

SUPPLEMENT NO. 1  
November 2008

**CODE OF ORDINANCES**

**City of**

**DARLINGTON, SOUTH CAROLINA**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2007-07, adopted June 5, 2007.**

See the Code Comparative Table for further information.

*Remove old pages*

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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**CODE OF ORDINANCES**  
CITY OF  
**DARLINGTON, SOUTH CAROLINA**

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Published by Order of the Council

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2007



OFFICIALS  
of the  
CITY OF  
DARLINGTON, SOUTH CAROLINA  
AT THE TIME OF THIS RECODIFICATION

---

Anthony C. Watkins  
*Mayor*

---

Coleman Cannon, Sr.  
Wayne G. Chapman  
Dyan R. Cohen  
Gloria C. Hines  
John H. Segars  
Annette D. Thomas  
*City Council*

---

Rodney M. Langley  
*City Manager*

---

Gloria B. Pridgen  
*City Secretary*

---

Newton I. Howle, Jr.  
*City Attorney*



## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Darlington, South Carolina.

Source materials used in the preparation of the Code were the 1977 Code and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1977 Code, and any subsequent ordinance included herein.

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

### *Chapter and Section Numbering System*

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

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the

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

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### *Index*

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

### *Looseleaf Supplements*

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

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

### *Acknowledgments*

This publication was under the direct supervision of Daniel F. Walker, Code Attorney, and Timothy MacMartin, Editor, of the Municipal Code Corporation,



Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Rodney M. Langley, City Manager, for his cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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2007.



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## Checklist of Up-to-Date Pages

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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## **CODE OF ORDINANCES**

### Chapter 1

#### **GENERAL PROVISIONS**

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- Sec. 1-9. General penalty; continuing violations.
- Sec. 1-10. Corporate limits.
- Sec. 1-11. Certain ordinances, rights, etc., not affected by Code.



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

The ordinances embraced in this and the following parts, chapters and sections shall constitute and be designated "Code of Ordinances, City of Darlington, South Carolina," and may be so cited.

(Code 1977, § 1-3041)

**Sec. 1-2. Rules of construction.**

In the construction of this Code, and of all ordinances, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

*City, corporation.* Whenever the words "the city," "this city," "the corporation" or "this corporation" are used, they shall be construed as if the words "of Darlington, South Carolina" followed them.

*Clerk.* Whenever the word "clerk" is used, the term shall be construed to mean clerk-treasurer.

*Code.* The terms "the Code" and "this Code" shall mean the Code of Ordinances, City of Darlington, South Carolina, as designated in section 1-1.

*Computation of time.* Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which the notice is given, or the act is done, shall be counted in computing the time, but the day on which the proceeding is to be had shall be not counted.

*Corporate limits, corporation limits.* Whenever the words "corporate limits," or "corporation limits" or "city limits" are used they shall mean the legal boundary of the City of Darlington.

*Council.* Whenever the term "city council" or "council" is used, the term shall be construed to mean the mayor and council of the City of Darlington in council assembled.

*County.* The words "the county" or "this county" shall mean the County of Darlington in the State of South Carolina.

*Delegation of authority.* Whenever a provision appears requiring the head of a department to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

*Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

*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.

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving the authority to a majority of the persons or officers.

*Keeper and proprietor.* The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

*May.* The term "may" is permissive.

*Mayor.* Whenever the word "mayor" is used it shall mean the mayor of the City of Darlington.

*Month.* The word "month" shall mean a calendar month.

*Municipality.* The word "municipality" shall designate the City of Darlington.

*Name of officer.* Whenever the name of an officer is given it shall be construed as though the words "of the City of Darlington" were added.

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

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

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

*Or; and.* The term "or" may be read as the term "and," and the term "and" may be read as the term "or," if the sense requires it.

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

*Person.* The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

*Personal property.* The term "personal property" includes every species of property except real property as herein described.

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

*Premises.* Whenever the word "premises" is used it shall mean place or places.

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

*Public place.* The term "public place" shall mean any park, cemetery, schoolyard or open space adjacent thereto.



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

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

*Seal.* Whenever the word "seal" is used it shall mean the city or corporate seal.

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

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Signatures or subscriptions.* The "signature" or "subscription" of a person shall include a mark when the person cannot write.

*State.* The words "the state" shall be construed to mean the State of South Carolina.

*Statute references.* Whenever reference is made to the state statutes, it shall be construed to refer to the latest edition of the Code of Laws of South Carolina, as amended.

*Street.* The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

*Tenant, occupant.* The word "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of the building or land, either alone or with others.

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

*Week.* The word "week" shall be construed to mean seven days.

*Written, in writing.* The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

*Year.* The word "year" shall mean a calendar year.  
(Code 1977, § 1-3042)

**Sec. 1-3. Catchlines of sections; history notes and references.**

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

(b) The history notes following each section and the references scattered throughout the Code are for the benefit of the user of the Code and have no legal effect.  
(Code 1977, § 1-3043)

**Sec. 1-4. Effect of repeal of ordinances.**

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Code 1977, § 1-3044)

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

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1977, § 1-3045)

**Sec. 1-6. Amendments to Code.**

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, the repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of the subsequent ordinances until the time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

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

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Darlington, South Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads as follows: \_\_\_\_\_." The new section shall then be set out in full as enacted.

(d) In lieu of the foregoing paragraph, when the governing authority desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, but which the governing authority desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: "It is the

intention of the council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Darlington, South Carolina, and the sections of this ordinance may be renumbered to accomplish that intention."

(e) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.  
(Code 1977, § 1-3046)

**Sec. 1-7. Supplementation of Code.**

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

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

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

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

**Sec. 1-8. Altering Code.**

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the City of Darlington to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-9.

(Code 1977, § 1-3047)

**Sec. 1-9. General penalty; continuing violations.**

(a) Whenever in this Code or in any ordinance or resolution any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance or resolution shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days, or both. Each day any violation of any provision of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense. An approved schedule of fines has been filed and shall remain with the clerk-treasurer, the municipal court and the police department.

(b) In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be abated as provided by law, and each day that the condition continues shall be regarded as a new and separate offense.

(c) Nothing herein contained shall impair the authority of the municipal judge to suspend sentences imposed by him, upon such terms and conditions as he deems proper, including, without limitation, restitution or public service employment.

(Code 1977, § 1-3048; Ord. No. 77-1, 5-3-1977; Ord. No. 80-14, 9-2-1980; Ord. No. 93-13, 8-3-1993)

**Sec. 1-10. Corporate limits.**

The corporate limits of the city are as set forth in appendix A of this Code, incorporated herein, and are declared to be the true and correct corporate limits of the city, including all annexations made through and including the date of adoption of this Code.

(Code 1977, § 1-3049)

**Sec. 1-11. Certain ordinances, rights, etc., not affected by Code.**

(a) Nothing in this Code, or the ordinance adopting this Code, shall affect:

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

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

effect; and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances and resolutions are on file in the clerk's office.

(b) Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed or superseded by a subsequent ordinance, which is repealed by the ordinance of adoption of this Code.

## Chapter 2

### ADMINISTRATION\*

#### Article I. In General

- Sec. 2-1. City name and form of government.  
Secs. 2-2—2-22. Reserved.

#### Article II. Council

- Sec. 2-23. Mayor.  
Sec. 2-24. Council.  
Sec. 2-25. Mayor pro tempore.  
Sec. 2-26. Oath of mayor and councilmembers.  
Sec. 2-27. Compensation.  
Sec. 2-28. Jury commissioners.  
Secs. 2-29—2-59. Reserved.

#### Article III. Rules of Procedure and Ordinances

##### Division 1. Generally

- Secs. 2-60—2-76. Reserved.

##### Division 2. Meetings of Council

- Sec. 2-77. Date and time.  
Sec. 2-78. Council work sessions.  
Sec. 2-79. Quorum and rules of order.  
Sec. 2-80. Voting requirements.  
Sec. 2-81. Minutes of meetings.  
Sec. 2-82. Appearance of citizens.  
Sec. 2-83. Agenda.  
Sec. 2-84. Special committees.  
Sec. 2-85. Clerk-treasurer to attend.  
Secs. 2-86—2-113. Reserved.

##### Division 3. Ordinances

- Sec. 2-114. Ordinances required.  
Sec. 2-115. Codification of ordinances.  
Sec. 2-116. Notice required.  
Sec. 2-117. Form of ordinances.  
Sec. 2-118. Introduction of ordinances.

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\***State law references**—Powers conferred upon municipalities, S.C. Code 1976, § 5-7-30; general structure and functions of all municipalities, S.C. Code 1976, § 5-7-10 et seq.; municipal powers vested in council, S.C. Code 1976, § 5-7-160; local fee imposition limitations, S.C. Code 1976, § 6-1-330; certain general law provisions not to be set aside by local governing bodies, S.C. Const. art. VIII, § 14.

## DARLINGTON MUNICIPAL CODE

- Sec. 2-119. Introduction of resolutions.
- Sec. 2-120. Enactment of ordinances.
- Sec. 2-121. Adoption of resolutions.
- Secs. 2-122—2-140. Reserved.

### **Article IV. Officers and Employees**

#### Division 1. Generally

- Sec. 2-141. Offices established.
- Sec. 2-142. Term of office.
- Sec. 2-143. Compensation.
- Secs. 2-144—2-169. Reserved.

#### Division 2. City Manager

- Sec. 2-170. Office established.
- Sec. 2-171. Duties.
- Secs. 2-172—2-195. Reserved.

#### Division 3. Clerk-Treasurer

- Sec. 2-196. Appointment; term.
- Sec. 2-197. Bond.
- Sec. 2-198. Duties.
- Secs. 2-199—2-219. Reserved.

#### Division 4. City Attorney

- Sec. 2-220. Appointment; term.
- Sec. 2-221. Duties and compensation.
- Secs. 2-222—2-250. Reserved.

### **Article V. Other Offices and Departments**

- Sec. 2-251. Creation of departments and committees.
- Secs. 2-252—2-280. Reserved.

### **Article VI. Finance**

#### Division 1. Generally

- Sec. 2-281. Fiscal year.
- Sec. 2-282. Claims against the city.
- Sec. 2-283. Collection costs and delinquent debts.
- Secs. 2-284—2-312. Reserved.

#### Division 2. Purchasing Rules and Procedures

- Sec. 2-313. Purchases less than \$100.00.
- Sec. 2-314. Purchases \$100.00 or more, but less than \$5,000.00.



## ADMINISTRATION

- Sec. 2-315. Purchases more than \$5,000.00.
- Sec. 2-316. Repairs to buildings and equipment.
- Sec. 2-317. Emergency purchasing.
- Sec. 2-318. Goods in stock.
- Sec. 2-319. Gifts and rebates.
- Secs. 2-320—2-341. Reserved.

### Division 3. Budget and Tax Levy

- Sec. 2-342. Tax levy.



**ARTICLE I. IN GENERAL****Sec. 2-1. City name and form of government.**

(a) The name of the municipality is the City of Darlington.

(b) The city operates under the council-manager form of government.

(Code 1977, § 1-1002; Ord. No. 2001-06, 6-5-2001)

**State law reference**—Form and effect of corporate name of municipality, S.C. Code 1976, § 5-7-20.

**Secs. 2-2—2-22. Reserved.****ARTICLE II. COUNCIL\*****Sec. 2-23. Mayor.**

The mayor shall have the power and duties as prescribed by law.

(Code 1977, § 1-2001)

**Sec. 2-24. Council.**

Except as otherwise provided, all powers of the city and the determination of all matters of policy shall be vested in the council, with each member, including the mayor, having one vote.

(Code 1977, § 1-2002)

**State law reference**—Structure of council-manager form of government, S.C. Code 1976, § 5-13-20.

**Sec. 2-25. Mayor pro tempore.**

(a) The mayor and council shall, at the first meeting of the newly constituted council after any general election for council, elect one of its members as mayor pro tempore for a term of two years.

(b) It shall be the duty of the mayor pro tempore to act as mayor during the absence or disability of the mayor, or in case of a vacancy in the office of mayor.

(Code 1977, § 1-2003)

**Sec. 2-26. Oath of mayor and councilmembers.**

The mayor and councilmembers before entering upon the duties of their respective offices shall take the following oath, to-wit:

"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.

**\*State law reference**—Powers and duties of council, S.C. Code 1976, § 5-13-30.

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

(Code 1977, § 1-2004)

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

**Sec. 2-27. Compensation.**

Compensation of the mayor and councilmembers shall be fixed by the council; provided no change in the rate of compensation shall become effective until the date of commencement of the terms of council members elected at the next general election following the change.

(Code 1977, § 1-2005)

**State law reference**—Salaries and expenses of mayor and council determined by council through ordinance, S.C. Code 1976, § 5-7-170.

**Sec. 2-28. Jury commissioners.**

The council of the City of Darlington shall act as jury commissioners for the city. In carrying out these duties they shall in all respects comply with the applicable provisions of state law.

(Code 1977, § 1-2006; Ord. No. 80-12, 9-2-1980)

**State law reference**—City council may act as jury commissioners, S.C. Code 1976, § 14-25-135.

**Secs. 2-29—2-59. Reserved.**

**ARTICLE III. RULES OF PROCEDURE AND ORDINANCES**

DIVISION 1. GENERALLY

**Secs. 2-60—2-76. Reserved.**

DIVISION 2. MEETINGS OF COUNCIL

**Sec. 2-77. Date and time.**

(a) Regular meetings of the council shall be held at 7:00 p.m. on the first Tuesday in each month unless changed by a majority vote of members present at any regular or special meeting.

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

(c) All regular and special meetings of the council shall be open to the public.  
(Code 1977, § 1-3001)

**Sec. 2-78. Council work sessions.**

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

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

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

(d) No vote of the council shall be necessary to call a conference meeting.  
(Code 1977, § 1-3003)

**Sec. 2-79. Quorum and rules of order.**

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. Except as otherwise required by state law or ordinance, all proceedings of the council shall be governed by Robert's Rules of Order, Newly Revised, and the city attorney shall act as parliamentarian.  
(Code 1977, § 1-3004)

**Sec. 2-80. Voting requirements.**

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

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

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

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

(e) Any member of the council may, if he desires, have his reasons for voting for or against any measure recorded in the minutes.

(f) No member of council shall vote on any question of a private nature, in which he is personally or pecuniarily interested.  
(Code 1977, § 1-3005)

**Sec. 2-81. Minutes of meetings.**

The clerk-treasurer shall keep the minutes of all public meetings of council, which shall be a matter of permanent public record. At each council meeting the minutes of the previous meeting shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the council. Any member of council desiring to express a position on a matter voted upon by mayor and council in the minutes may do so by presenting the position in writing to mayor and council not later than the next regular meeting.

(Code 1977, § 1-3006)

**Sec. 2-82. Appearance of citizens.**

Any citizen of the city shall be entitled to an appearance before the council at any regular meeting concerning any city matter with the exception of personnel matters. Persons desiring to speak must sign in prior to the beginning of the meeting.

(Code 1977, § 1-3007)

**Sec. 2-83. Agenda.**

Matters to be considered by the council at a regular meeting shall be placed on a written agenda prepared by the mayor and publicly posted by the clerk-treasurer by noon of the day preceding the meeting. Matters not on the agenda may be considered upon request of a member unless two members object.

(Code 1977, § 1-3008)

**Sec. 2-84. Special committees.**

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

(Code 1977, § 1-3009)

**Sec. 2-85. Clerk-treasurer to attend.**

The clerk-treasurer shall be ex officio clerk of the council. The clerk-treasurer shall give notices of meetings, post the agenda, attend regular and special meetings, record votes of council, keep minutes of council meetings and perform such other duties as may be assigned.

(Code 1977, § 1-3010)

**Secs. 2-86—2-113. Reserved.**

DIVISION 3. ORDINANCES

**Sec. 2-114. Ordinances required.**

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

- (1) Adopt or amend an administrative code of ordinances, create, alter or abolish any city department, office or agency;

- (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
- (3) Appropriate funds and adopt a budget;
- (4) Grant, renew or extend franchises, licenses or rights in public streets or public property, and close abandoned streets;
- (5) Authorize the borrowing of money or the issuance of bonds;
- (6) Levy taxes, assess property for improvements or establish charges for services;
- (7) Annex area to the city;
- (8) Convey or lease or authorize the conveyance or lease of any lands of the city; and
- (9) Amend or repeal any ordinance described in subsections (a)(1)—(8) of this section.

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

(Code 1977, § 1-3021)

**State law reference**—Actions requiring an ordinance, S.C. Code 1976, § 5-7-260.

#### **Sec. 2-115. Codification of ordinances.**

(a) All ordinances of a general and permanent nature shall be codified and supplemented on a regular basis in a Code of Ordinances.

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

(Code 1977, § 1-3022)

**State law reference**—Codification of municipal ordinances, S.C. Code 1976, § 5-7-290.

#### **Sec. 2-116. Notice required.**

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

(Code 1977, § 1-3023)

#### **Sec. 2-117. Form of ordinances.**

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

- (1) A title briefly describing the content;

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

(b) Written resolutions shall be in such similar forms as deemed appropriate by the city attorney.

(Code 1977, § 1-3024)

**Sec. 2-118. Introduction of ordinances.**

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

(Code 1977, § 1-3025)

**Sec. 2-119. Introduction of resolutions.**

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

(Code 1977, § 1-3026)

**Sec. 2-120. Enactment of ordinances.**

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

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



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

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

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

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

(Code 1977, § 1-3027)

**State law references**—Procedure for passing ordinances, S.C. Code 1976, § 5-7-270; adoption of standard codes, S.C. Code 1976, § 5-7-280; emergency ordinances, § 5-7-250.

**Sec. 2-121. Adoption of resolutions.**

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

(Code 1977, § 1-3028)

**Secs. 2-122—2-140. Reserved.**

**ARTICLE IV. OFFICERS AND EMPLOYEES**

**DIVISION 1. GENERALLY**

**Sec. 2-141. Offices established.**

The council may create and establish city offices, departments and sections as they may deem proper for the orderly and efficient governing of the city.

(Code 1977, § 1-4001)

**Sec. 2-142. Term of office.**

All appointed officers and employees shall serve at the pleasure of the appointing authority.

(Code 1977, § 1-4002)

**Sec. 2-143. Compensation.**

The compensation of all appointed officers and employees of the city shall be fixed by the council.

(Code 1977, § 1-4003)

**Secs. 2-144—2-169. Reserved.**

DIVISION 2. CITY MANAGER

**Sec. 2-170. Office established.**

There is hereby established the office of city manager.  
(Code 1977, § 1-4011)

**Sec. 2-171. Duties.**

Subject to the direction of the council, the city manager shall perform the following duties:

- (1) See that all ordinances and laws of the city are enforced and carried out;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city;
- (3) Attend all council meetings and shall have the right to take part in discussion but may not vote;
- (4) Prepare and submit the annual budget and capital program to the council;
- (5) Be the city purchasing agent and administer the city's purchasing rules and regulations;
- (6) Make reports as the council may require concerning the operations of city departments, offices and agencies;
- (7) Keep the council fully advised as to the financial condition and future needs of the city and make recommendations to the mayor and council concerning city affairs as is deemed desirable; and
- (8) Perform such other duties as are specified by the mayor and council.

(Code 1977, § 1-4012)

**State law references**—Employment and qualifications of manager, S.C. Code 1976, § 5-13-50; responsibilities of manager, S.C. Code 1976, § 5-13-90.

**Secs. 2-172—2-195. Reserved.**

DIVISION 3. CLERK-TREASURER

**Sec. 2-196. Appointment; term.**

The council shall appoint an officer to be known as the clerk-treasurer.  
(Code 1977, § 1-4021)

**Sec. 2-197. Bond.**

Before entering upon the duties of office, the clerk-treasurer shall give bond in a sum as may be required and with a surety company approved by the council, for the faithful performance of the duties of office.

(Code 1977, § 1-4022)

**Sec. 2-198. Duties.**

The clerk-treasurer shall collect all claims and accounts that may be due and payable to the city; receive all monies belonging to the city; issue all licenses for which provisions may be made; pay all bills owed by the city when approved by the council; deposit funds in a bank designated by the council; make statements of financial conditions of the city as ordered by the council; keep account of all monies and accounts and report to the council; give notice to the mayor and the members of the council of regular and special meetings; record the ordinances and minutes of meetings of the council; and perform other duties as may be required by the council.

(Code 1977, § 1-4023)

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

**Secs. 2-199—2-219. Reserved.**

## DIVISION 4. CITY ATTORNEY\*

**Sec. 2-220. Appointment; term.**

The council shall appoint as city attorney a person who is an active member of the South Carolina Bar .

(Code 1977, § 1-4031)

**Sec. 2-221. Duties and compensation.**

It shall be the duty of the city attorney whenever called upon by the council, or the necessity arises, to give his advice and direction to the council, or any member thereof, or to the city manager, clerk-treasurer and chief of police on any and all legal questions which may arise in the course of the administration of the city government, or in the discharge of the duties of their respective offices; and whenever required to do so by the council, he shall give his legal opinion in writing. He shall draw or supervise the drawing or drafting of all ordinances, and other instruments of writing relative to the business of the city when required to do so by the

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

council or any member thereof; and shall, whenever notified to do so, attend the meetings of the council and shall perform such other duties as required by the council. The city attorney shall receive compensation for the discharge of his duties as fixed by the council.

(Code 1977, § 1-4032; Ord. No. 94-3, 2-1-1994)

**Secs. 2-222—2-250. Reserved.**

**ARTICLE V. OTHER OFFICES AND DEPARTMENTS**

**Sec. 2-251. Creation of departments and committees.**

(a) There are established and created from time to time offices and departments for the city.

(b) Persons appointed to these departments and offices by the council shall be responsible for the functions and duties as prescribed in this Code and such other duties as the council may from time to time determine.

(c) Numerous committees, some of which are designated "authority," "commission," or "board," have been created and established by the city, which are staffed by nonpaid citizens of the community. Among these are the housing authority, planning commission, board of zoning appeals, election commission, park and recreation board, construction board of adjustment and appeals, beautification board, tree board, historic landmarks commission, accident investigation committee, building board of appeals, and Williamson Park Committee. The establishment and appointment of all of the committees is hereby ratified and approved. It is provided, however, that from and after the date hereof, any member of a committee, or any other committee subsequently created by council, however termed, will automatically forfeit the office to which he has been appointed by failing to attend three consecutive meetings of the committee without his absence thereat having been excused and good cause shown.

(Code 1977, § 1-4041; Ord. No. 80-8, 4-1-1980; Ord. No. 94-3, 2-1-1994)

**State law reference**—Council authorized to create, change or abolish departments, S.C. Code 1976, § 5-13-100.

**Secs. 2-252—2-280. Reserved.**

**ARTICLE VI. FINANCE\***

**DIVISION 1. GENERALLY**

**Sec. 2-281. Fiscal year.**

The fiscal year of the city shall extend from July 1 up to and including June 30 of each calendar year.

(Code 1967, p. 10; Code 1977, § 1-5001; Ord. No. 84-3, 7-3-1984)

**\*State law references**—Municipalities over 200 population must publish financial statements, S.C. Code 1976, § 5-21-50; Municipal Bond Act, S.C. Code 1976, § 5-21-210 et seq.; bonded indebtedness of political subdivisions, S.C. Const. art. X, § 14.

**Sec. 2-282. Claims against the city.**

(a) No claim against the city for supplies or material furnished or services rendered, or arising out of contract, shall be paid unless it be itemized and sworn to by the claimant.

(b) No claim against the city arising out of the alleged tort of the city, including the negligence, wilfulness or wantonness of itself or any of its officers, servants, agents or employees shall be paid unless the claim shall, within 180 days after the alleged injury or damage, be made out, sworn to and filed with the clerk-treasurer, the claim stating:

- (1) The date of the alleged injury or damages;
- (2) The place where the alleged injury or damage occurred;
- (3) The acts or conduct of the city or of its officers, servants, agents or employees which constitute the basis of the claim against the city; and
- (4) The amount claimed.

(c) The suit, if any, must be commenced by the service of a summons and complaint within 12 months from the date of injury or damage. Failure to file the claim within the time limit shall operate as a bar to recovery upon the claim. In the event of a suit the plaintiff shall be limited to proof of the specification of the claim filed by him.

(Code 1967, p. 12; Code 1977, § 1-5002)

**Sec. 2-283. Collection costs and delinquent debts.**

(a) There shall be an administrative fee in the amount as adopted by ordinance from time to time 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 1976, § 12-56-10 et seq. This fee is hereby declared to be a collection cost that arises by operation of the law and shall be added to the delinquent debt and recovered from the debtor.

(b) The administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the city, which shall also be added to the delinquent debt and recovered from the debtor.

(Ord. No. 2006-12, §§ 1, 2, 10-3-2006)

**Secs. 2-284—2-312. Reserved.**

## DIVISION 2. PURCHASING RULES AND PROCEDURES\*

**Sec. 2-313. Purchases less than \$100.00.**

The department head may purchase supplies and miscellaneous items which cost less than \$100.00 for which funds are provided in the budget. The supplies and items may consist of one

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

and more than one, but must not exceed \$100.00. The department head shall fill out purchase orders as prepared for small purchases. The department head shall purchase the supplies and items as needed from local vendors when the price is equal or better, or is higher, if it is needed at once. Consideration must be given as to delivery, freight, quality and quantity.

(Code 1977, § 1-5011; Ord. No. 87-6, 5-5-1987)

**Sec. 2-314. Purchases \$100.00 or more, but less than \$5,000.00.**

(a) The city manager shall approve all purchase orders for supplies, printed forms, equipment, furniture and fixtures for which funds are provided in the budget which cost \$100.00 or more. Quotations may or may not be requested on commodities with total money value less than \$200.00. Except for emergency replacement of essential equipment, at least two quotations shall be requested by phone or in writing on commodities with total money value from \$200.00 to \$5,000.00, there being more than one available. The order will be placed with the low bidder, quality, service and delivery time considered. When prices are lower or equal, the order will be placed with the local vendor if delivery requirements can be met. Regular purchase orders must be prepared in triplicate, completed in full and routed as follows:

- 1st copy      Purchase order      To vendor
- 2nd copy      Receiver's copy      To receiver of goods as receiving record
- 3rd copy      File                      Retained by city manager

(b) The receiver's copy must be signed and returned to the city manager's office promptly upon receipt of goods ordered, as evidence that the goods were received, attaching delivery tickets which accompany the goods received.

(Code 1977, § 1-5012; Ord. No. 87-6, 5-5-1987)

**Sec. 2-315. Purchases more than \$5,000.00.**

Except for emergency replacement of essential equipment, the city manager shall request sealed bids from more than one source of supply, there being more than one available, and shall present the bids to the council to be opened and approved or rejected. The council shall let all contracts for \$1,000.00 or more, all contracts for new construction and all contracts which cannot be consummated with funds provided in the current budget.

(Code 1977, § 1-5013)

**Sec. 2-316. Repairs to buildings and equipment.**

The same rules applying to purchasing applies to repairs of buildings and equipment except for general servicing at the service station (tire repairs, adding or changing oil, lube, etc.). Repairs, new parts, batteries, tires, etc., must be made through purchase order process except in case of emergency.

(Code 1977, § 1-5014)

**Sec. 2-317. Emergency purchasing.**

Emergency purchases are made by department heads only when the normal functioning and operation of the department would be hampered by submitting a purchase order in the usual manner with verbal or written approval of the city manager. The purchase order is written after emergency purchasing and processed in the usual manner.

(Code 1977, § 1-5015)

**Sec. 2-318. Goods in stock.**

The city manager may purchase, in quantity at cheaper prices or as necessary, when practical, items through the state purchasing division or other sources and place in stock to be drawn by department heads as needed. Department heads shall advise the city manager of their needs in advance of the need for the items in order for them to be secured in time. Purchase orders as prepared for small purchases shall be used as described in section 2-313 when drawing from stock.

(Code 1977, § 1-5016)

**Sec. 2-319. Gifts and rebates.**

The city manager, department heads and every officer and employee of the city are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, intended to influence performance of duties, except where the item is given for the use and benefit of the city, or where the gift is known by others or is a Christmas present or the like. Violation of this section shall be grounds for removal from office.

(Code 1977, § 1-5017)

**Secs. 2-320—2-341. Reserved.**

## DIVISION 3. BUDGET AND TAX LEVY

**Sec. 2-342. Tax levy.**

(a) Taxes levied shall be due and payable on or before the last date set by the County of Darlington.

(b) Taxes levied, together with any penalties thereon, shall be collectible by the officials of the County of Darlington .

(c) The taxes so levied and any such penalties shall constitute a lien over the property upon which the tax is levied until paid, paramount to all other liens except for county and state taxes.

(d) The lien herein provided upon the property upon which tax is levied until paid shall extend for a term of ten years after the tax herein provided shall have become due and payable. (Code 1977, § 1-5022; Ord. No. 78-2, 1-3-1978; Ord. No. 79-2, 1-2-1979; Ord. No. 80-2, 2-5-1980; Ord. No. 81-2, 2-3-1981; Ord. No. 81-7, 9-1-1981; Ord. No. 81-9, 12-1-1981; Ord. No. 82-3, 9-7-1982; Ord. No. 83-12, 8-2-1983; Ord. No. 84-2, 2-7-1984; Ord. No. 85-15, 8-6-1985; Ord. No. 86-4, 7-1-1986; Ord. No. 87-9, 7-7-1987; Ord. No. 88-5, 7-5-1988; Ord. No. 89-5, 7-11-1989; Ord. No. 90-10, 6-14-1990; Ord. No. 91-4, 7-11-1991; Ord. No. 91-14, 12-3-1991; Ord. No. 92-7, 6-2-1992; Ord. No. 92-8, 6-2-1992; Ord. No. 93-2, 6-16-1993; Ord. No. 94-3, 2-1-1994; Ord. No. 94-8, 7-5-1994; Ord. No. 94-9, 7-5-1994; Ord. No. 95-13, 7-11-1995; Ord. No. 96-7, 7-2-1996; Ord. No. 97-4, 7-1-1997; Ord. No. 99-6, 6-22-1999; Ord. No. 2001-10, 6-19-2001; Ord. No. 2002-07, 6-24-2002; Ord. No. 2003-08, 6-24-2003; Ord. No. 2004-07, 6-24-2004)

**State law references**—Property subject to municipal tax, S.C. Code 1976, § 5-21-110; collection of delinquent ad valorem property taxes, S.C. Code 1976, § 5-7-300.



Chapters 3—5

**RESERVED**



Chapter 6

**ALARM SYSTEMS\***

**Article I. In General**

- Sec. 6-1. Purpose.
- Sec. 6-2. Provisions.
- Sec. 6-3. Definitions.
- Secs. 6-4—6-26. Reserved.

**Article II. Administrative Policies and Procedures**

- Sec. 6-27. Permits and licenses.
- Sec. 6-28. General regulations.
- Sec. 6-29. False alarms.
- Sec. 6-30. Dial alarms; interconnection to the center.
- Sec. 6-31. Local alarms.

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\***State law reference**—Local governments not preempted under South Carolina Alarm System Business Act from regulating alarm system businesses, S.C. Code 1976, § 40-70-280(B).



**ARTICLE I. IN GENERAL****Sec. 6-1. Purpose.**

The purpose of this chapter is to provide standards and regulations for various types of intrusion, burglary, robbery, fire and other emergency alarm devices whether by direct line, radio, telephone or other means actuating a device at the Central Communications Center (the center), and/or requiring response thereto by law enforcement or fire department or other emergency response agencies.

(Code 1977, § 2-3001; Ord. No. 93-7, 6-1-1993)

**Sec. 6-2. Provisions.**

The provisions of this chapter shall apply to any person who operates, maintains or owns any alarm device or local alarm designed to summon law enforcement, fire department or other emergency response agencies to any type of alarm signal. The terms of this chapter shall in no way prohibit alarm companies from providing service by private source to other offices.

(Code 1977, § 2-3002; Ord. No. 93-7, 6-1-1993)

**Sec. 6-3. Definitions.**

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

*Alarm business* means the business by any individual, partnership, corporation or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility and shall not include any other activity of said business.

*Alarm console* means the console or control panel of devices giving a visual or audible response or both, located within the confines of the center.

*Alarm device* means any type of alarm system actuating equipment providing warning of intrusion, robbery, fire, smoke, flood or other peril.

*Alarm installation* means any alarm device or combination of devices installed for one or more buildings at a location other than the alarm console.

*Central Communications Center (the center)* means the consolidated city-county emergency dispatch agency, which provides emergency service dispatch.

*Central Communications Center administrative board (the board)* means the interagency administrative board which structures and approves the emergency dispatch policies and procedures.

*Central station monitored alarm* means those alarms that are connected to and monitored by private alarm companies within or outside the county.

*Designated representative* means and shall be limited to the board or designee.

*Dial alarm* means that type of device using telephone lines transmitting a prerecorded voice alarm message directly to the center's incoming telephone numbers.

*Digitally connected alarm* means those alarms that are connected to the alarm console via a digital communicator at the subscriber's location.

*Direct connect alarm* means those alarms that are connected to the alarm console via a telephone company supplied dedicated circuit or leased line. It may be copper or fiber optic.

*False alarms* means any alarm actuated by inadvertent negligence or unintentional action of someone other than an intruder and shall include alarms caused by malfunctioning of the alarm device or other relevant equipment but shall not include alarms created by malfunction of the alarm console itself or natural peril (lightning, thunderstorm, flood, etc.).

*Local alarm* means any alarm or device which, when actuated, produces a signal not connected in any way to the center, such as store or home burglar alarms actuating bell devices.

*Permittee* means any person owning/operating an alarm device or local alarm within the scope of this chapter.

*Person* means and shall include any natural person, partnership, corporation or association. (Code 1977, § 2-3003; Ord. No. 93-7, 6-1-1993)

**Secs. 6-4—6-26. Reserved.**

## ARTICLE II. ADMINISTRATIVE POLICIES AND PROCEDURES

### **Sec. 6-27. Permits and licenses.**

(a) *Alarm permit required.* Every alarm business selling, leasing or furnishing to any user an alarm device which is installed or premised within the city or any alarm installation within the city which annunciates at the center shall be required to obtain a permit for such alarm from the center upon permit forms provided by the center, supplying such information as may be necessary to contact the owner or other appropriate officer, agent or employee of said alarm. It will be the responsibility of the applicant to assure that the permit information as required under this section be kept current. The alarm business shall notify the center within 24 hours of any change, modification or removal of any alarm system.

(b) *Alarm business license required.* Every alarm business selling, leasing or furnishing to any user an alarm device which is installed within the city shall be required to obtain a business license for such alarm from the city as per the business license and tax ordinance of the city.

(Code 1977, § 2-3004; Ord. No. 93-7, 6-1-1993)

**Sec. 6-28. General regulations.**

(a) Alarm systems:

- (1) May be connected via leased telephone line to the alarm console in the center;
- (2) May be connected directly to a private alarm control center; or
- (3) May be a local alarm.

(b) All alarm devices monitored by center personnel must be approved by the board or designee. All alarm devices monitored by center personnel shall be connected to the center's alarm console and shall be at user's expense.

(c) Any dial alarm shall be of a type to conform with section 6-30.

(d) Any local alarm shall be of a type to conform with section 6-31.

(e) Any alarm device existing within the city as of the adoption date of the ordinance from which this section is derived shall also be governed by the rules and regulations of this chapter. Persons having alarm devices will be required to register their alarm within three months from the effective date of the ordinance from which this section is derived. This registration will not pertain to those individual alarm devices monitored by an independent agency which is registered at the center. This is provided that the independent monitoring agency uses its staff members to contact the center with activated alarm information and that the independent agency provides a current listing of all information required in subsection (f) of this section for each individual alarm device.

(f) All alarm devices, whether local, dial or direct connect, digitally connected or central station monitors to the center, shall be registered annually by January 31 with the center. Applications for registration of alarm will have the following basic information: name of business or residence, telephone number, location of alarm, a list of persons who can be contacted in the event of an alarm, and additional information as may be required by the center.

(g) The owner/operator/user of an alarm device shall be responsible for the contents of this chapter.

(h) Any person owning or operating/using an alarm device shall promptly notify the proper authority when any change in registration information occurs, i.e., persons to contact in the event of an alarm, change in name of business, etc.

(i) The alarm device user shall at all times maintain it in a continuous state of good repair and maintenance acceptable to the center. The user will repair any malfunctioning alarm system connected to control board within 12 hours of notification of problem and will notify the center when malfunction has been remedied. Upon notification to alarm user, the center reserves the right to disconnect any alarm system malfunctioning at the center alarm console.

(j) All permitted alarm businesses shall have qualified repair and maintenance personnel available for call by the center 24 hours a day, every day of the year. All permitted alarm businesses shall have personnel available to respond at the request of the center to any alarm location within a reasonable amount of time.

(k) In the event an alarm device cannot be deactivated in a timely manner, such alarm business/user shall be required to provide personnel for surveillance to said business until such time as the alarm is de-activated (audible alarm) and/or business is safely secured.

(l) The user agrees to notify the center immediately prior to testing the alarm system or performing maintenance on the system. Furthermore, the user agrees to notify the center immediately upon completion of testing or maintenance work. Until receiving proper notification after completion of system testing or maintenance, the center shall ignore any signals received by the alarm console in the center.

(m) Upon noncompliance with provisions of this chapter, the board may revoke an alarm permit, requiring the user to disconnect the alarm system upon written notice until such time as the provisions of this chapter are complied with, at which time a new alarm permit will be required.

(n) All new alarm systems installed after the adoption date of the ordinance from which this section is derived, excluding fire alarms, will be required to have reset capabilities and will reset within 15 minutes. An alarm system cut-off shall be installed to override all malfunctioning within one year from the adoption date of the ordinance from which this section is derived to convert such systems to comply with the provisions herein.

(o) Direct or digitally connected alarms will be compatible with the receiving equipment used at the center.

(p) All alarm system users will be required to place a decal with alarm company and emergency telephone numbers in a conspicuous location at such business or residence.  
(Code 1977, § 2-3005; Ord. No. 93-7, 6-1-1993)

### **Sec. 6-29. False alarms.**

(a) In the case of a false alarm, any person having knowledge thereof shall notify the center. It shall be the responsibility of the telecommunications supervisor to keep a record of all such alarms, false or true. The following penalties shall apply to false alarms:

- (1) For the first three false alarms in any given calendar year, there shall be no penalty.
- (2) For the fourth false alarm in that same calendar year, a charge of \$10.00 shall be paid to the county.
- (3) For each additional false alarm in that same calendar year, a charge of \$15.00 shall be paid to the county. These funds shall be rebated back to the city on an annual basis.



