRAILERS AND TRAILER PARKS

### § 4.601. Definitions.

“Trailer park” means any trailer coach park, trailer camp, or any space where two or more trailer coaches are occupied for dwelling or sleeping purposes, as approved by the Planning and Zoning Commission.

“Trailer coach” means a camper or any vehicle or similar portable structure having no foundation other than wheels, jacks or skirtings, and so designed or construed as to permit occupancy for dwelling or sleeping purposes.

“Trailer coach unit” means a plot of ground within a trailer park, designed for the accommodation of one trailer coach.

### § 4.602. Parking Regulation.

It shall be unlawful for any person to park a trailer coach upon any premises within the corporate limits of the municipality for the use for sleeping or dwelling purposes, except in a designated trailer park which has been approved by the state and county boards of health, and which is located in an area approved by the Planning and Zoning Commission, and is operated under an unrevoked permit duly issued by **DHEC**, and which has been duly licensed by the municipality.

It shall further be unlawful for any person to occupy a trailer coach for use for sleeping or dwelling purposes while the same is parked on any premises within the corporate limits, except where the same is located in a designated trailer park, as is provided in this Section.

It shall be unlawful for any person to place or park a trailer coach upon premises in the corporate limits for use for sleeping or dwelling purposes, after the same has been partly dismantled by having the wheels or jacks, or skirtings or any of them, removed therefrom and other supports placed thereunder; and it shall be unlawful for any person to occupy or use any such partially dismantled trailer coach for sleeping or dwelling purposes where so placed or parked in the corporate limits; PROVIDED, that this subsection shall not apply to trailer parks, as is provided for in this Section.

It shall be unlawful for any person to place or park, or cause to be placed or parked, a trailer coach upon any premises within the corporate limits, outside of a designated trailer park

approved and licensed as set forth in subsection (a) of this section, without first obtaining a permit therefore from the municipality; PROVIDED, that no permit shall be required for the placing or parking of a trailer coach in an approved, licensed and designated trailer park as described in subsection (a) of this Section; PROVIDED FURTHER that any person may obtain a permit from the Clerk to place or park a trailer coach upon premises within the corporate limits upon making written application therefore, furnishing: (1) description, (2) make and serial number of the subject trailer coach, (3) the location where it is desired to place or park the same, (4) the purpose for which the same is to be used and (5) length of time it is proposed to have such remain parked at said location; that no permit shall be issued allowing the parking of a trailer coach in a residential section, and no permit shall be issued to allow a trailer coach to be parked in any other section except where same is offered for sale by a licensed dealer in a trailer sales lot, or that the same be stored or used as an office or storage place; and PROVIDED that the Clerk shall furnish an application form for trailer coach permits and shall not issue any such permits until the written application has first been prepared and filed by the applicant and investigated and approved by the appropriate municipal official, and the official shall not approve such application until he has made an investigation and determined that the applicant is entitled thereto; that any person feeling aggrieved upon being refused such permit, shall have the right to appeal the matter to the Council by serving written notice thereof upon the Clerk, within five (5) days after such refusal, excluding the date of such refusal, stating the grounds of such appeal; and such appeal shall be heard at the next regular meeting of the Council, unless continued for cause; and any person feeling aggrieved at the action taken by the Council shall have the right to appeal therefrom to a court of competent jurisdiction; that in the event of an appeal to the court, notice thereof in writing shall be served upon the Clerk within five (5) days after the decision of Council, stating the grounds of appeal.

Notwithstanding any other provision of this Section, it shall be unlawful for any person to park or otherwise place a house trailer on any lot or parcel of land within the fire limits of the municipality. It shall likewise be unlawful for any owner of a tract or lot of land located within the fire limits of the municipality to rent, lease, or otherwise allow such tract or lot of land to be used for the parking of a house trailer, whether on a permanent or temporary basis.

§ 4.603. Trailers and Trailer Parks.

It shall be unlawful for any trailer park to be established within the corporate limits of the municipality and no additional trailers shall be added to existing trailer parks.

May 15, 1978.

*Date Adopted*

*Amended November 3, 1987.*

*Amended February 1, 1988.*

§ 4.603.1. Trailer and Trailer Park Ordinance.

The Trailer and Trailer Park Ordinance does and will not restrict single family occupancy of mobile homes on lots of one-half acre or more. All such residences must meet and comply with County regulations for septic tank permits on an individual basis.

June 3, 1986.

*Date Adopted. )*

§ 4.604. License Required.

It shall be unlawful for any person to establish, maintain, or operate within the corporate limits any trailer park, without first obtaining a business license therefore from the Clerk, and paying the required fee therefore, as provided by the Council.

Any person applying for a license to establish and operate a trailer park must first file with the Clerk a complete copy of the plan of the proposed park. This plan, with legal description of the property shown, shall be drawn to scale and must show clearly the extent and area to be used for park purposes. All proposed roadways or driveways shall be shown, together with all proposed toilet and washroom and laundry shall first be filed for future reference.

Before any license shall be granted, the plans shall first be submitted to and approved by the Planning and Zoning Commission and must comply with all regulations of the state and county boards of health.

No annual business license shall be issued to the owner or operator of a trailer park within the corporate limits who has defaulted in the payment of any license tax imposed hereunder, shall be sufficient grounds for the Mayor to discontinue all municipal services to such trailer park.

§ 4.605.      Garbage And Waste, Sewer Systems.

Each trailer park shall have safe and adequate provisions for the centralized collection of waste and garbage, provided by the owner or operator of the trailer park; and shall have a proper and acceptable sewer system, either by connection to the municipal sewer system, where such is available, or to a septic tank system, all of which shall comply fully with all laws, ordinances or regulations prescribed by the County Board of Health and the State Board of Health.

**ARTICLE VI. PLANNING AND ZONING**  
**(REFER TO PLANNING, ZONING AND LAND USE ORDINANCE BOOKS)**

§ 4.709.A. E-911 ADDRESS ORDINANCE.

The Emergency 911 Ordinance shall required the assignment of House and Business NUMBERS and ADDRESSES to properties within the Town Limits.

On January 1, 1987, callers will be able to dial a three digit number (911) for any emergency that may required FIRE, POLICE AND EMS AMBULANCE SERVICE.

Upon assignment of respective numbers, the OWNER, OCCUPANT OR AGENT shall be required to display the assigned number with the following provisions. The cost of the numbers will be paid for by the property owner.

NUMBERS SHALL NOT BE LESS THAN THREE (3) INCHES IN HEIGHT, AND SHALL BE MADE OF A DURABLE AND CLEARLY VISIBLE MATERIAL WHICH IS IN AN CONTRASTING COLOR TO THE BUILDING. THE NUMBERS WILL BE CONSPICUOUSLY PLACED IMEDIATELY ABOVE, ON OR AT THE SIDE OF THE PROPERTY DOOR OF EACH BUILDING SO THAT THE NUMBER CAN BE SEEN PLAINLY FROM THE STREET LINE. WHENEVER THE BUILDING IS MORE THAN FIFTY (50) FEET FROM THE STREET LINE, OR WHEN THE NUMBERS AT THE DOOR ARE NOT CLEARLY VISIBLE FROM THE STREET LINE, THE NUMBER MUST BE PLACED NEAR THE WALK, DRIVEWAY OR COMMON ENTRANCE TO THE BUILDING, AND UPON THE MAILBOX, GATE POST, FENCE OR OTHER APPROPRIATE PLACE SO AS TO BE EASILY READ FROM THE STREET.

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding Two Hundred (\$200.00) Dollars or to be imprisoned for a term not exceeding thirty (30) day.

Each day which such violation continues shall constitute a separate offense.

*(Adopted December 2, 1986)*

Effective August 2, 1983

## ARTICLE VII. MOBILE HOMES AND MOBILE HOME PARKS

### § 4.801. Definitions.

“**Mobile homes**”, as defined by this ordinance, means a movable or portable dwelling over thirty-two feet in length and eight feet or over in width, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, and one which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

The term **manufacture home** used in these regulations shall not include prefabricated, modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses (unless used for a permanent dwelling added.)

- A. Double-Wide Mobile/Manufacture Home — A double-wide mobile/manufacture home is a mobile/manufacture home consisting of two sections combined horizontally at the site while still retaining their individual chassis.
- B. Expandable Mobile Home — A expandable mobile/manufacture home is a mobile/manufacture home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

## CHAPTER 5. CEMETERIES

### ARTICLE I. IN GENERAL

**(Refer to Zoning Ordinance)**



## CHAPTER 6.

### ARTICLE II. BUSINESS LICENSES

*Amended on 1999  
2nd amendment on 2005*

#### § 6.201. IN GENERAL.

- 6.201.1. Definition.
- 6.201.2. License Requirements And Time Of Payment.
- 6.201.3. License Fees Based On Gross Income.
- 6.201.4. All Returns To Be Confidential.
- 6.201.5. Licensee Required To Register Information With Clerk.
- 6.201.6. License Required For Each Business.
- 6.201.7. Unenumerated Businesses.
- 6.201.8. Refusal To Grant License.
- 6.201.9. Tax Applies Only To Business Exclusively In The Municipal Limits.
- 6.201.10. Council Not Liable Where License Revoked.

#### § 6.202. EXHIBITION AND RETENTION.

- 6.202.1. Exhibition And Inspection Of Licenses.
- 6.202.2. Change Of Location Of Business.
- 6.202.3. Transfer Of License.
- 6.202.4. Right Of Entry.

#### § 6.203. REMEDIAL ACTION.

- 6.203.1. Complaints And Appeals.
- 6.203.2. Late Penalties.
- 6.203.3. Failure To Register.
- 6.203.4. Failure To Apply For A License.
- 6.203.5. Failure To Acquire License.
- 6.203.6. Execution Of Tax Lien.
- 6.203.7. Revocation Of License.
- 6.203.8. False Returns.
- 6.203.9. Discontinuing Business.
- 6.203.10. Severability Of Provisions.

#### § 6.204. RATES.

- 6.204.1. Adoption Of Schedule.
- 6.204.2. Schedule Of Rates.
- 6.204.3. Declining Rates.

### **ARTICLE III   PAWNBROKERS        LICENSES**

- § 6.301.       PAWNBROKER'S LICENSE REQUIRED .
- 6.302.       RECORDS OF TRANSACTIONS REQUIRED .
- 6.303       VIOLATION, PENALTY

### **ARTICLE IV.   FLEA MARKET** **(Adopted 12/1/15 ; Updated 12/18)**

- § 6.401.       PURPOSE
- 6.402.       DEFINITIONS.
- 6.403       REGULATIONS.
- 6.404.       ENFORCEMENT.

## **ARTICLE II. BUSINESS LICENSES**

### **§ 6.201. IN GENERAL.**

#### **§ 6.201.1. Definition.**

Whenever in this ordinance, the terms “persons, firm, company, corporation or party” are used, the same shall include, in addition to principals, in their absence, any agent, clerk or employee having charge, management or control of the business, calling, occupation or profession referred to. Such agent, clerk or employee shall be subject to the penalties herein imposed for failure to comply with the terms and requirements of this ordinance in the same manner as if he, she, or they were principals or proprietors.

For the purpose of this ordinance, any person, firm or corporation that does not list a pool or property for taxation shall be deemed an itinerant and shall be subject to the license taxes herein levied on itinerants and if no tax is specified for itinerants, the tax shall be double the rate herein provided.

Whenever in this ordinance, the term dealer or person is used, the principal, but in his, her or their absence, any agent, clerk or employee shall be subject to the penalties herein imposed should the said business be carried on without the required license in the same manner as if he, she or they was or were the proprietor or proprietors of said business.

For the purpose of this ordinance, a person, firm or corporation that does not reside or maintain an established place of business shall be deemed a non-resident, then the tax for a non-resident shall be double the tax herein otherwise specified. An “established place of business” is a fixed place opened daily during the usual hours of business for at least six (6) months in each

license year for the transaction of the business of the licensee.

§ 6.201.2. License Requirements And Time Of Payment.

Every person, firm or corporation engaged or intending to engage in any business, trade, calling or profession, or maintaining an office or offices, or acting as agents for another in whole or in part, within the limits of the municipality, except those business or occupations exempted by law, and except those persons engaged in the profession of teaching and ministers of the Gospel, shall obtain and pay for a license; the amount payable for the same shall be due the first day of July (unless otherwise provided) except in cases where a person, firm or corporation shall inaugurate or start a new business or enterprise or shall purchase from another a business in which case, the license for the same shall be due and payable on the day such business is begun.

Renewal of License can be accepted no sooner than June 1 and considered late on the next business day after July 31. No rebates or refunds shall be made except that one-half of the full year's license shall be refunded if the business is discontinued or sold during the first half of the year.

New businesses which shall apply for a license on or after March 1<sup>st</sup> shall pay the minimum fee as stated in the ordinance for its classification and at the end of the license year, the total license payment based on the annual gross business done shall be due and payable with a credit allowed for the amount which shall have been previously paid. If a new business should be dissolved before the end of the first year, it shall be liable for the gross business done during the preceding year multiplied by the number of months necessary to give a basis for gross business for twelve (12) months.

§ 6.201.3. License Fees Based On Gross Income.

No person, firm, company, partnership or corporation shall be engaged in, prosecute or carry on any business, trade or profession, either in whole or in part, within the corporate limits of the municipality without having paid license tax as hereafter provided, to be based on the gross income of such business or profession, according to the rate schedule hereto attached; such license fees to be subject to revision or change by the Council from time to time, without notice.

§ 6.201.4. All Returns To Be Confidential.

If any employee of the municipality shall reveal to any person, other than the authorized personnel of the municipality, any information contained on any application for licenses required to be made hereunder, such employee may be immediately suspended by the Mayor and thereafter a hearing shall be had before the Mayor and Council, when body may impose such penalties,

including suspension and / or dismissal and / or fine as it deems commensurate with such violations.

§ 6.201.5. License Required To Register Information With Clerk.

Every person, firm, company, or corporation required by this ordinance to obtain a license to engage in any trade, business or profession within the corporate limits prescribed for payment for such license, make application therefore in writing to the Clerk on forms supplied for that purpose, setting forth under oath the following information:

Name of the person, firm, company or corporation.

Location at which the trade, business or profession is to be conducted.

Exact nature of the trade, business or profession for which the license is required.

The full and true amount of the gross sales, receipts, premiums, commission or other form of measurable returns from the trade, business or profession during the preceding calendar year. As herein required, the report of gross sales, receipts, premiums, etc., shall include all business done, whether within or without the corporate limits of the Town of Gaston and shall be the same as reported for income tax purposes to the federal government, or to the South Carolina Tax Commission, or to the Insurance Commissioner of the State of South Carolina. All of the information herein required shall be given under oath by the owner, or a member of the firm, or an officer of a corporation, or by an authorized employee having exact knowledge of actual business done.

Provided, where business is solicited, sales are made and goods delivered or transactions are completed and license paid on same in an incorporated town or city other than the Town of Gaston this amount shall be deducted from total gross receipts and such information shall be furnished with the application.

All of the above information shall be given under oath by owner or member of firm, or officer of corporation, or some authorized employee having exact knowledge of the actual business done. And should the Clerk or designated person appointed by the Mayor have reason to doubt the accuracy or correctness of any statements so submitted under oath, as to the amount, extent or value of the business done, then he is authorized and required to summon the owner, manager or other person of the business so stated to appear before the Council and answer un-

der oath as to such matters and upon the information so received, to add to or reduce the figures of such statements as first made and fix the license fee accordingly. Provided, that the Clerk or designated person appointed by the Mayor is authorized to employ, should he deem it necessary, an accountant and to check up the books of any licensee, who in his judgment and belief, has made a false return of his, her or their business as required by this ordinance, and should the findings of said accountant be more than was returned, then the licensee shall be required to pay such additional license fee as provided under schedule herein. Provided further that licensee shall bear the expense as charged by the accountant for such work; PROVIDED, further, that a fine of not less than one hundred (\$100) dollars, not to exceed five hundred (\$500) dollars or imprisonment of not more than thirty (30) days shall be imposed upon each licensee who shall be convicted of making a false return.

§ 6.201.6. License Required For Each Business.

A separate license shall be required for each place of business and every class of business for which a license tax is required by this ordinance. Where two or more kinds of business are conducted in the same place, it shall be the duty of the licensee to keep an accurate account of the affairs of each so that the proper amount of tax imposed and payable on each type of business may be readily ascertained, otherwise the maximum rate applicable to any type of business being operated shall apply to the whole. Where branches of business are conducted in separate buildings, both are to be licensed separately.

§ 6.201.7. Unenumerated Businesses.

In case of a new business applying for a license during any year when it appears that said business cannot be placed properly under the classifications heretofore set out, or it appears that a manifest injustice is done by so classifying said business, the Clerk or designated person appointed by the Mayor is directed to investigate said business, and to place such license thereon as seems just. PROVIDED, however, that such license so granted shall be submitted to and authorized by Council before any business can be done thereunder.

§ 6.201.8. Refusal To Grant License.

Whenever it shall appear to the Council that the granting of any license for the pursuit or conduct of any trade, business, occupation or professions would be detrimental to the security, welfare, convenience, health, peace or good government of the municipality, it may direct the Clerk or designated person appointed by the Mayor to refuse to issue a license to such trade, business, occupation or profession.

§ 6.201.9. Tax Applied Only To Business Exclusively In The Municipal Limits.

It is the true intent and meaning of this ordinance that the various and several trades, occupations and business exclusively within the limits of the municipality and do not refer to, relate or include any trade, occupation or business transacted outside the corporate limits of the municipality; that is to say, where a person, firm, company or corporation is engaged in carrying on a trade, occupation or business partly within and partly without the corporate limits, the license tax imposed on such portion of said trade, occupation or business as is exclusively carried on within the municipality and does not include or refer to such portion of said trade, occupation or business as is done without the said limits or to inter-state commerce business or any business done for the United States, its offices or agents.

§ 6.201.10. Council Not Liable When License Revoked.

Each and every license which may be applied for and issued under the terms of this ordinance shall be upon the express condition that should the license be revoked or cancelled, or the trade, business or profession for the carrying on of which any license is granted under the ordinance shall be interfered with, restrained, prohibited or declared unlawful by any authority paramount to that of the Council, then and in that case, the said Council shall not be liable to any licensees or those claiming damage arising from such revocation or other interference with said license or for the restraint or stoppage of the business for which the license was granted.

## **§ 6.202. EXHIBITION AND RETENTION.**

### **§ 6.202.1. Exhibition And Inspection Of Licenses.**

All persons, firms or corporations, having paid license as required to exhibit the license, or receipt therefore, issued them by the Clerk or designated person appointed by the Mayor, in a conspicuous place in the office or quarters of such establishment or place of business. The Clerk or designated person appointed by the Mayor or any police officer or other authorized agent of the municipality shall have right at all reasonable times to enter such office or quarters for the purpose of inspecting said license, certificates or receipt and it shall be the duty of the Chief of Police or other authorized agent of the municipality to investigate and report to the Clerk or designated person appointed by the Mayor all persons doing business without license. Any person, firm or corporation preventing or hindering such clerk, policeman, or other agent from entering such certificate or receipt shall, on conviction in the Municipal Court, be punished by a fine of not more than five hundred (\$500) dollars or by imprisonment for not more than thirty (30) days for each such offense.

### **§ 6.202.2. Change Of Location Of Business.**

License granted under this ordinance shall not authorize the holder thereof to exercise or carry on the trade, business or profession named herein at any other place than that mentioned in said license.

Upon removal of any license from the house or premises at which the trade, business or profession mentioned in the license was authorized by be conducted, it may and shall be lawful for the Clerk or designated person appointed by the Mayor, by endorsement upon such license, to authorize the said licensee, removing as aforesaid to any other location, to carry on the trade, business or profession specified in such license at the place which said licensee may have removed, provided he has secured a certificate of occupancy.

### **§ 6.202.3. Transfer Of Licenses.**

That each and every license applied for and issued under the provisions of this ordinance shall be non-transferable, and shall be applied for, issued and granted with the express understanding and condition that should said license for any reason be revoked, annulled or cancelled,



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 ordinance be interfered with, restrained or prohibited by any authority paramount to the Council, then in such case and event, the municipality shall not be liable to the said licensee, or those claiming it under him, her or it, or them, for any damages resulting from the revocation or cancellation or interfering with, restraint or prohibition of such trade, business, occupation or profession, or the license therefore granted, under the provisions of this ordinance.

§ 6.202.4. Right Of Entry.

For the purpose of enforcing the provisions of this ordinance and for the purpose of collecting the license and license fees provided for herein, the municipality, its proper nominees, representatives and employees, in addition to all other powers, shall have the right and are hereby empowered to enter upon the premises or place of any business of any person, firm or corporation subject to the payment of the licenses or license fees herein provided and to examine, inspect and audit the books, records and facilities of any such person, firm or corporation. The same shall promptly be made available to the municipality, its nominees, representatives or employees for such purpose by any such person, firm or corporation, and the failure in this respect shall constitute a violation of this ordinance and the penalties herein provided may be invoked.

## **§ 6.203. REMEDIAL ACTION.**

### **§ 6.203.1. Complaints And Appeals.**

If any application for a license shall be dissatisfied with the decision of the Clerk and Treasurer with respect to the classification of the business for which the license is sought, or shall contend that the classification of tax rate is otherwise illegal, then in either case, the applicant shall have the right to pay the license fee required by the Clerk and Treasurer under protest, and have the matter passed upon by Council by reducing his protest to writing and filing the same with the Clerk and Treasurer within ten (10) days after paying the license; and the Council, shall as speedily as possible, adjust the license fee according to law in light of all the facts and shall make a prompt report of its findings and conclusions to the applicant.

### **§ 6.203.2. Late Penalties.**

Any person, firm or corporation failing to pay all tax when due hereunder shall pay, in addition to the regular amount of tax due, five percent (5%) thereof for each month or fraction of a month that payment of such tax is delinquent. Provided, that the aggregate amount of additional tax payable under this section in event of delinquency shall not exceed fifty (50%) percent of the regular tax. And provided, further, that nothing contained herein shall be construed to prevent the issuance of an execution of any delinquent tax upon default in payment thereof as hereinafter provided, and prosecution of any defaulter for violation of this ordinance.

### **§ 6.203.3. Failure To Register.**

Any person or persons, for themselves or as officers of a firm or corporation, exercising or carrying on any trade, business or profession, or operating any establishment for which a license is required by this ordinance without first having registered as herein provided, shall be liable to a fine not exceeding five hundred (\$500) dollars or to imprisonment for not more than thirty (30) days.

### **§ 6.203.4. Failure To Apply For License.**

Any person, firm or corporation, failing to first apply for a license required by this chapter before exercising or carrying on any trade, business or profession, or operating any estab-

lishment for which a license is required shall pay in addition to the regular amount of tax due, a penalty of twenty-five (25%) thereof.

§ 6.203.5. Failure To Acquired License.

Any person or persons, for themselves or as officers of a firm or corporation, exercising or carrying on any trade, business or profession or operating any establishment named in the preceding sections of this ordinance without first having taken out the required license, within the time limits prescribed therefore, shall be summoned before the Municipal Court and, upon conviction, to be subject to a fine of not more than five hundred (\$500) dollars or to imprisonment for not more than thirty (30) days, in addition to being required to pay the license tax, together with any other penalties herein provided for.

§ 6.203.6. Execution Of Tax Lien.

If any license fee shall remained un paid for sixty (60) days after due date; as an alternative to any penalty imposed for a violation of this chapter, the Clerk and Treasurer shall issue a warrant of execution, directed to the Chief of Police, commanding him to seize and levy upon the personal property of such defaulting person, found within the municipality, for the payment of the amount of the license tax due, together with penalty and the cost of the warrant of execution. The Chief of Police shall be clothed with the authority and shall collect such license tax in like effect, and in the same manner as prescribed by law and ordinance with respect to the execution against property for the collection of delinquent taxes. The license tax penalty imposed shall constitute a lien upon all property, and license tax shall be charged in the same manner as the other municipal taxes.

§ 6.203.7. Revocation Of License.

The Council reserves the right to revoke any license previously granted upon evidence satisfactory to the Council that such licensee is engaged in any business activity at the place for which the license was secured:

which is detrimental to the security, welfare, convenience, health, peace or good government of the municipality;

which tends to encourage violations of this Code or other ordinances of the municipality;

which tends to create a nuisance within the municipality;

which tends to lower the morale or morals of the citizens of the municipality;

which tends to encourage lawlessness and disorder in the municipality;  
which permits drunkenness, rowdiness, profane or vulgar language in this place of business;  
which permits the violation of any provisions of this Code or other ordinances of the municipality or of any State law.