- (4) Where there is continued and flagrant false alarms, the following additional penalties may be invoked by the county administrator:
- a. For alarms connected to the center, disconnection from the alarm console; and
  - b. If in the case of a malfunctioning alarm the owner/operator can produce evidence that such alarm through no fault of his own has malfunctioned, and he shows evidence that such condition has been corrected, the board may waive the charges for such false alarms. This evidence would include receipt of maintenance on system or repair of system.

(b) It shall be the responsibility of all owners of alarm devices to keep them in proper operating condition at all times. The board will require the disconnection of any alarm device which is malfunctioning or not in proper operating condition.

(c) The sensory mechanism of such devices shall be adjusted so as to suppress false indications and not to be actuated by impulses due to pressure changes in water pipes, short flashes of light, wind, noises, rattling, or vibration of doors or windows or other forces unrelated to general alarms.

(Code 1977, § 2-3006; Ord. No. 93-7, 6-1-1993)

**Sec. 6-30. Dial alarms; interconnection to the center.**

(a) No dial alarms shall be interconnected to any telephone numbers at the center after the effective date of the ordinance from which this section is derived.

(b) Within six months after the effective date of the ordinance from which this section is derived, all dial alarms interconnected to any telephone numbers of the center shall be disconnected. The user of each such device shall be responsible for having the device disconnected upon notification by the telecommunication supervisor.

(c) The dial alarm user, or the alarm business contracting for servicing the alarm user's alarm system, shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm-receiving equipment at the center and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the communications console. The dial alarm user may retain service from a private central alarm monitor station.

(d) Owners of dial alarm devices shall be governed by the false alarm procedures and penalties as set forth in section 6-29.

(Code 1977, § 2-3007; Ord. No. 93-7, 6-1-1993)

**Sec. 6-31. Local alarms.**

Local alarm devices shall be permitted. Since the local alarm does not terminate at the center, emergency service agencies are not obligated to respond. In the event the emergency service agencies have to respond to a false alarm for a local alarm, the penalties provided for in section 6-29 shall be applicable.

(Code 1977, § 2-3008; Ord. No. 93-7, 6-1-1993)



Chapters 7—9

**RESERVED**



Chapter 10

**ALCOHOLIC BEVERAGES\***

Sec. 10-1. Drinking liquors in public conveyance.

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\***State law references**—Preemption of field as to alcoholic beverages generally, S.C. Code 1976, § 61-6-4490; municipal court jurisdiction of certain alcohol offenses under state law, S.C. Code 1976, § 61-6-4500; enforcement authority of municipal police concerning alcohol offenses under state law, S.C. Code 1976, § 61-6-4510.



**Sec. 10-1. Drinking liquors in public conveyance.**

(a) It shall be unlawful for any person to drink alcoholic liquors in any public conveyance within the city.

(b) This section shall not apply to any railroad dining or club car or to any aircraft of a commercial airline transporting passengers for hire.

(Code 1977, § 7-4001)

**State law reference**—Authority to adopt public conveyance drinking prohibition, S.C. Code 1976, § 61-6-4720.





Chapters 11—13

**RESERVED**



## Chapter 14

### ANIMALS\*

#### Article I. In General

- Sec. 14-1. City designated as bird sanctuary.
- Sec. 14-2. Noises.
- Sec. 14-3. Cleanliness of housing.
- Sec. 14-4. Keeping farm animals and poultry prohibited.
- Sec. 14-5. Report of rabid animals.
- Sec. 14-6. Impoundment for observation for rabies.
- Sec. 14-7. Authority to impound.
- Secs. 14-8—14-32. Reserved.

#### Article II. Dogs and Cats

- Sec. 14-33. Definitions.
- Sec. 14-34. Running at large prohibited.
- Sec. 14-35. Impounding.
- Sec. 14-36. Length of impoundment before disposition.
- Sec. 14-37. Dangerous animals.
- Sec. 14-38. Vaccination.

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\***State law references**—Municipal authority to enact ordinances for care and control of dogs, cats, and other animals, S. C. Code 1976, § 47-3-20; municipal powers not limited by state laws, S. C. Code 1976, § 47-3-70; required annual inoculation of pets against rabies, S. C. Code 1976, § 47-5-60; notice to health department of animal suspected of rabies, S.C. Code 1976, § 47-5-80; metal inoculation tag required, S. C. Code 1976, § 47-5-60; impoundment of strays, S.C. Code 1976, § 47-3-40; disposition of strays, S.C. Code 1976, § 47-3-60; duty to contact owners, S.C. Code 1976, § 47-3-55; state falconry permit regulations, S.C. Code Reg. 123-170.



**ARTICLE I. IN GENERAL****Sec. 14-1. City designated as bird sanctuary.**

(a) The entire area embraced within the corporate limits is hereby designated as a bird sanctuary.

(b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way or manner any wild fowl or bird, or to rob birds' nests or wild fowl nests; provided, however, if starlings, pigeons or similar birds are found to be congregated in such numbers, in a particular locality, that they constitute a nuisance to health or property in the opinion of the manager, then in that event, the birds may be destroyed in the numbers and in the manner as is advisable by the manager under the supervision of the chief of police.

(Code 1967, p. 45; Code 1977, § 6-3003; Ord. No. 94-3, 2-1-1994)

**Sec. 14-2. Noises.**

It shall be unlawful for any person to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

(Code 1977, § 6-3004)

**Sec. 14-3. Cleanliness of housing.**

No person shall cause or allow any place where any animal is or may be kept to remain unclean.

(Code 1977, § 6-3005; Ord. No. 97-6A, 9-12-1997)

**Sec. 14-4. Keeping farm animals and poultry prohibited.**

It shall be unlawful for any person to keep any farm animal or any poultry within the city. This prohibition will include but not be limited to hogs, pigs, cows, horses, sheep and goats. Chickens, turkeys and ducks in numbers that create a nuisance are also prohibited.

(Code 1977, § 6-3006; Ord. 97-6A, 9-2-1997)

**Sec. 14-5. Report of rabid animals.**

It shall be the duty of the owner or harbinger of any animal, and all practicing veterinarians, to report to the health officer all cases of rabies with which he comes in contact or to which his attention has been directed. This report shall be made immediately upon diagnosis or suspicion of cases of rabies.

(Code 1977, § 6-3007)

**Sec. 14-6. Impoundment for observation for rabies.**

(a) If any animal has bitten any person, then the animal shall be apprehended and retained, in a pound, securely penned and separated from other animals, for a period as may be necessary to ascertain whether or not the animal is infected. If after sufficient observation the animal, in the opinion of the rabies control officer, is not infected, he shall return the

animal to the owner, if claimed. If in the opinion of the rabies control officer, symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the state board of health.

(b) In lieu of the provisions of subsection (a) of this section, the owner of any animal may, at his own expense, take the animal to any duly qualified and licensed veterinarian for observation. The veterinarian shall report his findings in writing to the rabies control officer. If in the opinion of the veterinarian a microscopic examination is justified, then the animal shall be turned over to the police department to be killed and examination made by the state board of health.

(c) Any animal desired for observation by the rabies control officer under this section shall be delivered to him upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a misdemeanor. Upon refusal of any person to so deliver an animal, any officer of the police department shall cause a warrant to be issued for the arrest of the person, which warrant shall also provide for the apprehending and forcible taking of the animal.

(Code 1977, § 6-3008)

**Sec. 14-7. Authority to impound.**

The police chief shall have the authority and it shall be his duty to impound any animal, fowl or dog found within the city in violation of any provision of this chapter.

(Code 1977, § 6-3009; Ord. No. 94-3, 2-1-1994)

**Secs. 14-8—14-32. Reserved.**

**ARTICLE II. DOGS AND CATS**

**Sec. 14-33. Definitions.**

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

*At large* means off the premises of the owner, and not under the control of the owner or his representative by leash, cord, chain or other restraining device.

*Dog* means both male and female.

*Owner* means any person or persons, firm, association or corporation owning, keeping, or harboring a dog.

(Code 1967, p. 49; Code 1977, § 6-3021)

**Sec. 14-34. Running at large prohibited.**

No owner or keeper of any dog shall permit the dog to run at large nor shall a dog be permitted to run at large at any time.

(Code 1967, p. 50; Code 1977, § 6-3024)

**Sec. 14-35. Impounding.**

It shall be the duty of every police officer or animal warden to apprehend any dog found running at large and to impound the dog in the Darlington County pound or another suitable place. The police officer or animal warden, upon receiving the dog, shall make a complete registry, entering the breed, color and sex of the dog.

(Code 1967, p. 50; Code 1977, § 6-3025; Ord. No. 94-3, 2-1-1994)

**Sec. 14-36. Length of impoundment before disposition.**

Length of time the dog is impounded before it is redeemed or destroyed is governed by the rules as set by county.

(Code 1967, p. 50; Code 1977, § 6-3028; Ord. No. 94-3, 2-1-1994)

**Sec. 14-37. Dangerous animals.**

(a) As used in this article, the term "dangerous animal" means an animal of the canine or feline family:

- (1) Which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury or otherwise endanger the safety of human beings or domestic animals;
- (2) Which:
  - a. Makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by subsection (f) of this section;
  - b. Commits unprovoked acts in a place other than the place where the animal is confined as required by said subsection (f) of this section and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (3) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(b) The term "dangerous animal" does not include:

- (1) An animal used exclusively for agricultural purposes; or
- (2) An animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner.

(c) An animal is not a dangerous animal solely by virtue of its breed or species.

(d) As used in this article, the term "owner" means a person who owns or has custody or control of the animal.

(e) As used in this article, the term "injury" or "bodily injury" means:

- (1) Broken bones;

- (2) Lacerations;
- (3) Punctures of the skin; or
- (4) Any physical injury resulting in death.

(f) No person owning or harboring or having the care of the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined," as used in this section, if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

(g) No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained.

(h) No person may own or harbor an animal for the purpose of fighting or train, torment, badger, bait or use animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or domestic animals.

(i) No person may possess with intent to sell, offer for sale, breed or buy or attempt to buy a known dangerous animal; however, this subsection does not apply to a person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in 7 USC 2131 et seq.

(j) If a law enforcement agent has probable cause to believe that a dangerous animal is being harbored or cared for in violation of subsection (f), (h) or (q) of this section, he may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(k) If a law enforcement agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of subsection (g) of this section, he may seize and impound the dangerous animal while the trial is pending.

(l) A person who violates subsection (g), (h) or (q) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than \$500.00 or imprisoned not more than 30 days and, for second offense, must be turned over to circuit court.

(m) A person who is the owner of a dangerous animal which attacks and injures a human being as specified in subsection (a)(2)a of this section is guilty of a felony and must be turned over to circuit court.

(n) A person owning a dangerous animal shall register the animal with the city police department. The requirements of the registration must be determined by the council. However, the registration application must be accompanied by proof of liability insurance of at



least \$50,000.00 insuring the owner for personal injuries inflicted by the dangerous animal. In addition, the city shall provide to the owner registering the dangerous animal a metal license tag and a certificate. The metal license tag shall at all times be attached to the collar or harness worn by the dangerous animal for which the certificate and tag have been issued.

(o) Nothing in this chapter is designed to abrogate any civil remedies available under statutory or common law.

(p) A person lawfully is upon the premises of the owner within the meaning of this article when he is on the premises in the performance of a duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes police officers, firefighters, or other authorized personnel. A person may ingress to and egress from the premises for a purpose connected with the performance of the public safety duty.

(q) A person who lawfully is on the owner's premises and who is attacked by a dangerous animal or witnesses the attack may use reasonable force to repel the attack. A person is not liable in damages or otherwise for action to repel or action taken to restrain or control an animal from an unprovoked attack.

(Code 1967, p. 50; Code 1977, § 6-3029; Ord. No. 94-3, 2-1-1994)

**Sec. 14-38. Vaccination.**

It shall be unlawful for the owner of any dog to keep or maintain said dog unless the dog shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which the dog is kept or maintained.

(Code 1967, p. 51; Code 1977, § 6-3030)



Chapters 15—17

**RESERVED**



## Chapter 18

### **BUILDINGS AND BUILDING REGULATIONS\***

#### **Article I. In General**

- Sec. 18-1. Office of building inspector created.
- Sec. 18-2. Building permits.
- Sec. 18-3. Appointment of boards under various codes.
- Sec. 18-4. Building numbers.
- Sec. 18-5. Fee for contractor's test.
- Sec. 18-6. Painting colors.
- Sec. 18-7. Towers.
- Secs. 18-8—18-32. Reserved.

#### **Article II. Building Code**

- Sec. 18-33. Fire limits.
- Sec. 18-34. Building code adopted.
- Sec. 18-35. Residential code adopted.
- Sec. 18-36. Applicability of provisions to homeowners.
- Sec. 18-37. Building permit fees.
- Sec. 18-38. Code enforcement.
- Sec. 18-39. Building code for renovation of existing buildings.
- Secs. 18-40—18-66. Reserved.

#### **Article III. Electrical Code**

- Sec. 18-67. Electrical code adopted.
- Sec. 18-68. Applicability of provisions to homeowners.
- Sec. 18-69. Permits.
- Sec. 18-70. Permit fees.
- Sec. 18-71. Inspections.
- Secs. 18-72—18-100. Reserved.

#### **Article IV. Plumbing Code**

- Sec. 18-101. Plumbing code adopted.

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**\*State law references**—Mandatory adoption of certain nationally recognized codes, S.C. Code 1976, § 6-9-60; codes applicable to building inspections, S.C. Code 1976, § 6-9-130; building codes amendment procedure, S.C. Code 1976, 8-240; mandamus and injunctive relief for violation of adopted technical codes, S.C. Code 1976, § 6-9-80; requirements for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265; dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.; local government may not enforce national building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); county may not enforce portion of adopted national fire code in conflict with state forestry commission regulation of outdoor burning for forestry, wildlife and agricultural purposes, S.C. Code 1976, § 6-9-50(B); local government responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B)

## DARLINGTON MUNICIPAL CODE

- Sec. 18-102. Additions, insertions, deletions and changes.
- Sec. 18-103. Applicability of provisions to homeowners.
- Sec. 18-104. Plumbing permit fees.
- Secs. 18-105—18-121. Reserved.

### **Article V. Gas Code**

- Sec. 18-122. Gas code adopted.
- Sec. 18-123. Scope, effect of provisions.
- Sec. 18-124. Applicability of provisions to homeowners.
- Sec. 18-125. Permits.
- Sec. 18-126. Permit fees.
- Sec. 18-127. Inspections.
- Secs. 18-128—18-152. Reserved.

### **Article VI. Property Maintenance Code**

- Sec. 18-153. Property maintenance code adopted.
- Secs. 18-154—18-174. Reserved.

### **Article VII. Mechanical Code**

- Sec. 18-175. Mechanical code adopted.
- Sec. 18-176. Applicability of provisions to homeowners.
- Sec. 18-177. Mechanical permit fees.
- Secs. 18-178—18-207. Reserved.

### **Article VIII. Swimming Pools**

- Sec. 18-208. Swimming pool code adopted.
- Sec. 18-209. Swimming pool construction permit.
- Secs. 18-210—18-226. Reserved.

### **Article IX. Unsafe Buildings**

- Sec. 18-227. Code for elimination or repair of unsafe buildings.
- Sec. 18-228. Recovery of expenses.
- Secs. 18-229—18-249. Reserved.

### **Article X. Commercial Building Appearance**

- Sec. 18-250. Purpose and scope.
- Sec. 18-251. Duties and responsibilities of owners and operators.
- Sec. 18-252. Notice of violation.
- Sec. 18-253. Violations and penalties.
- Sec. 18-254. Amendments.
- Secs. 18-255—18-271. Reserved.

### **Article XI. Code Revisions**

- Sec. 18-272. Code revisions adopted.

**ARTICLE I. IN GENERAL****Sec. 18-1. Office of building inspector created.**

(a) There is hereby created and established the office of building inspector, whose appointment shall be approved by the manager.

(b) The building inspector shall have the responsibility for the enforcement of the standard codes adopted by this chapter and shall perform other duties as the council may from time to time determine. He shall be under the direction and supervision of the city manager. (See section 2-171(2)).

(Code 1977, § 5-1001; Ord. No. 90-15, 10-2-1990)

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

(a) Any person, firm, corporation, or agent intending to build or to have built a structure or building an addition to a structure or for the alteration, demolition, removal or repair of structures or any appurtenances connected or attached thereto shall secure a permit. The term "structure" includes fencing, laying of asphalt, concrete, brick, stone, slag or similar materials.

(b) All requirements of the zoning ordinance of the city shall be met and approved by the building inspector before the permit is issued.

(c) If any person, firm, corporation or agent commences work before obtaining the necessary permit, the permit fee shall be doubled. Each day's work without a permit shall be a separate offense.

(d) Any person or corporation, contractor or builder who shall, in violation of this section, encroach upon the streets and alleys or other public property of the city shall, in addition to the penalties for violation of this section, be compelled at their own expense to remove the obstructions and to repair the streets or alleys or other public property as directed by the building inspector or the manager.

(e) It shall be unlawful for any owner, contractor, builder or workman engaged in the building or repairing of any structure within the city, to close the streets of the city to the passage of persons or vehicles or in any way to endanger the life or limb of passersby.

(Code 1967, pp. 55, 56; Code 1977, § 5-1002; Ord. No. 87-5, 3-3-1987; Ord. No. 90-5, 3-6-1990)

**Sec. 18-3. Appointment of boards under various codes.**

Whenever in this chapter, boards are established by reason of various codes, hereinafter adopted in subsequent articles of this chapter, which require the membership thereof to come from a profession or field not represented in the city or where such membership is limited and therefore the council in selecting therefrom would have little or no choice in its selection, such membership shall not be mandatory, but instead the council may complete said board from related fields or from persons having special knowledge of the problem, to be supervised by said board.

(Code 1977, § 5-1003; Ord. No. 77-6, 7-5-1977)

**Sec. 18-4. Building numbers.**

(a) Any person owning property within the city upon which any building or house has been constructed, other than outbuildings or appurtenances to the main structure, shall properly display legible premises numbers as assigned by the building inspector or his representative. Such numbers must have dimensions of not less than three inches in height. Such numbers shall be maintained free of obstructions by the owner, occupant, or person in charge of the premises so that the numbers are legible to persons traveling along the sidewalk or roadway in front of such buildings. Such numbers may be displayed on the building or in the yard immediately in front of said building, groundmounted at a height of not less than 12 inches from the base to the ground, for easy recognition.

(b) It shall be unlawful for any person to fail, neglect or refuse to comply with this section, with violation thereof punishable at the discretion of the municipal judge.  
(Code 1977, § 5-1004; Ord. No. 84-4, 8-7-1984; Ord. No. 90-17, 12-4-1990)

**Sec. 18-5. Fee for contractor's test.**

There shall be a \$25.00 fee charged by the building official's office for each required test taken by contractors before they are issued a business license to conduct the business of electrical, plumbing, gas or mechanical in the city.  
(Code 1977, § 5-1005; Ord. No. 91-3, 4-2-1991)

**Sec. 18-6. Painting colors.**

Any person or entity wishing to paint the exterior of any structure located within a general commercial or core commercial district of the city shall use a paint color, or colors, contained in a list of complimentary colors maintained and provided by the city. The person or entity wishing to paint such structure with an alternate color, not contained in said list, must obtain approval of such alternate color from the city design review commission. The applicant may appeal the decision of the city design review commission to the board of zoning appeals. The board of zoning appeals shall set a time and place to hear the appeal, in accordance with the appeal proceedings of the city zoning ordinance. Any person or entity wishing to paint any structure located within a general commercial or core commercial district in the city must submit an application for same to the building official, who will issue a permit for same, contingent upon approval of the city design review commission for any color not contained in the list of complimentary colors maintained by the city. No painting as referred to herein shall be allowed, using either approved colors, or alternate colors, until such permit has been issued.  
(Code 1977, § 5-1006; Ord. No. 93-5, 3-2-1993; Ord. No. 2005-15, § 1, 9-6-2005)

**Sec. 18-7. Towers.**

Before any tower can be located in the city to serve the needs of a telephone company, a cellular phone company, a television company or any other company or organization, a request shall be submitted to the mayor and council of the city for its approval. After approval the required permit and business license shall be secured.  
(Code 1977, § 5-1007; Ord. No. 95-5, 3-7-1995)



**Secs. 18-8—18-32. Reserved.**

## **ARTICLE II. BUILDING CODE**

### **Sec. 18-33. Fire limits.**

The fire limits of the city shall be as shown and indicated on the fire limits map on file in the offices of the clerk-treasurer and the fire department.

(Code 1977, § 5-1011)

### **Sec. 18-34. Building code adopted.**

The International Building Code, 2005 edition, as published by the International Code Council, Inc., is hereby adopted by reference along with the following appendices:

Appendix B. Construction Board of Appeals; and

Appendix H. Signs.

(Code 1977, § 5-1012; Ord. No. 90-5, 3-6-1990; Ord. 95-4, 3-7-1995; Ord. No. 95-6, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

### **Sec. 18-35. Residential code adopted.**

The International Residential Code for One- and Two-Family Dwellings, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference along with the following appendix:

Appendix J. Existing Buildings.

(Code 1977, § 5-1013; Ord. No. 90-5, 3-6-1990; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

### **Sec. 18-36. Applicability of provisions to homeowners.**

Nothing contained within this article shall prevent any homeowner from building, alterations, demolition, removal or repair within his own property boundaries; provided the work is done by himself and is used exclusively by him or his family. This privilege does not convey the right to violate any of the provisions of this article, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected or from paying the required fees therefor.

(Code 1977, § 5-1014; Ord. No. 90-5, 3-6-1990)

### **Sec. 18-37. Building permit fees.**

(a) Before commencing any part of the construction, demolition, alterations, additions, deletions, or removals of any building or portions of buildings or other structures on any lot within the city, the owner or his agents or assigns or the licensed contractor or licensed builder shall first obtain a permit. The cost or fee charged for the building permit shall be determined by the council from time to time and as set forth in appendix B to this Code, as adopted. All fees

shall be paid prior to the issuance of any permit and prior to the commencement of any work. Failure of the applicant to commence any work or to make payment in full for permits prior to the issuance of the permits shall result in double permit fees.

(b) Determination of total building valuation for the purpose of establishing fees from appendix B to this Code shall be the greater of the contract price or an amount based on the total square footage of the structure multiplied by the applicable square foot cost data as prescribed in the annexed building valuation table as set forth in and made part of the ordinance from which this section is derived.

(c) Prior to the issuance of any permit the building official may require certain site plans, building plans, specifications, uniform soils analysis, architectural or engineered drawings, or other such documents pertinent to the proposed construction and/or required by law. A plans review fee equal to one-half the value of the building permit fee shall be paid prior to issuance of the permit.

(d) Such fees shall go into effect on July 1, 2001. All permit fees are nonrefundable once any construction has begun. Permits shall expire upon completion of the construction or at the expiration of any six-month period of which no substantial construction activity has occurred or if revoked by the building official. The issuance of a building permit is a privilege granted by the city and requires the applicant or permit holder to perform to established building practices and to the codes and technical standards as adopted by the city and the state. The issuance of such permit does not assure the public against any faults in workmanship or against deviations from these established building practices or adopted codes. However, it is the responsibility of the applicant or permit holder to perform to these codes and building practices and shall not cover or conceal any work until inspected and approved by the city inspector. Any work found faulty or requiring corrections shall require reinspection and the applicant or permit holder shall not be covered or concealed until approved by the city inspector. Any requirement for a reinspection shall require additional fees in the amount of \$25.00 for each reinspection and such fees shall be paid by the applicant or permit holder prior to any reinspection. No building or structure shall be occupied or partially occupied until all inspections have been made and approved and a written certificate of occupancy has been issued by the building official.

(e) Upon issuance of any permit the applicant or permit holder shall post the permit card at a location at the job site which shall be visible from the street fronting the job site. The name of the owner, primary contractor, and all subcontractors shall be listed and kept current on the permit card. Failure of the applicant or permit holder to properly post the permit card or any deviation from the requirements of the permit, or the requirements of the codes and technical standards may result in disciplinary action inclusive of suspension of work or revocation of the permit.

(Code 1977, § 5-1015; Ord. No. 2001-07, 6-5-2001)

**Sec. 18-38. Code enforcement.**

The building official, codes enforcement officer and zoning official are hereby appointed as code enforcement officers for the purpose of enforcement of these codes and ordinances adopted

by the city. Upon witnessing violations of these codes and ordinances, such persons empowered to enforce codes and ordinances may issue written notices for corrections, written notices of work suspension, or uniform ordinance summons.

(Code 1977, § 5-1016; Ord. No. 2001-07, 6-5-2001)

**Sec. 18-39. Building code for renovation of existing buildings.**

The International Existing Building Code, 2005 edition, is hereby adopted by reference and shall be the code for use for all buildings (commercial buildings and residential buildings) constructed more than 50 years prior to the date of intended renovations.

(Code 1977, § 5-1017; Ord. No. 2004-13, 12-7-2004)

**Secs. 18-40—18-66. Reserved.**

### ARTICLE III. ELECTRICAL CODE

**Sec. 18-67. Electrical code adopted.**

The 2005 edition and subsequent editions and revisions of the National Electrical Code, as recommended by the American National Standards Institution and the National Fire Protection Association and titled NFPA-70, are hereby adopted as the minimum standard for the installation of all electrical wiring, devices, equipment and method of installation, except as otherwise amended by specific reference as approved by the South Carolina Building Codes Council or as otherwise specifically provided in this article. All within the ascribed text, with amendments as stated, is hereby made a part of this article as to the same extent by reference as if copied here in full. A copy of said code is on file in the city codes enforcement office, and the city fire department.

(Code 1977, § 5-1021; Ord. No. 90-5, 3-6-1990; Ord. No. 95-4, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2003-04, 6-3-2003)

**Sec. 18-68. Applicability of provisions to homeowners.**

Nothing contained within this article shall prevent any homeowner from installing or maintaining electrical wiring within his own property boundaries; provided the electrical work is done by himself and is used exclusively by him or his family. This privilege does not convey the right to violate any of the provisions of this article, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected or from paying the required fees therefor.

(Code 1977, § 5-1022)

**Sec. 18-69. Permits.**

Before any electrical wiring, devices or equipment is installed, repaired or altered in any building or structure within the city, the person making the installation, repair or alteration shall obtain a permit therefor from the building inspector.

(Code 1977, § 5-1023)

**Sec. 18-70. Permit fees.**

Before any permit for electrical work shall be issued under the provisions of this article, the applicant therefor shall pay the permit fees as shall be determined by the council from time to time. If any person commences any work before obtaining the necessary permit, the permit fee shall be doubled. See appendix C to this Code.

(Code 1977, § 5-1024; Ord. No. 83-14, 10-4-1983)

**Sec. 18-71. Inspections.**

It shall be unlawful for any person controlling any electrical wiring in or of houses or buildings within the city to allow any electrical current to be turned on or consumed in any building without having first had an inspection thereof made and a certificate of approval thereof being issued.

(Code 1977, § 5-1025)

**Secs. 18-72—18-100. Reserved.**

**ARTICLE IV. PLUMBING CODE**

**Sec. 18-101. Plumbing code adopted.**

The International Plumbing Code, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference along with the following appendices:

Appendix B. Rates of Rainfall for Various Cities;

Appendix D. Degrees by Day and Design Temperatures for Cities in the U.S.;

Appendix E. Sizing of Water Piping System;

Appendix F. Structural Safety; and

Appendix G. Vacuum Drainage System.

(Code 1977, § 5-1031; Ord. No. 90-5, 3-6-1990; Ord. No. 95-4, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Sec. 18-102. Additions, insertions, deletions and changes.**

In interpretation of the plumbing code the following definitions shall apply:

- (1) *Plumbing official.* "Plumbing official" shall mean the building inspector.
- (2) *Administrative authority, local governing body.* "Administrative authority" and "local governing body" shall mean the mayor and council.
- (3) *Department of law.* "Department of law" shall mean the city attorney.
- (4) *Plumbing inspection department.* "Plumbing inspection department" shall mean the building inspector.

(Code 1977, § 5-1032)

**Sec. 18-103. Applicability of provisions to homeowners.**

Nothing contained within this article shall prevent any homeowner from installing or maintaining plumbing within his own property boundaries; provided the plumbing work is done by himself and is used exclusively by him or his family. This privilege does not convey the right to violate any of the provisions of this article, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected or from paying the required fees therefor.

(Code 1977, § 5-1033; Ord. No. 90-5, 3-6-1990)

**Sec. 18-104. Plumbing permit fees.**

Before any permit for plumbing work shall be issued under the provisions of this article, the applicant therefor shall pay the permit fees as shall be determined by the council from time to time and as listed in appendix D to this Code. If any person commences any work before obtaining the necessary permit, the permit fee shall be doubled.

(Code 1977, § 5-1034; Ord. No. 2001-07, 6-5-2001)

**Secs. 18-105—18-121. Reserved.****ARTICLE V. GAS CODE****Sec. 18-122. Gas code adopted.**

The International Fuel Gas Code, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference along with the following appendices:

Appendix A. Sizing and Capacities of Gas Piping;

Appendix B. Sizing of Venting Systems; and

Appendix C. Exit Terminals of Mechanical Draft and Direct Vent Venting Systems.

(Code 1977, § 5-1041; Ord. No. 90-5, 3-6-1990; Ord. No. 95-4, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Sec. 18-123. Scope, effect of provisions.**

This article shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any gas piping or gas appliances from damages to anyone injured thereby, nor shall the city be held as assuming any liability by reason of inspection authorized herein, or certificate issued.

(Code 1977, § 5-1042)

**Sec. 18-124. Applicability of provisions to homeowners.**

Nothing contained within this article shall prevent any homeowner from installing or maintaining gas piping or gas appliances within his own property boundaries; provided the gas work is done by himself and is used exclusively by him or his family. The privilege shall not

convey the right to violate any of the provisions of this article, neither shall it be construed as exempting any property owner from obtaining a permit and having the work inspected or from paying the required fees therefor.

(Code 1977, § 5-1043)

**Sec. 18-125. Permits.**

Before any gas piping or gas appliances are installed, repaired or altered in any building or structure within the city, the person making the installation, repair or alteration shall obtain a permit therefor from the building inspector.

(Code 1977, § 5-1044)

**Sec. 18-126. Permit fees.**

Before any permit for gasfitting work shall be issued under the provisions of this article, the applicant therefor shall pay the permit fees as shall be determined by the council from time to time. See appendix E to this Code.

(Code 1977, § 5-1045)

**Sec. 18-127. Inspections.**

It shall be unlawful for any person controlling any gas piping or gas appliances in or of houses or buildings within the city to allow any gas to be turned on or consumed in any building without first having had an inspection thereof made and a certificate of approval thereof being issued.

(Code 1977, § 5-1046)

**Secs. 18-128—18-152. Reserved.**

**ARTICLE VI. PROPERTY MAINTENANCE CODE**

**Sec. 18-153. Property maintenance code adopted.**

The International Property Maintenance Code, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference.

(Code 1977, § 5-1051; Ord. 90-5, 3-6-1990; Ord. No. 95-4, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Secs. 18-154—18-174. Reserved.**

**ARTICLE VII. MECHANICAL CODE****Sec. 18-175. Mechanical code adopted.**

The International Mechanical Code, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference along with the following adoption: appendix A, Combustion Air Openings and Chimney Connector Pass-Throughs.

(Code 1977, § 5-1061; Ord. No. 78-4, 2-7-1978; Ord. No. 90-5, 3-6-1990; Ord. No. 95-4, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Sec. 18-176. Applicability of provisions to homeowners.**

Nothing contained within this article shall prevent any homeowner from installing or maintaining energy-related systems within his own property boundaries; provided the work is done by himself and is used exclusively by him or his family. This privilege does not convey the right to violate any of the provisions of this article, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected or from paying the required fees therefor.

(Code 1977, § 5-1062; Ord. 90-5, 3-6-1990)

**Sec. 18-177. Mechanical permit fees.**

Before any permit for mechanical work shall be issued under the provisions of this article, the applicant shall first pay the permit fees as shall be determined by the council from time to time and as listed in appendix G to this Code. If any person commences any work before obtaining the necessary permit, the permit fee shall be doubled.

(Code 1977, § 5-1063; Ord. No. 2001-07, 6-5-2001)

**Secs. 18-178—18-207. Reserved.****ARTICLE VIII. SWIMMING POOLS****Sec. 18-208. Swimming pool code adopted.**

Appendix G, Swimming Pools, Spas, and Hot Tubs of the International Residential Code, adopted in § 18-35 is hereby adopted by reference along with the following insert appendix:

(Code 1977, § 5-1081; Ord. No. 89-2, 6-6-1989; Ord. No. 95-4, 3-7-1995; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Sec. 18-209. Swimming pool construction permit.**

Before any permit for the construction of a swimming pool shall be issued under the provisions of this article, the applicant shall first pay the permit fees as shall be determined by council from time to time and as listed in appendix G to this Code.

(Code 1977, § 5-1082; Ord. No. 2001-07, 6-5-2001)

**Secs. 18-210—18-226. Reserved.**

**ARTICLE IX. UNSAFE BUILDINGS**

**Sec. 18-227. Code for elimination or repair of unsafe buildings.**

The International Property Maintenance Code, 2003 edition, as published by the International Code Council, Inc. is hereby adopted by reference.  
(Code 1977, § 5-1071; Ord. No. 80-11, 6-3-1980; Ord. No. 90-5, 3-6-1990; Ord. No. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Sec. 18-228. Recovery of expenses.**

Whenever a building or structure is repaired or demolished in accordance with the provisions of this Code and the cost of such repair or demolition is borne by the city, the said cost shall be assessed against the owner thereof, plus a \$100.00 handling charge, or 15 percent of the actual costs of repair or demolition, whichever is the greater amount. The costs of repair and demolition and the handling charge shall be a lien on the real property involved and collectible in the same manner as city taxes.  
(Code 1977, § 5-1072; Ord. No. 90-6, 3-6-1990)

**Secs. 18-229—18-249. Reserved.**

**ARTICLE X. COMMERCIAL BUILDING APPEARANCE**

**Sec. 18-250. Purpose and scope.**

(a) *Purpose.* It is the purpose of the provisions of this article to provide a just, equitable and practicable method whereby buildings or structures which, from any cause, diminish property values or detract excessively from the appropriate appearance of certain commercial areas within the city area may be required to be repaired. Those certain commercial areas are deemed by the city to require supplemental regulations because of their special economic importance. Due to their high concentration of business and commercial properties and structures, these areas consist of the main shopping and business districts and include not only the downtown, but other concentrations of commercial properties as well. These areas are deemed to constitute an overlay zone as defined in S.C. Code 1976, § 6-29-720(C). The provisions of this article are cumulative with and in addition to, any other remedy provided by law, including the current editions of standard codes adopted by the city.

(b) *Scope.* The provisions of this article shall apply to all commercial buildings within the designated area which is defined by an overlay of the existing zoning map of the city which is kept on display in the city administrative building.  
(Code 1977, § 5-10001; Ord. No. 2001-05, 5-1-2001)



**Sec. 18-251. Duties and responsibilities of owners and operators.**

(a) *Duties and responsibilities of the owner.* It shall be the duty and responsibility of the owner of the premises to see that said premises under the control of the owner are maintained to ensure that:

(1) *General duties and responsibilities.*

- a. The exterior of the premises and structure is in good repair and free from deterioration.
- b. All surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic.
- c. All structures and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction techniques.
- d. Structures at the rears of buildings attached or unattached to the principal structure, which are found by the city code enforcement officer to be structurally deficient, shall be properly repaired or demolished.
- e. All miscellaneous elements on building walls and roofs and surrounding premises which serve no useful or aesthetic purpose, such as empty electrical or other conduits, unused sign brackets, etc., shall be removed.
- f. If the building is to be used for storage, the contents should be masked from the view of passers-by either by the use of window drapings or by using rear areas of the building for storage.
- g. If the building is empty or vacant, the owner should maintain the building front in such a way as to prevent it from looking abandoned or cluttered and in such a way that it will better blend in with other structures in the area which are presently being occupied.
- h. All surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other similar hazardous conditions.

(2) *Specific duties and responsibilities.*

- a. *Walls.* Where a wall of a building has become exposed as a result of demolition of adjacent buildings, all doors, windows, vents or other similar openings exposed by the demolition must be either restored or closed with material of the type comprising the wall. No protrusion or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall. The owner of record/occupant causing the exposure of the wall shall bear the obligation of compliance with this section within 90 days.

- b. *Windows.* All windows must be tightfitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions shall be replaced. All broken and missing windows shall be replaced with glass or Plexiglas. All exposed woods shall be repaired and painted. All windows shall be maintained free of broken glass. Where a window glass larger than four square feet becomes cracked to an extent that the largest single portion of the window free of a crack is less than 80 percent of the total surface area of the window glass, the window glass shall be replaced by a pane free of cracks. All first floor openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame and glass, unless specifically approved by the design review board. Upper floor windows may be boarded or permanently closed if such a alteration can be accomplished without creating an unsightly appearance. This body shall serve as an appeals board. Where the board approves the enclosure of the window the board shall approve the manner by which it will be enclosed.
1. *Exceptions for second story windows.* Other options such as using an inoperable glass insert; closed, complimentary painted wooden shutters; or inserting high quality public art shall be acceptable for second story window treatment.
  2. *Exceptions for alley windows.* Windows in alleys may be boarded up with complimentary painted panels.
  3. *Exceptions for back streets.* Windows in back streets may be covered with shutters.
- c. *Painting.* All exterior surfaces which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed. All exterior surfaces which have been painted shall be maintained free of peeling and flaking. Where 25 percent or more of the aggregate of any painted wall shall have peeling or flaking or previous paint worn away, the entire wall shall be repainted.
- d. *Advertising structures and materials.* All advertising structures and awnings and their accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. All nonoperative signs shall be repaired or shall, with their supporting members, be removed. In the event such signs, billboards, marques or awnings are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed. In the event such awnings or marques are made of cloth, plastic or similar material, such awnings or marques shall be maintained so as not to show evidence of excessive tearing, ripping, unsightly fading, or other holes, which diminish their function and cause unsightly conditions. The owner of an awning which has been removed may leave the supporting members in place for a period not to exceed six month if he plans to replace the covering.
- e. *Cornices.* All cornices shall be made structurally sound; and rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted.

- f. *Downspouts.* Sheet metal gutters and downspouts shall be replaced or repaired as necessary and shall be neatly located and securely installed.