The fact that such activity, as enumerated in subsection (a) above, is carried on at any such place of business, shall be presumed to be with the knowledge, consent and approval of the licensee.

Before the right of revocation is exercised by the Council, the licensee shall be given a notice to show cause requiring him to appear before the Council on the fifth day after the notice thereof, sent in person or by counsel, to show cause why his license should not be revoked, and upon his failure to show sufficient cause after evidence has been taken for against such revocation, the decision of a majority of the Council shall be binding and final as to the revocation of the license.

In case a license is revoked by the Council, such license shall not continue in business thereafter, and any continuation of business thereafter shall be punished the same as a person operating without a license. Each day operated shall constitute a separate offense.

Any license issued for the operation of a public service automobile or bus, plying streets for hire, upon conviction of the driver of such vehicle of:

transporting, having in possession, or selling any alcoholic liquors, or otherwise violating any of the whiskey ordinances; or  
transporting from place to place within the corporate limits any woman or women for immoral purposes;

shall immediately be revoked by the Chief of Police or by the Clerk, and no new license shall be granted such driver during the calendar year to engage in the same character or kind of business.

§ 6.203.8. False Returns.

In case it shall appear to the Clerk and Treasurer that there are errors or inaccuracies in the statements as submitted, as to the amount of value of the business carried on, the Clerk and Treasurer is authorized to make examinations of the books and records of such licensee and to secure any information directly or indirectly that may determine the correct total gross receipts of such business and should the result of such examination show that said statement is in error, the

Clerk and Treasurer is authorized to make such adjustment as may be necessary.

Any person, firm or corporation making a false or fraudulent understatement of the amount of tax payable or of any fact upon which the amount of tax is based shall pay in addition to the regular and correct amount of tax payable, fifty (50%) percent of the amount of the deficiency, based on such understatement; and the license of any person making a false or fraudulent statement shall be subject to revocation at the discretion of the Council without obligation on the part of the municipality to refund any part of tax paid, and without relieving such person from liability for the payment of any unpaid deficiency, delinquent, penalties, and penalty for prosecution for violation of this ordinance.

PROVIDED, that no license shall be issued until all obligations owed the municipality have been paid.

§ 6.203.9. Discontinuing Business.

If a business shall be dissolved before the end of the first year, they shall be liable for tax on the gross business done up to the date of closing.

Except as herein provided, no license shall be issued for less than one half year and licenses issued on or after August 1 shall be for fifty (50%) percent of the full year. No rebates or refunds shall be refunded if a business is discontinued during the first half of the license year.

§ 6.203.10. Severability Of Provisions.

If any section or portion of a section of the ordinance or the license tax prescribed herein for any particular trade, business or profession be declared unconstitutional or declared invalid for any reason, such shall not in any way affect or invalidate any other section or portion or section of the ordinance other than that declared invalid.

**§ 6.204. RATES.**

§ 6.204.1. Adoption Of Schedule.

The Council shall, prepare a schedule of license taxes to be charged for the ensuing year; PROVIDED, that if the Council fails to so prepare such schedule in any year, then the schedule for the previous year shall be continued in full force and effect.

§ 6.204.2. Schedule Of Rates.

The sums and amounts to be paid to the Clerk and Treasurer who, upon receipt thereof,

shall grant and issue therefore the proper license herein provided for the trades, occupations and professions as may be by the Council hereinafter specified and determined, shall be published in a separate bulletin, entitled “Business and Professional License Ordinance”, and a copy of the same shall be on file at the Municipal Hall at all times. Said bulletin is hereby incorporated into and made a part of this Code of Laws, particularly this section.

§ 6.204.3. Declining Rate.

A declining rate schedule applies to gross income in excess of \$1 million to be calculated as follows:

<u>Amount Gross Income</u>	<u>Percent of Rate for Each Additional \$1,000</u>
Up to \$ 1 million	100%
Over \$ 1 million but under \$ 4 million	90%
All over \$ 4 million	75%

### ARTICLE III. PAWNBROKERS LICENSES

#### § 6.301. PAWNBROKER'S LICENSE REQUIRED.

(A) It is unlawful for any person to do business as a pawnbroker within the Town without first obtaining a license so to do from the Town.

(B) Every person who shall obtain a pawnbroker's license shall put on or over the principal entrance to his shop a sign designating that he is licensed, and containing his name.

(C) Any license issued under the provisions of this chapter may be suspended or revoked by the Chief of Police for the violation by the licensee of any applicable provision of this chapter, State law, or any town ordinance, rule or regulation. Any person aggrieved by this section may appeal to the Town Council, which shall hold a public hearing on the matter at the next regularly scheduled Council meeting and shall render its decision in writing within thirty (30) days of the hearing. The Town Council's decision may be appealed to the Circuit Court in the same manner as provided by general law for administrative appeals.

#### § 6.302. RECORDS OF TRANSACTIONS REQUIRED.

(A) Every pawnbroker doing business within the Town shall keep a book in which shall be plainly written at the time of every pledge, the name of the person and a description of the articles pledged, giving a full description of the same, the maker, number, brand, monogram or letters of any kind on such articles so pawned or bought by such dealers, and the name of the person from whom received.

(B) Each pawnbroker shall furnish to the Chief of Police or his designee every morning a list of every article taken in pawn or bought by him.

(C) The records and books of every pawnbroker doing business within the Town shall at all times be subject to the inspection of the Chief of Police or any other duly authorized person.

(D) In addition to the owner's records and information called for to obtain a license each pawnbroker shall obtain from each person pawning any article with that pawnbroker a copy of a photographic identification sufficient to identify the person and keep said copy

as part of the records and books kept by the pawnbroker. The pawnbroker shall furnish a copy of the photographic identification to the Chief of Police upon request.

§ 6.303.      VIOLATION, PENALTY.

Any violation of this chapter is a misdemeanor, punishable by up to thirty (30) days imprisonment or a fine up to five hundred dollars (\$500.00). Each day of noncompliance with this chapter constitutes a separate offense.



## ARTICLE IV. FLEA MARKET

### § 6.401. PURPOSE.

The purpose of this ordinance is to protect the health and safety of the Town of Gaston and its residents and those using the Town ways by promoting health, safety, morals and general welfare for the inhabitants of the town.

### § 6.402. DEFINITIONS.

As used in this Ordinance, the following words and terms shall have the meanings respectively ascribed.

*Flea Market Sales* shall mean any business whereby there is operated at a center for shopping where a vendor or vendors sell merchandise to the public for more than one (1) day in any twelve (12) month period. Items include but are not limited to salvage operations, antiques, household items, rare items, decorations, clothing, jewelry, tools, plants, movies or videos, music, books and magazines.

### § 6.403. REGULATIONS.

Flea Market Sales shall be permitted in the Town of Gaston subject to the following regulations:

1. Flea Market Sales, whether on commercial property or private property, shall require the proper Town of Gaston business license for each vendor conducting sales. The cost of this business license is \$100. This business license will cover July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.
2. Flea Market Sales shall be permitted for no more than two (2) consecutive days.
3. Flea Market Sales shall be permitted during the hours of 7:00 a.m. until sunset.
4. Items offered for sale shall not be displayed on the right-of-way of any public roadway.
5. It shall be unlawful for any person to conduct a Flea Market Sale in a place or

manner which blocks or obstructs vehicular traffic or in any way causes or creates a hazardous driving condition. All Sale areas must be in a clean and orderly fashion.

6. Vehicle parking in the vicinity of any Flea Market Sale shall be conducted in compliance with all applicable laws and regulations. The person or persons conducting any Sale shall not permit vehicles to impede the passage of traffic on any public roadway.

7. The ordinance requires that all displays of merchandise at a Flea Market Sale be limited to that part of the property area that is at least 50 feet back from the property line on all sides (not from the highway right of way).

8. Any items related to the sale, including but not limited to tables, tents, trailers, storage containers, merchandise and trash must be removed each day from the property area.

#### § 6.404. ENFORCEMENT.

The provisions of this Ordinance are enforceable by any duly sworn police officer or by any appropriate representative of the Gaston Police Department, to be determined by the Chief of Police or as otherwise allowed by law for prosecution of offenses. Said enforcement officials shall have the authority to cease the operation of any Flea Market Sale which blocks or obstructs vehicular traffic; or, in any way causes or creates a hazardous driving condition; or, in any way causes or creates conditions which are detrimental to the public peace, health, safety, or welfare; or, is otherwise conducted in violation of this Ordinance. Any person, firm, or corporation violating any provision of this ordinance shall be fined no less than \$100.00 nor more than \$500.00 for each offence; and a separate offence shall be deemed committed on each day during or on which the violation occurs or continues. The business license must be clearly posted daily during business activities and immediately furnished at the request of an enforcement officer.

## **CHAPTER 7. FIRE PROTECTION**

### **ARTICLE I. IN GENERAL.**

- § 7.101. No Fire Department in the Town of Gaston limits as of 2019  
7.109 Penalty for Criminal Carelessness

### **ARTICLE II. FIREWORKS**

- 7.207 Sale to Minors  
7.209 Retail Handling  
7.210 Storage Near Flammable Materials

### **ARTICLE II. YARD DEBRIS BURNING.**

August 4, 2009.  
Date Adopted

- § 7.301. Penalty for violation of article.
- 7.302. Compliance with article provisions.
- 7.303. Location of residential yard debris burning
- 7.304. Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.
- 7.305. Fires shall be prohibited as follows .
- 7.306. Criteria for determining hazards .
- 7.307. Prohibited on county roads, drainage rights-of-way and adjacent areas.
- 7.308. Exemptions .
- 7.309. Restrictions; exceptions.
- 7.310. Hazardous or toxic materials .
- 7.311. Civil and criminal liability.
- 7.312. Conflicts of article with state law.

## **ARTICLE I. IN GENERAL.**

### **§ 7.101. Fire Limits.**

The corporate limits of the municipality shall constitute the fire district.

**TOWN COUNCIL MET ON TUESDAY, AUGUST 4, 2009 AND VOTED ON ADOPTING  
THE LEXINGTON COUNTY BURN ORDINANCE.**

### **§ 7.109. Penalty For Criminal Carelessness.**

If the investigating officer shall consider that any fire be due to criminal carelessness, the person responsible for it shall be indicted before a magistrate for a misdemeanor and, upon conviction for the same, may be fined in a sum not exceeding five hundred (\$500) dollars or imprisonment for not more than ten (10) days. (S. C. Code of Laws, 1962, § 47:1179.)

## ARTICLE II FIREWORKS

### 7.207      Sale to Minors

It shall be unlawful to sell or offer for sale any fireworks to children under the age of eighteen (18) years unless accompanied by a parent or guardian.

### § 7.209.      Retail Handling.

All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original packages, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty at all times at counters where such fireworks are on display: PROVIDED, however, that fireworks in open stock may be kept in show cases or counters out of the reach of the public without an attendant being on duty. Signs reading "FIREWORKS FOR SALE – NO SMOKING ALLOWED" shall be displayed in the section of the store set aside for the sale of fireworks. (S. C. Code of Laws, 1962, § 66:559.)

### § 7.210.      Storage Near Flammable Material.

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store. (S. C. Code of Laws, 1962, § 66:560.)

### **ARTICLE III. YARD DEBRIS BURNING.**

**(REFER TO LEXINGTON COUNTY BURN ORDINANCE—Adopted 8/4/2009)**

**§ 7.301. Penalty for violation of article.**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment in accordance with **section 1-8.**

**§ 7.302. Compliance with article provisions.**

No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the unincorporated areas of the county, except as stated in this article.

**§ 7.303. Location of residential yard debris burning**

Open burning of leaves, tree branches or yard trimmings on the premises of private residences and burned on those premises, must be located not less than 75 feet from any structure and not less than 75 feet from the property line and adequate provision is made to prevent the fire from spreading within 75 feet of any structure. Open burning for the purpose of land clearing or right-of-way maintenance must be conducted in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.

**§ 7.304. Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.**

The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.

§ 7.305. Fires shall be prohibited as follows.

(A) The county fire service coordinator may prohibit open burning when atmospheric conditions, local circumstances or other conditions exist that would make such fires hazardous.

(B) The following materials shall not be burned in an open fire. Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

(C) Open burning for the purpose of land clearing and right-of-way maintenance.  
Except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.

(D) Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).

§ 7.306. Criteria for determining hazards.

Reasonable criteria shall be established by the county council to assist in determining when outdoor fires may be hazardous. This criteria may include air quality standards as well as various fire danger indexes.

§ 7.307. Prohibited on county roads, drainage rights-of-way and adjacent areas.

Open burning shall be prohibited on all county roads and drainage rights-of-way, or within an area that may cause damage to such areas.

§ 7.308. Exemptions.

(A) This article does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the state forestry commission.

(B) This article is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth that are done in a safe manner.

(C) Fires set for the purpose of training public fire-fighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of fire-fighting personnel. These will be exempt only if the drills are solely for the purposes of fire-fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by DHEC is required only for sites which are not established training sites.

§ 7.309.      Restrictions; exceptions.

Smoke production must be ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day with the exception of fires in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth and fires where time parameters are already regulated by the Department of Environmental Control Regulation 61-62.2.

§ 7.310.      Hazardous or toxic materials.

Hazardous or toxic materials shall not be burned.

§ 7.311.      Civil and criminal liability.

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

§ 7.312.      Conflicts of article with state law.

The provisions of this article shall prevail and be controlling over provisions of state law if such is allowed by state law. Otherwise, if any conflict arises between the provisions of this article and any state law, the provisions of state law shall prevail and be controlling.



**CHAPTER 8. INDUSTRY, TRADE, COMMERCE AND OCCUPATIONS**  
**(ADVERTISING AND SIGNS—REFER TO ZONING ORDINANCE BOOK)**

## **CHAPTER 9. MUNICIPAL COURT**

### **ARTICLE I. IN GENERAL.**

§ 9.101. Establishment.

9.102. Jurisdiction.

### **ARTICLE III. PENALTIES AND FINES.**

§ 9.301. Penalties.

9.302. Fines To Go To The Municipality.

9.303 *Setoff Debt Collection*

*Added on 9-3-2013*

## **ARTICLE I. IN GENERAL.**

### **§ 9.101. Establishment.**

Pursuant to the Code of Laws of South Carolina, 1962, § 15:1002, the Council does hereby establish a Municipal Court for the trial and determination of all cases arising under the ordinances of the Municipality.

### **§ 9.102. Jurisdiction.**

The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the Municipality and shall have all such judicial powers and duties as are now conferred upon the Mayor, either by the Charter or by the laws of the State of South Carolina. Further, the Municipal Court shall also have all such powers, duties, and jurisdiction in criminal cases as are now conferred by law upon the magistrate appointed and commissioned in the County of Lexington except that the Municipal Court shall not have the authority of a magistrate to appoint a constable. (S. C. Code of Laws, 1962, § 15:1010.)

## **ARTICLE III. PENALTIES AND FINES.**

### **§ 9.301. Penalties.**

Penalties shall be at the discretion of the Clerk of Court, provided that penalties for violation of the ordinances of the Municipality shall not exceed a fine in the sum of one thousand ninety two (\$1,092) dollars or imprisonment for not more than thirty (30) days. (S. C. Code of Laws, 1962, § 15:905.)

### **§ 9.302. Fines.**

All revenues arising from fines shall be appropriated to the use of the Municipality.

§ 9.303.      *Setoff Debt Collection.*

*RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF  
DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT  
COLLECTION ACT*

*WHEREAS, the Town of Gaston is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the Town of Gaston;*

*AND WHEREAS, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”*

*AND WHEREAS, the Town of Gaston has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;*

*AND WHEREAS, the Municipal Association of South Carolina charges a fee for the services it provides pursuant to the Act;*

*AND WHEREAS, the fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the Town of Gaston that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the Town of Gaston as that term is defined in the Act;*

*AND WHEREAS, the Town of Gaston also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the Town of Gaston;*

*AND WHEREAS, the Town of Gaston desires to recover its internal costs of collection by charging a fee that will be added to the delinquent debt;*

*NOW THEREFORE, be it enacted by the Mayor and Council of the Town of Gaston as follows:*

- 1. The Town of Gaston hereby imposes an administrative fee in the amount of \$ 25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10 et. seq. This fee is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.*
- 2. The Town of Gaston hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the Town, which shall also be added to the delinquent debt and recovered from the debtor.*
- 3. All Ordinances in conflict with this Ordinance are hereby repealed.*
- 4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.*

*Troy Bivens*  
*Mayor*

*Attest: Jennifer Hoyt*  
*Clerk*

*First Reading Approval: 8/6/2013*  
*Second Reading Approval: 9/3/2013*

## **CHAPTER 10. PUBLIC HEALTH AND SANITATION**

### **ARTICLE II. Septic Tanks**

10.202. Septic Tanks.

### **ARTICLE III. PUBLIC HEALTH NUISANCES.**

§ 10.301. Definition Of Public Health Nuisances.

10.302. Abatement Of Public Nuisances.

10.303. Refusal To Abate A Public Nuisance.

10.304. Weed Prohibited.

### **ARTICLE XI. SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.**

§ 10.601. FINDINGS AND DETERMINATIONS.

10.602. DEFINITIONS.

10.603. APPLICATION TO TOWN-OWNED FACILITIES AND VEHICLES.

10.604. PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES.

10.605. PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT.

10.606. PROHIBITION OF SMOKING IN CERTAIN OUTDOOR AREAS.

10.607. REASONABLE DISTANCE OF ENTRY AND OUTDOOR AREA.

10.608. WHERE SMOKING NOT REGULATED.

10.609. DECLARATION OF ESTABLISHMENT AS NONSMOKING.

10.610. POSTING OF SIGNS.

10.611. NONRETALIATION; NONWAIVER OF RIGHTS.

10.612. ENFORCEMENT.

10.613. VIOLATIONS AND PENALTIES.

10.616. OTHER APPLICABLE LAWS.

10.617. INTERPRETATION FOR INTENT.

## **ARTICLE II SEPTIC TANKS.**

### **§ 10.202. Septic Tanks.**

It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any septic tank on any property to which a sewer connection is available. Where a sewer connection is made available, said privy must be removed and connection shall be established. Such sewer connection was made with a septic tank of a design approved by DHEC.

## **ARTICLE III. PUBLIC HEALTH NUISANCES.**

### **§ 10.301. Definition Of Public Health Nuisances.**

Any act of any person or corporation whereby the health of life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit such property to become unsanitary by allowing any offensive matter or thing upon such lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, refuse, manure, straw, hay or thing to accumulate and remain upon such premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises such thing which may endanger, injure or damage another's health or property. (S. C. Code of Laws, 1962, § 32:74.)

### **§ 10.302. Abatement Of Public Nuisances.**

It shall be lawful for the Council to declare as nuisances things the existence of which may be deemed unhealthily or harmful to the citizens, and such nuisances may be abated by the Code Enforcement pursuant to directions from the Mayor and Council at the property owner's expense, and upon said owner's failure to abate, the Municipal authorities shall remove such nuisance at the expense of the person who shall have caused or allowed the same, from any occupant or tenant of the premises or, in the case it affects the freehold, from the owner who after notice shall have failed to remove such nuisance. (S. C. Code of Laws, 1962, §§ 32:74, 83,



84.)

§ 10.303. Refusal To Abate A Public Nuisances.

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

§ 10.304. Weeds Prohibited.

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

**ARTICLE XI. SMOKING IN PUBLIC PLACES AND PLACES OF  
EMPLOYMENT.**

§ 10.601. FINDINGS AND DETERMINATIONS.

Town Council (the "Council") of the Town of Gaston, South Carolina, hereby finds and determines:

(A)

The Town of Gaston, South Carolina (the "Town"), is an incorporated municipality located in Lexington County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30 (2005 Supp) relating to regulating streets, markets, and public health.

(B)

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to sixty-five thousand (65,000) Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.) The Surgeon General has declared that:

- (1) Secondhand smoke causes disease and premature death in nonsmokers exposed to smoke;
- (2) Children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma;
- (3) Adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer;
- (4) There is no safe level of exposure to secondhand smoke; and
- (5) Separating smoking and nonsmoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas.

(C)

A significant amount of secondhand smoke exposure occurs in the work place. Employees who work in smoke-filled businesses suffer a twenty-

five to fifty percent (25—50%) higher risk of heart attack and higher rates

of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chryschoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

(D) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

(E) Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking which can be reasonably seen to have the same effects of exposure as when nonsmokers are exposed to smoke in the same enclosed space. Lighted cigarettes, cigars, and pipes of people standing or sitting in close proximity have the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers.

(F) When there is a presence of secondhand smoke in enclosed spaces or in outside areas where there is a public gathering resulting in people being in close proximity in places that are otherwise open to the public at large inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.

(G) The Town recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this article (the "article").

#### § 10.602.      DEFINITIONS.

Unless the context shall clearly indicate some other meaning, the terms defined in this section shall, for all purposes of this article and other documents herein referenced, have the meanings herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

"Bar" shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

"Business" shall mean a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are offered for sale; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

"Employee" shall mean a person who is employed by an employer in consideration for direct or indirect monetary wages, commission, goods or services in kind or like compensation, and it shall also mean a person who volunteers his or her services for a nonprofit entity.

"Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including stationary structures and mobile public conveyances; parking structures and other facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition.

"Health care facility" means an office or institution providing care or treatment of persons having diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes (except as otherwise permitted herein), homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" for purposes of this article unless it is used as a childcare, adult day care, or health care facility. Nor is a private passenger motor vehicle a "place of employment" when used in the performance of employment responsibilities, provided it is not being used as public conveyance.

"Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes, or for purposes of benefiting particular club members and their guests, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption

from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primarily for the pecuniary benefit of the owner, or chief operating officer, or other person having substantial control shall not be treated as private clubs under this article.

"Public place" means an area to which the public is invited or to which the public is permitted to have access, including, but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arenas, stadiums and ball parks. A private club is a "public place" when being used for a function to which the general public is allowed entry. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

"Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, ice cream parlors, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

"Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes cigar bars, which are establishments licensed for the on-premises sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article.

"Service line" means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

"Shopping mall" means an enclosed public plaza, promenade, walkway, or hall area that serves to connect retail or professional establishments.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

#### § 10.603. APPLICATION TO TOWN-OWNED FACILITIES AND VEHICLES.

All enclosed facilities, buildings, and vehicles owned, leased, or operated by the Town shall be subject to the provisions of this article.

#### § 10.604. PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES.

Smoking shall be prohibited in all enclosed public places within the Town, including, but not limited to, the following places:

- (A) Galleries, libraries, and museums.

(B) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including, but not limited to, professional offices, banks, laundromats, hotels, and motels.

(C) Bars.

(D) Bingo facilities.

(E) Convention facilities, conference centers, and exhibition halls.

(F) Educational facilities, both public and private.

(G) Elevators.

(H) Health care facilities.

(I) Hotel and motel lobbies.

(J) Licensed childcare and adult day care facilities.

(K) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(L) Polling places.

(M) Private clubs when being used for a function to which the general public is invited.

(N) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots.

(O) Restaurants.

(P) Restrooms, lobbies, reception areas, hallways, and other common-use areas.

(Q) Retail stores.

(R) Rooms, chambers, places of meeting or public assembly, including school buildings.

(S) Service lines.

(T) Shopping malls.

(U) Sports arenas.

(V) Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projection booths,

backstage areas, and the stage, but excluding smoking on stage when it is an integral part of a theatrical performance.

§ 10..605. PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT.

- (A) Smoking shall be prohibited in all enclosed areas within places of employment without exception, including but not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles used for the conveyance of the public, but not including vehicles used in performing employment responsibilities when the sole occupants and users are persons who smoke.
- (B) This prohibition on smoking shall be communicated by employers to all existing employees by the effective date of this article and to all prospective employees upon their application for employment.

§ 10.606. PROHIBITION OF SMOKING IN CERTAIN OUTDOOR AREAS.

Smoking shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:

- (A) Amphitheaters.
- (B) Ball parks and stadiums when in use for athletic competitions or public performances.
- (C) Parades and special events on public streets and Town property, although the Mayor has the discretion, but not the obligation, to establish designated smoking areas in or in proximity to the parade or event area.
- (D) Dining areas in encroachment areas on public sidewalks, plazas, and parks.
- (E) Zoos.

§ 10.607. REASONABLE DISTANCE OF ENTRY AND OUTDOOR AREA.

Smoking is prohibited within a distance of ten (10) feet from any entry into an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Smoking is also prohibited within ten (10) feet of the boundary of the outdoor areas where smoking is prohibited. Persons who have

begun smoking prior to approaching the ten-foot distance may continue doing so, provided they do not stop, stand, sit, or linger within the ten-foot distance.