(b) *Relationship of duties and responsibilities to occupancy.* The provisions of this article that apply to the exterior or exterior components of a structure or building shall be complied with whether the structure or building is occupied or vacant. All unoccupied or vacant structures of buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation including roosting birds and accumulated debris in recessed entry ways.

(c) *Duties and responsibilities of operator.* It shall be the duty and responsibility of the operator to ensure that whenever the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the operator affected thereby shall, upon learning of such defect, provide notice to the owner.

(Code 1977, § 5-10002; Ord. No. 2001-05, 5-1-2001)

#### **Sec. 18-252. Notice of violation.**

(a) Whenever the city code enforcement officer or such other authorized official determines that there exists a violation of any provision of this article, he shall give notice of such violation to the person or persons responsible therefore or to their agent or representative and order compliance.

(b) Once the notice has been served, the person or persons responsible or their agent or representative shall have 30 days to present a justified, factual appeal to the design review board of the city if compliance to this article causes an undue financial difficulty or cannot be commenced because of other extenuating circumstances. As a result of this appeal, the board may grant a phased schedule of maintenance with completion and compliance to this article not to exceed 36 months.

(Code 1977, § 5-10003; Ord. No. 2001-05, 5-1-2001)

#### **Sec. 18-253. Violations and penalties.**

Any person, firm, corporation or agent who shall violate a provision of this article or after due notice shall fail to comply with orders issued by the city code enforcement officer under the terms and provisions of this article shall be charged with a misdemeanor.

(Code 1977, § 5-10004; Ord. No. 2001-05, 5-1-2001)

#### **Sec. 18-254. Amendments.**

The provisions and requirements of this article may, from time to time, be amended, supplemented, or changed as necessary by the council.

(Code 1977, § 5-10005; Ord. No. 2001-05, 5-1-2001)

#### **Secs. 18-255—18-271. Reserved.**

**ARTICLE XI. CODE REVISIONS**

**Sec. 18-272. Code revisions adopted.**

Only changes, amendments, or deletions, or insertions approved and endorsed by the South Carolina Building Codes Council shall be allowed or made parts of the codes adopted in this chapter and shall become automatically adopted and made part of this Code upon ratification by the council.

(Code 1977, § 5-1091; Ord. No. 2001-07, 6-5-2001)

Chapters 19—21

**RESERVED**



Chapter 22

**BUSINESSES**

**Article I. In General**

Secs. 22-1—22-20. Reserved.

**Article II. Licensing**

Sec. 22-21. Application of chapter provisions.  
Sec. 22-22. Application for license.  
Sec. 22-23. Gross receipts defined.  
Sec. 22-24. License rates.  
Sec. 22-25. False statements; penalties.  
Sec. 22-26. Separate licenses required for separate businesses.  
Sec. 22-27. No license to be issued unless all taxes paid.  
Sec. 22-28. Inspection of books and records.  
Sec. 22-29. Duration of license.  
Sec. 22-30. Unscheduled businesses.  
Sec. 22-31. Dealer includes agent or manager.  
Sec. 22-32. Transfer of license.  
Sec. 22-33. Payment of fee.  
Sec. 22-34. Penalty for failure to pay license.  
Sec. 22-35. Police to investigate.  
Sec. 22-36. Additional penalty for late payment.  
Sec. 22-37. Delinquents to be reported.  
Sec. 22-38. Revocation.  
Sec. 22-39. Assessments.  
Sec. 22-40. Retail telecommunications services.  
Secs. 22-41—22-68. Reserved.

**Article III. Bankrupt and Closing Out Sales**

Sec. 22-69. License required.  
Sec. 22-70. Inventory required.  
Sec. 22-71. Applicant to make affidavit.  
Sec. 22-72. Itinerants and nonitinerants distinguished.  
Sec. 22-73. Time limitation on sales.  
Sec. 22-74. Sale limited to goods on inventory.  
Sec. 22-75. Records to be maintained.  
Sec. 22-76. Article does not apply to regular course of business sales.  
Sec. 22-77. License fee.





**ARTICLE I. IN GENERAL**

**Secs. 22-1—22-20. Reserved.**

**ARTICLE II. LICENSING\*****Sec. 22-21. Application of chapter provisions.**

Every person, firm, company, or corporation engaged in any business, trade or profession hereinafter mentioned within the corporate limits of the city shall obtain, during the month of January of each year, a license therefor. A person must obtain a license before entering upon any calling, business, profession or occupation hereinafter provided.

(Code 1977, § 7-1001)

**\*Historical note**—The provisions of this article are a codification of the ordinance of September 1, 1970, which had an effective date of January 1, 1971, but which was readopted by ordinance on January 6, 1976, to be effective for the year 1976. Ordinance No. 78-1, adopted January 3, 1978, readopted the license requirements and fee schedule for the year 1978. Ordinance No. 79-1, adopted January 2, 1979, readopted the license fees and requirements for 1979. Ordinance No. 80-1, adopted February 5, 1980, readopted the license fees and requirements for 1980. Ordinance No. 81-1, adopted February 3, 1981, readopted the license fees and requirements for 1981. Ordinance No. 82-1, adopted February 2, 1982, readopted the license fees and requirements for 1982. Ord. No. 83-7, adopted February 1, 1983, readopted the license fees and requirements for 1983. Ord. No. 84-1, adopted February 7, 1984, readopted the license fees and requirements for 1984. Ord. No. 85-5, adopted February 5, 1985, readopted the license fees and requirements for 1985. Ord. No. 86-1, adopted February 4, 1986, readopted the license fees and requirements for 1986. Ord. No. 87-1, adopted February 3, 1987, readopted the license fees and requirements for 1987. Ord. No. 88-3, adopted January 5, 1988, readopted the license fees and requirements for 1988. Ord. No. 89-1, adopted February 7, 1989, readopted the license fees and requirements for 1989. Ord. No. 90-1, adopted February 6, 1990, readopted the license fees and requirements for 1990. Ord. No. 91-1, adopted January 5, 1991, readopted the license fees and requirements for 1991. Ord. No. 91-12, adopted December 3, 1991, readopted the license fees and charges for 1992. Ord. No. 93-1, adopted February 2, 1993, readopted the license fees and charges for 1993. Ord. No. 94-2, adopted February, 1, 1994, readopted the license fees and charges for 1994. Ord. No. 95-1, adopted February 7, 1995, readopted the license fees and charges for 1995. Ord. No. 96-1, adopted February 13, 1996, readopted the license fees and charges for 1996. Ord. No. 97-1, adopted February, 4, 1997, readopted the license fees and charges for 1997. Ord. No. 97-11, adopted December 30, 1998, readopted the license fees and charges for 1998. Ord. No. 98-11, adopted June 25, 1998, amended the business license ordinance. Ord. No. 99-1, adopted February 1, 1999, readopted the license fees and charges for 1999. Ord. No. 99-9, adopted September 7, 1999, amended the business license ordinance. Ord. No. 2000-03, adopted February 1, 2000, readopted the license fees and charges for 2000. Ord. No. 2001-03, adopted February 6, 2001, readopted the license fees and charges for 2001. Ord. No. 2002-01, adopted February 5, 2002, readopted the license fees and charges for 2002. Ord. No. 2004-01, adopted February 3, 2004, readopted the license fees and charges for 2004. Ord. No. 2005-01 readopted the license fees and charges for 2005. Ord. No. 2006-02, adopted February 7, 2006, adopted license fees and charges for 2006.

**State law reference**—Business license fee authorized for municipalities, S.C. Code 1976, § 5-7-30.

**Sec. 22-22. Application for license.**

(a) Every business, firm, company or corporation engaged in or intended to engage in any calling, business, profession or occupation for which a license is required shall apply to the clerk-treasurer, by whom all licenses shall be issued, for the same and shall, at the time of applying, make and sign a written statement under oath, and file it with the clerk-treasurer, setting forth:

- (1) His, her or its name and style, the name of the person or persons constituting the firm or company;
- (2) The calling, business, profession or occupation for which the license is required;
- (3) The place where the calling, business, profession or occupation is to be carried on;
- (4) The amount of capital invested or the gross annual receipts; and
- (5) His, her or its federal employer identification number and/or social security number.

(b) Where the applicant has no office he may name his home as the place where his occupation is to be carried on; but in no instance shall any business, other than acceptance of calls or mail, be conducted at his home if the carrying on of such business conflicts with the zoning ordinance or any other ordinance of the city.

(Code 1977, § 7-1002; Ord. of 8-1-1970; Ord. No. 79-11, 11-6-1979)

**Sec. 22-23. Gross receipts defined.**

The term "gross receipts" when used in this chapter shall be construed to mean the receipts from the calling, business, occupation or profession involved as would constitute gross receipts or income under the income tax laws of the state.

(Code 1977, § 7-1003)

**Sec. 22-24. License rates.**

(a) The schedule of license rates is on file in the office of the clerk-treasurer, is hereby adopted by reference and incorporated by reference as if set forth in full herein.

(b) Licenses shall be paid in advance on or for the listed businesses or vocations or privileges as specified and hereinafter mentioned and it shall be unlawful for any person, firm, company or corporation to engage in any of the listed businesses or vocations or to exercise any of the privileges within the corporate limits without first paying the license provided for the business, occupation or profession; and when the license is based upon income, gross sales or capital investment of the business the fiscal year ending December 31 of the previous year shall be the basis of the amount to be paid; and it shall be the duty of each person, firm or corporation following any business, profession, vocation or calling, when the license is based upon income, gross sales or capital investment, to furnish the clerk-treasurer, upon demand, with a statement derived from the business or vocation for the last fiscal year ending December 31; and in any case where the license is desired to follow any vocation or business during the year and based upon income from it by beginners, newcomers or transient

practitioners, the amount to be paid for the license shall not be less than the lowest schedules fixed where not otherwise specified as the amount to be paid for the year or any part thereof. (Code 1977, § 7-1004; Ord. of 9-1-1970; Ord. No. 79-12, 12-17-1979; Ord. 94-3, 2-1-1994)

**Sec. 22-25. False statements; penalties.**

(a) In the event any person, firm or corporation shall submit or file a false and untrue return or statement, then, and in the event, the city shall have the right not only to require the payment of the true amount of license fees remaining unpaid, including penalties provided, but to require the payment of a further sum equal to the cost of the audit required to discover the false and untrue statement. The person, firm or corporation shall be also deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided for in section 1-9.

(b) Each day of failure to pay the proper amount of the license fee shall constitute a separate offense, and the person, firm or corporation's license may be revoked. (Code 1977, § 7-1005)

**Sec. 22-26. Separate licenses required for separate businesses.**

Where two or more branches of business not necessarily connected are conducted in one establishment or by one person, firm or corporation, a license shall be charged and collected for each branch of business so conducted, unless otherwise specified in this chapter. Where branches of business are conducted in separate buildings, both are to be licensed separately. (Code 1977, § 7-1006)

**Sec. 22-27. No license to be issued unless all taxes paid.**

No person shall be issued a business license to do business in the city unless and until the person making application for the business license shall have paid the personal property tax due the city by that person for the year immediately preceding the year for which the business license is required by this article or other provisions of this Code, and if any business license shall have been issued, the same shall be subject to revocation until the time as the unpaid taxes are paid. (Code 1977, § 7-1007)

**Sec. 22-28. Inspection of books and records.**

For the purpose of enforcing the provisions of this article and for the purpose of collecting the license and license fees provided for herein, the city, 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 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 person, firm or corporation. The books, records and facilities

shall promptly be made available to the city, its nominees, representatives or employees for this purpose by any person, firm or corporation, and the failure in this respect shall constitute a violation of this chapter and the penalties provided herein may be invoked.

(Code 1977, § 7-1008)

**Sec. 22-29. Duration of license.**

No license shall be issued to extend beyond December 31 of each year.

(Code 1977, § 7-1009)

**Sec. 22-30. Unscheduled businesses.**

For the privilege of maintaining any office or conducting any business within the city, a license shall be required. The charge for a license on any business not enumerated in the schedule incorporated in section 22-24 shall be fixed and determined by the mayor and/or license committee of the city.

(Code 1977, § 7-1010)

**Sec. 22-31. Dealer includes agent or manager.**

Whenever in this chapter the term dealer is used it shall include not only the principal but in his absence shall include any agent, clerk, or employee managing the business respectively referred to, and generally, where a license is herein imposed for carrying on any business and the business is carried on by an agent, clerk, or employee, such person shall be subject to penalties herein imposed if the business be carried on without the taking out of a license in the same manner as if he were the proprietor or owner of the business.

(Code 1977, § 7-1011)

**Sec. 22-32. Transfer of license.**

No license shall be transferred from one person, firm or corporation to another except with a sale to transfer, and then only upon the endorsement by the mayor and/or license committee of the city.

(Code 1977, § 7-1012)

**Sec. 22-33. Payment of fee.**

It shall be unlawful to carry on any business, occupation or calling as set forth in this chapter without first paying the clerk-treasurer the license tax for the business, occupation, calling or profession. The clerk-treasurer shall issue to the person, firm or corporation a license to carry on the business, occupation, calling or profession upon compliance by the applicant with the provisions of this article and the payment of the license fee herein provided.

(Code 1977, § 7-1013)

**Sec. 22-34. Penalty for failure to pay license.**

Any person or persons, firm or corporation either refusing or neglecting to pay the license as herein provided shall, upon conviction, be punished as provided in section 1-9 for each separate offense of carrying on the business, calling, or occupation or practicing the profession without having obtained the license therefor as aforesaid. Each day on which the business or occupation is carried on or upon which any calling or profession is practiced in violation of the provisions of this article shall be considered as separate offenses and punishable as herein provided.

(Code 1977, § 7-1014)

**Sec. 22-35. Police to investigate.**

It shall be the duty of the police department to investigate and report to the clerk-treasurer all persons, firms and corporations liable for a license under the provisions of this article.

(Code 1977, § 7-1015)

**Sec. 22-36. Additional penalty for late payment.**

If the license tax is not paid before March 1 of each year the penalty for nonpayment shall (in addition to the fine herein imposed) be the sum of 15 percent of the license required.

(Code 1977, § 7-1016)

**Sec. 22-37. Delinquents to be reported.**

The clerk-treasurer shall be required to turn over to the chief of police the names of all delinquent license taxpayers on March 1, and the police department shall immediately bring delinquents before the recorder of the city for violation of this article.

(Code 1977, § 7-1017)

**Sec. 22-38. Revocation.**

The city manager shall have the power to revoke any and all licenses when he shall have cause to believe that the privileges granted thereunder are abused and shall have the right to refuse to issue any license where they have cause to believe that the applicant therefor will abuse the license or is not entitled to be licensed under the laws of this state.

(Code 1977, § 7-1018)

**Sec. 22-39. Assessments.**

When any person shall have failed to obtain a business license or to furnish the information required by this chapter, the license inspector, clerk-treasurer, or the South Carolina Municipal Association pursuant to contract shall proceed to examine such records of the business, public records, statistical samples, or other available records and information as may be deemed appropriate, and shall assess a license tax and penalties of five percent per month from due date. A notice of assessment shall be served by certified mail and an application for adjustment of the assessment, which must contain documentary evidence supporting the

adjustment, may be made to the assessing agent within five days after the notice is delivered or the assessment will become final. The assessing agent shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment. A final assessment may be appealed to city council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this article relating to appeals.

(Code 1977, § 7-1019; Ord. No. 83-16, 10-4-1983)

**Sec. 22-40. Retail telecommunications services.**

(a) Notwithstanding any other provisions of the business license ordinance, the business license tax for "retail telecommunications services," as defined in S.C. Code 1976, § 58-9-2200, shall be at the maximum rate authorized by S.C. Code 1976, § 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by state law as in effect on February 1, 2005. Declining rates shall not apply.

(b) In conformity with S.C. Code 1976, § 58-9-2220, the business license tax for retail telecommunications services shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a 12-month projected income.

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

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

(e) Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

(f) Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

(g) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this chapter.

(h) As authorized by S.C. Code 1976, § 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code 1976, § 58-9-2200, shall continue in effect.

(Code 1977, § 7-1020; Ord. No. 2004-10, 9-14-2004)

**Secs. 22-41—22-68. Reserved.**

### **ARTICLE III. BANKRUPT AND CLOSING OUT SALES**

**Sec. 22-69. License required.**

It shall be unlawful for any person in the city to advertise or conduct any sale of goods, wares or merchandise that is represented as bankrupt, trustee, receivership, insolvent, insurance, fire, waterdamaged, closing out, closing stock, manufacturers, manufacturers' outlet, executor's, administrator's, jobbers, wholesalers, adjusters, liquidation, removal, distressed or other similar sale of foods, wares and merchandise without first obtaining from the city a license to do so and paying the prescribed fee therefor.

(Code 1967, p. 122; Code 1977, § 7-3001)

**Sec. 22-70. Inventory required.**

At the time of applying for a license the person shall file with the clerk-treasurer an inventory containing a complete and accurate list of all the goods, wares and merchandise to be offered for sale at the sale, together with the wholesale price thereof. The inventory shall be signed by the person seeking the license where it is sought by an individual, by a member of the firm seeking the license where the license is sought by a firm, and by an officer of the corporation where the license is sought by a corporation.

(Code 1967, p. 122; Code 1977, § 7-3002)

**Sec. 22-71. Applicant to make affidavit.**

The person signing the inventory as required by section 22-70 shall execute an affidavit to the effect that the inventory so submitted contains a full, true and accurate list of the goods, wares and merchandise to be offered for sale, and that the wholesale price stated therein is the true current wholesale price thereof. The affidavit shall also state whether the applicant for the license has been engaged in the sale of goods, wares and merchandise at the same location where the sale is proposed to be held and the length of time during which the applicant has been engaged in business at that location prior to applying for the license.

(Code 1967, pp. 122, 123; Code 1977, § 7-3003)



**Sec. 22-72. Itinerants and nonitinerants distinguished.**

Applicants under the provisions of this article shall be classified as itinerants and nonitinerants.

- (1) Itinerants shall be those persons who shall not have been engaged in business at the location where the sale is proposed to be held for at least one year immediately preceding the making of the application for the license; and
- (2) Nonitinerants shall be those persons who shall have been engaged in business at the location where the sale is proposed to be held for one year, or more, immediately preceding the making of the application for the license.

(Code 1967, p. 123; Code 1977, § 7-3004)

**Sec. 22-73. Time limitation on sales.**

No license shall be issued to any person to conduct a sale of the nature contemplated in sections 22-69 through 22-71 hereof for a period of less than ten days nor more than 60 days.  
(Code 1967, p. 123; Code 1977, § 7-3005)

**Sec. 22-74. Sale limited to goods on inventory.**

(a) During the progress of the sale contemplated in sections 22-69 through 22-71, it shall be unlawful for the person conducting the sale to offer for sale any goods, wares or merchandise other than those shown by the original inventory filed with the clerk-treasurer at the time of making application for the license.

(b) It shall be unlawful for any person to make any replenishments or additions to his stock of goods, wares or merchandise during the continuance of the sale.  
(Code 1967, pp. 123, 124; Code 1977, § 7-3006)

**Sec. 22-75. Records to be maintained.**

The person conducting the sale shall keep an accurate record of all articles or things sold, which record shall be available at all reasonable hours for the inspection of the clerk-treasurer.  
(Code 1967, p. 124; Code 1977, § 7-3007)

**Sec. 22-76. Article does not apply to regular course of business sales.**

Nothing contained in this article shall apply to judicial sales, or sales conducted by order of any court, or to sales made by wholesalers, jobbers or manufacturers when made in the regular course of their business.  
(Code 1967, p. 124; Code 1977, § 7-3008)

**Sec. 22-77. License fee.**

The fee charged for a license to conduct a sale pursuant to the provisions of this article shall be as follows:

- (1) *Itinerant*: See schedule in Business License and Tax Ordinance, effective as of January 1, 1992.



BUSINESSES

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(2) *Nonintinerant*: \$10.00 per day for the duration of the sale.  
(Code 1977, § 7-3009; Ord. No. 94-3, 2-1-1994)



Chapters 23—25

**RESERVED**



## Chapter 26

### **COURTS\***

Sec. 26-1.	Created.
Sec. 26-2.	Jurisdiction.
Sec. 26-3.	Powers and duties.
Sec. 26-4.	Municipal judge.
Sec. 26-5.	Appointment.
Sec. 26-6.	Compensation.
Sec. 26-7.	Oath.
Sec. 26-8.	Vacancy.
Sec. 26-9.	Time of court.
Sec. 26-10.	Rules of procedure.
Sec. 26-11.	Ministerial recorder.
Sec. 26-12.	Clerk of court.

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**\*Editor's note**—According to state law, the municipal court may (1) try and determine criminal cases involving violations of S.C. Code 1976, § 56-5-10 et seq., occurring within the respective limits of this municipality, when the penalty prescribed by title 56, chapter 5, for such violations does not exceed 30 days' imprisonment or a \$100.00 fine, and may have trial jurisdiction over such criminal cases the same as magistrates; (2) try and determine all cases involving a violation of S.C. Code 1976, § 61-6-4000 et seq., except S.C. Code 1976, § 61-6-4720, per S.C. Code 1976, § 61-6-4500; (3) maintain jurisdiction for trial of persons under 17 years of age, for alleged violations of South Carolina Code 1976, title 50, when the court would have jurisdiction if the offense charged was committed by an adult; and (4) try a first offense for violation of S.C. Code 1976, § 47-1-40 (ill-treatment of animals).

**State law references**—Municipal courts, S.C. Code 1976, § 14-25-5 et seq.; powers, duties and jurisdiction of municipal courts, S.C. Code 1976, § 14-25-45; trial jurisdiction of municipal courts for violation of uniform act regulating traffic, S.C. Code 1976, § 56-5-5160; right to record proceedings, S.C. Code 1976, § 14-25-195.



**Sec. 26-1. Created.**

There is hereby created and established a municipal court.  
(Code 1977, § 1-7001; Ord. No. 80-15, 9-2-1980)

**Sec. 26-2. Jurisdiction.**

The municipal court shall have jurisdiction to try and determine all cases arising under the provisions of this Code and other ordinances of the city. It shall also have jurisdiction in criminal cases as is now conferred by law upon magistrates in this county. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters.  
(Code 1977, § 1-7002; Ord. No. 80-15, 9-2-1980)

**Sec. 26-3. Powers and duties.**

The municipal court shall be a part of the unified judicial system of this state, for the trial and determination of all cases within its jurisdiction.  
(Code 1977, § 1-7003; Ord. No. 80-15, 9-2-1980)

**Sec. 26-4. Municipal judge.**

The municipal court shall be held by a municipal judge. He must meet the qualifications of state law and shall comply with all requirements of state law in the performance of his duties. He shall also have such powers of sentencing, including the right to punish for contempt, as given him by the laws of the state and the ordinances of the city.  
(Code 1977, § 1-7004; Ord. No. 80-15, 9-2-1980)

**Sec. 26-5. Appointment.**

The municipal judge shall be appointed by the council at its first meeting in July of each year to hold office for a period of two years and until his successor is appointed and qualified.  
(Code 1977, § 1-7005; Ord. No. 80-15, 9-2-1980; Ord. No. 84-5, 9-4-1984; Ord. No. 91-7, 9-13-1991)

**Sec. 26-6. Compensation.**

The compensation of the municipal judge shall be as determined by the council from time to time.  
(Code 1977, § 1-7006; Ord. No. 80-15, 9-2-1980)

**Sec. 26-7. Oath.**

Before entering upon his duties and the discharge thereof, the municipal judge shall take and subscribe the following oath:

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

(Code 1977, § 1-7007; Ord. No. 80-15, 9-2-1980)

**Sec. 26-8. Vacancy.**

In the case of a vacancy in the office of the municipal judge the council shall appoint a successor to fill the unexpired term. In case of the temporary absence or sickness or disability of a municipal judge, the court shall be held by an assistant judge, or a judge of another municipality or by a practicing attorney or some other person who has received training or experience in municipal court procedure, who shall be designated by the mayor and take the prescribed oath of office before entering upon his duties.

(Code 1977, § 1-7008; Ord. No. 80-15, 9-2-1980)

**Sec. 26-9. Time of court.**

The municipal judge shall set the time for holding the municipal court, unless otherwise provided by the council.

(Code 1977, § 1-7009; Ord. No. 80-15, 9-2-1980)

**Sec. 26-10. Rules of procedure.**

The municipal judge shall establish and prescribe all necessary and proper rules of procedure for the municipal court; provided, however, that the same shall not conflict in any manner with existing state and city laws.

(Code 1977, § 1-7010; Ord. No. 80-15, 9-2-1980)

**Sec. 26-11. Ministerial recorder.**

The city council may provide for a ministerial recorder and appoint one or more fulltime or parttime ministerial recorders, who shall hold office at the pleasure of council. Before entering upon the discharge of the duties of the office of ministerial recorder, the person appointed shall take and subscribe the prescribed oath of office and shall be certified by the municipal judge as having been instructed in the proper method of issuing warrants. Ministerial recorders shall have the power to issue summonses, subpoenas, arrest warrants, and search warrants in all cases arising under the ordinances of the municipality, and in criminal cases as are now conferred by law upon magistrates, but shall have no other judicial power.

(Code 1977, § 1-7011; Ord. No. 80-15, 9-2-1980)

**State law reference**—Ministerial recorder powers and duties, S.C. Code 1976, § 14-25-115.



**Sec. 26-12. Clerk of court.**

A municipal clerk or some other municipal employee designated by the manager shall serve as clerk of court.

(Code 1977, § 1-7012; Ord. No. 80-15, 9-2-1980)



Chapters 27—29

**RESERVED**



## Chapter 30

### **ELECTIONS\***

- Sec. 30-1. Terms of office.
- Sec. 30-2. Method of election.
- Sec. 30-3. Election commission.
- Sec. 30-4. Nonpartisan elections; procedure.
- Sec. 30-5. Time of elections; notice.
- Sec. 30-6. Time of taking office; contested election.

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**\*Federal law reference**—South Carolina municipalities are covered jurisdictions under Voting Rights Act of 1965, 28 CFR 51, Appendix; covered jurisdictions must obtain federal preclearance of voting changes, 42 USC 1973c; procedure for submitting changes to U.S. attorney general, 28 CFR 51.20 et seq.

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



**Sec. 30-1. Terms of office.**

(a) The mayor and councilmembers shall be elected for a term of four years.

(b) The term of the office of councilmembers shall be staggered, so that one-half of the membership shall be elected every two years.

(Code 1977, § 1-8001)

**Sec. 30-2. Method of election.**

(a) The mayor shall be elected by the city at large.

(b) Three members of council shall be elected by the city at large.

(c) One member of council shall be elected by the qualified electors of each of the three wards of the city. Candidates seeking office as a member of council from a ward shall be a resident of that ward and, if elected, shall remain a resident of that ward throughout the term of office.

(Code 1977, § 1-8002)

**Sec. 30-3. Election commission.**

(a) The council shall appoint an election commission, which shall have the powers, functions and duties as prescribed by law.

(b) Commission appointees shall serve for a term of six years.

(Code 1977, § 1-8003)

**State law reference**—Functions and powers of election commission, S.C. Code 1976, § 5-15-100.

**Sec. 30-4. Nonpartisan elections; procedure.**

(a) All regular and special elections for the offices of mayor and councilmembers shall be nonpartisan general elections pursuant to state law.

(b) Each person offering as a candidate for election to any municipal election shall do so by filing a statement of candidacy with the election commission 30 days prior to the date of the election. The statement of candidacy shall be in substantially the following form:

Date \_\_\_\_\_

I hereby file notice that I am a candidate for election to the office of \_\_\_\_\_ (mayor) (councilmember at large) (councilmember for the \_\_\_\_\_ ward) in the regular municipal election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I certify that I am a qualified elector, and resident of the municipality and of the ward for which I seek election.

Signed \_\_\_\_\_

Name of candidate

Witness \_\_\_\_\_

(c) A second election shall be conducted two weeks after the first election between one more than the number of candidates necessary to fill offices for which no candidates received a majority of the votes cast and the second election shall be between the candidates receiving the largest number of votes in the first election. The candidates receiving the highest number of votes cast in the second election in number equal to the number of offices to be filled shall be declared elected.

(d) No political party affiliation shall be placed on any ballot for any candidate.

(e) This procedure shall be known as the election and runoff election method, a majority within the meaning of this section shall be determined as provided in state law.

(Code 1977, § 1-8004; Ord. No. 77-7, 10-4-1977)

**Sec. 30-5. Time of elections; notice.**

(a) Elections for city officials shall be held in odd-numbered years on the first Tuesday after the first Monday of November.

(b) The council shall give public notice of the general city election at least 90 days prior to the date of election.

(Code 1977, § 1-8005; Ord. No. 95-8, 6-6-1995)

**Sec. 30-6. Time of taking office; contested election.**

(a) Newly elected officers shall not be qualified pursuant to state law until the first Tuesday of January next following the date of the general election.

(b) If the results of the election are contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(Code 1977, § 1-8006)



Chapters 31—33

**RESERVED**



Chapter 34

**ENVIRONMENT**

**Article I. In General**

Secs. 34-1—34-19. Reserved.

**Article II. Beautification**

- Sec. 34-20. Purpose.
- Sec. 34-21. Beautification board.
- Sec. 34-22. Implementation of a beautification plan.
- Sec. 34-23. Meetings, rules and records.



**ARTICLE I. IN GENERAL**

**Secs. 34-1—34-19. Reserved.**

**ARTICLE II. BEAUTIFICATION****Sec. 34-20. Purpose.**

(a) The purpose of this article is to promote efforts to improve the physical appearance of the city within both the public and private sectors; to assist, coordinate and encourage the efforts of existing groups whose goal is beautification within the city, whether exclusively or in part; to educate the public concerning the need for beautification; and to provide the framework through which issues, opinions and proposals concerning beautification may be presented to the council.

(b) It is the hope of the city that by encouraging and promoting beautification efforts, the result may be an improvement in the overall quality of life, a greater pride in the city, and an improvement in the city's ability to project an image within the state and the region as a good place in which to work and live.

(Code 1977, § 5-7002)

**Sec. 34-21. Beautification board.**

(a) *Creation.* In order to implement the provisions of this chapter, there is hereby established the City of Darlington Beautification Board, hereinafter referred to as "the board," consisting of seven residents of the city.

(b) *Appointment.*

- (1) Members of the board shall be appointed by the mayor, subject to confirmation by the city council.
- (2) It is recommended that one member of the board be also a member of the board of the city downtown revitalization association.
- (3) It is recommended that one member of the board be also a member of the board of Keep America Beautiful.
- (4) One member of the board shall be experienced, either by vocation or avocation, in applications of landscaping and horticulture.
- (5) The remainder of the board members shall be appointed upon the basis of their individual and combined qualities, such as leadership and organizational skills, interest in beautification, and the ability and willingness to serve; provided, however, that there be at least one member of the board from each political district of the city.

- (6) Members of the board shall assume their duties and be installed at the first regular meeting of the board following their appointment. Members shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties as authorized by the city council.

(c) *Terms of office.*

- (1) The term of office for each member of the board shall be two years.
- (2) Memberships shall be identified by place numbers one through seven. Terms of office in the four odd-numbered places shall expire in odd-numbered years and those in even-numbered places shall expire in even-numbered years; provided, however, that each member of the board shall serve until his successor is appointed and duly installed. Any individual who has served as a member of the board for three consecutive terms shall not be eligible for appointment to another term until one year has elapsed; provided, however, that a term of less than one year shall not be counted in determining eligibility for reappointment.

(d) *Removal.* Any member of the board may be removed from membership by the mayor, with confirmation by the city council, for repeated failure to attend meetings of the board, or for any other cause deemed sufficient by the mayor.

(e) *Appointment to fill a vacancy.* In the event any place on the board becomes vacant due to removal, resignation, or any other cause, the mayor shall appoint a replacement within 60 days for the remainder of the unexpired term, subject to confirmation by the city council.

(f) *Duties and powers.* It shall be the duty of the board to promote the purposes and objectives of this article. The board shall be prepared to review, at the request of the mayor, proposals that pertain to beautification so that the council may benefit from the advice of the board prior to the consideration of such proposals. The board shall have the responsibility of preparing and presenting to city council an annual plan for beautification at least three months prior to the end of the fiscal year. The board shall make an appraisal of all visual aspects of the city's infrastructural elements, including, but not limited to, parks, streets, sidewalks, rights-of-way, parking lots, public buildings and grounds, recreational areas, and points of public ingress and egress and report such appraisal to the city council as part of the annual plan, along with prioritized recommendations for improving the aesthetic quality of these various elements. Photographs, slides, or other visual aids should be utilized in the presentation of this appraisal. The board shall have the responsibility of planning, establishing and coordinating community efforts within the city for purposes of beautification. The extent of such efforts should include public, commercial, and residential areas and shall be outlined and presented to the city council as part of the annual plan. Requests for the use of city equipment, personnel, or services requiring additional funding should be made to city council as part of the annual plan. Requests for normal city services in the implementation of community beautification efforts shall be coordinated with the city manager by the board's chairman or selected representative. The board shall respect the aims and prerogatives of

other groups established for similar purposes and seek to complement their efforts. The board shall establish liaison with various local media and issue press releases and other information of the purpose of educating the public in the need for beautification.

(Code 1977, § 5-7003)

**Sec. 34-22. Implementation of a beautification plan.**

As part of its beautification plan, the beautification board may:

- (1) In its official and civic capacity, contact property owners, government officials, residents, shopkeepers or other persons to enlist their voluntary cooperation in the improvement of the visual quality of any property or structure for which they are fully or partially responsible;
- (2) Through its chairman or selected representative, bring to the attention of the city council or the city code enforcement officer areas in violation of existing health and sanitation ordinances, placing particular emphasis on areas where neglect has caused disruptions in the visual harmony of the surroundings or where the responsible parties have resisted attempts to enlist their voluntary cooperation;
- (3) Contact businesses, government officials, or citizens to enlist their financial help or sponsorship in the care or maintenance of public property or areas such as medians, rights-of-way, parking lots, trash containers, easements, alleyways, backlots, parks, or other areas where responsibility for upkeep is either ambiguous or places an undue burden upon the resources of the municipality. All funds donated to the beautification board shall be received and disbursed by the city in the same manner as all revenue and disbursements, and shall be used for the purposes for which they were donated;
- (4) Issue awards, letters of commendation, or other incentives to individuals, groups, businesses, or other entities for the purpose of rewarding and encouraging beautification efforts;
- (5) Appoint or enlist leaders in business or residential communities for the purpose of establishing beautification projects within specific areas of the city;
- (6) At a regular or special meeting, or at a public hearing authorized by the city council, hear complaints, issues, proposals, concerns, advice, or opinions relating to beautification from any person or group invited by, or wishing to appear before, the board; and
- (7) At its discretion, bring matters before the council pertaining to beautification on a timely basis.

(Code 1977, § 5-7004; Ord. No. 91-9, 10-1-1991)

**Sec. 34-23. Meetings, rules and records.**

(a) *Regular meetings.* Regular meetings for the transaction of business of the beautification board shall be held with such frequency as the board may determine, but not less than four times a year.

(b) *Annual organizational meeting.* The first regular meeting following the beginning of the city's fiscal year shall be designated the annual organization meeting for the election of officers and organization of the board.

(c) *Special meetings.* Special meetings of the board may be held at any time upon call of the chairman.

(d) *Rules and records.* The board shall adopt rules of order and shall keep records or minutes of its recommendations. Such record shall be a public record. A quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business.

(e) *Public notice of meetings.* The board shall comply with the Freedom of Information Act in regard to the public notice of meetings.

(f) *Board action.* Decisions or actions by the board shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

(g) *Officers.* The board shall elect from its membership a chairman and vice-chairman who shall serve for one year or until their successors are elected. No member shall be elected chairman or vice-chairman for more than three consecutive years. The board shall appoint a secretary who may be from its membership or who may be an officer or employee of the city. (Code 1977, § 5-7005)



Chapters 35—37

**RESERVED**



Chapter 38

**FAIR HOUSING\***

- Sec. 38-1. Policy.
- Sec. 38-2. Definitions.
- Sec. 38-3. Exemptions.
- Sec. 38-4. Discrimination in sale or rental of housing.
- Sec. 38-5. Discrimination in the financing of housing.
- Sec. 38-6. Discrimination in the provision of brokerage services.
- Sec. 38-7. Administration, authority, and responsibility.
- Sec. 38-8. Findings of housing board of appeal; nature of affirmative action.
- Sec. 38-9. Investigations; powers; records.
- Sec. 38-10. Conspiracy to violate this chapter unlawful.

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\***State law references**—Fair Housing Law, S.C. Code 1976, § 31-21-10 et seq.; protocol when local fair housing law is substantially equivalent to state law, S.C. Code 1976, § 31-21-120(C).



**Sec. 38-1. Policy.**

(a) It is the policy of the city that no person shall be discriminated against in the sale or rental of housing on the basis of race, color, religion, sex, age or national origin; the city has decided to publicly state this policy through the enactment of the following provisions.

(b) This chapter shall be interpreted in accordance with the policy expressed in subsection (a) of this section.

(Code 1977, § 5-4001)

**Sec. 38-2. Definitions.**

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

*Conciliation agreement* means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant and respondent and witnessed by a duly authorized enforcing agent who will be so designated by the city council.

*Conciliation failure* means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

*Discrimination* means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act of discrimination or preference in the treatment of a person or persons because of race, color, religion, national origin, age, or sex, or the aiding, abetting, inciting, coercing or compelling thereof.

*Discriminatory housing practice* means any act that is described in section 38-4.

*Dwelling* means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

*Family* includes a single individual.

*Housing board of appeal and adjustment* means that body of citizens duly appointed by the city council to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

*Person* means and shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, and receivers.

*To rent* means and shall include to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Code 1977, § 5-4002)

**Sec. 38-3. Exemptions.**

- (a) Nothing in section 38-1 or any other section shall apply to:
  - (1) Any unimproved lot or vacant land, or to any single-family house sold or rented by an owner:
    - a. Provided that such private individual owner does not own more than three such single-family houses at any one time;
    - b. Provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period;
    - c. Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time; and
    - d. Provided further the sale or rental of any such single-family house shall be exempted from the application of this chapter only if such house is sold or rented:
      - 1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker agent, or salesmen, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
      - 2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 38-4(3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or
  - (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if:
    - a. He has, within the preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwellings or any interest therein;
    - b. He has, within the preceding 12 months, participated as agent other than in the sale of his own personal residence in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

- c. He is the owner of any dwelling designated or intended for occupancy by or occupied by, five or more families.