§ 10.608. WHERE SMOKING NOT REGULATED.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of §§ 98.03, 98.04, 98.05, and 98.06 of this article:

- (A) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- (B) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or non smoking may not be changed, except to add additional nonsmoking rooms.
- (C) Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.
- (D) Private and semiprivate rooms in nursing homes and longterm care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.
- (E) Private clubs that have no employees, except when being used for a function to which the general public is admitted.
- (F) Outdoor areas of places of employment except those covered by the provisions of §§ 98.05 and 98.06 of this article.

§ 10.609. DECLARATION OF ESTABLISHMENT AS NONSMOKING.

Notwithstanding any other provision of this article, an owner, operator, manager, or establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements

of § 98.10(A) is posted.

§ 10.610. POSTING OF SIGNS.

- (A) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red



bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of that place.

- (B) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- (C) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire businesses and individuals explaining the provisions of this article.

§ 10.611. NONRETALIATION; NONWAIVER OF RIGHTS.

- (A) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.
- (B) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

§ 10.612. ENFORCEMENT.

- (A) This article shall be enforced by the office of the Town Administrator or an authorized designee.
- (B) Notice of the provisions of this article shall be given to all applicants for a business license in the Town.
- (C) Any citizen who desires to register a complaint under this article may initiate enforcement with the office of the Town Administrator.
- (D) The building codes division, fire department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.
- (E) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.
- (F) Notwithstanding any other provision of this article, an employee or member of the public may bring legal action against a person, business, or organization in viola

tion of this article to enforce this article.

- (G) In addition to the remedies provided by the provisions of this section, the Town or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

§ 10.613. VIOLATIONS AND PENALTIES.

- (A) A person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).
- (B) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).
- (C) In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.
- (D) Violation of this article is hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Town may take action to recover the costs of the nuisance abatement.
- (E) Each day of a continuing violation of this article shall be considered a separate and distinct offense.

§ 10.616. OTHER APPLICABLE LAWS.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

§ 10.617. INTERPRETATION FOR INTENT.

It is the intent of Council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconven

## **CHAPTER 11. PUBLIC PEACE, ORDER, MORALS, AND DECENCY**

*Amended 1st reading 5/1/12 2nd reading 6/5/12*

### **ARTICLE 1. ALCOHOLIC BEVERAGES, DRUGS AND PARAPHERNALIA**

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- 11.101.3. What Constitutes Prior Offenses.

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*Adopted 1st reading 10/2/2012 2nd reading 11/6/2012*

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- 11.602. Adoption Of Criminal Law Of State Of South Carolina.

## ARTICLE 1. ALCOHOLIC BEVERAGES

### 11.101. IN GENERAL

#### § 11.101.1. Definitions.

The words “alcoholic liquors” as used in this Chapter mean any spirituous malt, vinous, fermented, brewed, or other liquors or any compound or mixture thereof by whatever name called which contains alcohol and used as a beverage. (SC Code of Laws, 1962, § 4:2.)

The words “non-alcoholic” and “non-intoxicating” as applied to beverages shall mean all beers, ales, porter and other similar malt or fermented beverages containing not in excess of 5 percent (5%) alcohol by weight, and all wines containing not in excess of 21 percent (21%) of alcohol by volume. (SC Code of Laws, 1962, § 4:201.)

#### § 11.101.2. Jurisdiction Of The Municipal Court.

All Municipal Courts and those lawfully acting as Judges thereof shall try and determine all cases involving any violation of this Article occurring within the limits of such Municipality where the penalties do not exceed a fine of five hundred dollars (\$500) and/or imprisonment of thirty (30) days, and such courts and judges shall have and hereby vested with jurisdiction over such criminal cases, with the right and duty of sending such cases, occurring within the Municipal limits but beyond their jurisdiction to try, to the higher courts. Any persons convicted hereunder in the Municipal Courts shall be treated as Municipal Prisoners. (SC Code of Laws, 1962, § 4:122.)

#### § 11.101.3. What Constitutes Prior Offenses.

A conviction, plea of guilty, plea of nolo contendere or forfeiture of bond for the violation on or after March 28, 1956, 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. (SC Code of Laws, 1962, § 4:107.1.)

### §11.102. OFFENSES AND PENALTIES

#### § 11.102.1. Drinking On Premises Of Liquor Establishment – First Offense.

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. The first offense of which is a misdemeanor and within the jurisdiction of the Municipal Court. (SC Code of Laws, 1962, § 4:99.)

#### § 11.102.2 Drinking Alcoholic Beverages On Public Property

It shall be unlawful for any person within the municipality to consume any alcoholic liquors, beer, ale, porter, wine or any other similar malt or fermented beverage on the street, sidewalks or any other property in which the municipality has an interest; possession of any open can, bottle, or other container with alcoholic liquors, beer, ale porter, wine or any other similar malt fermented beverage therein on aforesaid property shall constitute prima facie evidence of any

violation of this Ordinance, punishable by a fine of up to five hundred dollars (\$500) and/or thirty (30) days imprisonment.

### **§ 11.103. BEER, ALE, PORTER AND WINE**

#### **§ 11.103.1. Sale To Any One Under Twenty-One Years.**

It shall be unlawful for any person to sell beer, ale porter, wine or other malt or fermented beverage to any person under the age of Twenty-One years. (SC Code of Laws, 1962, § 4:203.) with the exception of military.

#### **§ 11.103.2. 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. (SC Code of Laws, 1962, § 4:203.1, Supplement 1967.)

#### **§ 11.103.3. Purchasing To Give Another Who Cannot Lawfully Purchase.**

It shall be unlawful for any person to purchase beer or wine while on licensed premises and give such beer or wine to a person whom beer or wine cannot lawfully be sold, for consumption on such premises. (SC Code of Laws, 1962, § 4:23.2, Supplement 1967.)

#### **§ 11.103.4. Purchase Or Possession By Minor Under Twenty-One Years.**

It shall be unlawful for any minor under the age of twenty-one 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. This section shall not apply to any employee lawfully engaged in the sale or delivery of any such beverage in an unopened container. (SC Code of Laws, 1962, § 4:203.4, Supplement 1967.)

#### **§ 11.103.5. Penalties.**

Any violations of the provisions of this Chapter shall be a misdemeanor, and anyone violating any of the provisions thereof shall be punished at the direction of the court as limited by state statutes.

### **§ 11.104. DRUGS AND DRUG PARAPHERNALIA.**

#### **§ 11.104.1 Definitions**

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

ing:

Drug paraphernalia: means all 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, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a narcotic drug, or controlled substance in violation of this article. It includes but is not limited to:

1. Kits used, intended for use or designed for the use in manufacturing, compounding, converting, producing, processing, or preparing illegal drugs or controlled substances.
2. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an illegal drug or a controlled substance.
3. Testing equipment used, intended for use, or designed for use in weighing or measuring illegal drugs or controlled substances.
4. Scales or balances, used, intended for use or designed for use in weighing or measuring illegal drugs or controlled substances.
5. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for the use in cutting, illegal drugs or controlled substances.
6. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or otherwise cleaning or refining marijuana.
7. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding illegal drugs or controlled substances.
8. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in compounding illegal drugs or controlled substances.
9. Containers and other objects used, intended for use or designed for use in storing or concealing illegal drugs or controlled substances.
10. Hypodermic syringes, needles or other objects used, intended for use or designed for use in parenterally injecting illegal drugs or controlled substances into the human body.
11. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish oil into the human body such as:
  - a) Metal, wooden, acrylic, glass, stone, plastic, ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls
  - b) Water pipes
  - c) Carburetion tubes and devices
  - d) Smoking and carburetion masks pipes or chillers

- e) Roach clips, meaning objects used to hold burning material such as marijuana cigarettes that have become too small or short to be held in the hand
- f) Miniature cocaine spoons and cocaine vials
- g) Chamber pipes
- h) Carburetor pipes
- i) Electric pipes
- j) Air driven pipes
- k) Chillums
- l) Bonds
- m) Ice pipes or chillers
- n) Or any other items not listed above used to facilitate the use or injection of any illegal drug or controlled substance.

#### Factors Determining Classification of Objects:

In determining whether an object is drug paraphernalia, a court of other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any illegal drugs or controlled substances;
3. The proximity of the object, in time and space, to a direct violation of this article;
4. The proximity of the object to illegal drugs or controlled substances;
5. The existence of any residue of illegal drugs or controlled substances on the object;
6. Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object to deliver it to persons he/she knows, or should reasonably know, intend to use the object to facilitate a violation of this article, the innocence of the owner, or anyone in control of the object, as to a direct violation this article shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explains or depicts its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

Any person who is found in violation of this ordinance shall be guilty of a misdemeanor and may be fined up to \$1,092.50 and/or imprisoned up to thirty days for each violation.

Added on *1st reading January 4, 2011 2nd reading January 13, 2011*

*Revised on January 3, 2012*



## **ARTICLE II. OFFENSES AGAINST MORALITY, DECENCY AND PUBLIC WELFARE**

### **§ 11.201. Indecent Exposure.**

It shall be unlawful for any person to commit willful and malicious indecent exposure of his person in any public place, on property of others or to the view of any person on any street or highway. (SC Code of Laws, 1962, Supplement, § 16:413.) Further it shall be unlawful in the Town of Gaston to hold a strip tease act by men or women and any place of business allowing it to be done will be fined (\$1,092.50) and have their business revoked.

### **§ 11.202. Bawdy Houses.**

The keeping of a bawdy house or 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 knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution. (SC Code of Laws, 1962, §§ 16:40916:411.)

### **§ 11.203. Solicitation For Immoral Purposes.**

It shall be unlawful for any person to invite or entice any person upon any street, public square or enclose to accompany, go with or follow such person to any place for immoral purposes, or to invite, 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.

### **§ 11.204. Information Or Direction Concerning Immoral Women Or House For Immoral Purposes.**

It shall be unlawful for any person to give information about, or direct any person to, any house or place for immortal purposes, or to any immortal woman, whether the communication be by word of mouth, or direction, telephone or in writing.

### **§ 11.205. Transportation Of Women For Immortal Purposes.**

It shall be unlawful for any person to transportation, carry or convey, or assist by aiding, abetting, encouraging, requesting or other, in transporting, carrying, conveying or accompanying by any ways and means whatsoever any woman for any immoral purpose.

### **§ 11.207. Leasing Or Allowing Use Of Premises For Immoral Purposes.**

It shall be unlawful to rent a room to any person for the purpose of assignation or for any immoral purpose, or to permit any premises to be used for immoral purposes.

### **§ 11.208. Gambling Or Games Of Chance.**

It shall be unlawful for any person to engage in gambling or games of chance within the corporate limits. (SC Code of Laws, 1962, § 16:504.)

§ 11.209. Gambling House.

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. (SC Code of Laws, 1962, § 16:504.)

§ 11.210. Fortunetelling.

It shall be unlawful to engage in the business, trade or profession of fortunetelling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.

§ 11.211. Disturbing School.

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 or college attended by women or girls, (b) to loiter about such school premises or, (c) to act in an obnoxious manner thereon; or
- (2) For any person to (a) enter upon school premises or (b) loiter around the premises, except on business, without the permission of the principal or person in charge. (SC Code of Laws, 1962, § 16:551.)

§ 11.212. Public Intoxication

It shall be unlawful for any person to be upon the streets or in any place in an impaired condition.

§ 11.213. Drinking In Public.

It shall be unlawful for any person or persons to drink any kind of intoxicating, alcoholic or non-alcoholic beverages (as defined by SC Code of Laws, 1962, § 4:2 and § 4:201) on the streets, alleyways, highways or other public places.

§ 11.214. Displaying Of Obscene Material.

It shall be unlawful for any person to post or make any indecent, obscene or profane writing, pictures, or anything of like character.

§ 11.215. Interference With Streets, Sidewalks, Etc.

It shall be unlawful for any person to close up or in any manner interfere with the free use of any public street or thoroughfare, sidewalk, or alley.

### ARTICLE III. OFFENSES AGAINST THE PEACE

#### § 11.302. Discharge Of Firearms.

It shall be unlawful for any person to discharge a firearm within the Municipality, upon the conviction therefore, any such person shall be punished by a fine of up to (\$1,092.50) and/or thirty (30) days imprisonment.