(b) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Code 1977, § 5-4003)

**Sec. 38-4. Discrimination in sale or rental of housing.**

As made applicable by this chapter, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, or national origin;
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, sex, religion, or national origin;
- (3) To make, print, or publish or cause to be made, printed or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, or national origin, or an intention to make any such preference, limitation or discrimination;
- (4) To represent to any person because of race, sex, color, religion, or national origin that any such dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; or
- (5) For profit, to induce, or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, color, religion, or national origin.

(Code 1977, § 5-4004)

**Sec. 38-5. Discrimination in the financing of housing.**

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or

maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, sex, color, religion or national origin of such person or any person associated with him in connection with such loan or other financial assistance or the purpose of such loan or other financial assistance, or of the present or prospective owners, leases, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 38-3.

(Code 1977, § 5-4005)

**Sec. 38-6. Discrimination in the provision of brokerage services.**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, sex, religion, or national origin.

(Code 1977, § 5-4006)

**Sec. 38-7. Administration, authority, and responsibility.**

(a) It shall be the responsibility of the building inspector to enforce and administer this chapter. All complaints concerning violation of this chapter must be made in writing to the building inspector and must be made within six months from the transaction complained of. The building inspector, or his designee, shall investigate any complaints arising under this chapter, make determinations of probable cause, and seek to conciliate apparent violations. Conciliation efforts may be initiated by any persons said to be subject to discrimination as defined in this chapter.

(b) The city council shall establish a housing board of appeals and shall promulgate formal rules and procedures for it to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the building inspector acting on behalf of the city decides a conciliation failure has occurred. Hearings open to the public may be initiated by the responding party at any time during the conciliation process.

(Code 1977, § 5-4007)

**Sec. 38-8. Findings of housing board of appeal; nature of affirmative action.**

(a) If the housing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.



(b) If the housing board determines that the respondent is engaged in an unlawful practice, it shall state its findings of fact and recommendations to the building inspector, who shall in appropriate cases obtain an arrest warrant for violation of this chapter from the recorder's court.

(Code 1977, § 5-4008)

**Sec. 38-9. Investigations; powers; records.**

(a) In connection with an investigation of a complaint filed under this chapter, the building inspector at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(b) Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(Code 1977, § 5-4009)

**Sec. 38-10. Conspiracy to violate this chapter unlawful.**

It shall be an unlawful practice for a person, or for two or more persons to conspire:

- (1) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter;
- (2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter;
- (3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or
- (4) To resist, prevent, impede, or interfere with the enforcing agent, housing board, or any of its members or representatives in the lawful performance of duty under this chapter.

(Code 1977, § 5-4010)



Chapters 39—41

**RESERVED**



Chapter 42

**FIRE PREVENTION AND PROTECTION**

**Article I. In General**

- Sec. 42-1. Adoption of fire code.
- Sec. 42-2. Enforcement.
- Sec. 42-3. Modifications.
- Sec. 42-4. Appeals.
- Sec. 42-5. False fire alarm.
- Sec. 42-6. Driving over fire hose.
- Secs. 42-7—42-26. Reserved.

**Article II. Fire Department**

- Sec. 42-27. Established.
- Sec. 42-28. Fire chief responsible to city manager; duties prescribed.
- Sec. 42-29. Tampering with equipment.
- Sec. 42-30. Firemen's insurance fund.



**ARTICLE I. IN GENERAL****Sec. 42-1. Adoption of fire code.**

The International Fire Code, 2003 edition, as published by the International Code Council, Inc., is hereby adopted by reference.  
(Code 1977, § 2-2011; Ord. No. 94-3, 2-1-1994; Ord. No. 95-4, 3-7-1995; Ord. 2001-07, 6-5-2001; Ord. No. 2004-13, 12-7-2004)

**Sec. 42-2. Enforcement.**

The code adopted by this chapter shall be enforced by the chief of the fire department.  
(Code 1977, § 2-2012)

**Sec. 42-3. Modifications.**

The chief of the fire department shall have power to modify any of the provisions of the code adopted by this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of the modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.  
(Code 1977, § 2-2014)

**Sec. 42-4. Appeals.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by this chapter do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the council within 30 days from the date of the decision appealed.  
(Code 1977, § 2-2015)

**Sec. 42-5. False fire alarm.**

It shall be unlawful for any person to make, report or turn in any false alarm of fire.  
(Code 1977, § 2-2004)

**Sec. 42-6. Driving over fire hose.**

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.  
(Code 1977, § 2-2006)

**Secs. 42-7—42-26. Reserved.**

**ARTICLE II. FIRE DEPARTMENT\***

**Sec. 42-27. Established.**

(a) There is hereby established a city fire department to be headed by a fire chief who shall be appointed by the city manager.

(b) The city manager may employ additional members of the department as is deemed appropriate.

(Code 1977, § 2-2001)

**Sec. 42-28. Fire chief responsible to city manager; duties prescribed.**

The fire chief shall be responsible to the city manager for the direction of all firefighting, fire prevention and fire service activities, including the inspection of properties within the corporate limits and filling all required reports with the insurance commission for the state. The fire chief shall direct the assignment of fire personnel, establish training programs, establish procedures pursuant to this Code and shall promulgate administrative regulations having to do with the operation of the fire department and shall cooperate with all other firefighting and fire prevention agencies as may be provided by this Code or other valid laws, regulations or directives.

(Code 1977, § 2-2002; Ord. No. 94-3, 2-1-1994)

**Sec. 42-29. Tampering with equipment.**

It shall be unlawful for any person to tamper with the fire reels or appurtenances thereto, axes, tools, wrenches or any other firefighting equipment wherever located belonging to the city.

(Code 1977, § 2-2003)

**Sec. 42-30. Firemen's insurance fund.**

(a) The city accepts the benefits of the statutes of state in reference to the creation of a fund by foreign fire insurance companies doing business in this state, for the creation, maintenance, support and encouragement of fire departments.

(b) A board of trustees, to be known as the trustees of the firemen's insurance and inspection fund of the city is hereby created, and shall be composed of three members, who are hereby designated as the mayor, a member of council, and the chief of the fire department. The trustees shall serve without compensation, and the clerk-treasurer shall act as treasurer of the board and be custodian of all its funds.

(Code 1967, p. 17; Code 1977, § 2-2007)

**State law reference**—Firemen's insurance and inspection fund, S.C. Code 1976, § 23-9-310 et seq.

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\***State law references**—Municipal authority to equip and control fire department, S. C. Code 1976, § 5-25-20; annual certificate of existence of fire department to be filed with state fire marshal, S.C. Code 1976, § 23-9-380.



Chapters 43—45

**RESERVED**



Chapter 46

**FLOODS**

**Article I. In General**

- Sec. 46-1. Statutory authorization.
- Sec. 46-2. Findings of fact.
- Sec. 46-3. Statement of purpose.
- Sec. 46-4. Objectives.
- Sec. 46-5. Definitions.
- Secs. 46-6—46-28. Reserved.

**Article II. Flood Damage Prevention**

Division 1. Generally

- Sec. 46-29. Application.
- Sec. 46-30. Basis for establishing the areas of special flood hazard.
- Sec. 46-31. Establishment of development permit.
- Sec. 46-32. Compliance.
- Sec. 46-33. Abrogation and greater restrictions.
- Sec. 46-34. Interpretation.
- Sec. 46-35. Warning and disclaimer of liability.
- Sec. 46-36. Penalties for violation.
- Secs. 46-37—46-60. Reserved.

Division 2. Administration

- Sec. 46-61. Building inspector to administer chapter.
- Sec. 46-62. Permit procedures.
- Sec. 46-63. Duties and responsibilities of the building inspector.
- Sec. 46-64. Variance procedures.
- Secs. 46-65—46-86. Reserved.

Division 3. Provisions for Flood Hazard Reduction

- Sec. 46-87. General standards.
- Sec. 46-88. Specific standards.
- Sec. 46-89. Standards for streams without established base flood elevations and/or floodways.
- Sec. 46-90. Standards for subdivision proposals.



**ARTICLE I. IN GENERAL****Sec. 46-1. Statutory authorization.**

The legislature of the state has in its statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(Code 1977, § 5-6001)

**Sec. 46-2. Findings of fact.**

(a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Code 1977, § 5-6002)

**Sec. 46-3. Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1977, § 5-6003)

**Sec. 46-4. Objectives.**

The objectives of this chapter are:

- (1) To protect human life and health;

- (2) To minimize expenditure of public money for costly flood control projects;
  - (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - (4) To minimize prolonged business interruptions;
  - (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  - (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas; and
  - (7) To ensure that potential home buyers are notified that property is in a flood area.
- (Code 1977, § 5-6004)

**Sec. 46-5. Definitions.**

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

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

*Appeal* means a request for a review of the city's interpretation of any provision of this chapter or a request for a variance.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means that portion of a building having its flood subgrade (below ground level) on all sides.

*Building* means any structure built for support, shelter or enclosure for any occupancy or storage.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

*Elevated building* means a nonbasement building built to have the lowest flood elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters; and

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBP)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the area of special flood hazard have been defined as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

*Floodway* means the channel of a creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with national geodetic vertical datum (NGVD).

*National geodetic vertical datum (NGVD)* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

*New construction* means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

*Start of construction* includes substantial improvement, and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include

excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Structure* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

*Substantial improvement* means any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

*Variance* is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Code 1977, § 5-6005)

**Secs. 46-6—46-28. Reserved.**

**ARTICLE II. FLOOD DAMAGE PREVENTION**

**DIVISION 1. GENERALLY**

**Sec. 46-29. Application.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. (Code 1977, § 5-6011)

**Sec. 46-30. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood hazard boundary map dated August 29, 1975, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(Code 1977, § 5-6012)



**Sec. 46-31. Establishment of development permit.**

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(Code 1977, § 5-6013)

**Sec. 46-32. Compliance.**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Code 1977, § 5-6014)

**Sec. 46-33. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1977, § 5-6015)

**Sec. 46-34. Interpretation.**

In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1977, § 5-6016)

**Sec. 46-35. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Code 1977, § 5-6017)

**Sec. 46-36. Penalties for violation.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall

pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Code 1977, § 5-6018; Ord. No. 93-13, 8-3-1993)

**Secs. 46-37—46-60. Reserved.**

DIVISION 2. ADMINISTRATION

**Sec. 46-61. Building inspector to administer chapter.**

The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(Code 1977, § 5-6021)

**Sec. 46-62. Permit procedures.**

Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- (1) *Application stage.* The following information is required in an application for a development permit:
  - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
  - c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 46-88(2); and
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (2) *Construction stage.* Provide a flood elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the

horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

(Code 1977, § 5-6022)

**Sec. 46-63. Duties and responsibilities of the building inspector.**

- (a) Duties of the building inspector shall include, but not be limited to:
- (1) Review all development permits to assure that the permit requirements of this chapter have been satisfied;
  - (2) Advise the permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;
  - (3) Notify adjacent communities and the South Carolina Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
  - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
  - (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 46-62(2);
  - (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with section 46-62(2);
  - (7) Obtain certification from a registered professional engineer or architect, in accordance with section 46-88(2), when floodproofing is utilized for a particular structure;
  - (8) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;

(9) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of division 3 of this article, when base flood elevation data or floodway data have not been provided in accordance with section 46-30; and

(b) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection.

(Code 1977, § 5-6023)

**Sec. 46-64. Variance procedures.**

(a) The board of zoning appeals as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The board of zoning appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building inspector in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the board of zoning appeals or any taxpayer may appeal such decision to the court of common pleas, as provided by state law.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for subsections (h)(1)—(4) of this section, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

(e) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this chapter, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (2) Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Code 1977, § 5-6024)

**Secs. 46-65—46-86. Reserved.**

## DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

**Sec. 46-87. General standards.**

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.

(Code 1977, § 5-6031)

**Sec. 46-88. Specific standards.**

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in section 46-30 or section 46-63, the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (3) of this section.

- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation. Structures located in all A-zones may be floodproofed in lieu of being elevated; provided, that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 46-62.
- (3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. The bottom of all openings shall be no higher than one foot above grade; and
    3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
  - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
  - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (Code 1977, § 5-6032)

**Sec. 46-89. Standards for streams without established base flood elevations and/or floodways.**

Located within the areas of special flood hazard established in section 46-30, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to two times the width of the stream at the top of

bank or 20 feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

- (2) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with section 46-63.

(Code 1977, § 5-6033)

**Sec. 46-90. Standards for subdivision proposals.**

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of 50 lots or five acres.

(Code 1977, § 5-6034)



Chapters 47—49

**RESERVED**



## Chapter 50

### **HISTORIC PRESERVATION**

- Sec. 50-1. Short title.
- Sec. 50-2. Purpose.
- Sec. 50-3. Definition of historic district.
- Sec. 50-4. Historic landmarks commission.
- Sec. 50-5. Meetings, rules and records of commission.
- Sec. 50-6. Survey and inventory of historic properties.
- Sec. 50-7. Boundaries of historic district.
- Sec. 50-8. Expansion of and additions to historic districts.
- Sec. 50-9. Nominations to the National Register of Historic Places.
- Sec. 50-10. Certificate of appropriateness.
- Sec. 50-11. Requirements of municipality and public utilities.
- Sec. 50-12. Amendments to chapter.
- Sec. 50-13. Design review guidelines for city's historic district.
- Sec. 50-14. Effect of owner's decision.



**Sec. 50-1. Short title.**

This chapter may be referred to as the city's historic preservation ordinance.  
(Code 1977, § 5-5001)

**Sec. 50-2. Purpose.**

(a) The purpose of this chapter is:

- (1) To protect, preserve and enhance the distinctive architectural heritage of the city;
- (2) To promote the educational, cultural, economic and general welfare of the people of the city;
- (3) To foster civic pride;
- (4) To ensure the harmonious, orderly and efficient growth and development of the municipality;
- (5) To encourage new buildings and developments that will be harmonious with the existing structures and sites; and
- (6) To establish a mechanism for accomplishing these objectives.

(b) It is the intention of the city in enacting this historic preservation chapter to delegate to the historic landmarks commission those powers approved under the United States Constitution by the United States Supreme Court in *Penn Central Transportation Company v. New York City*, 438 U.S. 104 (1978), in *Keystone Bituminous Coal Association v. DeBenedictis* (No. 85-1092) (55 U.S.L.W. 4326) and any subsequent decisions interpreting the power of municipalities to use police powers to preserve their architectural heritage and protect the quality of life for local residents. Similarly, the state statute that is the basis for this historic preservation chapter is S.C. Code 1976, § 5-23-310.

(c) It is the further intention of the city in enacting this chapter to encourage a harmonious outward appearance of structures within locally designated historic districts in order to preserve property values and continue to attract business and residents.

(d) It is the hope of the city that by encouraging a general harmony of style, form, color, proportion, texture and material between buildings of historic design and those of contemporary design, it will be possible for the city's historic districts to continue to impart a distinctive aspect to the city and to serve as visible reminders of the significant historical and cultural heritage of the city and the state.

(Code 1977, § 5-5002)

**Sec. 50-3. Definition of historic district.**

The term "historic district" means an area or group of areas, not necessarily having contiguous boundaries, designated by the city council upon the recommendations of the historic landmarks commission and pursuant to the provisions of this chapter.

(Code 1977, § 5-5003)

**Sec. 50-4. Historic landmarks commission.**

(a) *Creation.* In order to implement the provisions of this chapter, there is hereby established the Darlington Historic Landmarks Commission, hereinafter referred to as "the commission," consisting of seven residents of the city.

(b) *Appointment.*

- (1) Members of the commission shall be appointed by the mayor, subject to confirmation by the city council.
- (2) One member of the commission shall be a resident of the historic district, one shall be a member of the board of zoning appeals, five shall be citizens whose occupations involve some of the following disciplines; architecture, history, architectural history, planning, archaeology, urban planning, American studies, American civilization, cultural geography, cultural anthropology, engineering, law, banking, and real estate. All appointed members shall have a demonstrated interest in historic preservation, shall have demonstrated independent judgment, and shall be able to prepare for and attend commission meetings. No appointed member shall hold any other municipal office, except that one member must be a member of the board of zoning appeals.
- (3) Members of the commission shall assume their duties and be installed at the first regular meeting of the commission following their appointment. Members shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.
- (4) The commission may at its discretion enlist the advice of a consultant from the disciplines listed previously.

(c) *Terms of office.*

- (1) The term of office for each member of the commission shall be two years.
- (2) Memberships shall be identified by place numbers one through seven. Terms of office in the four odd-numbered places shall expire in odd-numbered years and those in even-numbered places shall expire in even-numbered years; provided, however, that each member of the commission shall serve until his successor is appointed and duly installed. Any individual who has served as a member of the commission for three consecutive terms shall not be eligible for appointment to another term until one year has elapsed; provided, however, that a term of less than one year shall not be counted in determining eligibility for reappointment.

(d) *Removal.* Any member of the commission may be removed from membership by the mayor, with confirmation by the city council, for repeated failure to attend meetings of the commission, or for any other cause deemed sufficient by the mayor.

(e) *Appointment to fill a vacancy.* In the event any place on the commission becomes vacant due to removal, resignation, or any other cause, the mayor shall appoint a replacement within 60 days for the remainder of the unexpired term, subject to confirmation by the city council.

(f) *Duties and powers.* It shall be the duty of the commission to promote the purposes and objectives of this chapter and to review plans and applications, as hereinafter provided, for all construction within the historic district, including both modifications to existing buildings, demolitions, and construction of new buildings. The commission shall have the power to approve or deny approval of such applications in accordance with prescribed procedures and guidelines.

(g) *Officers.* The commission shall elect from its membership a chairman and vice-chairman who shall serve for one year or until their successors are elected. No member shall be elected chairman or vice-chairman for more than three consecutive years. The commission shall appoint a secretary, who may be from its membership or who may be an officer or employee of the city. The secretary, who is not a commission member, shall not have a vote.

(h) *Conflict of interest.* Any member of the commission who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the discussion, decision or proceedings of the commission in connection therewith.

(i) *Liability of members.* Any member of the commission acting within the powers granted by this chapter shall be relieved from personal liability for any damage and held harmless by the city. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the city until the termination of the procedure.

(Code 1977, § 5-5004; Ord. No. 89-8, 10-3-1989)

#### **Sec. 50-5. Meetings, rules and records of commission.**

(a) *Regular meetings.* Regular meetings for transaction of business of the historic landmarks commission shall be held with such frequency as the commission may determine, but not less than four times a year.

(b) *Annual organizational meeting.* The first regular meeting following the beginning of the city's fiscal year shall be designated the annual organizational meeting for the election of officers and organization of the commission.

(c) *Special meetings.* Special meetings of the commission may be held at any time upon call of the chairman.

(d) *Public hearings.* When required under the provisions of this chapter, public hearings shall be held by the commission. Unless postponed for reasonable cause, any such hearing shall be held within 15 days after the commission has been notified of the filing of appropriate application or petition concerning the matter in question.

(e) *Public notice.* All meetings of the commission shall be open to the public and reasonable notice of the time and place shall be given to the public. Notices of meetings shall be posted at the city hall and sent to the news media as required by the Freedom of Information Act.

(f) *Rules and records.* The commission shall adopt rules of order and shall keep records or minutes of its recommendations, findings and approvals and denials. Such record shall be a public record. A quorum, consisting of a majority of the total membership of the commission, shall be required for the transaction of business.

(g) *Commission action.* Decisions or actions by the commission shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

(h) *Annual report.* The commission shall make an annual report to the city council at the end of the city's fiscal year citing applications brought before the commission and the approvals, denials or other resolutions issued by the commission. This report will be a public record and will be kept along with minutes of the meetings at the city hall.

(Code 1977, § 5-5005)

#### **Sec. 50-6. Survey and inventory of historic properties.**

The commission may authorize an ongoing survey and inventory of historic properties, provided such survey is conducted in accordance with professional standards and under the qualified supervision of the State Historic Preservation Office. Such survey shall follow procedures described in the South Carolina State Historic Preservation Program: Survey Manual. The results of the survey and inventory of historic properties are open to the public except when it is not in the public interest to list specific sites.

(Code 1977, § 5-5006)

#### **Sec. 50-7. Boundaries of historic district.**

The boundaries of the historic district shall be superimposed upon the zoning map of the City of Darlington. The map attached to Ordinance No. 87-11A as exhibit A indicates the boundaries of the historic district at the time of adoption of the ordinance from which this chapter is derived.

- (1) *Adoption of inventory map.* In order to identify structures and sites which should be preserved, maintained and protected in the public interest, and to provide guidance for the commission, there is hereby adopted as part of the official zoning map of the city an inventory map entitled "historic survey map," dated March, 1986. The original of the inventory map shall be filed as a public record in the office of the building inspector and shall be available for public inspection during normal business hours. Copies of the inventory map shall be sent to all land use planning agencies.
- (2) *Revisions to inventory map.* The inventory map shall be revised to show changed conditions such as the expansion of historic district boundaries. The commission may from time to time recommend to the city council appropriate revisions to the inventory map, but such revisions shall not become effective until the zoning chapter has been properly amended. Changes within the historic district shall not be made without due consideration by the commission.

(Code 1977, § 5-5007)

**Editor's note**—The map referred to as exhibit A of Ord. No. 87-11A has not been codified but is on file in the office of the city clerk.



**Sec. 50-8. Expansion of and additions to historic districts.**

(a) *Recommendations by the commission.* The commission may recommend to the city council the creation of additional historic districts, the expansion of existing historic districts, and the addition of individual buildings and sites. It may also recommend that proposed relocation of historic structures be subject to review by the commission.

(b) *Action by city council.* Changes in historic districts shall not become effective until officially adopted by the city council. Owners of properties which are proposed to be designated historic shall be notified in writing 30 days prior to consideration by the city council. Owners may appear before the city council to voice approval or opposition to such designation.

(c) *Appeal.* Any property owner may appeal the decision of the city council before the courts of the state as provided in S.C. Code 1976, § 5-23-340.

(Code 1977, § 5-5008)

**Sec. 50-9. Nominations to the National Register of Historic Places.**

(a) The commission may designate and recommend the nomination of buildings, structures, sites, objects or districts to the National Register of Historic Places. When considering whether a building, structure, site, object or district should be nominated, the commission should apply the following National Register criteria: The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- (1) That are associated with events that have made a significant contribution to the broad patterns of our history;
- (2) That are associated with the lives of persons significant in our past;
- (3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) That have yielded, or may be likely to yield, information important in prehistory or history.

(b) The commission shall conduct first review and evaluation of all proposed National Register nominations within its jurisdiction, including any which may have been submitted to the State Historic Preservation Office, and shall forward all reviewed nominations to the SHPO with recommendations for consideration by the state board of review. Property owners will be notified when their property is being nominated to the National Register and that there will be public notification for all nominations to be considered by the commission. The commission shall not have the authority to nominate properties directly to the National Register; only the State Board of Review and the SHPO shall have this final review authority. (Code 1977, § 5-5009)

**Sec. 50-10. Certificate of appropriateness.**(a) *Generally.*

- (1) Prior to any demolition, alteration, modification or addition to an existing structure or the construction of a new structure within the historic district, or the moving of any structure into or out of the district, a certificate of appropriateness from the historic landmarks commission shall be required.
- (2) Such certificate shall be a standard form signed by either the chairman or vice-chairman of the commission, stating that the demolition or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration or restoration are approved by the commission. Application for a certificate of appropriateness must be made by the owner of the property which is proposed to be altered, or by an authorized agent or representative of the owner.

(b) *Record documents.* In order to provide guidance and insight concerning the goals and objectives for the historic district or for the types of development, and for the maintenance of consistent policies in guiding the public toward better standards of design, the commission shall maintain a file containing records of all applications brought before the commission for review, action taken by the commission, drawings submitted and amendments of drawings approved pertaining thereto, and drawings and photographs or reproductions thereof showing structures which, in its opinion, may serve as general guides to appropriateness or as expressions of objectives to prospective developers or property owners. Such documents shall remain the property of the city but shall be held in the custody of the commission.

(c) *Preapplication review of plans by commission.*

- (1) Prior to undertaking any construction, demolition or alteration of a structure, or calling for proposals or bids for such work, the owner of the property to be altered, or an authorized agent or representative of the owner, shall provide preliminary drawings and outline specifications for the proposed work, including color samples for outside work, for review and informal discussion with the commission. The purpose of this review shall be to acquaint the owner or his representative with standards of appropriateness of design that are required of all proposed developments.
- (2) The required preapplication review shall not require formal application, but shall require notice to be given to the building inspector and the chairman of the commission at least ten days before the date of the meeting at which the preliminary drawings are to be discussed. All documents submitted at this meeting shall be in triplicate, with the exception of scale models, which will be returned to the applicant after the review.
- (3) For minor projects involving repair or alterations to existing buildings, if the preliminary drawings and other data are sufficiently clear and explicit, the commission may grant preliminary and final approval at one review session. Should said data indicate alterations, remodeling or repairs not changing the exterior appearance, the building inspector may exempt the application from the provisions of this section.

(d) *Documents to be submitted with application.* Application for a certificate of appropriateness for alterations and/or additions to existing structures or for erection of any new structures within the historic district, shall be accompanied by three copies each of the following:

- (1) Drawings, including plans and exterior elevations, drawn to scale, with sufficient detail to show, insofar as they relate to exterior appearances, the architectural design of buildings;
- (2) Specifications or other information describing proposed materials, textures, and colors, including samples of materials or color samples;
- (3) Plot plan or site layout showing all improvements affecting appearances such as walls, walks, terraces, plantings, accessory buildings, signs, lights and other elements; and
- (4) Photographs of the site location, showing contiguous properties and streetscapes, and, in cases involving an existing building, all sides of the building to be considered.

All of the above data shall be filed with the building inspector and the building inspector shall cause said data to be made available to the commission within ten days of receipt of data.

(e) *Review of application.*

- (1) Upon receipt of a properly completed application for a certificate of appropriateness, the commission shall review the proposal and within 30 days after receipt of the application shall either take action in the form of approval or denial as hereinafter provided, or shall find that the preservation and protection of historic places and the public interest will best be served by postponing the demolition or alteration and notify the applicant of such postponement. Postponement shall not exceed 12 months from the date of application.
- (2) The commission, in reviewing proposals, shall base its decisions upon the specific criteria stated in the design review guidelines for the historic district, and shall make no requirements other than for the purpose of preventing developments which are not in harmony with the prevailing character of the historic district or which are obviously incongruous with this character. It shall not consider the uses or proposed uses of buildings, interior arrangements, interior design, or building features which are not subject to public view.

(f) *Alternatives to demolition or alteration.*

- (1) Within the period of postponement of such demolition or alteration of any building, the commission shall take steps to ascertain what could be done by the city council to preserve such building. Such steps shall include, but not be limited to, consultation with civic groups, interested citizens, and public boards or agencies.
- (2) In the event that it comes to the attention of the commission that any property within the historic district is being allowed to deteriorate due to neglect, the commission may

take steps to encourage the owner of the property to make sufficient repairs to arrest the deterioration, thereby maintaining appearances and protecting property values in the historic district.

- (3) If the building is of such historical and architectural significance that preservation is clearly in the public interest, the commission may investigate the potential use of the power of eminent domain and make such recommendations to the city council as the commission may deem appropriate.

(g) *Certificate of appropriateness; approval.*

- (1) When an application is reviewed and approved by the commission, a certificate of appropriateness shall be issued within ten days after approval and a report shall be transmitted to the building inspector stating the basis upon which such approval was made to the applicant. If the commission should fail to take final action upon any case within 30 days after the receipt of the application, unless the applicant has agreed to an extension of the 30-day time limit, the application, if completed and fully documented, shall be deemed to be approved, and a certificate of appropriateness shall be issued.
- (2) When a certificate of appropriateness is issued, written notification shall be provided to the applicant and a copy thereof shall be transmitted to the building inspector. During the progress of the alteration or construction approved by such certificate the building inspector shall make regular inspections and shall make reports of such inspections to the commission, listing all work inspected and reporting any work not in accordance with such certificate. If such work is found to be in violation of the certificate of appropriateness, the building inspector shall take appropriate action to put an end to such violation. Penalties may be levied in accordance with section 906 of the city zoning ordinance. Prior to the issuance of a certificate of occupancy for completed work it shall be the duty of the building inspector to make a final inspection to determine conformance with the plans approved by the commission. If the building inspector finds that the completed work is in violation of the certificate of appropriateness, the building inspector shall take appropriate action to put an end to such violation.

(h) *Certificate of appropriateness; denial.* When an application is reviewed and it is the judgment of the commission that the proposed demolition or partial demolition, alterations and/or additions to existing structures or erection of new structures is in violation of specific criteria stated in the design review guidelines for the historic district, the applicant shall be denied a certificate of appropriateness. The commission shall state its reasons for disapproval and appropriate excerpts from the minutes may be sent to the applicant. The commission may give advice to the applicant and make recommendations regarding appropriateness of design, arrangement, texture, material, and color of the property involved.

(i) *Appeal of commission's decision to court.*

- (1) Any person or persons jointly or severally aggrieved by a final decision of the commission; any taxpayer; or any officer, department or board of the city, may present

to a court of record a petition duly verified setting forth that the decision of the commission is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the commission.

- (2) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the commission to review the decision of the commission, and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner or his attorney, which shall be not less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from unless the court, on proper application, grants a restraining order.

(j) *Determination of economic hardship.*

- (1) If an owner so desires, economic hardship shall be taken into account in the consideration of an application for removal or demolition, alterations or additions, and new construction. The commission may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application:
  - a. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness;
  - b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
  - c. Estimated market value of the property under the following conditions:
    1. In its current condition;
    2. After completion of the proposed redevelopment, alteration, demolition, or removal;
    3. After any changes recommended by the commission; and
    4. In case of a proposed demolition, after renovation of the existing property for continued use;
  - d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
  - e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or application and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

- f. If the property is income producing, the following is required:
    - 1. The annual gross income from the property for the previous two years;
    - 2. Itemized operating and maintenance expenses for the previous two years;
    - 3. depreciation, deduction and annual cash flow before and after debt service, if any, during the same period; and
  - g. Any other information considered necessary by the commission to reach a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (2) The commission shall review all of the evidence and information required from the applicant and make a determination within 30 days of receipt of application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Reasonable return shall be considered an annual return of a minimum of six percent of the value of the property. This percentage has been established as a reasonable rate of return on properties where economic hardship has been litigated before the United States Supreme Court. If the commission makes a determination that economic hardship has not been proven by the owner the application for a certificate of appropriateness shall be denied. Written notice of this action shall be provided to the owner and the owner shall have the right of appeal under S.C. Code 1976, § 5-23-340.
- (3) If the commission makes a determination that economic hardship would occur to the owner, the commission and the city shall then delay the application for a period of 90 days. During this period the commission shall investigate and make recommendations to devise incentives properly to compensate the owner. These incentives may include:
- a. Property tax exemptions;
  - b. Utilization of municipal revenue for low interest loans; or
  - c. Consideration of acquisition of the property in question by the city.

If at the end of the 90-day period, the commission has found that without approval of the proposed work, an economic hardship would still occur, then the commission shall issue a certificate of appropriateness citing economic hardship.

(Code 1977, § 5-5010)

**Sec. 50-11. Requirements of municipality and public utilities.**

All public utility companies shall be required to obtain approval from the commission, in accordance with this chapter, prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations (excluding traffic control devices), lighting, walls, fences, structures and buildings on property, easements or widening or constructing of streets owned or franchised by the city or public utility companies within the historic district.

(Code 1977, § 5-5011)

**Sec. 50-12. Amendments to chapter.**

Amendments may be made to this chapter by the city council upon the request of the commission; provided, that such amendments are not in violation of applicable provisions of state statutes.

(Code 1977, § 5-5012)

**Sec. 50-13. Design review guidelines for city's historic district.**

(a) *City's historic district; definition of boundaries.*

- (1) The city's historic district is an area within the city limits composed of the St. John's National Register Historic District and a National Register Multiple Resource Area of three historic districts and ten individual properties. The seven block St. John's Historic District was listed on the National Register of Historic Places on September 6, 1980. The boundaries of this historic district are as follows: on the north by Swift Creek and the north side of Sanders Street; on the east by the west side of North Main Street; on the south by the south side of Orange Street; on the west by the east side of Wells Street.
- (2) The city's National Register Multiple Resource Area includes the following nine individual properties:
  - a. Wilds-Edwards House, 120 Edwards Avenue;
  - b. Julius Dargan House, 488 Pearl Street;
  - c. Charles S. McCullough House, 400 Pearl Street;
  - d. Charleston & Western Carolina Railway Station, 129 Russell Street;
  - e. Manne Building, 132-138 Pearl Street;
  - f. Edmund Deas House, 229 Avenue E;
  - g. Clarence McCall House, 870 Cashua Street;
  - h. B.F. Williamson House, 141 Oak Street; and
  - i. First Baptist Church, 282 South Main Street.
- (3) The National Register Multiple Resource Area also includes the following three historic districts: West Broad Street Historic District defined by the north and south sides of West Broad Street between Dargan Street and Player Street (does not apply to noncontributing property); Cashua-Spring Street Historic District defined by the north and south sides of Cashua Street between Columbian Street and Warley Street, and the east and west sides of Spring Street between Cashua Street and North Ervin Street; Darlington Industrial Historic District defined by the north and south sides of the Seaboard Coast Line Railroad between South Main Street and South Ervin Street including two cotton gins and a tobacco prize warehouse on the north side of East Broad Street.



(b) *General criteria.* The city's historic district is composed of approximately 155 structures of which 145 were built before 1936 and have significant architectural and historical character. The majority of architectural styles in the district are vernacular adaptations of prominent 19th century and early 20th century styles such as Greek Revival, Italianate, Second Empire, Queen Anne, Georgian Revival, Eastlake, Bungalow, and Victorian Commercial. It is the intent of the design review guidelines to establish criteria for preserving and enhancing the existing character of the area and to provide for new buildings, which will complement and support the aesthetic and visual features of the district. These design review guidelines are based upon existing design characteristics observed in the city's historic district through a comprehensive architectural and historical survey conducted in 1986. These guidelines are to serve as a basis for determining the appropriateness of rehabilitation, repair and new construction. The following guidelines are those of the Secretary of the Interior's Standards for Rehabilitation, which shall serve as general guidelines for the district and should be consistently followed by the historic landmarks commission.

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.



- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(c) *Specific criteria.*

- (1) The city's historic district is composed of frame and brick buildings one to three stories in height. The majority of buildings constructed before 1936 have not been significantly altered and still exhibit their original detailing. Approximately 34 percent of the historic architecture, or 53 structures, were constructed before 1900 while 66 percent, or 107 structures, were built after 1900. Buildings in the district share many common features. These include:
  - a. Frame construction with weatherboard, shiplap, or shingle siding;
  - b. Six-over-six, two-over-two, or one-over-one sash windows;
  - c. Gable and hipped roof forms with metal standing seam, tile, slate, or composition shingle surfaces;
  - d. Brick pier foundations with brick or wood lattice between piers;
  - e. Rectangular form construction;
  - f. Large one-story or two-story porches on main elevations; and
  - g. Gable dormer windows at the roof.
- (2) These design characteristics are found in the historic buildings throughout the district. The design review criteria for the historic district is based upon this architectural character and the following guidelines are to promote and enhance this character.

(d) *Exterior materials; brick buildings.*

- (1) Retain original masonry and mortar, whenever possible, without the application of any new surface such as stucco or stone veneer.
- (2) Do not apply waterproofing compounds to a brick surface unless required to solve a specific technical problem that has been investigated and identified. Masonry sealers can harm brick surfaces and are often unnecessary.
- (3) Brick that is patched or repaired should match in color and texture.

- (4) When repointing mortar joints use a mortar of the same consistency and composition. Do not repoint using mortar with a high Portland cement content, which causes deterioration resulting from the differing coefficients of expansion and porosity of the material and mortar.
  - (5) Duplicate old mortar in joint size, method of application and profile.
  - (6) Repair existing stucco with a stucco mixture of color and composition to match the original.
  - (7) Masonry should be cleaned only when necessary and with the gentlest means available, such as low pressure water and soft bristle brushes. Chemical cleaning is acceptable as long as care is taken to insure the process will not stain or discolor the brick. It is recommended that a test patch be completed to determine the effectiveness of the chemical agent prior to proceeding with the cleaning of the entire building.
  - (8) Sandblasting or other high-pressure techniques should not be used on masonry due to the resulting damage to the brick surface and longterm detrimental effects to the structure.
  - (9) Do not apply artificial siding, artificial stone or brick veneer which is incompatible with the existing surface.
  - (10) Repair or replace as necessary details such as window arches, lintels, sills, and decorative corbelling to match the original.
- (e) *Exterior materials; frame buildings.*
- (1) Repair or replace horizontal frame siding as necessary with frame materials to match the original in size and texture.
  - (2) Do not apply aluminum, vinyl, tile or other artificial sidings to frame surfaces. Applied sidings act as a moisture barrier to a frame house and cause damage to frame materials beneath the siding. Artificial sidings also can cause a loss of authentic detailing and therefore reduce the historic and architectural qualities of a building.
  - (3) Repair or replace as necessary frame detailing on a house such as cornices, brackets, dentils, modillions, pediments and window hood moldings. Many houses in the district have extensive frame decoration and this should be retained and repaired when deterioration is evident.
  - (4) Buildings in the district shall have exterior paint colors compatible with the architectural character of the structure. When applying exterior paint the colors should be appropriate to the building's age, design, and style. The commission is to provide recommendations and assistance in selecting appropriate colors.
- (f) *Roofs.*
- (1) Preserve the original roof shape and configuration.

- (2) Do not add new dormer windows or skylights on a main or highly visible facade. If solar panels are desired on a building they should be placed on a rear facade or in a valley area of the roof, which is not readily visible from the street or sidewalks.
  - (3) Retain the original roofing materials where possible.
  - (4) Many of the buildings in the district have been reroofed with black or gray composition shingles. Repair of these roofs with similar materials is acceptable but the application of the original roofing material is encouraged.
  - (5) Architectural roof features such as cresting, capping, chimneystacks and dormers should be retained.
  - (6) Mechanical units for air conditioning and television reception should be placed on the rear facade or other areas which will not be readily visible.
  - (7) Clean and maintain roof gutters and downspouts to prevent deterioration of the roof surfaces.
- (g) *Windows and doors.*
- (1) Retain and repair existing window details and configuration with materials which match the original in appearance and texture. Replacement of window units should always match those original to the building and be consistent with its architectural character.
  - (2) Do not lower or alter the size of original window openings to accommodate new stock windows.
  - (3) Do not add large picture windows on a main facade.
  - (4) Retain and repair existing original shutters. When necessary, replace missing shutters with new shutters, which will match the original appearance.
  - (5) Do not install shutters that are clearly out of keeping with the building's character and/or are of such a size that they would not cover the window if they were functional.
  - (6) Original doors should be repaired with matching materials where possible.
  - (7) New doors should be consistent with a building's character. Avoid inappropriate historic details such as a Colonial six-panel door on a Victorian residence.
  - (8) Do not apply new door or window features such as aluminum storm or screen doors, which change the character of the building.
  - (9) Storm windows are appropriate when they resemble the inner window as closely as possible in shape and appearance. They should also blend with the inner window sash in color.
- (h) *Porches.*
- (1) Retain porches and steps that are appropriate to the building's character.