#### § 11.304. Disorderly Conduct.

It shall be unlawful to conduct oneself in a disorderly manner within the Municipality with the purpose of causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof by:

(a) Engaging in fighting or threatening, or in violent or tumultuous behavior, or;

(b) Making any unreasonable noise or any offensively coarse utterance, gesture or display, or addressing abusive language to any person present; or making or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individuals or such noises as to disturb the quiet and peace of any citizen of the Municipality. The following acts among others are declared to be loud and disturbing, annoying, and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

c) It shall be unlawful for any person to be upon the streets or in any place within the Municipality in an intoxicated or drunken condition.

For the purpose of this section “public” means affecting or likely to affect any person in his residence or persons in a place to which the public or substantial group has access; among the places included, but not limited to are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, or any neighborhood.

Any offenses under this section is a misdemeanor to cause substantial harm or serious inconvenience, or if he or she persists in disorderly conduct after reasonable warning or request to desist, and upon conviction, shall be subject to a fine of up to (\$1,092.50) and/or thirty (30) days imprisonment.

#### § 11.305. Resisting/Hindering Officer Making Arrest.

Any person or persons who shall resist or obstruct any officer of the Town in the discharge of his duty, or who shall aid or abet any person or persons in resisting or obstructing any officer of said Town in the discharge of his duty, shall be deemed guilty of a misdemeanor, subject to the limitations prescribed by state law.

(A) It shall be unlawful for any person to resist arrest or, if under arrest, to refuse to accompany the arresting officer or to endeavor to force the officer to drag, pull or carry him to the place of destination.

(B) It shall be unlawful for any person to interfere with a police officer or any other officer or employee of the town in the discharge of his duty or to aid or abet any interference.

(C) 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.

*11.305 A, B, C. Adopted 1st reading February 2, 2021 2nd reading March 2, 2021*

§ 11.306. Noises.

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

- a. **Blowing Horns:** The sounding or blowing of any horn or signal device or any automobile, motorcycle, motor bus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise; and the sounding of such device for any unnecessary period of time.
- b. **Radios, phonographs, television, etc:** The playing of any radio, phonograph, piccolo, television or any musical instrument in such manner or with such volume as to annoy or disturb any person, or the playing of such instrument in such manner as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other residence.
- c. **Pets:** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- d. **Use of Vehicle:** The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or used or repaired in such manner, as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.
- e. **Blowing Whistles:** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- f. **Exhaust Discharge:** To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- g. **Devices Using Compressed Air:** The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- h. **Building Operations:** The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of sunrise to sunset, on weekdays, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the Municipality.
- i. **Noises Near Schools, Churches, etc.:** The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interfere with the work or worship in any place streets, indicating that the same is a school, church, library, or court.
- j. **Loading and Unloading Operations:** The creations of loud and excessive noises in connection with loading or unloading any vehicle, or opening and destroying bales, boxes, crates and

containers.

k. Bells or Gongs: The sounding of any bell or gong, attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof.

l. Hawking, Peddling or Soliciting: Shouting, loud talking, crying or soliciting by peddlers, hawkers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood, or any person therein.

m. Noises To Attract Attention: The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise, by the creation of noise.

n. Loud Speakers or Amplifiers On Vehicles: The use of any mechanical loud speakers, amplifiers or any such device that will magnify sound (amended on October 8, 2002) on trucks, airplanes, or other vehicles for advertising or other purposes, except by specific license accepted by Police. (amended on October 5, 2010.

o. Business Noises at Night Near Residences: The operation of any garage, filling stations, auto repair business, taxi cab business, in such manners as to create loud and disturbing noises of such frequency or such volume as to annoy or disturb the quiet and comfort of any citizen and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

p. Loud speakers, Amplifiers: It shall be unlawful for any person to use or permit the use of a loudspeaker used for amplification of sound, attached to any building or vehicle in the possession or control of such person, at any time within the Town limits if the volume of sound is such as to produce a noise which would, and is calculated to, unreasonably disturb or interfere with the peace, comfort, and repose of any neighboring persons of ordinary sensibilities in the vicinity where such loudspeaker is being used. Violators may be charged a maximum fine of \$1,092.50 for each occurrence.

Q. Squealing of Tires: It shall be unlawful for the driver of any motor vehicle to willfully cause such vehicle to make unnecessary noise by reason of operating such vehicle in any manner causing the wheels thereof to spin or slide on the roadway or ground when starting such vehicle or while making any turning movement.

*Adopted 1st reading October 5, 2010 2nd reading November 2, 2010*

*11.306 Q. Adopted 1st reading February 2, 2021 2nd reading March 2, 2021*

### **11.307 Corner Cutting**

It shall be unlawful for any person to drive any motor vehicle over any sidewalk area or through any driveway, parking lot or business entrance at any intersection in making either a right or left turn onto a street of such intersection, except for the purpose of coming to a complete stop to obtain or render some service or make a sale or purchase. It is the intention of this section to prohibit corner cutting by driving a vehicle from one street into another across any sidewalk or driveway, or through any driveway, parking lot or business entrance or area.

*11.307 Adopted 1st reading February 2, 2021 2nd reading March 2, 2021*

## ARTICLE IV. OFFENSES AGAINST PROPERTY

### § 11.401. Petit Larceny.

It shall be unlawful for any person or persons to commit the crime of petit larceny within the corporate limits of a value of less than \$2000.00. Any person found guilty may be fined up to (\$1092.50) and/or sentenced up to thirty (30) days imprisonment. (SC Code of Laws, 1962, § 16:353, Supplement, 1968.)

### § 11.402. Trespass After Notice.

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, shall be deemed guilty of a misdemeanor and subject to a fine of up to (\$1092.50) and/or up to thirty (30) days imprisonment.

### § 11.403. Trespass On Pasture Or Lands After Notice.

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. When any owner or tenant of any lands shall post a notice in four (4) conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making the entry, as aforesaid, for the purpose of trespassing. (SC Code of Laws, 1962 § 16:386.)

#### § 11.403.1. Loitering.

It shall be unlawful for any unauthorized person or persons or vehicles to remain on any personal or Town Property, after being asked to leave by the property owner or a Town Official or Law Enforcement Officer. Any offense will be a misdemeanor and subject to a fine of up to (\$1,092.50) and/or thirty (30) days imprisonment).

### § 11.404. Trespass On Another's Lands Without Permission.

Any person entering upon the lands of another for the purpose of hunting, fishing, trapping, netting, gathering fruit, wild flowers, cultivated flowers, shrubbery, straw, turf, vegetables or herbs or cutting timber on the same, without the consent of the owner or manager thereof, shall be guilty of a misdemeanor. (SC Code of Laws, 1962, § 16:387.)



§ 11.405. Junk Yards Prohibited.

No junk yard, whether for automobiles, machinery or other junk equipment shall be operated and no license shall be issued for such a business, PROVIDED, this section shall not apply to junk dealers who maintain their business in a completely enclosed building, or have their yard screened along the State and Federal Roadside.

§ 11.406. Dumping Litter On Private Property.

(A) It shall be unlawful for a person, from a vehicle or otherwise, to dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by Section 4496-40(46), upon public or private property or waters in the Town including but not limited to, a highway, park, campground, wooded land, recreational area, trailer park, road, street, alley, or privately maintained trash receptacles except.

1. on property designated by County for disposal of litter and other solid waste and the person is authorized to use the property for that purpose, or
2. into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

## Article V. OFFENSES AGAINST THE PERSON

### 11.501 Failing To Remove Doors From Abandoned Refrigerators

Any person who abandons or discards an icebox, refrigerator, ice chest, or other type of airtight container of a capacity sufficient to contain any child and who neglects, prior to such abandonment, to remove the floor, lid or other device for the closing thereof, and any owner, lessee or other person in charge of property who knowingly permits any abandoned icebox, refrigerator, ice chest or other type of airtight container to other closing device there from shall be guilty of a misdemeanor.

### 11.502 Child Protection

*(a) Purpose. The purpose of this section shall be to establish a response for the need to protect minors from being placed into dangerous or vulnerable situations in the Town of Gaston. Unsupervised minors are particularly vulnerable to being induced to participate in drug or substance abuse and other criminal activities during the nighttime. Minors often lack the ability to make informed, mature decisions when faced with the temptation to engage in criminal activities. Also, it is paramount that parents be encouraged to take an active role in the proper upbringing of their children. Furthermore, there is a need to protect businesses and other persons from vandalism and other unlawful acts committed by minors. This section will assist parents in the difficult task of child rearing and the town in regulating those activities which are detrimental to the health, safety and welfare of its citizens and to the peace and dignity of the town.*

*(b) (1) Public place. A place which the general public has a right to resort; not necessarily a place devoted solely to the use of the public, but a place which is in the point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public. Any place so situated that what passes there can be seen by any considerable number of persons, if they happen to look.*

*(2) Custodian. A parent, guardian, step-parent, foster parent, house parent, or other person legally responsible for the care and custody of a minor as defined by this section.*

*(3) Minor. Any person who has not reached his or her seventeenth birthday and is not married, emancipated or a member of the armed services of the United States of America.*

*(c) Time limits. It is unlawful for any minor to be or remain upon any public place as defined in this section within the town or any property or right-of-way belonging to the town located outside the corporate limits of the Town of Gaston, South Carolina between the hours of 11p.m. and 5 a.m.*

*(d) Exceptions. The restrictions provided by subsection (c) of this section shall not apply to any minor who is:*

*(1) Accompanied by his or her custodian as defined in subsection (b) (2) of this section; or*

*(2) Accompanied by a responsible person over 18 years of age who has the written permission of the minor's custodian to have the minor under his or her supervision; or*

*(3) Traveling in connection with his or her employment, religious activity of attendance at a function or activity sponsored by the town or other governmental unit, school or other generally recognized civic or community organization; or*

*(4) Temporarily within the town or on town property while engaged in interstate or similar point to point intrastate travel; or*

*(5) Attempting to obtain assistance in a medical or other emergency.*

*(e) Responsibility of adults. It is unlawful for any custodian to allow or permit any minor to be in or upon or remain in or upon a public place within the Town of Gaston or on any property or right-of-way belonging to the town and located outside the corporate limits of the Town of Gaston within the hours set by subsection (c) of this section, except as provided in subsection (d) of this section.*

*(f) Responsibility of business establishments. It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon or to remain in or upon the premises of such place of business or amusement within the child restraint hours set by subsection (c) of this section, except as provided in subsection (d) of this section.*

*(g) Enforcement.*

*(1) When a minor is found to be in violation of this section, a police officer will complete and incident report titled Child Safety Ordinance. The officer without delay will take the juvenile to the residence of his or her custodian or may call that custodian to the scene. If the juvenile is known to be a first offender, a warning will be issued to the custodian and an indication will be noted on the incident report that such a warning has been issued. The report shall include the name of the juvenile and the custodian, the time, date and location of the offense. The report will be turned in to the police department with the officer's daily paperwork. The report will then be entered into the computer system in the same manner as all other reports.*

*(2) If the juvenile is found to be a repeat offender, he or she will be taken to the residence of his or her custodian or the custodian called to the scene and may be issued a criminal citation with a charge of violating this section. The officer may use discretion in whether to issue a citation or warning on this second offense, depending on the apparent commitment of the custodian to prevent any further violation, time between first and second offense, or other mitigating factors determined to be present by the investigating officer. Officer discretion may also be used by the investigating officer to determine whether repeat offenders should be treated as a delinquent juvenile. An incident report will be completed as outlined in subsection (g) (1) of this section.*

*(3) If the juvenile is found to be in violation of this section three or more times, the same procedures for reporting the juvenile as outlined in subsection(g) (2) of this section will be followed, except the custodian must be issued an criminal citation for violation of this section. An incident report will be completed as outlined in subsection (g) (1) of this section,*

*(4) In cases where the investigating officer determines a criminal citation should be issued according to this section, the officer shall verify the existence of past offenses and should reference the case number on the new incident report completed for the offense in which the citation is being issued. This report shall be added to the existing case file.*

*(5) The shift supervisor will make available a list of all juveniles who have been recorded as being in violation of this section.*

*(6) If the minor is under 12 years of age, regardless of the number of past offenses, a report will be made and a copy forwarded to Lexington County Department of Social Services and the Department of Juvenile Justice. The report should be completed after the procedures outlined in subsections (g) (1), (g) (2) and (g) (3) of this section have been followed.*

*(7) The names of juveniles shall not be released or made public.*

*(h) Refusal of custodian to take custody of a minor. If the custodian of a minor found to be in violation of this section refuses to take custody of such minor, the officer having custody shall contact the Lexington County Department of Social Services and release the minor to that agency, pending further investigation by the police department and the department of social services. The custodian may be issued a criminal citation or an arrest warrant served charging a violation of this section.*

*(i) Penalty. Any person found guilty of violating this municipal ordinance may be fined up to (\$1092.50) and/or imprisoned for a period of up to thirty (30) days.*

*Adopted  
1<sup>st</sup> reading 10/2/2012  
2<sup>nd</sup> reading 11/6/2012*

ience of secondhand smoke in places where they work, stand, sit, walk, dine, drink, read, study, or engage in entertainment and recreation. All provisions shall be construed to achieve these purposes.

## **ARTICLE VI. PENALTIES AND DEFINITIONS**

### **11.601 Penalties**

Unless otherwise provided herein, upon conviction, the violation of any section of this chapter shall be punishable by a fine of not more than five hundred dollars (\$500) and/or imprisonment for not more than thirty (30) days.

### **11.602 Adoption of Criminal Law of State of South Carolina**

All acts and conduct that constitute violation of the common law and the statutory law of the State of South Carolina as set forth in the 1962 Code of Laws and Acts, amendatory thereof, and hereby declared unlawful, and 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 municipality.

#### **Amended**

**1st reading 4/5/11**

**2nd reading 4/19/11**

- (A) This article shall be enforced by the office of the Mayor or an authorized designee.
- (B) Notice of the provisions of this article shall be given to all applicants for the business license in the Town.
- (C) Any citizen who desires to register a complaint under this article may initiate enforcement with the office of the Mayor.

## **CHAPTER      12.    SEWER DEPARTMENT**

### **ARTICLE I.      Sewer System**

- § 12.101.      Prohibited Acts—Sewer System
- 12.102.      Destruction, Defacement, etc. of Sewer System
- 12.103.      Tampering with Appurtenances

### **ARTICLE II.      RATES AND CHARGES**

- 12.201      Failure to Pay Fee or Charges
- 12.202      Sewer Connection Fees
- 12.203      Establishment of Rates

## **ARTICLE I. PROHIBITED ACTS.**

### **§ 12.101 Prohibited Acts – Sewer System.**

The Following acts shall be unlawful and a violation of this ordinance for any person or persons who engages in such acts without the appropriate permission or authority or without the appropriate supervision as herein specified.

### **§ 12.102 Destruction, Defacement, etc. of Sewer System.**

It shall be unlawful for any person or persons to willfully destroy, break, injure, or deface, or in any other manner, interfere with sewers system, sewer pump stations or surrounding fence, or other fixtures of the sewer system established and maintained by the municipality. It shall also be unlawful for any person or persons to willfully destroy, break, injure, deface or in any other manner interfere with any property belonging to the sewerage system, which is property of the Town of Gaston.

### **§ 12.103 Tampering With Appurtenances.**

It shall be unlawful to tamper with any manhole cover, or other appurtenance of the system without written authority or direct supervision of the proper municipal employee. other than what is commonly known as toilet paper, or material or substance likely to block, obstruct or damage the pipeline or system, or to dispose of any flammable, noxious or chemically active material harmful to life or property, into the sewerage system.

## **ARTICLE II RATES AND CHARGES**

### **§ 12.201 Failure To Pay Fee Or Charges.**

The Town of Gaston shall have the authority to discontinue service to any premises for failure to pay sewer charges at the time the same are due and payable, as set out in this Article. Service shall be reinstated only in accordance with the rules and regulations as established by the



Town of Gaston at that time in force and effect.

§ 12.202      Sewer Connection Fees.

For each new sewer connection, the person or firm applying for sewer service shall pay a tap-in or cut-in fee.

§ 12.203      Establishment Of Rates.

The Town of Gaston has the authority, as provided in § 12.201 of this Article, to establish and charge a schedule of monthly rates for services rendered by the Sewerage System.

## **CHAPTER 13. STREETS AND SIDEWALKS**

### **ARTICLE II. UNLAWFUL ACTS.**

- § 13.201. Damaging Municipal Property.
- 13.202. Gates Opening Onto Sidewalks.
- 13.203. Games In Streets.
- 13.204. Structures Draining Rainwater Onto Sidewalks Prohibited.
- 13.205. Draining Water, Slops, Other Liquid Onto Streets Or Sidewalks Prohibited.
- 13.206. Throwing Glass, Nails, Dangerous Substances On Streets, Sidewalks.
- 13.207. Vehicles Leaking Or Scattering Load Prohibited.
- 13.208. Vehicles Prohibited On Sidewalks.
- 13.209. Breaking, Removing Street Lights.
- 13.210. Breaking, Destroying Curbing Prohibited; Permit Required For Entrance To Property.

### **ARTICLE III. EXCAVATION AND OBSTRUCTION.**

- 13.302. Danger Signals Required At Excavations.
- 13.303. Removing Danger Signals At Excavations.
- 13.304. Obstructions Prohibited.

### **ARTICLE IV. PERMITS.**

- 13.401. Permits Required For Speaking, Exhibiting, Entertaining On Streets.
- 13.402. Parade Permit Required; Compliance With Regulations.
- 13.403. Application For Permit.

13.404. Issuance Of Permit.

13.405. Imposition Of Restrictions.

## **ARTICLE II. UNLAWFUL ACTS.**

### **§ 13.201. Damaging Municipal Property.**

It shall be unlawful for any person to mutilate, deface or injure any public property within the corporate limits, any trees, building or other property, or to obstruct any street, alleyways, avenue, bridge, ditch or public road within the corporate limits and any person found guilty of a violation of this ordinance shall be fined in a sum not less than (\$100.00) or more than (\$1092.50) dollars or service upon the streets at hard labor for not more than thirty (30) days or less than five (5) days. (S. C. Code of Laws, 1962, § 47:61.)

### **§ 13.202. Gates Opening Onto Sidewalks.**

It shall be unlawful after the passage of this ordinance for any person or corporation to maintain any gate upon his premises so as to swing across or into any sidewalk or street. Any person found guilty of violating this ordinance shall be fined in a sum of not more than (\$500.00) or less than (\$100.00), or serve upon the public works for not more than ten (10) days or less than one (1) day. (S. C. Code of Laws, 1962, § 47:61.)

### **§ 13.203. Games In Streets.**

No person shall play any games, throw any rock or missiles on any public street. (S. C. Code of Laws, 1962, § 47:61.)

### **§ 13.204. Structures Draining Rainwater Onto Sidewalks Prohibited.**

It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters, or other part thereof, down any sidewalk so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk. (S. C. Code of Laws, 1962, § 47:61.)

### **§ 13.205. Draining Water, Slops, Other Liquids Onto Streets Or Sidewalks Prohibited.**

It shall be unlawful for any person to carry water or any slops or liquid of any kind, from any store or residence or other building by means of a drain pipe or otherwise, so that the same shall fall or flow upon any part of any street or sidewalk; PROVIDED, that sprinkling of a street

to lay dust is not hereby forbidden. (S. C. Code of Laws, 1962, § 47:61.)

§ 13.206. Throwing Glass, Nails, Dangerous Substances On Streets, Sidewalks.

Any person who shall throw or place on any of the streets or sidewalks any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other obstructions shall be guilty of a misdemeanor. (S. C. Code of Laws, 1962, § 33:452.)

§ 13.207. Vehicles Leaking Or Scattering Load Prohibited.

The owner or operator of every cart or other vehicle employed in removing or carrying any dirt, sawdust, sand, coal, materials liable to be blown by the wind, or any manure or filth or offensive matter of any kind or description, along or over any of the streets, shall have and keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any of the streets. (S. C. Code of Laws, 1962, § 47:61.)

§ 13.208. Vehicles Prohibited On Sidewalk.

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. (S. C. Code of Laws, 1962, § 47:61.)

§ 13.209. Breaking, Removing Street Lights.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light or to remove any electric light bulb or otherwise from any tampering of the street lights.

§ 13.210. Breaking, Destroying Curbing Prohibited; Permit Required For Entrance To Property.

It shall be unlawful for any person to break or destroy the curbing of any street or to otherwise deface the same, or to otherwise deface the same, or to construct any entrance into property on any of the paved streets, unless such person shall have first obtained a permit in writing so to do from the street superintendent. (S. C. Code of Laws, 1962, § 47:1323.)

### ARTICLE III. EXCAVATION AND OBSTRUCTION.

#### § 13.302. Danger Signals Required At Excavations.

It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open between sunset and sunrise, unless such trench, ditch or excavation has a sufficient number of lights properly displayed around it as danger signals to prevent accidents to persons or property. (S. C. Code of Laws, 1962, § 47:61.)

#### § 13.303. Removing Danger Signals At Excavations.

It shall be unlawful for any person to remove or extinguish any light which may be placed as a signal at night to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

#### § 13.304. Obstructions Prohibited.

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 except as otherwise provided in this Chapter; PROVIDED, that this section shall not apply to any employee of the Municipality, County or State while such employee is immediately and actively engaged in the maintenance, improvement or construction of any street, sidewalk or public way in the Municipality. (S. C. Code of Laws, 1962, § 33:491.)

## ARTICLE IV. PERMITS.

### § 13.401. Permits Required For Speaking, Exhibiting, Entertaining On Streets.

No preaching, lecturing or speaking, exhibition or entertainment of any nature will be permitted on the streets, sidewalks or public ways, unless a Public Gathering permit is obtained from the Chief of Police. (S. C. Code of Laws, 1962, § 47:61.)

### § 13.402. Parade Permit Required; Compliance With Regulations.

No parade, excepting one by the forces of the United States Army or Navy, the military forces of this State, and the forces of the police and fire departments, shall occupy, mark or proceed along any street except in accordance with a permit issued by the Mayor, upon written application made not less than twenty-four (24) hours prior to the time of such parade and such other regulations as are set forth herein which may apply.

### § 13.403. Application For Permits.

An application for a permit for a parade, procession or other public gathering shall contain the time of such proposed parade, procession or gathering, the streets to be used, the number of persons or vehicles to be engaged and the purpose of such parade, procession or gathering. (S. C. Code of Laws, 1962, § 47:282.)

### § 13.404. Issuance Of Permit.

Upon receipt of an application for a permit for a parade, procession or gathering, the Office of the Mayor shall, in its discretion issue a permit therefore, subject to considerations of the public convenience and public welfare.

### § 13.405. Imposition Of Restrictions.

The Town shall have the authority to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as it shall deem fit and proper.

## **CHAPTER 14. VEHICLES AND TRAFFIC**

*Amended*

*1st reading 4/14/15*

*2nd reading 5/5/15*

### **ARTICLE I. IN GENERAL**

§ 14.101. Short Title.

14.102. Adoption Of State Laws

14.103. Powers And Duties Of Council.

14.104. Cancelling Traffic Tickets.

### **ARTICLE II. TRAFFIC CONTROL DEVICES**

§ 14.201. Erection Of Four-Way Stop Signs.

14.202. Penalty.

### **ARTICLE III. PROHIBITED ACTS**

§ 14.301. Using Vehicle For Advertising.

14.302. Roadway To Be Left Unobstructed.

14.304. Driving On Sidewalks.

14.305. Safety Zones.

14.306. Quiet Zones.

14.307. Parking In Space Designated For Handicapped Persons.

14.308. *Parking on the Fire Lane.*

*1st reading October 5, 2010*

*2nd reading November 2, 2010*

*Kelly Delk-1st*

*Marvin Dowd Jr- 2nd*

## **ARTICLE IV. PARKING REGULATIONS**

- § 14.401. Manner Of Parking.
- 14.402. Unattended Motor Vehicle.
- 14.403. Parking Prohibitions.
- 14.404. Parallel Parking.
- 14.405. Angle Parking.
- 14.406. Limited Or Restricted Parking.
- 14.407. Parking Near Scene Of Fire.
- 14.408. Single-Parking Spaces.
- 14.409. Selling, Washing, Or Repairing Vehicle On Roadway.
- 14.410. Loading Zones.
- 14.411. Special Parking Places.
- 14.412. Penalty.
- 14.413. Parking Of Vehicles For Sale Prohibited; Exceptions.

## **ARTICLE I. IN GENERAL**

### § 14.101. Short Title.

This title may be known and cited as the "Traffic Code".

### § 14.102. Adoption Of State Laws

(A) All vehicles shall be operated in accordance and conformity with S.C. Code Title 56, Chapter 3, Article 3, Registration and Licensing Generally; Article 25, Motor Vehicle



Dealer's Licenses; Chapter 9, Motor Vehicle Financial Responsibility Act; and Chapter 1, Driver's License and subsequent amendments thereto as relating to the operation of vehicles. These provisions are adopted by reference and made a part of this chapter as if set out in full herein, except those provisions relating solely to the State Highway Department and those provisions for which the penalty exceeds a fine of two hundred dollars (\$200.00) or imprisonment for more than thirty (30) days.