- (2) Do not remove or alter porches and steps that are original to the structure and complement the building's character.
- (3) Do not enclose porches or steps if the enclosure will alter the building's original appearance.
- (4) Repair and replace as necessary porch details such as brackets, spindles, handrails and balusters to match the original.
- (5) Do not remove original materials and replace with wrought iron, new brick or other materials inappropriate with the building's character.

(i) *Storefronts.*

- (1) Retain storefronts that are original to a building.
- (2) Do not change a storefront so that it appears residential rather than commercial in character.
- (3) Do not create a false historical storefront, which is inappropriate with the building's character.
- (4) Designing and constructing a new storefront when the historic storefront is missing should involve an accurate restoration or be a new design that is compatible with the size, scale, material, and color of the historic building.

(j) *Landscaping.*

- (1) Retain plants, trees and walkways that reflect the building's historical character and complement its aesthetic appearance.
- (2) Do not add materials for fences, walkways, or lawn decoration that are out of character with traditional materials of the period. Modern metal or high brick fences should be avoided. Existing historic metal or wood fences should be retained and repaired. New wooden picket fences should duplicate picket fences of earlier periods in size and shape of members.
- (3) Do not place television equipment such as satellite discs or other mechanical equipment in a yard area, which is highly visible.

(k) *Signs.*

- (1) Do not erect signs that overpower a building's facade or obscure architectural details.
- (2) Wood signs are preferable to metal or plastic signs.
- (3) Signs should be simple in appearance and painted with colors compatible with the building.
- (4) All signs shall conform to regulations outlined in article VI of the city zoning ordinance. The size and placement of signs should be suitable for the building and/or be based on historic signage from the building.

(1) *New construction.* The city's historic district contains several vacant lots and new construction should be encouraged at these locations. However, care should be taken to ensure that the new construction is compatible with neighboring structures.

- (1) New buildings within the National Register boundaries should be constructed of wood or brick in order to be compatible with the existing architectural character.
- (2) New buildings should be of one- or two-stories and not vary more than ten percent in height with neighboring structures and conform to existing zoning requirements.
- (3) New construction should have proportions compatible with neighboring structures.
- (4) Roof forms for new buildings should be gable or hipped in design. Flat roofs and mansard roofs are out of keeping with the district and should be avoided.
- (5) Windows should conform to the scale and proportion of the windows of buildings on adjoining property.
- (6) All new construction must conform to setbacks and density as required in existing zoning regulations as set forth in sections 810 and 811 of the city zoning ordinance. The setbacks and density for all new construction should also be based on the setback and density of the historic buildings.
- (7) New buildings should have their fronts oriented toward the street facade. Porches or other articulated main entrances should be encouraged on the main facade.
- (8) Avoid new construction that seeks to imitate a particular historical style or period. Williamsburg or new Colonial designs create a false appearance for the district and should be prohibited. New Victorian designs should also be discouraged.
- (9) Contemporary architecture that enhances the character and appearance of the district should be encouraged.

(Code 1977, § 5-5013)

**Sec. 50-14. Effect of owner's decision.**

Regardless of the decision in any of such matters, at the end of the 12-month period the property owner shall have the final decision so long as the owner's decision does not conflict with the building inspector and zoning ordinance.

(Code 1977, § 5-5014)



Chapters 51—53

**RESERVED**





Chapter 54

**LAW ENFORCEMENT**

**Article I. In General**

Secs. 54-1—54-18. Reserved.

**Article II. Police Department**

- Sec. 54-19. Established.
- Sec. 54-20. Duties of police chief.
- Sec. 54-21. Resisting arrest.
- Sec. 54-22. Responding to summons for assistance.
- Sec. 54-23. Resisting, interfering with officer.
- Sec. 54-24. Resisting, interfering with officer in execution of warrant, other process.
- Secs. 54-25—54-51. Reserved.

**Article III. Municipal Summons Procedure**

- Sec. 54-52. Process by summons for offenses other than breach of peace.
- Secs. 54-53—54-77. Reserved.

**Article IV. Abandoned and Confiscated Property**

- Sec. 54-78. Standards and procedures for selling property.



**ARTICLE I. IN GENERAL**

**Secs. 54-1—54-18. Reserved.**

**ARTICLE II. POLICE DEPARTMENT\***

**Sec. 54-19. Established.**

(a) There is hereby established a city police department to be headed by a chief of police who shall be appointed by the city manager.

(b) The city manager may employ additional members of the department as is deemed appropriate.

(Code 1977, § 2-1001)

**Sec. 54-20. Duties of police chief.**

Other than those duties and powers already granted herein, the chief of police shall be responsible to the city manager for the following:

- (1) Execute and return all writs and processes;
- (2) Serve criminal writs and processes in the city;
- (3) Within the city, suppress all riots, disturbances and breaches of the peace; apprehend all disorderly persons; pursue and arrest any person fleeing from justice; and apprehend any person in the act of violating the laws of the state or the Code of this city and bring him before competent authority for examination and trial;
- (4) Render such accounts of the police department, his duties, department operations and receipts as may be required by the city manager and keep records of the department and his office open to public inspection at all reasonable times; and
- (5) Attend upon all sessions of the municipal court or, before the setting of such court, designate someone to represent him thereat.

(Code 1977, § 2-1002; Ord. No. 80-13, 9-2-1980; Ord. No. 94-3, 2-1-1994)

**Sec. 54-21. Resisting arrest.**

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.

(Code 1977, § 2-1003)

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\***State law references**—Municipal police officers, S.C. Code 1976, § 5-7-110; reserve police officers, S.C. Code 1976, § 23-28-10 et seq.; powers and duties of police chief and officers relevant to municipal court, S.C. Code 1976, § 14-25-55.

**Sec. 54-22. Responding to summons for assistance.**

It shall be unlawful for any person between the ages of 18 and 50 years of age being called upon by any police officer, member of the council or anyone deputized by them, for assistance to suppress an affray, breach of peace or any outrage to refuse such assistance.

(Code 1977, § 2-1004)

**Sec. 54-23. Resisting, interfering with officer.**

It shall be unlawful for any person to assault, resist, abuse or in any manner, by word or act, interfere with a police officer or any other officer or employee of the city in the discharge of his duty or to aid or abet any such assault, resistance, abuse or interference.

(Code 1977, § 2-1005)

**Sec. 54-24. Resisting, interfering with officer in execution of warrant, other process.**

It shall be unlawful for any person to assault, obstruct, hinder, prevent or in any manner interfere with any officer or other person charged with the execution of any lawful warrant or other process in arresting any person for whose apprehension the warrant has been issued, or to rescue or attempt to rescue any person from the custody of an officer or person lawfully arresting him, or directly or indirectly to aid, abet or assist any person so arrested to escape from custody, or to harbor or conceal any person for whose arrest a warrant or other process shall have been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact of the issuing of such warrant or other process.

(Code 1977, § 2-1006)

**Secs. 54-25—54-51. Reserved.**

**ARTICLE III. MUNICIPAL SUMMONS PROCEDURE**

**Sec. 54-52. Process by summons for offenses other than breach of peace.**

(a) In all actions for the violation of the provisions of the ordinances of the city not amounting to a breach of the peace, the first process shall be a summons issued by the city officials or employees who are authorized by subsection (c) of this section to issue summons, commanding the person named therein as defendant to appear before the municipal court at a time to be set in the summons. The summons shall cite only one violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date, and location of the hearing;
- (4) A description of the ordinance violated;

- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

(b) Any person who fails to appear before the court as required by the summons without first having posted such bond as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200.00 or imprisoned for not more than 30 days.

(c) The following city officials and/or employees are authorized to issue a summons for violations of the municipal ordinances or codes, not amounting to a breach of the peace:

- (1) Police officers;
- (2) Special police officers to the extent of the commission or duty assigned to such officers;
- (3) Animal control officers;
- (4) Code enforcement officer;
- (5) Building inspector;
- (6) Fire chief;
- (7) Fire inspector; and
- (8) Zoning administrator.

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

(Code 1977, § 1-9001; Ord. No. 92-11, 12-1-1992)

**Secs. 54-53—54-77. Reserved.**

#### **ARTICLE IV. ABANDONED AND CONFISCATED PROPERTY**

##### **Sec. 54-78. Standards and procedures for selling property.**

(a) The chief of police may sell at public auction any recovered stolen property and abandoned property the true owners of which cannot be ascertained after reasonable effort. The described property shall be advertised twice prior to sale in a newspaper having a general circulation. After 60 days have elapsed from the date of the first advertisement, the chief of police may sell the property at public auction at an announced location and time. All proceeds of the sale shall be delivered to the clerk-treasurer.

(b) Property confiscated by city police officials may be sold at public auction after seven days' notice of sale has been posted in a conspicuous location in the city.

(c) The police chief shall keep accurate records of items sold and prices paid at the sale.

(d) In the case of mortgaged property or property under lien, the rights of lienholders and mortgagees will be protected.

(e) Within one year after the sale the true owner of abandoned or stolen property may, upon proper proof, recover the net proceeds from the sale of the property. If the property has not been sold, the true owner, upon proper proof, may claim and recover the property.

(Code 1977, § 7-5005)

Chapters 55—57

**RESERVED**





## Chapter 58

### OFFENSES AND MISCELLANEOUS PROVISIONS

- Sec. 58-1. Misdemeanors under state law.
- Sec. 58-2. Disorderly conduct.
- Sec. 58-3. Disorderly house.
- Sec. 58-4. Indecent exposure.
- Sec. 58-5. Drunken condition.
- Sec. 58-6. Resisting arrest.
- Sec. 58-7. Games of chance; gambling.
- Sec. 58-8. Poison.
- Sec. 58-9. Billiards and billiard parlors; minors.
- Sec. 58-10. Mutilating shrubbery or stones in cemetery.
- Sec. 58-11. Assault and battery.
- Sec. 58-12. Concealed weapons.
- Sec. 58-13. Larceny; receiving stolen goods.
- Sec. 58-14. Using property without owner's consent.
- Sec. 58-15. Fire alarm boxes.
- Sec. 58-16. Merchandise for future delivery.
- Sec. 58-17. Public drinking.
- Sec. 58-18. Trespassing; loitering.
- Sec. 58-19. Prostitution; bawdy house.
- Sec. 58-20. Firearms.
- Sec. 58-21. Lottery tickets.
- Sec. 58-22. Trespass after warning.
- Sec. 58-23. Public nuisances.
- Sec. 58-24. Taxicabs.
- Sec. 58-25. Penalty for violation.
- Sec. 58-26. Interference with funerals.
- Sec. 58-27. Noise standards.
- Sec. 58-28. Burial of human remains.



**Sec. 58-1. Misdemeanors under state law.**

Any act the commission of which constitutes a misdemeanor under the laws of the state is prohibited within the city, and any prohibited act, if committed within the city, shall constitute a violation of this Code; provided, however, that the penalty for the offense committed shall not exceed the penalty prescribed in section 1-9.

(Code 1977, § 9-1001)

**Sec. 58-2. Disorderly conduct.**

It shall be unlawful for any person or persons in anywise to break the peace or disturb the quiet of the city or the public ear by profane, obscene language, boisterous or disorderly conduct, or by any riotous conduct of any kind disturbing the peace and quiet of the city.

(Code 1967, p. 220; Code 1977, § 9-1002)

**Sec. 58-3. Disorderly house.**

No person or persons shall, within the corporate limits of the city, keep a disorderly house or premises as to disturb or as to tend to disturb the peace or quiet of the city, by cursing, swearing or fighting or using profane, indecent or boisterous language in any house or within their premises.

(Code 1967, p. 220; Code 1977, § 9-1003)

**Sec. 58-4. Indecent exposure.**

(a) No person or persons shall make any indecent exposure on the streets or public square or in any public place within the city.

(b) No person or persons shall make any indecent exposure as to be seen from the streets or public square or any public place within the city.

(Code 1967, p. 220; Code 1977, § 9-1004)

**Sec. 58-5. Drunken condition.**

No person shall appear on the streets or public square or in any public place within the city in a drunken condition.

(Code 1967, p. 220; Code 1977, § 9-1005)

**Sec. 58-6. Resisting arrest.**

No person or persons shall resist, strike or threaten a police officer when in the discharge of his duty.

(Code 1967, pp. 220, 221; Code 1977, § 9-1006)

**Sec. 58-7. Games of chance; gambling.**

(a) All games of chance, punch boards, wheels of fortune and games of like nature are hereby absolutely prohibited, unless otherwise permitted under state law.

(b) It is unlawful for any person or persons within the corporate limits of the city to play at cards or any other game whatsoever for money or other stakes, or to bet on the side of hands of these games, or to permit his enclosure, house, room or place to be used as a place for gambling with cards, or any other game for money or other stakes.

(Code 1967, p. 221; Code 1977, § 9-1007)

**Sec. 58-8. Poison.**

It shall be unlawful for any person or persons to put out poison, either upon the public square or street or upon any public or private lot, including their own private residence lot, for the purpose of poisoning dogs or other pets.

(Code 1967, p. 221; Code 1977, § 9-1008)

**Sec. 58-9. Billiards and billiard parlors; minors.**

(a) It shall be unlawful for any person under 18 years of age without parental consent to play pool or billiards at any place where tables are used and the games played, except in connection with clubs or private homes where the games are played for social purposes only, without charge.

(b) It shall be unlawful for the keeper, owner or proprietor in charge of any pool or billiard table knowingly to allow any person under 18 years of age without parental consent to play pool or billiards in any place where tables are used and the games are played where fees are charged for playing.

(Code 1967, pp. 221, 222; Code 1977, § 9-1009)

**Sec. 58-10. Mutilating shrubbery or stones in cemetery.**

It shall be unlawful for any person or persons to injure or interfere with in any manner whatsoever or to pluck or remove any of the shrubbery or flowers planted, growing or placed upon any grave in any cemetery or burial grounds within the corporate limits or to injure or deface in any manner whatsoever any headstone, tomb or other marker used to designate any grave in any cemetery or burial ground, or any fence or other structure, placed in or around any cemetery or burial ground, or any other property whatsoever, on any grave or graves therein.

(Code 1967, p. 222; Code 1977, § 9-1010)

**Sec. 58-11. Assault and battery.**

It shall be unlawful for any person or persons, within the corporate limits, without just cause or provocation, as defined in the statutes of the state, to commit a simple assault or a simple assault and battery upon the person of another.

(Code 1967, p. 222; Code 1977, § 9-1011)

**Sec. 58-12. Concealed weapons.**

(a) It shall be unlawful for any person or persons within the corporate limits to carry concealed about his person any dirk, slingshot, metal knuckles, razor or other deadly weapon commonly used for the infliction of personal injury; provided this section shall not apply to peace officers in the actual discharge of their duties, or any persons while on his own premises or fixed place of business.

(b) Exempt from this section are persons with valid permits issued or recognized under the Law Abiding Citizens Self Defense Act of 1996, S.C. Code 1976, § 23-31-205 et seq., and persons possessing tear-gas weapons permitted under S.C. Code 1976, § 16-23-470(A).

(Code 1967, p. 223; Code 1977, § 9-1012)

**Sec. 58-13. Larceny; receiving stolen goods.**

(a) It shall be unlawful for any person to commit larceny in the city by stealing the personal goods or chattels of another, not exceeding \$1,000.00 in value.

(b) It shall be unlawful for any person or persons to receive or have in his possession any stolen property, knowing the property to have been stolen, of the value of not exceeding \$1,000.00.

(Code 1967, p. 223; Code 1977, § 9-1013)

**Sec. 58-14. Using property without owner's consent.**

It shall be unlawful for any person to use the automobile or other personal property of another in the city without the consent of the owner.

(Code 1967, p. 224; Code 1977, § 9-1014)

**Sec. 58-15. Fire alarm boxes.**

It shall be unlawful for any person or persons to break, injure or interfere in any manner whatsoever with any fire alarm box or boxes of the fire alarm system of the city, except for the purpose of sounding the alarm in case of fire, or to create or send in, or cause to be done, by means of the box or boxes, or otherwise, any false alarm of fire to the fire station pertaining to the system, or to make or create intentionally any false alarm of fire within the corporate limits.

(Code 1967, p. 224; Code 1977, § 9-1015)

**Sec. 58-16. Merchandise for future delivery.**

(a) It shall be unlawful for any person, firm or corporation to require any cash deposit on any order for the sale of merchandise for future delivery, unless the person, firm or corporation making the sale shall, before the sale or cash deposit, deposit with the clerk-treasurer a cash bond of \$500.00 or a bond of any approved surety company, conditioned for the faithful delivery of all the merchandise sold. Each and every sale and deposit before the deposit of the bond with the clerk-treasurer shall be termed a separate offense and violation of this section.

(b) It shall be unlawful for any person, firm or corporation to sell in the city any article of merchandise for future delivery and require thereon a cash deposit without first having paid the annual license as provided in the license schedule of the city.

(Code 1967, pp. 224, 225; Code 1977, § 9-1016)

**Sec. 58-17. Public drinking.**

(a) It shall be unlawful for any person or persons to drink intoxicating liquors in any restaurant, lunchroom or other eating and public place in the city, and it shall likewise be unlawful for the owner, manager or proprietor of any restaurant, lunchroom or other eating or public place in the city to allow drinking intoxicating liquors in those places.

(b) This section shall not apply to drinking alcohol, beer or wine with meals where alcohol, beer and/or wine is lawfully sold in the restaurant, lunchroom or other eating and public places.

(c) It shall be unlawful for any person to drink alcoholic beverages on any public street, sidewalk, alleyway or parking lot within the city.

(Code 1967, pp. 38, 225; Code 1977, § 9-1017)

**Sec. 58-18. Trespassing; loitering.**

(a) It shall be unlawful for any person or persons to trespass upon any school grounds or athletic fields or upon the grounds of the city and of the sewage disposal plant, and all persons are hereby prohibited from so trespassing.

(b) It shall be unlawful for any person or persons to loaf or loiter upon the school grounds or athletic fields or upon the grounds of the sewage disposal plant, or to climb over the fences around the school property, athletic fields or sewage disposal plant, or to enter the athletic fields except when the gates are open to the public.

(Code 1967, pp. 225, 226; Code 1977, § 9-1018)

**Sec. 58-19. Prostitution; bawdy house.**

It shall be unlawful to engage in prostitution, aid or abet prostitution, knowingly procure or solicit for the purpose of prostitution, keep or set up a house of ill fame, brothel or bawdy house or receive any person or permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building.

(Code 1967, p. 226; Code 1977, § 9-1020)

**Sec. 58-20. Firearms.**

It shall be unlawful for any person or persons to carelessly and negligently discharge any firearms, air rifles, airguns of any kind or any slingshots within the corporate limits.

(Code 1967, p. 227; Code 1977, § 9-1022)

**Sec. 58-21. Lottery tickets.**

(a) It shall be unlawful for any person to have or keep on his person, or on his premises, or to operate or permit to be operated on his premises, or to keep or operate in the city any lottery tickets, books, papers, apparatus or paraphernalia of any kind or description used in recording bets or wages, or of selling pools or chances.

(b) It shall be unlawful for any person to receive or record or register bets or wages, or to sell or offer for sale or distribute any lottery tickets or pools of any kind or to make books, with or without writing or printing or by means of papers, slips or other forms of memoranda or token, upon the result of any game, trial, contest, or chance.

(Code 1967, p. 229; Code 1977, § 9-1025)

**Sec. 58-22. Trespass after warning.**

It shall be unlawful for any person who, without legal cause or good excuse, enters into the dwelling house, place of business, or on the premises of another person, firm or corporation within the corporate limits, after having been warned within six months preceding not to do so; or any person who, having entered into the dwelling house, place of business, or on the premises of another person, firm or corporation within the corporate limits without having been warned within six months not to do so, to fail and refuse, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession, his, their or its agent or representative.

(Code 1967, p. 230; Code 1977, § 9-1026)

**Sec. 58-23. Public nuisances.**

(a) It shall be unlawful for any person, firm or corporation to maintain within the corporate limits any residence, building, place, condition or thing which is offensive to the public health, safety or morals or which amounts in law to a public nuisance.

(b) The city may abate the nuisance by any method or proceeding authorized or sanctioned by law. As to corporations, warrants may issue either against the corporation or the responsible officers thereof, or both.

(Code 1967, p. 233; Code 1977, § 9-1028; Ord. No. 92-15, 1-5-1993)

**Sec. 58-24. Taxicabs.**

(a) It shall be unlawful for any person or persons to engage or use a taxi, or other public vehicle of transportation, in the city not intending to pay for the service at the time the taxi or vehicle is engaged, but with intent to defraud the owner or driver of the taxi or vehicle out of the value of the use thereof; and every employment of the taxi or vehicle shall be held to be for cash, unless time is contracted for when the engagement for the service is made.

(b) It shall be unlawful for any person owning, controlling or operating any taxi or other public vehicle of transportation in the city, who shall promise or engage to call for a passenger or passengers, within the corporate limits at any time specified during the day or night, to fail to call for the passenger or passengers at the time agreed upon.

(c) It shall be unlawful for any person or persons whomsoever so engaging the services of any taxi or other public vehicle in the city, to fail or refuse to pay the legal charges for the services so engaged, whether the person or persons actually make use of the service or not. (Code 1967, p. 121; Code 1977, § 9-1029)

**Sec. 58-25. Penalty for violation.**

Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-9. (Code 1967, p. 232; Code 1977, § 9-1030)

**Sec. 58-26. Interference with funerals.**

It shall be unlawful for any person or persons to interfere in any manner with the conduct of a funeral in the city at a church or chapel, or within the confines of any cemetery in the city. (Code 1977, § 9-1031; Ord. No. 83-13, 9-6-1983)

**Sec. 58-27. Noise standards.**

(a) The term "loud, disturbing noise" means any sound which because of its volume, level, duration, and character disturbs, injures, or endangers the comfort, health, peace, safety, or welfare of reasonable persons of ordinary sensibilities within the city limits.

(b) It shall be unlawful for any person or group of persons, regardless of number, to willfully make, continue, or cause to be made or continued any loud or disturbing noise, as defined in subsection (a) of this section. The term "loud disturbing noise" shall be limited to noises heard from any public street, public park, public building or grounds while in use, school building or grounds while in use, church or grounds while in use, hospital or grounds while in use, parking lot open to members of the public as invitees or licensees, or occupied residential unit which is not the source of the noise or upon the grounds thereof.

(c) The following acts are hereby declared to be public nuisances in violation of the above subsection. The acts enumerated in this subsection shall not be deemed to be exclusive:

- (1) The use or operation of any mechanical or electrical device, apparatus, or instrument, other than those used in emergencies, to amplify, intensify, produce, or reproduce a human voice or any other sound when the sound from such activity is clearly audible more than 100 feet from the device, apparatus, or instrument;
- (2) The playing or operation of any radio, cassette tape player, compact disc player, or any other sound-producing device, apparatus, or instrument when the speaker volume is elevated to such an extent that the sound is clearly audible more than 100 feet from the device. When the provisions of this subsection apply to any device, apparatus, or



instrument that is installed or located in a vehicle, they are intended to apply, regardless of whether the vehicle is traveling upon the streets of the city, stopped in traffic, or parked on public or private property. The following activities shall be exempted from the provisions of this section: the playing of music from atop the county courthouse during the holiday season; civic activities which are either sponsored, held, or sanctioned by the city, the county, or the county school district, such as parades, fireworks displays, athletic or sporting events and competitions, concerts, and social gatherings;

- (3) The use of a horn or any other signal device, except as a danger signal, so as to create an unreasonably loud or harsh sound, or the sounding of such device for an unreasonable period of time. The provisions of this subsection are not intended to apply to sounds emanating from any authorized emergency vehicle responding to an emergency situation;
- (4) The use of any automobile, motorcycle, or other vehicle so out of repair, so overloaded, equipped, or altered to amplify sound which creates a loud and disturbing noise. All motor vehicles must operate within the standards set forth by state law;
- (5) The use of power mowers, trimmers, chain saws, or other similar loud equipment in or near residential areas between the hours of 10:00 p.m. and 7:00 a.m., except in an emergency;
- (6) The continued use of equipment or machinery such as fans, motors, ventilation equipment, compressors or processing or manufacturing equipment, which, because of faulty installation, deferred maintenance, or damage, produces a loud and disturbing noise, whether continuous or intermittent, in or near residential areas;
- (7) The use of large service vehicles such as trucks used for emptying large trash containers or street and parking lot sweepers or cleaners, in or near residential areas between the hours of 10:00 p.m. to 7:00 a.m., except in the case of emergency;
- (8) The use of power or hand tools such as saws, drills, sanders, planes, or hammers, used in the construction, alteration, repair, or demolition of structures which create a loud and disturbing noise in or near residential areas between the hours of 10:00 p.m. to 7:00 a.m.; and
- (9) The creation of any other sound defined as a loud or unreasonably disturbing noise.  
(Code 1977, § 9-1032; Ord. No. 2000-12, 11-7-2000)

**Sec. 58-28. Burial of human remains.**

Burial of human remains, whether above ground or below ground, within the corporate limits of the city is prohibited. This prohibition does not apply to burial in existing cemeteries, nor does it apply to human remains which have been cremated.

(Ord. No. 2007-07, § 1, 6-5-2007)



Chapters 59—61

**RESERVED**



Chapter 62

**PARKS AND RECREATION\***

**Article I. In General**

Secs. 62-1—62-18. Reserved.

**Article II. Park and Recreation Board**

- Sec. 62-19. Created; membership.
- Sec. 62-20. Organizations and duties.
- Sec. 62-21. Cooperation with other organizations.
- Sec. 62-22. Adoption of regulations.
- Secs. 62-23—62-47. Reserved.

**Article III. Williamson Park**

- Sec. 62-48. Established.
- Sec. 62-49. Vehicular restrictions.

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\***State law reference**—Municipal authority to establish rules and regulations concerning municipal parks, S.C. Code 1976, § 51-15-20.



**ARTICLE I. IN GENERAL**

**Secs. 62-1—62-18. Reserved.**

**ARTICLE II. PARK AND RECREATION BOARD****Sec. 62-19. Created; membership.**

There is hereby created a body to be known as the park and recreation board. This board shall consist of eight members, who shall serve without compensation, and one of whom shall be a member of the council, to be selected in January of each year by the council, and one to be elected in 1977, and every five years thereafter, for a five-year term. The term of office of the other members of the board shall be five years; except that the members of the board first chosen by the council shall be appointed for the terms of one, two, three, four and five years so that the term of one member shall expire annually, and the council shall, in making the appointments designate the term for which each member of the board is appointed, and which shall be shown in the minutes of the meeting at which the appointments are made. Thereafter as vacancies shall be filled by nomination upon a majority vote of the remaining members of the board, which nomination shall be certified to the council, and the council shall, by majority vote within ten days of the receipt of the certification of nomination, appoint or decline to appoint the nominee of the board for the vacancy, and if the nominee of the board should not be acceptable to the council, the board shall in like manner continue to make and certify a nomination until the council appoints a nominee of the board to fill the vacancy.

(Code 1967, pp. 18, 19; Code 1977, § 3-2001; Ord. No. 77-5, 6-7-1977; Ord. No. 80-7, 4-1-1980)

**Sec. 62-20. Organizations and duties.**

(a) Immediately upon the appointment of the park and recreation board it shall organize by electing from its number a chairman, vice-chairman and secretary.

(b) The duties of the board shall consist of:

- (1) Adopting bylaws, rules and regulations for the proper conduct of recreational facilities and activities in connection therewith;
- (2) To recommend the appointment of a director; and
- (3) To prescribe his duties and responsibilities, the appointment of the director to be subject to confirmation and approval of the council.

(c) The board shall not enter into any contracts involving financial liability or incur any indebtedness on the part of the city except from written authority from the council, but the board shall nevertheless have power to enter into contracts with any governmental agencies or with any private individuals or corporations for the purpose of effectuation its objectives, where no liability on the part of the city is involved.

(d) The board may receive donations and accept and receipt for funds from any governmental or other source, which shall be turned over to the clerk-treasurer for disbursement as authorized by the mayor and council, and participate in the preparation of the annual budget. (Code 1967, p. 19; Code 1977, § 3-2002; Ord. No. 94-3, 2-1-1994)

**Sec. 62-21. Cooperation with other organizations.**

The park and recreation board, in its discretion, may perform its duties in connection with civic or other organizations interested in work of the character to be done by the board, or which expresses a willingness to cooperate in the work, but shall not delegate any of its powers in the premises.

(Code 1967, p. 20; Code 1977, § 3-2004)

**Sec. 62-22. Adoption of regulations.**

The park and recreation board shall adopt a code of regulations governing the city recreation center and activities in the city. These regulations shall have relation to the preservation of the areas, buildings, playground equipment and all other property under their supervision and responsibilities as created by these provisions. The regulations shall also include prohibitory measures as shall be deemed necessary and advisable for the proper protection of its property and for persons lawfully using the property, and especially shall prohibit any person from entering upon its property with firearms of any kind or to endanger the safety or comfort of the public, and to adopt further regulations as in the judgment of the board will promote the welfare and interest of the city recreation center. These regulations, when so adopted, shall be reported to and filed with the mayor and council, and, upon the adoption of them by the council, shall have all the force and effect of ordinances of the city. Penalties, fines and punishments prescribed in the regulations shall be collected and enforced in the manner provided by law for the enforcement of penal ordinances of the city.

(Code 1967, p. 21; Code 1977, § 3-2005; Ord. No. 94-3, 2-1-1994)

**Secs. 62-23—62-47. Reserved.**

**ARTICLE III. WILLIAMSON PARK**

**Sec. 62-48. Established.**

(a) There is established within the city Williamson Park, which shall be maintained for the enjoyment and recreation of the citizenry.

(b) The use of the park shall be subject to the rules and regulations as the council may promulgate from time to time.

(Code 1977, § 3-2011)



**Sec. 62-49. Vehicular restrictions.**

No person in Williamson Park shall:

- (1) Fail to comply with all applicable provisions of the state motor vehicle traffic laws and this Code in regard to equipment and operation of vehicles;
- (2) Fail to obey all traffic officers and park employees, or fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property;
- (3) Drive any vehicle on any area except the paved park roads or parking areas, or other areas as may on occasion be specifically designated as temporary parking areas by the city;
- (4) Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use; or
- (5) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by it.

(Code 1967, pp. 21-A, 21-B; Code 1977, § 3-2012)



Chapters 63—65

**RESERVED**



Chapter 66

**PERSONNEL**

**Article I. In General**

- Sec. 66-1. Employment at will, contract by exception.
- Sec. 66-2. Bonding of certain officials.
- Sec. 66-3. Use of city vehicles and equipment.
- Sec. 66-4. Private vehicles parked on city property.
- Sec. 66-5. Additional rules and regulations.
- Sec. 66-6. Accident investigation committee.
- Secs. 66-7—66-30. Reserved.

**Article II. Social Security and Retirement**

- Sec. 66-31. Declaration of policy to come under coverage.
- Sec. 66-32. Execution of agreement with state agency.
- Sec. 66-33. Withholdings.
- Sec. 66-34. Contributions.
- Sec. 66-35. Records and reports.
- Sec. 66-36. Retirement system for police officers.



**ARTICLE I. IN GENERAL****Sec. 66-1. Employment at will, contract by exception.**

(a) All employees of the city are employed at will and may resign or be discharged from employment at any time and for any or no reason.

(b) Only the city council shall have the right to enter into contracts for other than at-will employment on the city's behalf. Any contract for other than at-will employment must:

- (1) Be in writing;
- (2) Be executed by the city council and city manager;
- (3) Specify the duration of the employment; and
- (4) Specifically state that the contract is being created pursuant to the city council's authority under this chapter.

(Code 1977, § 1-6017; Ord. No. 2004-11, 10-5-2004)

**Sec. 66-2. Bonding of certain officials.**

(a) Any employee of the city who handles city money shall, before entering upon the duties of his office, give bond to the city in an amount to be determined by the council, conditioned upon the faithful performance of the duties of his office and the faithful accounting for all funds of the city in his custody.

(b) The bonds referred to in the preceding subsections shall be written by some surety company authorized by law to engage in business in the state, and the premium therefor shall be paid by the city.

(Code 1967, p. 11; Code 1977, § 1-6004)

**Sec. 66-3. Use of city vehicles and equipment.**

(a) Only authorized persons shall use or occupy city vehicles and equipment.

(b) City vehicles are assigned only to those employees whose jobs require transportation and are not to be considered as a convenient means with which to do the family shopping and accomplish other personal errands. Certain employees shall be allowed to take vehicles home due to the fact that they are on call for emergency work at any time. These vehicles should be parked in a safe place and used only for city business. All other persons using city cars and trucks shall return them before going home at night.

(c) Authorized persons using city vehicles and equipment shall at all times exercise the highest degree of care and courtesy.

(Code 1977, § 1-6007)

**Sec. 66-4. Private vehicles parked on city property.**

The city shall not be responsible for any vehicle or contents parked on city property belonging to any city employee at any time. Any loss which might occur shall be the responsibility of the private vehicle owner.

(Code 1977, § 1-6008)

**Sec. 66-5. Additional rules and regulations.**

The council shall promulgate additional personnel rules and regulations as deemed desirable, which shall be published and kept on file in the office of the clerk-treasurer.

(Code 1977, § 1-6009)

**Sec. 66-6. Accident investigation committee.**

(a) The city accident investigation committee shall consist of six members, five of whom are employees of the city, appointed by the mayor, and one being the member of city council serving on the administrative committee. The five appointed members, who are employees of the city, shall serve at the pleasure of the mayor.

(b) The accident investigation committee shall establish its own rules and procedures and elect a chairman and vice-chairman. All recommendations under its consideration must be submitted to the mayor for his review and approval before they can be implemented. A summary report of all accident investigations shall be given to the city council.

(c) The accident investigation committee shall review all personal and traffic accidents involving city personnel, vehicles or equipment in both on and off road operations. It shall also review all safety recommendations or complaints received from city employees.

(d) For each accident, after reviewing all appropriate and available information, the accident investigation committee shall determine the following:

- (1) Was the accident chargeable or nonchargeable?
- (2) Was the accident preventable or nonpreventable?

(e) If the accident investigation committee determines that the accident was chargeable and/or preventable it shall recommend that the responsible operator be levied an assessment for not more than 15 percent of the repair cost. Such an assessment shall not exceed 15 percent of the operator's annual salary and shall be deducted from the employee's paycheck on a bi-weekly basis not to exceed \$25.00 per deduction, or on a weekly basis, not to exceed \$12.50 per deduction.

(f) Accident investigation committee reports and findings shall be submitted to the mayor for review and approval of findings no later than 14 days after the date of the accident. A detailed, written report, including repair estimates from at least three vendors with recommendations, must be submitted to the mayor when a liability assessment is recommended.



Additionally, recommendations are to be made to cover the prevention of similar accidents. The accident investigating committee shall prepare a synopsis of the cases heard and findings, and prevention recommendations shall be posted in all departmental bulletin boards.

(Code 1977, § 1-6010; Ord. No. 93-4, 3-2-1993)

**Secs. 66-7—66-30. Reserved.**

## ARTICLE II. SOCIAL SECURITY AND RETIREMENT

### **Sec. 66-31. Declaration of policy to come under coverage.**

It is hereby declared to be the policy and purpose of the city to extend the provisions of state law providing social security to eligible officers and employees of the city. In pursuance of this policy, and for that purpose, the officers of the city shall take action as may be required by applicable state or federal laws and regulations.

(Code 1977, § 1-6011)

### **Sec. 66-32. Execution of agreement with state agency.**

The mayor is authorized to execute an agreement with the director of the South Carolina Retirement System to secure coverage of eligible officers and employees as provided herein.

(Code 1977, § 1-6012)

### **Sec. 66-33. Withholdings.**

Withholdings from salaries or wages of officers and employees for the purposes provided here are hereby authorized to be made in the amounts and at the times as may be required by applicable state and federal laws and regulations, and shall be paid over to the South Carolina Retirement System, a state agency, in the amounts and at the times as are designated by state laws and regulations of the agency.

(Code 1977, § 1-6013)

### **Sec. 66-34. Contributions.**

Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for these purposes to the state agency in accordance with applicable state laws and regulations of the agency.

(Code 1977, § 1-6014)

### **Sec. 66-35. Records and reports.**

The clerk-treasurer shall maintain records and submit reports as may be required by applicable state and federal laws or regulations.

(Code 1977, § 1-6015)

**Sec. 66-36. Retirement system for police officers.**

(a) The city accepts and elects the provisions of state law providing a retirement system to eligible police officers employed by the city.

(b) The mayor is authorized and directed to execute the necessary documentation to secure the coverage as provided.

(c) The clerk-treasurer shall maintain all records and submit all necessary reports for these purposes to the state agency as required.

(d) Withholdings and contributions shall be accomplished in accordance with applicable state law and the regulations of the South Carolina Police Officers Retirement System.  
(Code 1977, § 1-6016)

Chapters 67—69

**RESERVED**



Chapter 70

**SOLID WASTE\***

- Sec. 70-1. Collection of garbage.
- Sec. 70-2. Bulky refuse.
- Sec. 70-3. Burial of refuse prohibited.
- Sec. 70-4. Accumulation of refuse.
- Sec. 70-5. Interference with containers.
- Sec. 70-6. Trash burning.
- Sec. 70-7. Littering.
- Sec. 70-8. Demolition and land clearing waste.
- Sec. 70-9. Overgrown or unkempt lots.
- Sec. 70-10. Failure to comply.

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\***State law references**—Solid waste management, and storage, transportation and collection of municipal solid wastes, S.C. Code Reg. 61-107.5; full cost disclosure by local governments concerning solid waste management, S.C. Code 1976, § 44-96-90.



**Sec. 70-1. Collection of garbage.**

(a) For the purpose of this chapter, the term "garbage" shall mean all putrescible wastes, including animal and vegetable matter, excluding sewage, human waste, dirt and rocks. Also included are any cartons, cans, bottles, or other containers which may cause fly breeding or other insects.

(b) The city shall provide a garbage collection service. Administrative rules and regulations for this service may be promulgated by the council as required. There shall be a charge, as adopted by ordinance from time to time, per month for each residential unit and for each commercial unit from which garbage is picked up. This charge, for the convenience of the user, may be paid monthly to the city clerk along with the water bill or directly to the city clerk. Before providing garbage collection service and/or sewer service to any unit which is not being served by the city water system, application shall be made by the customer by completing a special contract for garbage collection service and/or sewer service and depositing an amount as adopted by ordinance from time to time. Whenever service is disconnected, the deposit shall be returned to the customer, after first deducting all outstanding bills for service.

(c) Commercial, business and institution garbage shall be collected by a private waste hauler, which is under an exclusive contract with the city and scheduled by council.

(d) For the purpose of establishing monthly garbage collection service fees the following shall be used:

- (1) There shall be a monthly per unit fee, as adopted by ordinance from time to time, for any building, house, apartment, condominium, townhouse or mobile home with a combination of rooms containing at least a bedroom, bath and kitchen, for living purposes by a single family, each of which individually is considered as one single-family developing unit equals one unit. There shall be an additional fee, as adopted by ordinance from time to time, for each additional 90 gallons roll-out cart.
- (2) There shall be a minimum monthly fee and monthly per container fee, as adopted by ordinance from time to time, for any building used as a church, school, governmental building or similar public facility, food services, or any building used by the occupant for amusement, entertainment, services, professional, retail trade or any other similar purposes.

(e) Residential garbage shall be collected as scheduled by the council. All approved garbage waste generated by residences shall be deposited in collection bags approved by the county and sold on behalf of the county. Office waste may also be placed in approved collection bags. Only approved collection bags shall be placed in roll-out carts for pickup by the city. Roll-out carts shall be placed at the pickup point on the pickup day set by council, which shall be that point on the property nearest to the route of the garbage trucks.

(f) If the monthly charge provided in subsection (b) of this section is not paid within ten days after receipt of the monthly water bill, collection of garbage is subject to not being picked up without further notice and service shall remain discontinued until the past due account has been paid. The city clerk shall enforce collection by means of a summons and complaint through magistrate's court.

(Code 1977, § 6-1001; Ord. No. 85-14, 8-6-1985; Ord. No. 90-3, 3-6-1990; Ord. No. 91-11, 11-5-1991; Ord. No. 91-16, 12-11-1991; Ord. No. 92-1, 2-4-1992; Ord. No. 92-6, 6-2-1992; Ord. No. 93-9, 6-23-1993; Ord. No. 95-3, 3-7-1995; Ord. No. 95-12, 6-29-1995; Ord. No. 96-10, 7-8-1996)

**Sec. 70-2. Bulky refuse.**

The city will not pick up appliances such as, but not limited to, refrigerators, ranges, water heaters, freezers, dishwashers, trash compactors, washers, dryers, air conditioners and commercial large appliances. The city will not pick up furniture or any household items, all of which must be disposed of by the owner, occupant, contractor or vendor.

(Code 1977, § 6-1002; Ord. No. 91-16, 12-11-1991; Ord. No. 92-4, 4-7-1992)

**Sec. 70-3. Burial of refuse prohibited.**

No trash, garbage or other refuse may be buried, excluding dead animals, unless a permit has been granted by the state department of health and environmental control.

(Code 1977, § 6-1003; Ord. No. 94-3, 2-1-1994)

**Sec. 70-4. Accumulation of refuse.**

No person shall permit the accumulation of refuse on any premises within the city, to the point that it becomes a public nuisance or health or fire hazard.

(Code 1977, § 6-1004; Ord. No. 90-18, 12-4-1990)

**Sec. 70-5. Interference with containers.**

No person, or persons, shall interfere with garbage, trash or other containers, or their contents, except the owner, or with the owner's permission. Containers located in core commercial and commercial districts of the city must have capabilities of containing any and all trash or debris from that business, or businesses, in a manner so as to restrict debris from being blown, or moved by other means, onto adjoining properties of the city. Each person or persons using any container shall be responsible for keeping any and all garbage, trash, and debris from the outside of the containers and shall maintain the area around the containers.

(Code 1977, § 6-1005; Ord. No. 90-18, 12-4-1990)

**Sec. 70-6. Trash burning.**

It shall be unlawful for any person to burn trash, garbage or other refuse within the fire limits of the city without prior approval of the fire chief.

(Code 1977, § 6-1006)



**Sec. 70-7. Littering.**

It shall be unlawful for any person or persons to dump or leave trash, refuse or garbage on any property belonging to another, or on or along any public rights-of-way within the corporate limits of the city except that which is allowed under sections 70-1—70-8.

(Code 1977, § 6-1007; Ord. No. 90-18, 12-4-1990)

**Sec. 70-8. Demolition and land clearing waste.**

(a) Contractors or property owners shall not pile lot clearings or building refuse on any public rights-of-way or public property; it must be disposed of without expense to the city. During periods of construction or repair suitable containers must be maintained on the site to receive all refuse, especially to prevent refuse from being blown by the wind from the premises.

(b) Normal residential yard trash and trimmings generated by the property owner or resident shall be picked up by the city sanitation department as scheduled by the mayor and council.

(c) Limbs shall not exceed three inches in diameter and 3½ feet in length and shall be placed together along the edge of the street for pickup by the city but must be in separate piles from leaves, pine straw and grass clippings. Loose limbs exceeding the length and diameter above stated will not be picked up by the city and must be disposed of by the owner, occupant, contractor or vendor, including tree stumps.

(d) Leaves, pine straw and grass clippings may be placed together along the edge of the street for pickup by the city, but must be in separate piles from allowable limbs.

(Code 1977, § 6-1008; Ord. No. 90-18, 12-4-1990; Ord. No. 92-4, 4-7-1992)

**Sec. 70-9. Overgrown or unkempt lots.**

No person shall permit the growth of vegetation, both natural or planted, out of control or unkempt on any lot within the city to the point that it becomes a nuisance or a health or fire hazard. Grasses, weeds, and other ground cover shall be kept neatly trimmed and shall not exceed 18 inches in height. Trees, shrubbery and hedges shall be trimmed of dead limbs and shall not be permitted to overgrow fence lines or property lines. Leaves, flowers, and needles of deciduous trees and shrubbery shall be collected and properly disposed of by the property owners in a timely manner.

(Code 1977, § 6-1009; Ord. No. 2004-08, 8-3-2004)

**State law reference**—Municipal authority to require property be clean, free of unhealthy conditions, S.C. Code 1976, § 5-7-80.

**Sec. 70-10. Failure to comply.**

If, after inspection and determination by the code enforcement officer, any property within the city does not comply with this chapter, then the city code enforcement officer shall first send a notice to the property owner requiring corrections to be made by the property owner within ten days of the date of the notification. If the property owner does fail to comply with the written order given by the city code enforcement officer within ten days after the date of

the notification, the city code enforcement officer shall order the removal of the nuisance by a third party private contractor to be paid by the city. If the city is forced to correct the nuisance as described, the property owner will be assessed the full amount of the charges paid to the private contractor plus an additional fifteen percent of the total cost, or no less than \$100.00 for administrative services fee. If the property owner fails to pay all charges assessed by the city in connection with the abatement of the nuisance within ten days of notice of the amount due, then the city shall proceed to collect in a manner as a service fee assessed to be collected with the annual property tax.

(Code 1977, § 6-1010; Ord. No. 2004-08, 8-3-2004)

Chapters 71—73

**RESERVED**



Chapter 74

**STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

**Article I. In General**

- Sec. 74-1. Vehicles with flanges, other devices damaging to roadway.
- Sec. 74-2. Depositing trash, refuse on streets, sidewalks.
- Sec. 74-3. Dumping and burning of trash, etc., on streets prohibited.
- Sec. 74-4. Driveway connectors to roadways.
- Secs. 74-5—74-40. Reserved.

**Article II. Excavations**

- Sec. 74-41. Permit required.
- Sec. 74-42. Protection by barricades, lights, etc.
- Sec. 74-43. Restoration of surface.
- Secs. 74-44—74-74. Reserved.

**Article III. Parades and Processions**

- Sec. 74-75. Permit for parade; when required.
- Sec. 74-76. Application for parade permit.
- Secs. 74-77—74-100. Reserved.

**Article IV. Obstructions**

- Sec. 74-101. Consent required for obstruction.
- Sec. 74-102. Removal of obstruction required within time fixed or required.
- Sec. 74-103. Permanent obstruction prohibited.
- Sec. 74-104. Permission required to place building materials in streets, sidewalks and public places.
- Sec. 74-105. Protection by barricades, lights.
- Sec. 74-106. Removal of conditions.
- Sec. 74-107. Obstruction to vision at street intersections.

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\***State law references**—Streets and sidewalks, S.C. Code 1976, § 5-7-10 et seq.; issuance of permits to charitable groups to solicit funds from motorists, S.C. Code 1976, § 5-27-910; municipality may establish a farm marketing center, S.C. Code 1976, § 46-19-110; municipal authority to regulate processions on highways, S.C. Code 1976, § 56-5-710(3).



**ARTICLE I. IN GENERAL****Sec. 74-1. Vehicles with flanges, other devices damaging to roadway.**

It shall be unlawful for any person to operate, drive or cause to be driven or operated, over, upon or across the paved streets or thoroughfares, any vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of the vehicle, that would injure or damage the paved surface of the streets or thoroughfares.

(Code 1977, § 3-1008)

**Sec. 74-2. Depositing trash, refuse on streets, sidewalks.**

It shall be unlawful for any person to throw or in any manner to place upon any of the streets, public roads, pavements, walks or paths any timber or material of any kind whatsoever or any garbage, fruit, vegetables, banana peeling, water, meats or any other thing, whether decayed or not at the time, but which may be in any manner calculated at the time, or after, to create a nuisance, or endanger the health, or to annoy the public.

(Code 1977, § 3-1009)

**Sec. 74-3. Dumping and burning of trash, etc., on streets prohibited.**

It shall be unlawful for any person or persons to throw, place, dump, sweep or burn any trash, wastepaper or any other refuse matter into or on any streets.

(Code 1977, § 3-1010)

**Sec. 74-4. Driveway connectors to roadways.**

Grading, base preparation, asphalt surfacing and construction of any necessary bridges or tiling of ditches required to construct or reconstruct driveways in the city shall be the responsibility of the property owners, contractors, developers, or builders who shall also obtain the appropriate permits for the construction or reconstruction of driveway connectors from the city or state highway department.

(Code 1977, § 3-1011; Ord. No. 92-2, 3-3-1992)

**Secs. 74-5—74-40. Reserved.****ARTICLE II. EXCAVATIONS****Sec. 74-41. Permit required.**

It shall be unlawful for any person to dig any ditch, excavation, hole or opening in any street, sidewalk or public place without the permission of the council, or some proper officer thereof. Permission shall not be granted until the purpose for which it is to be made or dug shall be made known, and then the ditch, excavation, hole or opening shall be used for the purpose so declared and no other.

(Code 1977, § 3-1021)

**Sec. 74-42. Protection by barricades, lights, etc.**

Every ditch, excavation, hole or opening in any street, sidewalk or public place, no matter for what purpose made, shall be securely and safely covered over with boards or other suitable material, or enclosed in a secure way as to prevent accidents to persons, animals and vehicles, both during the night and day, when the workmen are not engaged thereon; and during the night lanterns or other lighting devices shall be kept operating at these places as a signal of danger to all pedestrians and drivers.

(Code 1977, § 3-1022)

**Sec. 74-43. Restoration of surface.**

Every ditch, excavation, hole or opening in any street, sidewalk or public place shall be as speedily filled as possible, and shall not be kept open longer than is absolutely necessary. The street, sidewalk or public place shall be restored to as good condition with as good materials as existed before the ditch, excavation, hole or opening was made and in accordance with the provisions of this article.

(Code 1977, § 3-1023)

**Secs. 74-44—74-74. Reserved.**

**ARTICLE III. PARADES AND PROCESSIONS**

**Sec. 74-75. Permit for parade; when required.**

It shall be unlawful for any person or persons, firms or organizations to stage any parade or procession on any of the streets or in any other public places within the corporate limits of the city without first having applied for and secured a special permit from the city manager, mayor or council to do so, excepting funeral processions, the armed forces, the military forces of this state and the forces of the police and fire departments of the city.

(Code 1967, p. 209; Code 1977, § 8-3001)

**Sec. 74-76. Application for parade permit.**

- (a) The application for a parade permit shall contain the following information:
  - (1) The date and hour that the proposed parade and procession is desired;
  - (2) The time required for the parade or procession;
  - (3) The route desired by the applicant;
  - (4) The number of persons or vehicles to be engaged;
  - (5) The purpose of the parade or procession; and
  - (6) The meeting place for the participants both prior to and after the parade, if not the same place.



(b) The approving official may request any further information he deems necessary before acting upon the application.

(c) Within a reasonable time after the receipt of the application the mayor or council shall approve or disapprove the same, with the right to substitute different times and routes and impose any specific conditions which in the mayor or council's judgment improves the public convenience and safety.

(d) No person or business firm or organization may apply more than once during any consecutive 12-month period.

(Code 1967, p. 209; Code 1977, § 8-3002; Ord. No. 87-10, 9-1-1987)

**Secs. 74-77—74-100. Reserved.**

#### ARTICLE IV. OBSTRUCTIONS

**Sec. 74-101. Consent required for obstruction.**

It shall be unlawful for any person to obstruct, or cause to be obstructed, or permit the obstruction by any means or in any manner and to any extent, any public sidewalk, footway, public street or highway, public square, alley or other public place or grounds within the city for any purpose, without the consent of the council.

(Code 1977, § 3-1001)

**Sec. 74-102. Removal of obstruction required within time fixed or required.**

It shall be unlawful for any person to refuse or fail to remove, or cause to be removed, any obstruction on any street, highway or other public place within the time for which the council may have given its permission for the obstruction thereof; or if no time is set when permission is given, the obstruction shall be removed within the time as the council may require.

(Code 1977, § 3-1002)

**Sec. 74-103. Permanent obstruction prohibited.**

No permission shall be granted for the placing of a permanent obstruction on any of the streets, highways or other public places.

(Code 1977, § 3-1003)

**Sec. 74-104. Permission required to place building materials in streets, sidewalks and public places.**

Building materials shall not be laid on any sidewalk, street or public place until the consent of the city manager is first obtained; and it shall be the duty of the person desiring so to use the streets to inform the city manager when permission is desired to lay material thereon, and otherwise to obstruct the places for the purpose of erecting a building adjoining the street, where some obstruction thereof is necessary, what space will be needed and for what length of

time the obstruction will be necessary, and the mayor shall then give permission accordingly, imposing then and from time to time reasonable conditions as he may consider necessary or proper for the protection of the public and the public property.

(Code 1977, § 3-1004)

**Sec. 74-105. Protection by barricades, lights.**

While the obstructions provided for herein remain on the streets, sidewalks or other public places, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

(Code 1977, § 3-1005)

**Sec. 74-106. Removal of conditions.**

At the expiration of the time provided for herein all obstructions, materials and trash or other things shall be removed by the owner or contractor and the street, sidewalk or public place shall be restored to as good condition in every respect as before the materials or other obstructions were laid thereon.

(Code 1977, § 3-1006)

**Sec. 74-107. Obstruction to vision at street intersections.**

(a) On corner lots there shall be no obstruction to vision between a height of two feet and a height of ten feet measured above the average elevation of the existing surfaces of the intersecting streets at their centerlines, within the area formed by joining points on the property lines, measured as follows:

- (1) On property lines abutting streets 50 feet or less in right-of-way width, the points on the property lines shall be not less than 25 feet from the lot corner; and
- (2) On property lines abutting streets more than 50 feet in right-of-way width, the points on the property lines shall be 50 feet from the lot corner.

(b) This restriction shall not apply to buildings in business districts.

(Code 1977, § 3-1007)

Chapters 75—77

**RESERVED**



Chapter 78

**SUBDIVISIONS\***

Sec. 78-1. Subdivision regulations adopted by reference.

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\***State law references**—Land development regulations, S.C. Code 1976, § 6-29-1130; development plan or subdivision plan must comply with regulations, S.C. Code 1976, § 6-29-1140.



**Sec. 78-1. Subdivision regulations adopted by reference.**

The ordinance adopted by council on April 4, 2000, governing subdivision of land, copies of which are on file in the office of the clerk-treasurer, is hereby incorporated by reference as fully as if set out at length herein.

(Code 1977, § 5-3001)





Chapters 79—81

**RESERVED**



## Chapter 82

### **TRAFFIC AND VEHICLES\***

#### **Article I. In General**

- Sec. 82-1. Adoption of state law.
- Sec. 82-2. Only licensed operators may drive vehicles.
- Sec. 82-3. Obedience to traffic signals.
- Sec. 82-4. Speed limit.
- Sec. 82-5. Unlawful to operate vehicle when taxes unpaid.
- Sec. 82-6. Mopeds.
- Sec. 82-7. Careless operation of vehicles.
- Secs. 82-8—82-32. Reserved.

#### **Article II. Trucks**

- Sec. 82-33. Definitions.
- Sec. 82-34. Through traffic truck route.
- Sec. 82-35. Truck making deliveries or pickups inside the no truck zone.
- Sec. 82-36. Intracity conveyance.
- Sec. 82-37. Violation; penalty.
- Secs. 82-38—82-62. Reserved.

#### **Article III. Parking**

- Sec. 82-63. Parking commercial trucks within the residential districts.
- Sec. 82-64. Parking times and places.
- Sec. 82-65. Multiple violations.
- Sec. 82-66. Towing and/or booting.
- Sec. 82-67. Fines.
- Secs. 82-68—82-86. Reserved.

#### **Article IV. Bicycles, Skateboards, Rollerblades and Rollerskates**

- Sec. 82-87. Registration and regulation of nonmotorized devices.

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\***State law references**—Uniform Act Regulating Traffic on Highways, local authority, S.C. Code 1976, § 56-5-30; general rules regarding maximum speed limits, S.C. Code 1976, § 56-5-1520; alteration of speed limits by local authorities, signs and approval by state, S.C. Code 1976, § 56-5-1540; powers of local authorities concerning traffic laws, S.C. Code 1976, § 56-5-710; local authority to regulate standing or parking of vehicles, S.C. Code 1976, § 56-5-710(1); municipalities with marked parking spaces must designate spaces for disabled persons, S.C. Code 1976, § 56-3-1965; local authority to regulate operation of bicycles, S.C. Code 1976, § 56-5-710(8); power of local authorities to require strict pedestrian compliance with traffic control signals, S.C. Code 1976, § 56-5-3120; municipality may by ordinance require drivers involved in accidents to file report with designated city department, S.C. Code 1976, § 56-5-1360.



**ARTICLE I. IN GENERAL****Sec. 82-1. Adoption of state law.**

There is hereby adopted by reference and made a part hereof as if set out in full those provisions of state law known as the uniform traffic act as contained in state law, S.C. Code 1976, § 56-5-10 et seq.  
(Code 1977, § 8-1001)

**Sec. 82-2. Only licensed operators may drive vehicles.**

No vehicle shall be operated within the city limits other than by a properly licensed driver.  
(Code 1977, § 8-1002)

**Sec. 82-3. Obedience to traffic signals.**

Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary traffic signs and signals within the city limits.  
(Code 1977, § 8-1003)

**Sec. 82-4. Speed limit.**

The speed limits within the city shall be as adopted and posted.  
(Code 1977, § 8-1004)

**Sec. 82-5. Unlawful to operate vehicle when taxes unpaid.**

(a) It shall be unlawful for any resident of the city who owes personal property taxes to the city, and those taxes are delinquent and unpaid, to own or operate within the corporate limits or upon the public streets or ways of the city the motor vehicle on which personal property taxes due to the city are delinquent and unpaid.

(b) Personal property taxes assessed against any motor vehicle owned by any resident of the city shall be delinquent when the taxes are past due and unpaid and have gone into execution.

(c) Any person violating the provisions of this section shall, upon conviction, be punished as provided in section 1-9.  
(Code 1967, p. 210; Code 1977, § 8-1005)

**Sec. 82-6. Mopeds.**

(a) Every person riding a moped upon a roadway shall be granted all of the rights and privileges and be subject to all of the duties applicable to drivers of motor vehicles by the laws of the state, and by the traffic ordinances of the city, except as to those provisions of laws and ordinances which by their nature can have no application; provided, however, that no license shall be required since no provision therefor has been made by the state. It is further provided, however, that helmets shall not be required to be worn in the city by operators of mopeds.

(b) All state laws regarding limits of riding a motorcycle shall also apply to riding on a moped in the city.

(c) No moped shall be operated with excessive noise.

(d) Mopeds shall not be ridden on the school grounds, in the parks or in the cemeteries of the city, nor shall they be operated on the sidewalks of the city.

(e) Every moped shall be equipped with a headlight and taillight which shall shine while the motor is running and with brakelight and brakes in good working order.

(f) The word "moped" as used herein shall include bicycles with helper motors.  
(Code 1977, § 8-1006; Ord. No. 79-8, §§ 1—6, 7-16-1979; Ord. No. 79-9, § 1, 11-6-1979)

**Sec. 82-7. Careless operation of vehicles.**

It shall be unlawful for any person to operate any vehicle without care and caution and full regard for safety of persons or property. Any person failing so to do shall be guilty of careless driving or riding. The operation of any vehicle when the same or any of its appliances is not in proper or safe condition shall be prima facie evidence of careless driving or riding. Careless operation is unlawful and may be a lesser included offense of "reckless driving."  
(Code 1977, § 8-1007; Ord. No. 87-11, 9-1-1987)

**Secs. 82-8—82-32. Reserved.**

**ARTICLE II. TRUCKS**

**Sec. 82-33. Definitions.**

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

*No truck zone* means inside the city limits, including the downtown area and neighborhoods.

*Truck* means a vehicle with two or more axles that has a gross weight of at least 26,000 pounds.

*Truck route* means designated roads which trucks shall use to travel around the no truck zone.  
(Code 1977, § 8-1008; Ord. No. 2004-03, 3-2-2004)

**Sec. 82-34. Through traffic truck route.**

All trucks that are traveling through the city area to destinations outside of the no truck zone are prohibited from entering the no truck zone. All such trucks shall instead use the truck route designated by the state department of transportation.  
(Code 1977, § 8-1009; Ord. No. 2004-03, 3-2-2004)

**Sec. 82-35. Truck making deliveries or pickups inside the no truck zone.**

Trucks are allowed to enter the no truck zone to deliver to or pick up freight from businesses located within the zone. Such trucks must have a bill of lading that verifies the point of delivery or pickup.

(Code 1977, § 8-1010; Ord. No. 2004-03, 3-2-2004)

**Sec. 82-36. Intracity conveyance.**

All trucks conducting intracity conveyance shall use the most direct route from their point of origin within the city limits to their destination inside the city limits.

(Code 1977, § 8-1011; Ord. No. 2004-03, 3-2-2004)

**Sec. 82-37. Violation; penalty.**

Violators of any and all provisions of this article on no truck zone shall be deemed guilty of a misdemeanor and shall be subject to the following fines:

First offense	\$100.00
Second offense	200.00
Third offense	300.00

(Code 1977, § 8-1012; Ord. No. 2004-03, 3-2-2004)

**Secs. 82-38—82-62. Reserved.**

**ARTICLE III. PARKING**

**Sec. 82-63. Parking commercial trucks within the residential districts.**

(a) It shall be unlawful for any person or persons to park any produce truck or commercial trucks of any kind on any of the streets in the residential sections of the city at any time.

(b) This section shall not affect the parking of any produce trucks or commercial trucks in the business sections of the city or in any of the vacant lots thereof, subject to all rules and regulations now in full force and effect regulating the parking of automobiles and other motor vehicles within the business districts of the city.

(c) Any person or persons violating the provisions of this section, upon conviction thereof, shall be punished as provided in section 1-9.

(Code 1967, p. 245; Code 1977, § 8-2001)

**Sec. 82-64. Parking times and places.**

The council shall fix the time for parking upon certain designated lined parking spaces of the commercial areas of the city for a time limit of two hours from 9:00 a.m. until 5:00 p.m.

Mondays through Fridays, and it shall be unlawful for any person to park in violation of these fixed times. Parking spaces for which this time limit applies shall be designated with appropriate signs.

(Code 1977, § 8-2002; Ord. No. 2006-05, § 1(8-2002), 4-4-2006)

**Sec. 82-65. Multiple violations.**

A person shall receive a separate notice for each violation including multiple violations in the same day.

(Ord. No. 2006-05, § 2(8-2003), 4-4-2006)

**Sec. 82-66. Towing and/or booting.**

After a person accumulates five unpaid parking violations, the vehicle shall be booted or towed on the sixth violation. In order to retrieve the vehicle, all unpaid violations, the cost of the booting or towing, and any other associated costs will have had to be paid. An unpaid violation is a violation for which the associated fine has not been received by the date specified in writing on the notice of violation.

(Ord. No. 2006-05, § 3(8-2004), 4-4-2006)

**Sec. 82-67. Fines.**

Fines for violating parking time limits shall be set by council.

(Ord. No. 2006-05, § 4(8-2005), 4-4-2006)

**Secs. 82-68—82-86. Reserved.**

**ARTICLE IV. BICYCLES, SKATEBOARDS, ROLLERBLADES AND ROLLERSKATES**

**Sec. 82-87. Registration and regulation of nonmotorized devices.**

(a) All owners of bicycles shall register the bicycle at the office of the clerk-treasurer and furnish such information as may be required for the registration.

(b) It shall be unlawful for any person, except a duly certified police officer, to ride a bicycle, skateboard, rollerblades, rollerskates, or similar recreation equipment along or across public sidewalks or other designated areas within the corporate limits of the city as follows:

- (1) Main Street between North Street and Hampton Street;
- (2) Cashua Street between the Public Square and Oak Street;
- (3) Exchange Street;
- (4) Pearl Street from Main Street to Sycamore Street;
- (5) South Dargan Street from Pearl Street to Hampton Street;
- (6) North Dargan Street;



- (7) Hewitt Street;
  - (8) Fountain Street;
  - (9) Orange Street from Main Street to North Dargan;
  - (10) The Public Square;
  - (11) Parking lots owned by the city or the county, including areas used for vehicle and pedestrian access to same;
  - (12) The buildings and grounds, including parking lots, of the Darlington County Courthouse, J. C. Daniels Auditorium, the Darlington County Library, St. John's Elementary School, Darlington High School and Career Center, Darlington City Hall, Darlington County Council on Aging, Cain Tennis Center, Darlington Recreation Department and Liberty Lane; and
  - (13) Any parking lot posted as being under the jurisdiction of the city police department.
- (Code 1977, § 7-5003; Ord. No. 98-2, 4-7-1998)



Chapters 83—85

**RESERVED**



Chapter 86

**UTILITIES\***

**Article I. In General**

Secs. 86-1—86-18. Reserved.

**Article II. Water Service**

Division 1. Generally

- Sec. 86-19. Definitions.
- Sec. 86-20. Connection required.
- Sec. 86-21. Application for service.
- Sec. 86-22. Tampering prohibited.
- Sec. 86-23. Discontinuance of service for violation.
- Sec. 86-24. Connection/reconnection by customer restricted.
- Sec. 86-25. Charges to be paid prior to resumption of service.
- Sec. 86-26. Billing for services; delinquent and unpaid bills.
- Sec. 86-27. Tap fee to be paid prior to connection.
- Sec. 86-28. Shared service restricted.
- Sec. 86-29. Service charges may not be claim offset.
- Sec. 86-30. Service not to be sold by customer.
- Sec. 86-31. Applicant responsible for compliance.
- Sec. 86-32. No free water service.
- Secs. 86-33—86-52. Reserved.

Division 2. Service

- Sec. 86-53. Skilled personnel to operate system; regular supply of water and service; liability.
- Sec. 86-54. Meters; testing.
- Sec. 86-55. Right of entry.
- Sec. 86-56. Check meter required for sprinkler systems.
- Sec. 86-57. Convenience cut-off and cut-on.
- Sec. 86-58. Connection to other water source restricted.
- Sec. 86-59. Protecting quality of water supply; emergency action when required.
- Sec. 86-60. Periodic tests to be conducted.
- Secs. 86-61—86-80. Reserved.

Division 3. Records and Billing

- Sec. 86-81. Monthly billing.
- Sec. 86-82. City not responsible for nondelivery of bill.
- Sec. 86-83. Charges payable at city hall.

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\***State law references**—Municipal utilities generally, S.C. Code 1976, § 5-31-610; municipality may purchase or construct utility systems and plants, S.C. Code 1976, § 6-21-50; "system" defined, S.C. Code 1976, § 6-21-40.

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- Sec. 86-84. Refunds for overcharges limited.
- Sec. 86-85. Classification of accounts.
- Sec. 86-86. Minimum charge on accounts.
- Sec. 86-87. Records of the water system to be kept separate; maintenance of records.
- Sec. 86-88. Annual budget.
- Secs. 86-89—86-119. Reserved.

### Division 4. Taps

- Sec. 86-120. Tap fee to be paid prior to connection.
- Sec. 86-121. Standard equipment and materials to be used.
- Sec. 86-122. Tap fees.
- Secs. 86-123—86-142. Reserved

### Division 5. Water Rates

- Sec. 86-143. Monthly rates.
- Sec. 86-144. Other charges and fees.
- Secs. 86-145—86-171. Reserved.

### Division 6. Water System Extensions

- Sec. 86-172. Developer responsible for new lines.
- Sec. 86-173. City may accept new lines.
- Sec. 86-174. Plans and specifications; procedure.
- Sec. 86-175. Construction to be by qualified contractor.
- Sec. 86-176. Certificate of completion required.
- Sec. 86-177. Owner to warrant construction.
- Sec. 86-178. Location of taps.
- Sec. 86-179. Extensions to be compatible with system.
- Sec. 86-180. Owner to convey system to city.
- Secs. 86-181—86-198. Reserved.

## **Article III. Sewer**

### Division 1. Generally

- Sec. 86-199. Objectives; applicability.
- Sec. 86-200. Definitions.
- Sec. 86-201. City to evaluate slug discharge control plans.
- Secs. 86-202—86-225. Reserved.

### Division 2. Prohibited Use of Public Sewers

- Sec. 86-226. Use of sanitary sewers.
- Sec. 86-227. Use of storm sewers.
- Sec. 86-228. Certain waters and wastes prohibited.
- Sec. 86-229. Approving authority may grant exceptions.
- Secs. 86-230—86-251. Reserved.

## UTILITIES

### Division 3. Permissive Use of Public Sewers

- Sec. 86-252. Tap fee required.
- Sec. 86-253. Sewage volume limitations.
- Sec. 86-254. Excess volume; equalization measures.
- Sec. 86-255. Objectionable wastes; special treatment.
- Sec. 86-256. Total discharge considered as excessive if limitations exceeded.
- Sec. 86-257. Pretreatment facilities.
- Sec. 86-258. Present users may be required to provide analysis.
- Sec. 86-259. Approval required before changing nature or quantity of discharge.
- Sec. 86-260. Separators and traps; when required.
- Sec. 86-261. Inspection manholes.
- Sec. 86-262. Trucked or hauled pollutants.
- Sec. 86-263. Notification by the industrial user of any hazardous waste discharge.
- Secs. 86-264—86-289. Reserved.

### Division 4. Operation and Control

- Sec. 86-290. Right of entry.
- Sec. 86-291. Emergency authority.
- Sec. 86-292. Testing procedures.
- Sec. 86-293. Volume measured by water usage.
- Sec. 86-294. Connection to sewer system required; exceptions.
- Sec. 86-295. Application for service.
- Sec. 86-296. Taps to be made by qualified plumber.
- Sec. 86-297. Size of connection based on units served.
- Sec. 86-298. Approval required before connecting to system.
- Sec. 86-299. City provides sewer service at property line.
- Sec. 86-300. Skilled personnel to operate system.
- Secs. 86-301—86-318. Reserved.

### Division 5. User Charges and Surcharges

- Sec. 86-319. Sewer charges authorized.
- Sec. 86-320. Charges to be published.
- Sec. 86-321. Charges to be based on water consumption; billing and penalty.
- Sec. 86-322. Surcharge for discharge containing objectionable materials.
- Sec. 86-323. Connection fees.
- Sec. 86-324. Service charge.
- Secs. 86-325—86-351. Reserved.

### Division 6. Industrial Cost Recovery

- Sec. 86-352. Applicability and assessment.
- Secs. 86-353—86-377. Reserved.

### Division 7. Sanitary Sewer Extensions

- Sec. 86-378. Developer responsible for new sewers.
- Sec. 86-379. City may accept new sewers.
- Sec. 86-380. Plans and specifications; procedure.
- Sec. 86-381. Construction to be by qualified contractor.

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- Sec. 86-382. Certificate of completion required.
- Sec. 86-383. Owner to warrant construction.
- Sec. 86-384. Location of taps.
- Sec. 86-385. Extensions to be compatible with city's plans.
- Sec. 86-386. Owner to convey system to city.
- Sec. 86-387. Sanitary sewer extensions.
- Secs. 86-388—86-417. Reserved.

### Division 8. Records

- Sec. 86-418. Separate system of records to be maintained.
- Sec. 86-419. Annual budget.
- Secs. 86-420—86-436. Reserved.

### Division 9. Penalties

- Sec. 86-437. Failure to pay charges; other violations; penalties.
- Secs. 86-438—86-457. Reserved.

## **Article IV. Drought Response**

- Sec. 86-458. Policy, purpose, and intent.
- Sec. 86-459. Definitions.
- Sec. 86-460. Nonessential water use.
- Sec. 86-461. Responses to drought alert phases.
- Sec. 86-462. Moderate drought alert phase.
- Sec. 86-463. Severe drought alert phase.
- Sec. 86-464. Extreme drought alert phase.
- Sec. 86-465. New water service connections.
- Sec. 86-466. Water rates.
- Sec. 86-467. Rationing.
- Sec. 86-468. Fines and penalties.
- Sec. 86-469. Enforcement.
- Sec. 86-470. Variances.



**ARTICLE I. IN GENERAL**

**Secs. 86-1—86-18. Reserved.**

**ARTICLE II. WATER SERVICE**

## DIVISION 1. GENERALLY

**Sec. 86-19. Definitions.**

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

*Apartment* means any building containing two or more single-family dwelling units and having one water connection for all dwelling units.

*Building* means any improved property containing a structure, which meets any one of the following classifications as defined in this section: single-family dwelling unit, multiple-family dwelling unit, apartment, commercial, condominium, townhouse, business, institution.

*Business* means any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "commercial" and "institution."

*City* shall mean the City of Darlington, its elected officials and appointed authorized representatives.

*Commercial* means any hotel, motel, lodge, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, three bathrooms or less is classified as one unit.

*Condominium* means one or more buildings containing two or more single-family units owned individually and not provided with access by public streets or roads and having one water connection for all units.

*Customer* means any responsible person who makes application to the city for water service.

*Institution* means any building used as a hospital, nursing home, church, school or similar public facility.

*Multiple-family dwelling unit* means any building containing two or more single-family dwelling units and having individual water connections to each dwelling unit.

*Person* means any individual, firm, company, association, corporation, institution or group.

*Services* means the delivery of potable water through an authorized and approved water connection, account recordkeeping, billing, and all work associated therewith.

*Single-family dwelling unit* means any building, house or apartment unit with a combination of rooms containing at least a bedroom, bath and kitchen, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for 30 days or more per year.

*Townhouse* means one or more buildings containing two or more single-family units owned individually and provided with, or adjacent to, public streets or roads and having one water connection for each unit.

*Unit* means equal to that number of single-family dwelling units. For purpose of establishing tap fee and billing cost, the following shall be used:

- (1) Single-family dwelling unit equals 1 unit.
- (2) Condominium single-family dwelling unit equals 1 unit.
- (3) Townhouse single-family dwelling unit equals 1 unit.
- (4) Apartment single-family dwelling unit equals 1 unit.
- (5) Mobile home single-family dwelling unit equals 1 unit.
- (6) Hotel, motel or lodge per three bathrooms or less equals 1 unit.
- (7) Business or institutional equals 1 unit.
- (8) Nursing homes or hospitals per five beds equals 1 unit.

*Water connection* means all materials, including valves, pipes, fittings, meters, and meter boxes necessary to convey water from the most convenient water main to the most convenient property line of the customer.

*Waterworks system* means all property, wells, equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenance necessary to provide water service owned and operated by the city.

(Code 1977, § 4-1001)

**Sec. 86-20. Connection required.**

Every building in the city which is located within 300 feet of any water main operated and maintained by the city shall be connected thereto and shall utilize it for water. The city shall provide necessary service to the customer at the point of street right-of-way or property line of easement established for the water main. Service lines from the street right-of-way or property line of this easement shall be installed, owned and maintained by the customer subject to regulations given in this article. Water connections shall be made forthwith and, for the purposes of the penal provisions of this Code, following ten days written notice by the city, each day during which the buildings shall not be connected to the water main shall be a separate offense and punishable as a misdemeanor.

(Code 1977, § 4-1002; Ord. No. 77-3, 6-7-1977)

**Sec. 86-21. Application for service.**

Each new water customer shall make application to the city for service by completing the standard contract of the city and paying \$50.00 for service charge. Whenever service is discontinued, the customer is liable for settlement of the bills under any and all applicable codes, statutes, laws and ordinances, and payment of all costs incident to the enforcement thereof.

(Code 1977, § 4-1003; Ord. of 8-3-1976; Ord. No. 82-4, 12-15-1982; Ord. No. 91-8, 9-3-1991; Ord. No. 97-9, 12-30-1997)

**Sec. 86-22. Tampering prohibited.**

It shall be unlawful and a violation of this article for any person, or persons, to damage, deface, alter, change, or tamper with any part of the waterworks system; and upon conviction the person, or persons, shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor.

(Code 1977, § 4-1004)

**Sec. 86-23. Discontinuance of service for violation.**

The city reserves the right to discontinue service immediately, and to have the water connection removed or severed, if it is found that any provision of this article has been violated.

(Code 1977, § 4-1005)

**Sec. 86-24. Connection/reconnection by customer restricted.**

It shall be unlawful and a violation of this article for any person to make any connection to the waterworks system or to reconnect service when it has been discontinued for violation of this article, or any other reason, except where specifically approved in writing by the city, with the approval being contingent upon satisfaction of all provisions of this article. Upon conviction, the person, or persons, shall be found guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor.

(Code 1977, § 4-1006)

**Sec. 86-25. Charges to be paid prior to resumption of service.**

When service has been discontinued for violation of this article, all charges for services to date become immediately due and payable and service will not be reinstated until payment in full has been made of all charges including bills, cost of repairs, service charges, reconnection fees and penalties.