(B) All requirements of S.C. Title 56, Chapter 5, The Uniform Act Regulating Traffic on the Highways are adopted by reference and made a part of this chapter as if set out in full herein.

§ 14.103. Powers And Duties Of Council.

(A) The Council, except as otherwise directed by this chapter and except as otherwise directed by the Council, shall have the power and is authorized to regulate the operation and parking of vehicles within the corporate limits of the municipality by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, parking meter spaces in parking meter zones, U-turns, school zones, hospital zones, loading or unloading zones, quiet zones, and other signs, markers, and official traffic-control devices indicating the place or manner of operating or parking vehicles within the municipality.

(B) The Council, except as otherwise directed by this chapter and except as otherwise directed from time to time by the Council, shall have power and is authorized to regulate the movement of pedestrians on the streets and sidewalks of the municipality by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.

(C) The Council, except as otherwise directed by this chapter and except as otherwise directed from time to time by the Council, shall have the power and is authorized to designate bus stops and taxicab stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs at their respective stops and stands.

(D) The Council, except as otherwise directed by this chapter and except as otherwise directed from time to time by the Council, shall have power and is authorized to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic, when in the judgment of the Council such action is necessary.

(E) The Council, shall have power and is authorized to secure all necessary signs, mark-

ers, or official traffic-control devices to be erected or placed on any street or part of a street when such action is deemed necessary.

(F) The existence of such signs, markers, or official traffic-control devices at any place within the municipality shall be prima facie evidence that such signs, markers or official traffic-control devices were erected or placed by and at the direction of the Council and in accordance with the provisions of this section.

§ 14.104. Cancellling Traffic Tickets.

It shall be unlawful for any official or employee of the Town to fix or cancel any ticket or summons issued by the Police Department for a violation of this chapter or any other traffic ordinance.

## **ARTICLE II. TRAFFIC CONTROL DEVICES**

§ 14.201. Erection Of Four-Way Stop Signs.

(A) The Chief of Police may order the erection of four-way stop signs at intersections within the Town not included within the State or County Highway Systems.

(B) In determining whether or not a four-way stop sign is appropriate for a particular intersection, the Chief of Police should use such guidelines as may be promulgated from time to time by the South Carolina Department of Transportation. It is provided, however, that the Chief of Police may apply to the Public Safety Committee for permission to erect a four-way stop sign for intersections which do not meet the Department of Transportation guidelines if, after due investigation, he believes it to be in the best interest of motorists and pedestrians using said intersection. The Chief of Police's recommendation shall be considered by the Public Safety Committee which shall submit its own recommendation to the full Council for final approval.

§ 14.202. Penalty.

Whoever violates any provision of this title, for which no penalty is otherwise provided, shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.

### ARTICLE III. PROHIBITED ACTS

#### § 14.301. Using Vehicle For Advertising.

No person shall operate or park on any street any vehicle for the primary purpose of advertising.

#### § 14.302. Roadway To Be Left Unobstructed.

(A)

No person shall stop, stand, or park any vehicle on a street, other than an alley, in such a manner or under such conditions as to leave unavailable less than ten feet (10') of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

(B)

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic.

#### § 14.304. Driving On Sidewalks.

It shall be unlawful for any person to ride, drive, or lead any animal on the sidewalks of the municipality except at regular crossings or entrances to private or business premises

#### § 14.305. Safety Zones.

No vehicle shall at any time be driven through or within a safety zone.

#### § 14.306. Quiet Zones.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle, except in an emergency.

#### § 14.307. Parking In Space Designated For Handicapped Persons.

(A) It is unlawful to park any vehicle within the Town of Gaston in a parking space clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard issued by the South Carolina Department of Highways and Public

Transportation.

(B) It is unlawful for any person who is not handicapped as defined by § 56-3-1950, Code of Laws of South Carolina (1976) or who is not transporting a handicapped person to park a vehicle in a parking space clearly designated for handicapped persons whether or not said vehicle bears the distinguishing license plate or placard issued by the South Carolina Department of Highways and Public Transportation.

(C) A vehicle displaying an out-of-state handicapped license plate or placard or other evidence of handicap issued by an appropriate authority as determined by the South Carolina Department of Highways and Public Transportation shall enjoy the same parking privileges afforded to handicapped persons residing in this state.

(D) Any person convicted of violating this section shall be punished by a fine of one thousand ninety two dollars and fifty cents (\$1092.50).

§ 14.308.      Parking on the Fire Lane.

(A) It shall be unlawful for any vehicle to stop, stand, or park within any area designed and marked as a fire lane within the town limits, except police, fire, or emergency vehicles and / or with exception of dropping off or picking up a person with a disability, after such person exits or enters said vehicle; it shall immediately exit the fire lane.

(B) Any person convicted of violating this section shall be punished by a fine of one thousand ninety two dollars and fifty cents (\$1092.50).

*1st reading October 5, 2010*

*2nd reading November 2, 2010, Kelly Delk-1st*

*Marvin Dowd Jr- 2nd*

## ARTICLE IV. PARKING REGULATIONS

### § 14.401. Manner Of Parking..

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 and parallel thereto. Vehicles parked within marked areas shall not occupy any part of more than one space. When the operator of any vehicle so parked moves such vehicle from the parking space, such vehicle shall be backed out into the roadway and only when the traffic is clear.

### § 14.402. Unattended Motor Vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing on any grade, turning the front wheels to the curb or side of the street.

**Statutory reference**—Parking of unattended motor vehicle, see S.C. Code § 565-2570

### § 14.403. Parking Prohibitions.

(A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway or so near thereto as to interfere with the unobstructed use of such driveway.
- (3) Within an intersection.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) On a crosswalk.
- (6) Within twenty feet (20') of a crosswalk at an intersection.
- (7) Within thirty feet (30') on the approach to any flashing beacon, stop signal, or traffic-control signal located on the side of a roadway.

- (8) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless indicated for a different length by official signs or markings.
  - (9) Within fifty feet (50') of the nearest rail of a railroad crossing.
  - (10) Within twenty feet (20') of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of such entrance.
  - (11) Alongside or opposite any street excavation or obstruction, when stopping, standing, or parking would obstruct traffic.
  - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - (13) On any bridge or other elevated structure on a highway or within a highway tunnel.
  - (14) At any place where official signs prohibit stopping.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area.

**Statutory reference**—Stopping, standing, or parking prohibited in specified places, see S.C. Code § 56-5-2530

§ 14.404.      Parallel Parking.

- (A) Except as otherwise provided, every vehicle parked on a roadway where there are adjacent curbs shall be so parked with the right-hand wheels of such vehicle parallel to and within eighteen inches (18") of the right-hand curb.
- (B) On one-way streets, vehicles may be parked with the left-hand wheels parallel to and within eighteen inches (18") of the left-hand curb, unless signs or other markings prohibiting such parking have been erected pursuant to authority of the Council.
- (C) It shall be unlawful for any person to park a vehicle in violation of this section or for any person to move a parked vehicle away from the curb so as to be in violation of this section.

(**Statutory references**—Left curb and angle parking may be permitted, see S.C. Code § 56-5-2550; parking shall be at right-hand curb not more than 18 inches from curb, see S.C. Code § 56-5-2560

§ 14.405. Angle Parking.

The Council, with respect to streets under its jurisdiction, may authorize angle parking on any roadway of sufficient width to permit angle parking without interfering with the free movement of traffic. The Council shall not permit such angle parking on state highways within the municipality, except on written approval of the State Highway Department.

**Statutory reference**—Stopping, standing, or parking may be prohibited on state highways, see S.C. Code § 56-5-2540

§ 14.406. Limited Or Restricted Parking.

In addition to the other provisions of this chapter relative to parking, the Council may designate areas or spaces on streets where the parking of vehicles is prohibited or limited to a specific time or otherwise restricted. Whenever such designation is made, appropriate signs or markings shall be erected clearly indicating the prohibition, limitation, or restriction and it shall be unlawful for such signs or any person to park any vehicle in violation of such signs or markings.

§ 14.407. Parking Near Scene Of Fire.

No person shall park any vehicle within any block where any fire apparatus has stopped in answer to a fire alarm.

§ 14.408. Single-Parking Spaces.

All vehicles parked in areas in which parking spaces have been marked off or designated shall be parked entirely within a single space.

§ 14.409. Selling, Washing, Or Repairing Vehicle On Roadway.

No person shall stop, stand, or park a vehicle on any street for the principal purpose of:

- (A) Displaying it for sale, or of displaying for sale or advertising any other product therefrom.

(B) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

§ 14.410. Loading Zones.

The Council may, from time to time, designate certain parking spaces as loading zones and no vehicle shall be parked in such spaces except trucks and commercial vehicles for the purposes of loading or unloading freight.

§ 14.411. Special Parking Places.

The Council may, in its discretion, designate special parking places for doctors and any other persons for which sufficient cause is shown.

§ 14.412. Penalty.

- (A) Handicapped parking. A person violating the provisions of this chapter by parking illegally in a designated handicap parking space shall be fined one thousand ninety two dollars and fifty cents(\$1092.50). In the event that it cannot be determined who operated the vehicle at the time of any such violation, then the registered owner of such vehicle, at the time of the violation, shall be responsible for the fine.
- (B) Fire lanes. A person violating the provisions of this chapter by parking illegally in a designated fire lane shall be fined one thousand ninety two dollars and fifty cents(\$1092.50). In the event that it cannot be determined who operated the vehicle at the time of any such violation, then the registered owner of such vehicle, at the time of the violation, shall be responsible for the fine.
- (C) All other violations pursuant to the provisions of this chapter shall result in violators being fined one thousand ninety two dollars and fifty cents(\$1092.50). In the event that it cannot be determined who operated the vehicle at the time of any such violation, then the registered owner of such vehicle, at the time of the violation, shall be responsible for the fine.

§ 14.413. Parking Of Vehicles For Sale Prohibited; Exceptions.

- (A) No person shall park on public or private property a motor vehicle, boat, trailer,



recreational vehicle or camper (collectively called "vehicle" or "vehicles") having displayed thereon any writing indicating such vehicle is for sale. The provisions of this section shall not apply to a vehicle parked in an area having both a certificate of occupancy issued by the Town for the sale of vehicles and a license from the State Department of Transportation for the sale of vehicles at that location. The provisions of this section shall not apply to a vehicle parked on or immediately adjacent to a single-family residence if the vehicle is owned, registered to, or operated by the owner or occupant of the single-family residence.

- (B) In addition, the Town Administrator or his designee may, after receiving authorization from the police department, without the consent of the owner or operator of a vehicle parked in violation of this section, cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the owner's or operator's expense if:
  - (1) The owner or operator of the vehicle has received actual notice that the vehicle is in violation of this section and that it will be towed and stored at the vehicle owner's or operator's expense if it is not removed; or
  - (2) A conspicuous notice has been attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:
    - (a) That the vehicle is parked in violation of this section;
    - (b) That the vehicle will be towed and stored at the expense of the owner or operator of the vehicle if it is not removed from the area by a specified time and date, such time and date not being sooner than seven (7) days after the notice is attached to the vehicle; and
    - (c) A telephone number that is answered twenty-four (24) hours a day to enable the owner or operator of the vehicle to locate the vehicle.
- (C) In addition to the requirements of subparagraph (B)(1) or (2) of this section, a notice must be mailed on the next business day after the vehicle is towed for a vehicle registered in the State and no later than the fourteenth calendar day after the vehicle is towed for a vehicle registered outside the State of South Carolina to the owner of the vehicle by certified mail, return receipt requested to the last address shown for the owner according to the vehicle registration records of the State Department of Transportation, or if the vehicle is registered in another state, the appropriate agency of that state, stating:

- (1) A description of the vehicle;
  - (2) That the vehicle was parked in violation of this section with a description of the location where it was parked;
  - (3) That the vehicle was towed and stored at the expense of the owner or operator of the vehicle; and
  - (4) A telephone number that is answered twenty-four (24) hours a day to enable the owner or operator to locate the vehicle.
- (D) "Business day" is defined as a Monday, Tuesday, Wednesday, Thursday or Friday excluding any holiday observed by the Town where Town administrative offices are closed.





























































































































































































