(Code 1977, § 4-1007)

**Sec. 86-26. Billing for services; delinquent and unpaid bills.**

All metered accounts will be read monthly. A ten percent penalty shall be added to water bills due the first of the month if paid after the 15<sup>th</sup>. Bills unpaid by the 25<sup>th</sup> subject the customer's water service to cut-off without further notice. The service shall remain discontinued until the customer shall have paid his past due account and reconnection fee.

(Code 1977, § 4-1008; Ord. of 8-3-1976; Ord. No. 97-10, 12-30-1997)

**Sec. 86-27. Tap fee to be paid prior to connection.**

For each new water connection, and in addition to conformance with section 86-21, the person applying for water service shall pay a tap fee according to the schedule at section 86-122, payment to be made before the water connection is provided by the city.

(Code 1977, § 4-1009)

**Sec. 86-28. Shared service restricted.**

No water service shall be furnished to any lot from an existing service on another lot except as herein provided or by special authorization, in writing, of the council.

(Code 1977, § 4-1010)

**Sec. 86-29. Service charges may not be claim offset.**

No claims or demand that the customer may have against the city shall be considered as an offset against the payments for service as provided under this article.

(Code 1977, § 4-1011)

**Sec. 86-30. Service not to be sold by customer.**

Water service as provided by this article is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial or institution; and the service shall not be subleased, assigned, transferred, sold or disposed of to others, in whole or any part thereof.

(Code 1977, § 4-1012)

**Sec. 86-31. Applicant responsible for compliance.**

Each water connection shall require the service charge of \$50.00 and separate billing for water service and shall constitute a separate account in the waterworks records of the city. The applicant for water service to be provided through that water connection shall be responsible for all provisions of this article regardless of ownership of the property being served by that water connection.

(Code 1977, § 4-1013; Ord. of 8-3-1976; Ord. No. 85-3, 1-10-1985; Ord. No. 97-9, 12-30-1997)

**Sec. 86-32. No free water service.**

No water service shall be furnished or rendered free of charge to any person.

(Code 1977, § 4-1014)

**Secs. 86-33—86-52. Reserved.**

## DIVISION 2. SERVICE

**Sec. 86-53. Skilled personnel to operate system; regular supply of water and service; liability.**

The city shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the state board of health and the state water pollution control authority. The city agrees to use reasonable diligence in providing a regular and uninterrupted supply of water and service but in case the supply of water shall be interrupted or fail by accident, or any cause whatsoever, except negligence on the part of the city, the city shall not be liable for the interruption or failure and the city shall not be liable for any damages sustained by the customer by reason thereof.

(Code 1977, § 4-1021)

**Sec. 86-54. Meters; testing.**

All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year. When at the request of the customer, or otherwise, water meters have been tested by the city or any other party approved by the city and found to be more than three percent fast, previous bills reflecting the inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed six months, prior billing. If a meter is tested at the customer's request more than once in any six-month period, the customer shall pay a service charge as adopted by ordinance from time to time, but in the event the meter is found to be more than three percent fast, then the customer will have his bill adjusted as stated above and no service charge will be applied.

(Code 1977, § 4-1022)

**Sec. 86-55. Right of entry.**

The city shall have the right to enter the customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters. The city shall further have the right to enter the customer's premises for inspections and any other reason for administering reasonable service; provided, that the customer is notified in advance.

(Code 1977, § 4-1023)

**Sec. 86-56. Check meter required for sprinkler systems.**

All water connections installed for sprinkler systems or similar business and commercial fire protection devices must be equipped with a detector check meter at the customer's expense.

(Code 1977, § 4-1024)

**Sec. 86-57. Convenience cut-off and cut-on.**

Upon payment of a \$5.00 fee, the city will allow any customer a convenience cut-off and cut-on as a protective device during periods of absence from the premises. Actual cut-off and cut-on must be accomplished by the city and do not relieve the customer of any obligation to pay the minimum charges as set forth in this article.

(Code 1977, § 4-1025)

**Sec. 86-58. Connection to other water source restricted.**

Under no circumstance shall any part of the waterworks system be connected in any way with any other water source; except as specifically approved in writing by the council. Any hazardous connection between the waterworks system and any source of contamination is expressly prohibited.

(Code 1977, § 4-1027)

**Sec. 86-59. Protecting quality of water supply; emergency action when required.**

(a) During any and all improvements, expansions, extensions, repairs, or fire calls, the city shall exercise all reasonable precaution to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.

(b) In the interest of the public health and safety, the city shall be permitted to take emergency action as may be deemed necessary in the operation of the waterworks system, including, but not limited to, the right to close down any water line or portion of the waterworks system for the purpose of making connections, alterations, or repairs.

(Code 1977, § 4-1028)

**Sec. 86-60. Periodic tests to be conducted.**

The city shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the state board of health and the state water pollution control authority.

(Code 1977, § 4-1029)

**Secs. 86-61—86-80. Reserved.**

## DIVISION 3. RECORDS AND BILLING

**Sec. 86-81. Monthly billing.**

All metered accounts shall be billed and payable monthly.

(Code 1977, § 4-1041)

**Sec. 86-82. City not responsible for nondelivery of bill.**

While the city will make every reasonable effort to see that each customer receives his bill, no responsibility will be assumed for nondelivery when the bill has been mailed at the post office.

(Code 1977, § 4-1042)

**Sec. 86-83. Charges payable at city hall.**

All charges for water services are due and payable at the collecting office in the city hall building.

(Code 1977, § 4-1043)

**Sec. 86-84. Refunds for overcharges limited.**

In no event will refunds for overcharges be made for a period covering more than six months immediately preceding.

(Code 1977, § 4-1044)

**Sec. 86-85. Classification of accounts.**

Each account for water service shall be classified for billing purposes at the discretion of the city and according to the definitions contained herein. The customer shall have the right of redress to the city for purposes of reclassification through presentation of sufficient evidence to the council.

(Code 1977, § 4-1045)

**Sec. 86-86. Minimum charge on accounts.**

Billing will be based upon minimum rates for each meter size as given under division 5 of this article. Any service discontinued for convenience under section 86-57 shall be subject to payment of the minimum monthly rate for the period of absence.

(Code 1977, § 4-1046)

**Sec. 86-87. Records of the water system to be kept separate; maintenance of records.**

(a) The city shall keep separate from other business the records of the water system.

(b) All records of business transactions, billings, and receipt of funds shall be maintained by the water and/or sewer department. The clerk-treasurer shall be responsible for funds in accordance with the bond ordinances governing the system.

(Code 1977, § 4-1047)

**Sec. 86-88. Annual budget.**

The council shall prepare an annual budget for the water system based upon the audit and establish charges as may be necessary to fund the budget in accordance with this article.  
(Code 1977, § 4-1048)

**Secs. 86-89—86-119. Reserved.**

DIVISION 4. TAPS

**Sec. 86-120. Tap fee to be paid prior to connection.**

No water connection shall be made until the tap fee has been paid.  
(Code 1977, § 4-1051)

**Sec. 86-121. Standard equipment and materials to be used.**

All taps and related water connections shall be accomplished by the city using standard equipment and materials.  
(Code 1977, § 4-1052)

**Sec. 86-122. Tap fees.**

(a) Tap fees for new connections shall be determined from time to time by ordinance, as are criteria used for the determinations.

(b) Tap fees for all taps larger than two inches in size shall be determined by the cost of labor and materials plus 30 percent for new connections inside the city and 50 percent for new connections outside the city.  
(Code 1977, § 4-1053)

**Secs. 86-123—86-142. Reserved**

DIVISION 5. WATER RATES

**Sec. 86-143. Monthly rates.**

(a) Water use rates shall be charged in amounts and according to criteria as are determined from time to time by ordinance.

(b) Water meter rent to provide a maintenance and repair fund shall be charged in amounts and according to criteria as are determined from time to time by ordinance.  
(Code 1977, § 4-1061; Ord. of 8-3-1976; Ord. No. 82-4, 12-15-1982; Ord. No. 90-11, 7-10-1990; Ord. No. 92-9, 6-16-1992; Ord. No. 93-8, 6-23-1993; Ord. No. 95-11, 6-29-1995)



**Sec. 86-144. Other charges and fees.**

Other charges and fees, as determined from time to time by ordinance, shall include reconnection fees, sprinkler rates, and charges for private fire hydrants.

(Code 1977, § 4-1062; Ord. of 8-3-1976; Ord. No. 82-4, 12-15-1982; Ord. No. 85-12, 8-6-1985)

**Secs. 86-145—86-171. Reserved.**

## DIVISION 6. WATER SYSTEM EXTENSIONS

**Sec. 86-172. Developer responsible for new lines.**

Construction of water lines in any new development shall be the responsibility of the person responsible for the development.

(Code 1977, § 4-1071)

**Sec. 86-173. City may accept new lines.**

Water lines constructed within new developments may be conveyed to the city, provided all lines are located within public rights-of-way or, upon approval, easements of adequate unobstructed widths to provide maintenance vehicle access.

(Code 1977, § 4-1072)

**Sec. 86-174. Plans and specifications; procedure.**

(a) Any new development proposing to construct water distribution lines or extensions to existing transmission mains to connect directly into the city's water system shall conform its plans and specifications to the requirements of the approving authority. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by any and all local, county, and state authorities having jurisdiction.

(b) The following administrative procedures shall be followed:

- (1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, pressures and point of connection to the city's system;
- (2) Receive preliminary approval from the city and other jurisdictional agencies;
- (3) Prepare construction drawings and documents for city approval;
- (4) Secure all other agency approvals of construction drawings and contract documents;
- (5) Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules;
- (6) Provide the approving authority and its authorized representatives with permission for on-site inspection during construction; and

- (7) Furnish to the approving authority a certificate of completion, instrument of conveyance, and warranty together with other legal documents as may be required for annexation, and similar special provisions.

(Code 1977, § 4-1073)

**Sec. 86-175. Construction to be by qualified contractor.**

Construction of the proposed water system shall be accomplished by a registered licensed contractor under the laws of the state who shall have paid all business licenses required by the city.

(Code 1977, § 4-1074)

**Sec. 86-176. Certificate of completion required.**

Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority, at no cost to the city, his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specifications, and shall provide four copies of as-constructed drawings.

(Code 1977, § 4-1075)

**Sec. 86-177. Owner to warrant construction.**

The owner or his authorized agent shall submit a warranty, which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for 12 months. The owner shall further warrant to the approving authority that all fees have been paid by him, that there is no outstanding indebtedness remaining and holding the city harmless in each instance.

(Code 1977, § 4-1076)

**Sec. 86-178. Location of taps.**

All water taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the as-constructed drawings.

(Code 1977, § 4-1077)

**Sec. 86-179. Extensions to be compatible with system.**

All water system extensions must be compatible with present and future plans and needs of the city.

(Code 1977, § 4-1078)

**Sec. 86-180. Owner to convey system to city.**

When all other requirements of this article have been met and approved the owner shall prepare and submit to the approving authority an instrument of conveyance, conveying the constructed system to the city, at no cost to the city, and the system shall thereafter be owned,

operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

(Code 1977, § 4-1079)

**Secs. 86-181—86-198. Reserved.**

### ARTICLE III. SEWER\*

#### DIVISION 1. GENERALLY

**Sec. 86-199. Objectives; applicability.**

(a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).

(b) The objectives of this article are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

(c) This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

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\***State law references**—Authority to establish municipal sewerage system, S.C. Code 1976, § 5-31-810; authority to enact relevant ordinances concerning sewerage system, S.C. Code 1976, § 5-31-900; enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code 1976, § 5-31-2030.

(d) This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city system. Except as otherwise provided herein, the superintendent of the city system shall administer, implement, and enforce the provisions of this article.

(Code 1977, § 4-2000)

**Sec. 86-200. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

*Abbreviations* shall have the following designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DHEC	Department of Health and Environmental Control
EPA	Environmental Protection Agency
l	Liter
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
TSS	Total suspended solids
USC	United States Code

*Act or the act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Apartment* means any building containing two or more single-family dwelling units and having one sewer connection for all dwelling units.

*Approval authority* means the commissioner of the South Carolina Department of Health and Environmental Control.

*Approving authority* means the water and sewer committee of the city council.

*Authorized representative of industrial user* means:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

*Building* means any improved property containing a structure which meets any one of the classifications in: "apartment," "business," "commercial," "condominium," industrial," "institution," "multiple-family dwelling unit," "single-family dwelling unit," or "townhouse" as defined in this section.

*Building sewer* means a sewer conveying wastewater from the premises of a user to the system.

*Business* means any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "commercial" and "industrial."

*Categorical standards* means the national categorical pretreatment standards or pretreatment standard.

*City* means the City of Darlington or any duly authorized officials acting in its behalf.

*Color* means the true color due to substances in solution which cause any variation to the hue of the receiving stream and is expressed in wavelengths of light.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Commercial* means any hotel, motel, lodge, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, three bathrooms or less shall be classified as one unit.

*Condominium* means one or more buildings containing two or more single-family units owned individually and not provided with access by public streets or roads and having one sewer connection for all units.

*Control authority* means the "approval authority," defined hereinabove; or the city council water and sewer committee.

*Cooling water* means waters discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Development* means any residential subdivision, real estate development, commercial, industrial or institutional complex.

*Direct discharge* means the discharge of the treated or untreated wastewater directly to the waters of the state.

*Domestic sewage* means liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

*Environmental Protection Agency, or EPA* means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Garbage* means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Holding tank waste* means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317) into the system, including holding tank waste discharge into the system.

*Industrial* means any building used by the occupant to manufacture, assemble or process goods classified in the Standard Industrial Classification Manual.

*Industrial user* means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402 of the act (33 USC 1342).

*Institution* means any building used as a hospital, nursing home, church, school or similar public facility.

*Interference* means the inhibition or disruption of the treatment process or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the system in accordance with section 405 of the act (33 USC 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the system.

*Multiple-family dwelling unit* means any building containing two or more single-family dwelling units and having individual sewer connections to each dwelling unit.

*Municipal wastewater treatment system* means a treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the treatment plant but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, the term "system" shall also include any sewers that convey wastewaters to the system from persons outside the city who are, by contract or agreement with the city, users of this city's system.

*National categorical pretreatment standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1317) which applies to a specific category of industrial users.

*National pollution discharge elimination system* or *NPDES permit* means a permit issued pursuant to section 402 of the act (33 USC 1342).

*National prohibitive discharge standard* or *prohibitive discharge standard* means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source* means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

*Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

*Pollution* means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*PPM* means parts per million by weight expressed in pounds.

*Pretreatment* or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means except as prohibited by 40 CFR 403.6(d).

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties shall have equal rights and which is controlled by public authority.



*Receiving stream* means that body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

*Sanitary sewer* means a sewer that carries sewage or polluted industrial wastes and to which stormwaters, surface waters and groundwaters or unpolluted industrial waste are not intentionally admitted.

*Septic tank* means a private domestic sewage treatment system consisting of an underground tank, distribution box and drainfield designed and constructed in accordance with any or all existing local and state requirements.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with the groundwater, surface water and stormwater as may be naturally present.

*Sewage treatment plant* means that portion of the system designed to provide treatment to wastewater.

*Sewer* means a pipe or conduit for carrying sewage.

*Shall* is mandatory; "may" is permissive.

*Significant industrial user* means:

- (1) Any discharge subject to categorical pretreatment standards;
- (2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the city's wastewater system or that contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic organic capacity of the city's wastewater treatment plant; or
- (3) That is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the city's wastewater system operation or for violating any pretreatment standard or requirement.

Upon a finding that a noncategorical user has no reasonable potential for adversely affecting the city's wastewater system operation or for violating any pretreatment standard or requirement, the control authority may at any time, upon its own initiative or in response to a petition received from a noncategorical industrial user or POTW and with the consent of the approval authority, determine that such industrial user is not a significant industrial user. The city must prepare a list of significant industrial users, identify the criteria applicable to such users, and indicate whether the city has made a determination that any noncategorical user meeting the criteria of 40 CFR 403.3 (t)(1)(ii) should not be a significant industrial user. This list and any subsequent modifications thereto shall be submitted to the approval authority as a minor program modification pursuant to 40 CFR 403.18(b)(2). Within 30 days of approval of the list, the city shall notify each significant industrial user of its status as such and of all pretreatment requirements applicable to it as a result of such status.



*Significant noncompliance* means a violation of discharge limitations that meets one or more of the following criteria or a violation of compliance schedule milestone as follows:

- (1) Chronic violations in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations in which 33 percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease; and TRC = 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or monthly average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of the treatment system personnel or the general public);
- (4) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the city's use of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completion construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and
- (8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

*Single-family dwelling unit* means any building, house or apartment unit with a combination of rooms containing at least a bedroom, bath and kitchen, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for 30 days or more per year.

*Standard Industrial Classification* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

*State* means the State of South Carolina.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Superintendent* means the person designated by the city to supervise the operation of the city's treatment system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Suspended solids* means total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

*Townhouse* means one or more buildings containing two or more single-family units owned individually and provided with, or adjacent to, public streets or roads and having one sewer connection for each unit.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA.

*User* means any person who contributes, causes or permits the contribution of wastewater into the city's system.

*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated. Marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(Code 1977, § 4-2001)

#### **Sec. 86-201. City to evaluate slug discharge control plans.**

The city must evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges as defined under 40 CFR 4035(b). If the city finds such a plan is needed, the plan shall contain at least the following elements:

- (1) Description of discharge practices, including nonroutine batch discharges.
- (2) Description of stored chemicals.
- (3) Procedures for promptly notifying the city of slug discharges, including any discharges that would violate a specific prohibition under 40 CFR 403.5(b), with procedures for follow-up written notifications within five days.
- (4) Industrial users shall notify the city immediately by phone in case of an accidental discharge, or slug loading and submit a written report of the incident within five days.
- (5) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, hauling and transfer of materials, loading and unloading operations, control of plan site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

- (6) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

(Code 1977, § 4-2002)

**Secs. 86-202—86-225. Reserved.**

DIVISION 2. PROHIBITED USE OF PUBLIC SEWERS

**Sec. 86-226. Use of sanitary sewers.**

No person shall discharge or cause to be discharged into any sanitary sewers any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

(Code 1977, § 4-2011)

**Sec. 86-227. Use of storm sewers.**

(a) Stormwater and surface drainage shall be admitted to only those sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the approving authority, be discharged to storm sewers or storm drains.

(b) At no time shall sanitary wastewater be discharged into the storm sewer system.

(Code 1977, § 4-2012)

**Sec. 86-228. Certain waters and wastes prohibited.**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or waste into any public sanitary sewers:

- (1) Any clothing, rags, textile remnants or wastes, cloth, scraps, etc., except fibers, scraps, etc. which will pass through a one-fourth-inch mesh screen or its equivalent in screening ability;
- (2) Any wastewater having a temperature which will inhibit biological activity in the system treatment plant, resulting in interference, but in no case wastewater with a temperature which exceeds 40 degrees Celsius (104 degrees Fahrenheit);
- (3) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the system including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over 12 percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene,

naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system;

- (4) Any wastewater having a pH less than 5.5 or greater than 9.0 or having other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the system;
- (5) Any wastewater containing toxic gases, vapors or fumes in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, cause acute worker health and safety problems, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act. The industrial user shall have an affirmative defense on any action brought against it alleging a violation of 40 CFR 403.5(b)(7), if it can make the appropriate demonstrations pursuant to 40 CFR 403.5 (a) (2)(i) and (ii);
- (6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (7) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sands, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin in amounts that will cause interference or pass-through. The industrial user shall have an affirmative defense in any action brought against it alleging a violation of 40 CFR 403.5 (b)(6), if it can make the appropriate demonstrations pursuant to 40 CFR 403.5 (a) (2)(i) and (ii);
- (8) Any substance which may cause the system's effluent or any other product of the system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the system to be in noncompliance with sludge use or disposal criteria guidelines, or regulations developed under section 405 of the act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
- (9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

- (10) Any substance that will cause the treatment plant to violate its NPDES and/or state disposal system permit or the receiving water quality standards;
- (11) Any wastewater that causes a hazard to human life or creates a public nuisance;
- (12) Any water or waste containing more than 100 parts per million by weight of fats, oils or grease;
- (13) Any liquid wastes in which the suspended solids exceed 400 parts per million by weight;
- (14) Any liquid wastes having a BOD of more than 250 parts per million except as hereinafter provided for;
- (15) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle the materials in the sewerage system;
- (16) Any waters or wastes containing lint in quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works;
- (17) Any waters or wastes containing strong acid iron picking wastes, or concentrated plating solutions whether neutralized or not;
- (18) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage, at the sewage treatment works, exceeds the limits established by the superintendent for such materials;
- (19) Any waters or wastes containing phenols or other taste-producing or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving water;
- (20) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations; or
- (21) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate);
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(Code 1977, § 4-2013)

**Sec. 86-229. Approving authority may grant exceptions.**

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 86-228, and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rate of discharge.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(b) When the superintendent determines that a user is contributing to the system any substances in such amounts as to interfere with the operation of the system, the superintendent shall:

- (1) Advise the user of the impact of the contribution to the system; and
- (2) Develop effluent limitations for such user to correct the interference with the system.

(c) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(d) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. The term "consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in section 403.7(c) (2) of 40 CFR 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

(e) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(f) The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater system if deemed necessary to comply with the objectives presented in section 86-199.

(Code 1977, § 4-2014)

**Secs. 86-230—86-251. Reserved.**

DIVISION 3. PERMISSIVE USE OF PUBLIC SEWERS

**Sec. 86-252. Tap fee required.**

The city shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be as specified in section 86-324.

(Code 1977, § 4-2021)

**Sec. 86-253. Sewage volume limitations.**

Any sewage discharge by any person, which has an average working day flow greater than:

- (1) Five thousand gallons if tributary to the sewage pumping stations; or
- (2) Five thousand gallons if tributary to the main gravity system;

may be admitted into the sanitary sewers; provided the sewage is discharged at rates that will not overload the sewerage system.

(Code 1977, § 4-2022)

**Sec. 86-254. Excess volume; equalization measures.**

(a) Where necessary in the opinion of the approving authority, and whenever the total volume of sewage to be discharged by any person in any one day shall exceed the limits set forth above, the person may be required, at no expense to the city, to construct holding or storage tanks in order to equalize the discharge over a 24-hour period. The tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the approving authority. Notice shall be given the approving authority when normal operations of the person will be interrupted for 24 hours, or longer, and wastes will not be available for discharge.

(b) No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

(Code 1977, § 4-2023)



**Sec. 86-255. Objectionable wastes; special treatment.**

(a) Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of section 86-228 or where necessary in the opinion of the approving authority, the person discharging sewage shall construct or cause to be constructed at no expense to the city such preliminary handling or treatment as may be required to:

- (1) Reduce the BOD to 250 parts per million by weight, and the suspended solids to 400 parts per million by weight; or
- (2) Change objectionable characteristics or constituents to come within the maximum limits provided for in section 86-228.

(b) No discharge shall contain pollutant concentrations exceeding the allowable concentration limits in the pretreatment program.

(Code 1977, § 4-2024)

**Sec. 86-256. Total discharge considered as excessive if limitations exceeded.**

Where the volume of any sewage discharged by any person exceeds the limits set forth under section 86-253, the entire volume of the wastes shall be understood to come within the requirements set forth under section 86-254.

(Code 1977, § 4-2025)

**Sec. 86-257. Pretreatment facilities.**

(a) Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operation procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article.

(b) In addition to city approval, approval from applicable state and federal agencies, including, but not limited to, S.C. DHEC, will be obtained by the discharger. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and acceptable to the city prior to the user's initiation of the changes.

(Code 1977, § 4-2026)

**Sec. 86-258. Present users may be required to provide analysis.**

(a) All significant users proposing to connect to or contribute to the system shall obtain a wastewater discharge permit before connection to or contributing to the system. All existing significant users connected or contributing to the system shall obtain a wastewater contribution permit within 180 days after the effective date of the ordinance from which this section is derived.



(b) Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city, accompanied by a fee as prescribed from time to time by the city council. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of the ordinance from which this section is derived and proposed new users shall apply at least 90 days prior to connecting or contributing to the system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following:

- (1) Name, address and location (if different from the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics, including, but not limited to, those mentioned in section 86-228, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR 136, as amended;
- (4) Time and duration of discharge;
- (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials, which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutant pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional treatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

- b. No increment referred to in subsection (b)(9)a of this section shall exceed nine months; and
- c. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent;

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(c) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(d) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (b)(8) and (b)(9) of this section.

(e) Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a city sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;

- (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (9) Requirements for notification to the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges; or
- (11) Other conditions as deemed appropriate by the city to ensure compliance with this article.

(f) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in section 86-228 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(h) Within 90 days, following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the system, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered in the state.

(Code 1977, § 4-2027)

**Sec. 86-259. Approval required before changing nature or quantity of discharge.**

(a) Any person having been granted authority by the approving authority to discharge sewage into the city's public sewers and who shall change or cause to be changed the nature or quantity of the sewage shall, before making the change, receive the approval of the approving authority of the change and may be required to furnish the approving authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

(b) Any person who should wish to make a connection and discharge sewage as described above shall make written application to the approving authority and may be required to furnish the approving authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other provisions of this article.

(c) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the system, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 86-258(b)(5). At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(d) The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (c) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Code 1977, § 4-2028)

**Sec. 86-260. Separators and traps; when required.**

Grease, oil and sand separators or traps shall be provided when in the opinion of the approving authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. The separators shall not be required for

private living quarters or dwelling units, but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. The separators shall be readily accessible for inspection by the approving authority and shall be maintained and cleaned by the person at no expense to the city and shall be in continuously efficient operation at all times.

(Code 1977, § 4-2029)

**Sec. 86-261. Inspection manholes.**

Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or, if pretreatment is not required, at the point where the sewage enters the public sewers. The manhole shall be located so as to be readily accessible and shall be constructed in a manner as may be approved by the approving authority so as to facilitate inspection or measuring as may be necessary for proper sampling and/or control of the waste discharge.

(Code 1977, § 4-2030)

**Sec. 86-262. Trucked or hauled pollutants.**

The discharge of trucked or hauled pollutants into the city's wastewater system is prohibited except at discharge points designated by the city.

(Code 1977, § 4-2031)

**Sec. 86-263. Notification by the industrial user of any hazardous waste discharge.**

(a) The industrial user shall notify the city, the EPA Regional Waste Management Division director and state hazardous waste authorities in writing of any discharge into the city's wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261, and the type of discharge (continuous, batch or other).

(b) Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the city's wastewater system, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All modifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted

under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

(c) Industrial users are exempt from the above requirements during a calendar month in which they discharge no more than 15 kilograms of nonacute hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the industrial user discharges additional quantities of such hazardous waste do not require additional notification.

(d) In the case of new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the city, the EPA Regional Waste Management Division director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(e) In the case of any notification made under today's rule, the industrial user shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Code 1977, § 4-2032)

**Secs. 86-264—86-289. Reserved.**

DIVISION 4. OPERATION AND CONTROL

**Sec. 86-290. Right of entry.**

(a) The approving authority and duly authorized representatives of the city shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The city shall notify, if available, the person or a representative of the person prior to entering the premises.

(b) While performing the necessary work on private properties referred to in this article, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Code 1977, § 4-2041)



**Sec. 86-291. Emergency authority.**

(a) In the interest of public health and safety, the approving authority and duly authorized representatives shall be permitted to take emergency action as may be deemed necessary in the operation of the sewerage system, including, but not limited to, the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations or repairs.

(b) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan within 180 days of adoption of the ordinance from which this article is derived.. No user who commences contribution to the system after the effective date of the ordinance from which this section is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(c) Written notice within five days following an accidental discharge. The user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other applicable law. Industrial users shall notify the city immediately by phone in case of accidental discharge or slug loading.

(d) Notice to employees. A notice shall be permanently posted on a user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Code 1977, § 4-2042)

**Sec. 86-292. Testing procedures.**

(a) All tests and analysis of the characteristics of sewage to which reference is made in this article shall be made in accordance with the procedures prescribed in 40 CFR 136, Guidelines Establishing Test Procedures. The results of all testing done in accordance with 40 CFR 136 must be reported to the city. In case of a violation of permit limits, the industry must notify the city within 24 hours of becoming aware of the violation, resample, and submit the results of

both (all) tests within 30 days. The tests and analyses shall be determined at the control manhole provided for in section 86-261, or at the point of discharge of any sewage at the site of its origin on the premises of any person discharging sewage into the sewer system.

(b) The city shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(c) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(d) The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. The city shall have the authority to inspect and copy the records of its industrial users. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, DHEC and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, DHEC and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. The results of all testing done in accordance with 40 CFR 136 must be reported to the city. In case of a violation of permit limits, the industry must notify the city within 24 hours of becoming aware of the violation, resample, and submit the results of both (all) tests within 24 hours.

(Code 1977, § 4-2043)

**Sec. 86-293. Volume measured by water usage.**

(a) The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the city water department.

(b) Where the person discharging industrial wastes into the sanitary sewers of the city procures any part, or all of his water supply from sources other than the city water system, all or part of which is discharged into the sanitary sewer, the person discharging the waste shall install and maintain, at his expense, water meters of a type approved by the approving authority for the purpose of determining the proper volume of flow to be charged.

(Code 1977, § 4-2044)



**Sec. 86-294. Connection to sewer system required; exceptions.**

(a) The installation of new privies, cesspools, and septic tanks in sewer service areas shall be prohibited.

(b) Septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well-penetrating waterbearing formations where cesspools and septic tanks are allowed in sparsely settled incorporated areas shall be prohibited.

(c) The reuse of existing building sewers shall be allowed so long as there is not excessive inflow.

(d) Every building within the city limits that is located within 300 feet of any sewer main operated and maintained by the city shall be connected thereto and shall utilize the sewer for wastewater disposal, except where connection is technically impractical. The connection shall be made prior to occupancy of any new building.

(e) Existing buildings which are provided with access as described in subsection (d) of this section shall connect to the sewer main within a period of two years from the date of completion of the sewer main; or at the time of failure or malfunction of existing waste disposal means; or at the time as directed by the city or county department of health upon notice that the existing means of waste disposal is a community health hazard and violation of federal, state, county or city law. The same rate for sewer services shall be charged for each unit where sewer service is available, as described in subsection (d) of this section, whether or not the unit shall actually be connected to the city sewer.

(f) Where no public sewer exists within the limitation of subsection (d) of this section or where connection is technically impractical, the owner of such property may apply for a permit to construct and operate a septic tank system as approved by the county department of health, and further provided that the septic tank system is approved by the county department of health, and further provided that the septic tank system is properly maintained so as to eliminate any hazard to the public health.

(g) If connection to the sewer system is required by the foregoing, connection must also be made to the city water system.

(Code 1977, § 4-2045)

**Sec. 86-295. Application for service.**

Any person desiring connection to be made with the sewerage system shall make application on an appropriate form at city hall. The application shall be accompanied by the appropriate connection fee.

(Code 1977, § 4-2046)

**Sec. 86-296. Taps to be made by qualified plumber.**

All sewer taps shall conform to the requirements of the approving authority on location, size, type, materials and methods used and shall be accomplished only by a licensed plumber authorized by the city, or by representatives of the city.

(Code 1977, § 4-2047)

**Sec. 86-297. Size of connection based on units served.**

(a) The size and connection fee of all services shall be governed by the number of individual units to be served by the same connection.

(b) Single-family dwelling units and apartments or duplexes containing less than four single-family dwelling units shall have a four-inch connection minimum.

(c) Multifamily units containing more than four single-family dwelling units shall have a connection sized upon the equivalent number of bedrooms and flow as specified by the South Carolina Department of Health and Environmental Control criteria.

(Code 1977, § 4-2048)

**Sec. 86-298. Approval required before connecting to system.**

It shall be unlawful for any person to make or undertake to make or cause to be made any connection to the sewerage system without first having made application and received approval.

(Code 1977, § 4-2049)

**Sec. 86-299. City provides sewer service at property line.**

When application has been made under the terms of this article and where there is a sewer main available on the street, or adjacent to or across the street, the city shall make the tap and furnish materials and labor to run the line to the nearest point of the property line. This applies to old or new taps. The property owner shall install a cleanout plug on his property at the property line. If it is determined that the service line is stopped up in the street right-of-way, between the cleanout plug at the property line and the sewer main, the city will make the necessary repairs at no cost to the property owner. If it is determined that the sewer line is stopped up in the street right-of-way and there is no cleanout plug at the property line, the property owner is responsible for the necessary repairs unless he installs the proper cleanout plug on his property at the property line. All plumbing fees incurred shall be the responsibility of the person engaging the plumber no matter where the problem may be located.

(Code 1977, § 4-2050)

**Sec. 86-300. Skilled personnel to operate system.**

The city shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina Department of Health and Environmental Control and the Environmental Protection Agency.

(Code 1977, § 4-2051)

**Secs. 86-301—86-318. Reserved.**

## DIVISION 5. USER CHARGES AND SURCHARGES

**Sec. 86-319. Sewer charges authorized.**

The city shall, when necessary, adopt an adequate schedule of sewer service charges to defray the cost of operating and maintaining the sanitary sewerage system. The costs to be used as a basis of determining charges shall include, but are not necessarily limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The sewer service charges adopted shall be such that each user pays at least his proportionate share of all costs herein noted.

(Code 1977, § 4-2061)

**Sec. 86-320. Charges to be published.**

The sewer service charges shall be published in a form for public distribution and notice and shall become a part of this article upon adoption and public distribution and public notification, and shall be based on the cost of treatment per thousand gallons of sewage.

(Code 1977, § 4-2062)

**Sec. 86-321. Charges to be based on water consumption; billing and penalty.**

The approving authority shall levy monthly sewer service charges and the charges shall be due and payable immediately. The service charges shall be based on actual water consumption, as obtained from water meter readings as provided under section 86-293. Separate water meters used exclusively for yard irrigation systems and/or swimming pools (bathrooms shall not be tied onto system) are exempt from the sewer charges. Sections 86-27, 86-31 and 86-86 shall apply. Failure to pay this bill within ten days shall cause the bill to become delinquent and cause the customer to incur a ten percent penalty. If bills are unpaid after 20 days, the customer is subject to cut-off without further notice.

(Code 1977, § 4-2063)

**Sec. 86-322. Surcharge for discharge containing objectionable materials.**

(a) The approving authority may, at its discretion, allow industrial waste which exceeds the limitation of section 86-228 to be discharged into the sanitary sewerage system; provided, that the person discharging the waste shall agree to the payment of a surcharge for all BOD or suspended solids in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service.

(b) The surcharge covering the cost of the industrial wastes shall be determined in the following manner:

- (1) The approving authority shall fix the rate to be charged during the new fiscal year, at the beginning of the fiscal year, for the excess BOD or suspended solids, from actual costs per 1,000 pounds removed from the combined domestic and industrial wastes as experienced at the sewage treatment plant of the city during the preceding fiscal year; and
- (2) The rate shall be applied to the amount of excessive BOD and suspended solids as determined by averaging at least three waste discharge samples taken in accordance with provisions of section 86-292, 86-293 and 86-352.

(Code 1977, § 4-2064)

**Sec. 86-323. Connection fees.**

Connection fees to the sewer system shall be based upon sizes and criteria as determined from time to time by ordinance.

(Code 1977, § 4-2065)

**Sec. 86-324. Service charge.**

The sewer service charge shall be based upon the monthly use of water as given under section 86-321 in accordance with the following rates:

<i>Inside City per</i>	<i>Outside City per</i>
<i>Unit Administrative Charge</i>	<i>Unit Administrative Charge</i>
\$4.50	\$4.50

Plus a use charge of \$1.10 per 1,000 gallons, whether inside or outside the city.

(Code 1977, § 4-2066)

**Secs. 86-325—86-351. Reserved.**

DIVISION 6. INDUSTRIAL COST RECOVERY

**Sec. 86-352. Applicability and assessment.**

(a) Industrial cost recovery is applicable only to that proportionate use of wastewater treatment works, by an industrial user as defined by the Environmental Protection Agency, to which any grant funds received from the Environmental Protection Agency are utilized. Proportionate use may be determined by the quantity and/or quality of the industrial user's wastewater.

(b) Industrial cost recovery funds are those funds that are recoverable by a grantee from the industrial users of a wastewater treatment works applicable to the treatment of wastes from the users.

(c) The system of cost recovery shall include user charges, connection fees or other techniques as stated in division 5 of this article.

(d) An equitable assessment of costs shall be provided whereby the assessment of costs upon dischargers of industrial wastes correspond to the cost of the waste treatment taking into account the volume and strength of the industrial, domestic, commercial wastes and all other waste discharges treated, and techniques of treatment required as described in division 5 of this article.

(Code 1977, § 4-2081)

**Secs. 86-353—86-377. Reserved.**

#### DIVISION 7. SANITARY SEWER EXTENSIONS

**Sec. 86-378. Developer responsible for new sewers.**

Construction of sanitary sewers in any new development shall be the responsibility of the person responsible for the development.

(Code 1977, § 4-2091)

**Sec. 86-379. City may accept new sewers.**

Sanitary sewers constructed within new developments may be conveyed to the city; provided all sewers are located within public rights-of-way or easements of adequate unobstructed widths to provide maintenance vehicle access.

(Code 1977, § 4-2092)

**Sec. 86-380. Plans and specifications; procedure.**

(a) Any new development proposing to build local or lateral sanitary sewers or extensions to existing local or lateral sanitary sewers to connect directly or indirectly into the city's sanitary sewerage system shall conform its plans and specifications to the requirements of the approving authority. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by any and all local, county, and state authorities having jurisdiction.

(b) The following administrative procedures shall be followed:

- (1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the city's system, and total development plans;
- (2) Receive preliminary approval from city and other jurisdictional agencies;
- (3) Prepare construction drawings and documents for city approval;
- (4) Secure all other agency approvals of construction drawings and contract documents;

- (5) Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules;
- (6) Provide the approving authority and its authorized representatives with permission for on-site inspection during construction; and
- (7) Furnish to the approving authority a certificate of completion, instrument of conveyance, and warranty, together with other legal documents as may be required for annexation, and similar special provisions.

(Code 1977, § 4-2093)

**Sec. 86-381. Construction to be by qualified contractor.**

Construction of the proposed sewerage system shall be accomplished by a registered licensed contractor under the laws of the state who shall have paid all business license fees required by the city.

(Code 1977, § 4-2094)

**Sec. 86-382. Certificate of completion required.**

Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority, at no cost to the city, his certificate of completion, indicating that the subject sewerage system has been constructed in accordance with the approved plans and specifications, and shall provide four copies of as-constructed drawings.

(Code 1977, § 4-2095)

**Sec. 86-383. Owner to warrant construction.**

The owner or his authorized agent shall submit a warranty, which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for 12 months. The owner shall further warrant to the approving authority that all fees have been paid by him, that there is no outstanding indebtedness remaining, and holding the city harmless in each instance.

(Code 1977, § 4-2096)

**Sec. 86-384. Location of taps.**

All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the as-constructed drawings.

(Code 1977, § 4-2097)

**Sec. 86-385. Extensions to be compatible with city's plans.**

All sewerage system extensions must be compatible with present and future plans and needs of the city.

(Code 1977, § 4-2098)

**Sec. 86-386. Owner to convey system to city.**

When all other requirements of this article have been met and approved, the owner shall prepare and submit to the approving authority an instrument of conveyance, conveying the constructed system to the city, at no cost to the city, and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way described and duly recorded at the appropriate authority.

(Code 1977, § 4-2099)

**Sec. 86-387. Sanitary sewer extensions.**

(a) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(b) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(c) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or to the applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the building inspector before installation.

(d) The applicant for the building sewer permit shall notify the building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the building inspector or his representative. The building inspector shall check the building sewer for excessive inflow. Any pipe having excessive inflow will not be connected to the sewer. (Excessive inflow will be that inflow above 200 gal/in/dia/mi.)

(Code 1977, § 4-2100)

**Secs. 86-388—86-417. Reserved.**

## DIVISION 8. RECORDS

**Sec. 86-418. Separate system of records to be maintained.**

(a) The city shall keep separate from other business the records of the sewerage system.

(b) All records of business transactions, billings, and receipt of funds shall be maintained by the water and/or sewer department. The clerk-treasurer shall be responsible for funds in accordance with the bond ordinance governing the system.

(c) The city shall annually publish in the largest daily newspaper in general circulation in the county a listing of all industrial users in significant noncompliance at least once during the previous 12 months. The notification shall also summarize any enforcement actions taken against the user during the same 12 months.

(d) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or DHEC upon request.

(e) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information, would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(f) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(g) Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user.

(h) No bypass of the pretreatment system by industrial users shall be allowed unless it is unavoidable in order to prevent loss of life, personal injury, or severe property damage. With prior approval from the superintendent, an industrial user may allow a bypass to occur which does not cause a violation of pretreatment standards or requirements, but only if it is also for essential maintenance to ensure efficient operation of the pretreatment system.

(Code 1977, § 4-2111)

#### **Sec. 86-419. Annual budget.**

The council shall prepare an annual budget for the sewer system based upon the audit and establish such charges as may be necessary to fund said budget in accordance with this article and special provisions contained in contracts between city and major industries relating to quantity adjustment of sewer use rate.

(Code 1977, § 4-2112)



**Secs. 86-420—86-436. Reserved.**

DIVISION 9. PENALTIES

**Sec. 86-437. Failure to pay charges; other violations; penalties.**

(a) The city may discontinue sewer service to any person who is more than 20 days in arrears with payment of charges, cost recovery, and/or surcharges. Sewer service may be discontinued by complete severance of the sewer connection or the city may authorize any public utility to discontinue water service through the person's water meter. Renewed water service or sewer reconnection may be permitted only after payment of all charges and penalties as herein provided.

(b) Failure to comply with this article shall subject the person to a penalty in the discretion of the city recorder and payment of all damages incurred to the sewerage system as a result of noncompliance.

(c) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(d) The city may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or, to the environment, causes interference to the system or causes the city to violate any condition of its NPDES permit.

- (1) Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge, and upon payment of any costs associated with reconnection of the service.
- (2) A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

(e) Any user who violates the following conditions, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this article:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.

(f) Whenever the city finds that any user has violated or is violating this article, wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the city may serve upon such user a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(g) The city may order any user who causes or allows an unauthorized discharge to enter the system to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, and the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

- (1) The city council itself may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
  - a. Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - b. Take the evidence; and
  - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.
- (2) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.
- (3) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(h) If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county.

(i) Any user who is found to have violated an order of the city council or who willfully or negligently failed to comply with any provision of this article, and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.

(j) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both.

(Code 1977, § 4-2121)

**Secs. 86-438—86-457. Reserved.**

#### **ARTICLE IV. DROUGHT RESPONSE\***

**Sec. 86-458. Policy, purpose, and intent.**

(a) The city adopts the following regulations and restrictions on the delivery and consumption of water in order to achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner. This article is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the city.

(b) Whenever, in the judgment of the city council, it becomes necessary to conserve water in the service area, due to drought, the city council is authorized to issue a proclamation that existing drought conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

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\***State law reference**—Authority for local drought response ordinances, S.C. Code 1976, § 49-23-90.

(c) Immediately upon the issuance of such a proclamation, regulations and restrictions set forth under this article shall become effective and remain in effect until the water shortage is terminated and the proclamation rescinded.

(d) Water uses regulated or prohibited under this article, are considered to be nonessential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender to penalties as hereinafter set forth.

(e) The provisions of this article shall apply to customers within the jurisdiction of the city. (Code 1977, § 4-3001)

**Sec. 86-459. Definitions.**

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

*Aesthetic water use* means water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.

*Commercial and industrial water use* means water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

*Conservation* means reduction in water use to prevent depletion or waste of the resource.

*Customer* means any person, company, or organization using water supplied by the city.

*Domestic water use* means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, or sanitation, or for cleaning a residence, business, industry, or institution.

*Drought alert phases.*

- (1) *Moderate drought.* When the Palmer Index reaches the -1.50 to -2.99 range and moderate drought conditions have been verified by best available information, and conditions indicate this situation is expected to persist.
- (2) *Severe drought.* When the Palmer Index reaches the -3.00 to -3.99 range and severe drought conditions have been verified by best available information.
- (3) *Extreme drought.* When the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

*Drought response committee* means a committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to the state water resources commission and/or the governor.

*Essential water use* means water used specifically for firefighting and, maintaining instream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

*Even-numbered address* means street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters A-M; and locations without addresses.

*Institutional water use* means water used by the government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

*Landscape water use* means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

*Odd-numbered address* means street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N-Z.

*Palmer Index* means a measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

*Water shortage* means a lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

(Code 1977, § 4-3002)

**Sec. 86-460. Nonessential water use.**

Nonessential water use categories, other than essential water use, may be curtailed during severe or extreme drought.

- (1) Examples of nonessential residential and institutional water uses include:
  - a. Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - b. Washing down buildings or structures for purposes other than immediate fire protection;
  - c. Flushing gutters or permitting water to run or accumulate in any gutter or street;
  - d. Washing any motor bike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere;
  - e. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
  - f. Filling or maintaining public or private swimming pools; and
  - g. Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under this article.
- (2) Examples of nonessential commercial and industrial water uses include:
  - a. Serving water routinely in restaurants;
  - b. Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;

- c. Irrigating golf courses and any portion of their grounds, except as otherwise provided under this article;
- d. Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting;
- e. Serving customers who have been given a ten-day notice to repair one or more leaks and have failed to comply; and
- f. Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

(Code 1977, § 4-3003)

**Sec. 86-461. Responses to drought alert phases.**

(a) Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, are moderate, severe, and extreme. Proclamations issued by the city council shall coordinate an appropriate response to the level of drought that exists.

(b) Proclamations setting forth responses to the various drought alert phases shall be made by the city council and are to be based upon drought monitoring data, recommendations, declarations, and/or notifications supplied by the regional drought response committee or the state water resources commission.

(Code 1977, § 4-3004)

**Sec. 86-462. Moderate drought alert phase.**

If conditions indicate that a moderate drought condition is present and is expected to persist, the water resources commission shall activate the drought information center and notify municipal and county governments in the affected drought areas by certified mail. The commission will also issue press releases concerning the drought conditions to the news media.

(1) *Goal.*

- a. A 15 percent voluntary water use reduction for agricultural, commercial, industrial, institutional, and electrical power generation purposes; and
- b. A 30 percent voluntary water use reduction for residential customers.

(2) *General responses.*

- a. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of nonessential water uses (section 86-460);
- b. Institute an increased water supply system maintenance effort to identify and correct water leaks; and
- c. Encourage customers of the city to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.

(3) *Water-use restrictions.*

- a. For agriculture, irrigation and livestock: Implement conservation techniques, explore different water saving methods, and use alternative sources;
- b. For commercial, industrial, and institutional: Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities; and
- c. For residential:
  1. Reduce water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day; and
  2. Reduce domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

(Code 1977, § 4-3005)

**Sec. 86-463. Severe drought alert phase.**

A severe drought usually requires an official declaration and implementation of mandatory water use restrictions by the state water resources commission. In such cases, the commission will notify municipal and county governments in the affected drought areas by certified mail, and issue press releases concerning the drought conditions to the news media.

(1) *Goal.*

- a. A 15 percent water use reduction for agricultural, commercial, industrial, institutional, and electrical power generation purposes; and
- b. A 30 percent water use reduction for residential customers.

(2) *General responses.*

- a. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water-use curtailment measures; and
- b. Require customers of the city to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(3) *Water-use restrictions.*

- a. For agriculture, irrigation and livestock:
  1. Implement conservation techniques, explore different water saving methods, and use alternative sources; and
  2. Restrict irrigation use from 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
- b. For commercial, industrial, and institutional:
  1. Prohibit aesthetic water use;
  2. Reduce domestic water use to minimum levels necessary for maintaining health and safety;



- 3. Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other related water activities;
  - 4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; and
  - 5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- c. For residential:
- 1. Restrict water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day;
  - 2. Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other related water activities;
  - 3. Use low-volume, hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; and
  - 4. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(Code 1977, § 4-3006)

**Sec. 86-464. Extreme drought alert phase.**

For an extreme drought, the state water resources commission will notify municipal and county governments in the affected drought areas by certified mail, and issue press releases concerning the drought conditions to the news media. Water-use restrictions imposed during extreme drought conditions are mandatory.

- (1) *Goal.*
  - a. A 15 percent water use reduction for agricultural, commercial, industrial, and electrical power generation purposes; and
  - b. A 30 percent water use reduction for institutional and residential customers.
- (2) *General responses.*
  - a. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures; and
  - b. Require customers of the city to comply with the listed water-use restrictions in all categories while extreme drought conditions exist.
- (3) *Water-use restrictions.*
  - a. For agriculture, irrigation and livestock:
    - 1. Implement conservation techniques, explore different water saving methods, and use alternative sources; and



2. Restrict irrigation use from 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
- b. For commercial and institutional:
1. Prohibit aesthetic water use;
  2. Reduce domestic water use to minimum levels necessary for maintaining health and safety;
  3. Prohibit water-based recreational activities that require filling such as swimming pools, and other related water activities;
  4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; and
  5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- c. For institutional:
1. Prohibit aesthetic water use;
  2. Reduce domestic water use to minimum levels necessary to maintain health and safety;
  3. Prohibit water-based recreational activities that require filling such as swimming pools, and other related water activities;
  4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; and
  5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- d. For residential:
1. Restrict water use to 55 gallons per person per day, and a maximum of 220 gallons per household per day;
  2. Reduce domestic water use to minimum levels necessary to maintain health and safety;
  3. Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities;
  4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance; and
  5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(Code 1977, § 4-3007)

**Sec. 86-465. New water service connections.**

(a) Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, shall include conditions relating to water shortages.

(b) No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed unless such action is in compliance with provisions of this article.

(Code 1977, § 4-3008)

**Sec. 86-466. Water rates.**

In the event of an extreme drought-related water shortage, the city water department is hereby authorized to monitor water use and limit households to 55 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of \$0.01 per gallon. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of \$20.00 per 1,000 gallons of water used if the city water department deems that adequate conservation measures have not been implemented.

(Code 1977, § 4-3009)

**Sec. 86-467. Rationing.**

In the event that a drought threatens the preservation of public health and safety, the city council is hereby authorized to ration water.

(Code 1977, § 4-3010)

**Sec. 86-468. Fines and penalties.**

(a) Except as otherwise stated herein, violators of any provision of this article shall be penalized.

<i>Violation</i>	<i>Classification</i>	<i>Penalty</i>
First offense	Infraction	\$ 25.00
Second offense	Infraction	50.00
Third and subsequent offense within the same drought period	Misdemeanor	500.00

(b) The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

(c) After issuing one warning by certified mail, the city water department may disconnect the water service of any person or customer whenever it is determined that such person has failed to comply with the provisions of this article. Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge, hereby estab-

lished at \$20.00, and any other costs incurred by the city water department in discontinuing service. In addition, suitable assurances must be given to the city water department that the same action shall not be repeated during the drought or water shortage.

(Code 1977, § 4-3011; Ord. No. 93-13, 8-3-1993)

**Sec. 86-469. Enforcement.**

Law officers of the city police force shall, in addition to duties imposed by law, diligently enforce the provisions of this article.

(Code 1977, § 4-3012)

**Sec. 86-470. Variances.**

(a) Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances shall commence gradual reduction of water use within 24 hours of the declaration of water-use curtailment/reduction and shall apply for a variance from curtailment.

(b) Persons requesting exemption from the provisions of this article shall file a petition for variance with the city council within ten days after such curtailment becomes effective.

(c) When the drought ordinance has been invoked by the city council by an action independent of the water resources commission, all petitions for variances shall be reviewed by the city council. When the drought ordinance has been invoked by the city council acting on the direction of the water resources commission, all requests for variances shall be filed with the city council within ten days of the effective date of water-use curtailment or reduction. The city council shall respond to requests for a variance within five days of receipt of information or within 20 days of declaration of the curtailment, whichever comes first. Petitions shall contain the following:

- (1) Name and address of the petitioner;
- (2) Purpose of water use;
- (3) Specific provisions from which the petitioner is requesting relief;
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (5) Description of the relief desired;
- (6) Period of time for which the variance is sought;
- (7) Economic value of the water use;
- (8) Damage or harm to the petitioner or others if petitioner complies with this article;
- (9) Restrictions with which the petitioner is expected to comply and the compliance date;
- (10) Steps the petitioner is taking to meet the restrictions from which a variance is sought and the expected date of compliance; and
- (11) Other pertinent information.

(d) In order for a variance to be granted, the petitioner must show one or more of the following conditions:

- (1) Compliance with this article cannot be technically accomplished during the duration of the water shortage; and
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(e) The city manager may, in writing, grant temporary variances for existing water uses otherwise prohibited under this article if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The city council shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the city council.

(f) No such variance shall be retroactive or otherwise justify any violation of this article occurring prior to the issuance of the variance.

(g) Variances granted by the city manager shall be subject to the following conditions, unless waived or modified by the city council:

- (1) Variances granted shall include a timetable for compliance; and
- (2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Code 1977, § 4-3013)

Chapters 87—89

**RESERVED**



Chapter 90

**VEGETATION**

**Article I. In General**

Secs. 90-1—90-18. Reserved.

**Article II. Landscaping**

- Sec. 90-19. Short title.
- Sec. 90-20. Intent.
- Sec. 90-21. Definitions.
- Sec. 90-22. Street frontages.
- Sec. 90-23. Buffer yards.
- Sec. 90-24. Parking lots.
- Sec. 90-25. Service areas.
- Sec. 90-26. Tree protection.
- Sec. 90-27. Standards and materials.
- Sec. 90-28. Legal.
- Secs. 90-29—90-59. Reserved.

**Article III. Trees**

- Sec. 90-60. Short title.
- Sec. 90-61. Purpose.
- Sec. 90-62. Tree board.
- Sec. 90-63. Meetings, rules and records.
- Sec. 90-64. Definitions.
- Sec. 90-65. Tree management.
- Sec. 90-66. Interference with city tree board.
- Sec. 90-67. Review by city council.
- Sec. 90-68. Penalty.





**ARTICLE I. IN GENERAL**

**Secs. 90-1—90-18. Reserved.**

**ARTICLE II. LANDSCAPING**

**Sec. 90-19. Short title.**

This article may be referred to as the city's landscape ordinance.  
(Code 1977, § 5-9001; Ord. No. 92-13, 12-1-1992)

**Sec. 90-20. Intent.**

(a) *Generally.*

- (1) This article shall apply to all real property except single-family and two-family residential uses within the corporate limits of the city, including any land covered by water; however, the requirements of section 90-26 shall apply to residential subdivision developments. Utility equipment shall be subject to the requirements of section 90-25 only.
- (2) This article is designed to safeguard public health, safety and welfare; to prevent air and water pollution, erosion, sedimentation, noise, glare, and excessive heat and to protect and enhance the value of investments, the visual beauty, and the environment of the city.
- (3) It is the intent of this article to improve the appearance of the community by encouraging attractive and creative design, and good landscaping practice.
- (4) It is the intent of this article that any burden imposed by it will be compensated for by the resulting increases in property values, commercial activity, and economic development.

(b) *Areas.*

- (1) Visitors' impressions of the community are shaped primarily by the views from thoroughfares; therefore preserving and improving streetscape and landscape resources and aesthetics contributes to the general welfare, prosperity, and community pride.
- (2) Street frontages (section 90-22) are designed to improve the image of the community by encouraging beautification along roads, highways, and traffic arteries.
- (3) Buffer yards and service areas (sections 90-23 and 90-25) are designed to protect and enhance the value of land adjacent to parking lots, utility and service facilities, and high-intensity uses.
- (4) Parking lots (section 90-24) are designed to preserve the natural environment from the harmful effects of large expanses of unbroken pavement surfaces by reducing pollution, noise, glare, and heat.

- (5) Tree protection (section 90-26) is designed to preserve healthy trees which have become valuable and irreplaceable natural resources by virtue of age and size, and to prevent the clearcutting of nonagricultural lots.
- (6) Sections 90-27, 90-21, and 90-28 specify and define the terms and conditions set forth in the other sections of this article as required to clarify intent and enforce the article.
  - (c) *Planting.* Plantings, trees and landscaping shall be required in order to provide shade, improve appearance, mitigate the impact of unattractive areas, break up large expanses of impervious surfaces, and improve groundwater recharge.
  - (d) *Screening.*
    - (1) Earth berm, plants, fences, wall screening, or a combination thereof shall be required in order to safeguard the public from dangers of attractive nuisances.
    - (2) To improve community appearance, service areas and unsightly equipment and structures shall be screened from view and from dangerous access from public rights-of-way and certain adjoining property by landscaping, berming, or fences.
  - (e) *Trees.*
    - (1) The planting of trees in new or expanding developments promotes air purification and oxygen regeneration, ensures adequate light, air and open space, and conserves energy.
    - (2) The sections concerning trees should be construed to encourage preservation of existing trees and discourage the unnecessary removal of trees while allowing for the reasonable and economical development of land.
  - (f) *Special.* It is the intent of this article to encourage creativity and good practice in design and flexibility in the application of the design standard by placing emphasis on the use of a variety of elements and diverse planting groups to achieve the desired results. These include large canopy shade trees, small understory trees, shrubbery, earth berms, walls, fences, paving materials, irrigation systems, and provisions for alternative methods of compliance.
  - (g) *Legal.*
    - (1) This article is not intended, and should not be interpreted, as a taking of property without due process or just compensation; nor is it intended to unnecessarily burden those who exercise due care in the installation and maintenance of landscaping.
    - (2) Any person violating, by act or omission, any requirement of this article shall, upon conviction, be deemed guilty of a misdemeanor punishable by a fine of not less than \$20.00 or more than \$200.00, or imprisonment of not more than 30 days, or both, at the discretion of the court. Such person shall also be liable for any civil damages, injunctions, mandamus, or the replacement of illegally removed trees.
    - (3) Where violation of this article continues after notice given by the code enforcement officer, each day of continuation shall be deemed a separate offense.

(4) Any person who, or organization that, knowingly commits, assists in or maintains such violation may be found jointly and severally liable for such violation.  
(Code 1977, § 5-9002; Ord. No. 92-13, 12-1-1992)

**Sec. 90-21. Definitions.**

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

*Aggregate expansion* means any area expansion of a site, building or building group, which occurs within a three-year period or less.

*Authority, horticultural/landscape* means any individual or source, licensed, registered, degreed in landscape design and maintenance, or who is otherwise qualified, and who is approved by the city tree board.

*Berm* means any hill or slope which represents a change of elevation of at least two feet at a slope of between 25 and 50 percent and which is covered with an appropriate stabilizing vegetation.

*Buffer yard* means a strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of high-intensity land uses on neighboring, lower-intensity uses.

*Caliper* means the diameter of nursery stock, taken at six inches above ground for up to and including four-inch caliper size, and 12 inches above ground for larger sizes.

*Circumference* means, for existing trees, measuring the trunk circumference at 4½ feet above ground.

*Corner lot* means any lot that is bounded on two or more consecutive sides by road rights-of-way which intersect at an angle of 135 degrees or less.

*DBH* means the diameter of a tree at breast height.

*Developed lot* means any lot which has been developed with buildings or other improvements, or for which development approval, such as a final plat approval, a zoning permit, or a certificate of occupancy, has been issued before the effective date of the ordinance from which this section is derived.

*Display area or lot* means any unenclosed area used for the display of merchandise.

*Ground cover* means any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond 12 inches in height.

*Parking lot* means any parcel of land larger than 3,000 square feet in area which is used by ten or more vehicles, whether for parking, loading, or access to parking or loading areas. The term should be construed broadly to include areas where expanses of impervious surfaces disrupt the natural environment, but does not include buildings or public roads. For purposes of section 90-24, the term "parking lot" includes:

- (1) The paved portion of the parking lot; and

- (2) The paved pedestrian walkways within or immediately adjacent to the paved area of the lot.

*Road frontage* means any strip of land adjacent to a public road right-of-way.

*Screen fence or wall* means any structure which stands at least six feet high at its lowest point, is between 75 and 100 percent opaque, and is designed and constructed as a permanent improvement for the purpose of blocking view.

*Shrub* means any hard wooded perennial plant of a species which normally reaches a height between 12 inches and eight feet, and which is between 80 and 100 percent opaque at maturity.

*Thoroughfare* means any major arterial road; one of the principal routes into and through the community.

*Tree* means any hard wooded perennial plant, whether coniferous or deciduous, of a species which normally reaches a height of eight feet or more at maturity.

*Tree, canopy, large*, means any single-stem tree of a species which normally reaches a height of 30 feet or more and a crown spread of 20 feet or more at maturity.

*Tree, understory / noncanopy, small*, means any single or multistem tree of a species which normally reaches a height of between eight and 30 feet and a crown spread of less than 20 feet at maturity.

*Visibility triangle* means the triangular horizontal area formed by intersecting right-of-way lines of roadways, or the intersection of a right-of-way line of a roadway and the edge of a driveway, and a line connecting points located on those lines 20 feet from the point of intersection. The vertical dimension of a visibility triangle is defined as the space above 2½ feet from the surface of the pavement.

(Code 1977, § 5-9009; Ord. No. 92-13, 12-1-1992)

**Sec. 90-22. Street frontages.**

(a) *Generally.*

- (1) This section shall apply to all land used solely for multifamily, office, commercial or industrial development, wherever a front yard setback is planned, provided, or required by the existing zoning ordinances of the city.
- (2) No improvements required by this section may encroach upon the right-of-way, nor may improvements other than ground cover be installed within 20 feet of any intersection of the right-of-way lines of a roadway.

(b) *Areas.*

- (1) Subject to subsection (a)(1) of this section, all new high-density residential, commercial and industrial developments fronting on a public right-of-way shall be improved with landscaping along the full length of such frontage, or left in its natural vegetative state, meeting the intent of this article.

- (2) Where single or aggregate expansions of existing facilities increase building or parking lot areas by more than 50 percent, or where renovations exceed 50 percent of the current value of the existing use, then the requirements of this section shall apply.
- (3) The area to be landscaped along street frontages shall have an average depth of at least ten feet and a minimum depth of five feet and shall extend along the full length of such frontage.

(c) *Planting.*

- (1) Where required under this section, street frontages shall be improved with trees, landscape planting and/or screening complying with subsections (d) and (e) of this section.
- (2) Planting required under this section shall also be counted toward the buffer yard requirements in section 90-23 where portions of street frontage are appropriately located to serve a dual purpose.

(d) *Screening.* All surface parking lots shall be screened from all adjacent public streets in accordance with the following:

- (1) Screening must extend along the entire length of street frontage of the surface parking lot, exclusive of:
  - a. Driveways and accessways at points of ingress and egress to and from the lot; and
  - b. Visibility triangles.
- (2) Street front screening shall be at least 33 percent opaque and not less than two feet, nor more than four feet in height at maturity.

(e) *Trees.* Subject to subsection (a) of this section, wherever developments adjoin or front on public streets, large trees shall be provided in planting groups in accordance with the following provisions:

- (1) Tree planting groups shall extend along the full length of the street frontage of the lot at an average density as specified below, exclusive of:
  - a. Driveways and accessways at points of ingress and egress to and from the lot; and
  - b. Visibility triangles.
- (2) The minimum density of tree grouping required for street front landscape plan approval shall average at least one tree grouping per 40 feet.
- (3) Tree groupings shall comply with one or more of the design standards defined in section 90-23(e).
- (4) The groupings shall be located within 30 feet of the actual or projected street curb. For purposes of this subsection, the term "projected street curb" means the future location of the street curb consistent with the thoroughfare plan.

(f) *Special.*

- (1) Trees provided to meet the requirements of this section shall also be counted toward the requirements of section 90-24; provided such trees are within 20 feet of the paved area of the parking lot.
- (2) The required average distance between tree groups shall be increased by ten feet for each additional ten feet of average street front yard depth provided above the minimum required by ordinance.
- (3) The required average distance between tree groups shall be increased by an additional 15 feet per group when an automatic irrigation system is installed for all required street frontage planting in compliance with the recommendations of the irrigation system manufacturer.

(Code 1977, § 5-9003; Ord. No. 92-13, 12-1-1992)

**Sec. 90-23. Buffer yards.**

(a) *Generally.*

- (1) The purpose of this section is to protect existing low-intensity land uses from the devaluating and deleterious effects of new higher-intensity uses, and it shall be construed to afford the maximum protection to existing uses consistent with a reasonable return on investment made by developers of new land uses.
- (2) The developer, owner or tenant of new higher-intensity uses is required to install landscape buffers adjacent to, but on their side of, common property lines to protect existing lower-intensity uses.
- (3) In the case of preexisting juxtapositions of incompatible uses requiring buffer yards, these requirements shall apply only in the case of single or aggregate expansions of the more intensive use which would increase the gross floor or site area of that use by 50 percent or more, or where renovations exceed 50 percent of the current value of the existing use.

(b) *Areas.*

- (1) Buffer yards shall be required where:

<i>A use classified as:</i>	<i>Is proposed adjacent to:</i>
Industrial	Any nonindustrial use
Commercial	Residential
High-density residential	Medium or lowdensity residential

- (2) A buffer yard shall have a minimum width of ten feet or ten percent of the lot depth (or width as appropriate), whichever is less.

(c) *Planting.* All plant materials for buffers other than trees shall be a minimum of 60 percent drought-resistant evergreen varieties recommended for local area use by a qualified horticultural authority. In addition, the plant materials shall:

- (1) Be located in a bed or on a berm at least three feet wide; and
- (2) Be placed over the entire length of the bed at a planting density that a landscape authority certifies as being capable of providing required visual opacity and height within three years of initial planting.

(d) *Screening.* All higher-intensity uses shall be buffered from all adjacent lower-intensity uses with planting screens, fences or walls in accordance with the following:

- (1) The screening shall extend along the entire required length of the buffer strip, exclusive of:
  - a. Public strip frontage;
  - b. Driveways and accessways to the lot; and
  - c. Visibility triangles.
- (2) Planting screens shall average at least three feet in height at maturity and shall average at least 33 percent opaque.
- (3) When screen walls and/or fences are provided, they shall average at least six feet in height and shall be a minimum of 75 percent opaque.

(e) *Trees.*

- (1) Required landscape buffer strips shall contain at least one of the following groups of plant materials at a minimum average density of one group for every 40 linear feet, or portion thereof, of buffer strip:
  - a. One large tree and three small trees;
  - b. One large tree and three large evergreen shrubs;
  - c. One large tree, two small trees and one large evergreen shrub;
  - d. One large tree, one small tree and two large evergreen shrubs; or
  - e. Two large trees.
- (2) Where existing overhead power utility lines preclude sufficient space for large mature tree canopy spread, then two small trees shall be substituted for each required large tree.

(f) *Special.*

- (1) Trees provided to meet the requirements of this section shall also be counted toward the requirements of section 90-24; provided buffer yard trees are within 20 feet of the paved area of the parking lot.

- (2) The required average distance between tree groups shall be increased by ten feet for each additional ten feet of buffer yard depth (or width) provided above the minimum required by ordinance.
- (3) The required average distance between tree groups shall be increased by an additional 15 feet per group when an automatic irrigation system is installed for all required buffer yard planting in compliance with the recommendations of the irrigation system manufacturer.

(Code 1977, § 5-9004; Ord. No. 92-13, 12-1-1992)

**Sec. 90-24. Parking lots.**

(a) *Generally.*

- (1) This section shall apply to all surface lots that are intended for use by more than ten vehicles for parking, loading, or access to parking or loading areas, and all storage yards greater than 3,000 square feet in area as defined below.
- (2) This section shall be construed broadly to apply to any use similar in impact to a parking lot. The requirements of this section shall also apply to outdoor areas for storage, sale or rental of motor vehicles, mobile homes, boats and recreational vehicles.
- (3) These requirements shall not apply to existing parking lots unless they are expanded as set forth in subsection (b)(3) of this section.

(b) *Areas.*

- (1) All new parking lots shall meet the requirements of this section as to interior areas or screening.
- (2) In addition, all new parking lots shall meet street frontage requirements of section 90-22 and buffer yard requirements of section 90-23.
- (3) In the case of single or aggregate expansions which will increase the area of the lot by more than 50 percent, then improvements meeting the requirements of section 90-22 shall be installed along the existing portion of street frontage, and the existing portion of the lot shall be retrofitted as required below.

(c) *Planting.* All surface parking lots shall be landscaped in accordance with the following:

- (1) In addition to the street front and buffer yard landscape areas required by section 90-22 and section 90-23, a minimum of 15 square feet of landscape area shall be provided in the parking lot for each off-street parking space in the lot; and
- (2) Large canopy trees meeting the requirements of subsection (e) of this section shall be provided within the landscape area; or
- (3) Large canopy trees meeting the requirements of subsection (e) of this section and determined to be suitable for planting near paved areas by the tree board shall be planted in unpaved islands measuring no less than six feet by eight feet with adequate provisions for watering, oxygenation, and maintenance as trees mature.



(d) *Screening.* Surface parking lots shall be screened in accordance with the pertinent requirements of section 90-22(d) and section 90-23(d).

(e) *Trees.*

(1) Large canopy trees must be provided in each parking lot at a minimum average density of one tree for every ten parking spaces in the lot.

(2) No tree may be planted closer than three feet to the back of a curb or the paved portion of the parking lot.

(f) *Special.* The required average density of trees in parking lots shall be increased by 50 percent for landscape plans that propose unpaved parking lots.

(Code 1977, § 5-9005; Ord. No. 92-13, 12-1-1992)

### **Sec. 90-25. Service areas.**

(a) *Generally.*

(1) This section shall apply to all service areas which detract from the appearance of the community, including, but not limited to, garbage collection sites, exposed non-power utility fixtures, power utility substations, and exposed metal cabinets over five feet in height.

(2) In the case of preexisting service areas, these requirements shall apply only when single or aggregate expansions of these service areas would increase the gross floor or site area by 50 percent or more, or where renovations would exceed 50 percent of the current value of the existing facility.

(3) This section shall not be construed to deny access by vehicles and equipment to service areas; nor shall it be construed to apply to utility equipment improvements.

(b) *Areas.*

(1) Garbage collection sites shall be shielded from view from public roads and adjoining developed property by screening that is 75 percent opaque in accordance with subsection (d) of this section.

(2) Nonpower utility fixtures, substations, and exposed metal cabinets above five feet in height shall be screened from public roads and adjoining, developed, nonindustrial property except as required for proper equipment operation, security, code compliance, access and maintenance.

(c) *Planting.*

(1) All plant materials for required screens shall be evergreen varieties and recommended for local area use by a qualified horticultural authority. In addition, the plant materials shall:

a. Be located in a bed or a berm that is at least three feet wide;

- b. Be placed at a planting density that a landscape authority certifies as being capable of providing the required visual opacity and height within three years of their initial planting.

- (2) Screening provided by earthen berm with evergreen plant materials shall be planted with turf grass or ground cover recommended for local area use by a qualified horticultural authority. The berm slope shall not exceed one foot of rise for each two feet of run.

(d) *Screening.* All service areas affected by this section shall be provided with a visual screen consisting of fences, berms or landscaping, or a combination of these, designed and installed to screen the area from view in accordance with subsections (a)(1) and (a)(2) of this section and meeting or exceeding the minimum standards required below:

- (1) The screening shall be at least one foot higher than the item to be screened but not less than six feet in height;
- (2) The screening shall extend along the entire perimeter of the service area, exclusive of:
  - a. Driveways and accessways at points of ingress and egress to the lot; and
  - b. Visibility triangles.

(e) *Trees.* When screening fences or walls are provided to meet the requirements of this section, the area between the screening and the perimeter of the site or parking lot shall be landscaped with a minimum average of:

- (1) One large evergreen shrub or small multistem tree for each ten linear feet; or
  - (2) One large tree for each 30 linear feet of screen fence or wall.
- (Code 1977, § 5-9006; Ord. No. 92-13, 12-1-1992)

**Sec. 90-26. Tree protection.**

- (a) *Generally.*
  - (1) This section is designed to prevent the clearcutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable assets.
  - (2) Because any healthy tree having a circumference greater than 48 inches (measured at 4½ feet above the ground) is a valuable and irreplaceable natural resource which, by virtue of its age and size, has been a fixture in the landscape for generations, it shall be a violation of this article to damage, destroy, or remove any such healthy tree, unless specific relief is granted by the tree board or under subsections (d)(1)(a) and (d)(1)(b) of this section.

(b) *Areas.*

- (1) This section shall not apply to the following:
  - a. Lots and subdivisions for which predevelopment approvals, such as preliminary plat approval or building permits, have been issued prior to the effective date of the ordinance from which this section is derived;
  - b. Any public road, utility project or right-of-way;
  - c. Any single-family or two-family dwelling on a recorded lot;
  - d. Any tree which the tree board has certified in writing as being hazardous to the public health; or
  - e. Any land zoned or used for agricultural purposes, including timberland.
- (2) This section shall apply to all residential subdivision developments which have not been granted predevelopment approvals as of the effective date of the ordinance from which this section is derived.

(c) *Tree credits.*

- (1) Tree credits may be claimed for any healthy trees which would not otherwise have been preserved under the requirements of subsections (e)(1) and (e)(2) of this section.
- (2) For each tree retained having a circumference equal to or greater than 12 inches but less than 18 inches, a credit of one required tree shall be allowed.
- (3) For each tree retained having a circumference equal to or greater than 18 inches but less than 36 inches, a credit of two required trees shall be allowed.
- (4) For each tree retained having a circumference equal to or greater than 36 inches, a credit of three required trees shall be allowed.

(d) *Planting.*

- (1) Specific relief from the literal terms of this section shall be granted by the code enforcement officer within 15 working days of receipt of formal written request in the following cases:
  - a. Any land which required more than 12 inches of fill to elevate it above the required flood protection elevation; or
  - b. Any lot which cannot be reasonably used for permitted purposes without the removal of a tree more than 48 inches in circumference from within the building area.
- (2) Where specific relief is granted under this section, the code enforcement officer may require reasonable revegetation of building sites in addition to that required by this article.

(e) *Controlled clearing.*

- (1) Prior to development, it shall be a violation of this article to remove more than 20 percent of the trees over 24 inches in circumference on any lot in any one-year period.
- (2) During and after development, a minimum of 15 percent of the trees over 24 inches in circumference within required setback yards, and ten percent of the trees over 24 inches in circumference outside of the required setback yards, as required by the zoning ordinance of the city, shall be preserved.

(f) *Trees.*

- (1) After the necessary development approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging and shall instruct work crews to protect such trees during development in accordance with the subsection (f)(2) of this section.
- (2) During and after development, a protective zone with a diameter of one foot per inch of tree diameter (or five feet measured from the tree trunk at any point, whichever is greater) shielded by suitable protective barriers or curbing shall be established and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone.

(g) *Special.*

- (1) Credits shall be awarded for retaining existing healthy trees on the lot as provided herein even though the tree is not otherwise relied upon to satisfy the requirements of this section.
- (2) Credits claimed under this subsection shall not be used outside of the lot where the tree is located.
- (3) Credits claimed under this subsection are automatically lost when the tree dies or is replaced. All required trees not planted due to the credits shall be planted as shown on the landscape plan within 180 days of official notification.

(Code 1977, § 5-9007; Ord. No. 92-13, 12-1-1992)

**Sec. 90-27. Standards and materials.**

(a) *Generally.*

- (1) Where these regulations require the installation of landscaping, the failure to maintain such landscaping or fencing shall be deemed a violation of this article equivalent to failure to install such landscaping or fencing.
- (2) The requirements of this article are intended as minimum requirements. Should any requirement of this article conflict with any other lawfully adopted regulations, the stricter requirement or the higher standard shall prevail.

- (3) The property owner shall be responsible for regular weeding, mowing, fertilizing, irrigating, pruning, or other maintenance of all plant materials required to comply with this article.
- (4) The owner shall not take any measures that will prevent plant materials from reaching minimum mature sizes required by this article.

(b) *Areas.*

- (1) The improvements shown on any landscaping plan that has been approved by the code enforcement officer shall be installed before the issuance of a final approval or certificate of occupancy. A bond may be required by the code enforcement officer, who may grant one extension of up to one year upon finding that extraordinary conditions beyond the developer's control have delayed a bona fide effort to comply during the development period.
- (2) Any required plant shown on the landscape plan that dies must be replaced with another living plant complying with the landscape plan within 90 days after notification by the code enforcement officer.

(c) *Planting.*

- (1) All plant materials for required buffer yards and screening shall be drought-tolerant species, living and healthy at the time they are installed, and shall be maintained in a healthy state or promptly replaced with healthy plants as per subsection (c)(2) of this section.
- (2) All plant materials installed to meet the requirements of this article shall be recommended for local use by a qualified horticultural authority approved by the tree board and shall conform to the American Association of Nurserymen standards.
- (3) Proposed watering methods (irrigation or otherwise) must be adequate to maintain plant materials in a healthy growing condition at all times.
- (4) At the time of installation all shrubs shall be a minimum of 12 inches tall.

(d) *Screening.* All screen fences erected to meet the requirements of this article may be constructed of brick, stone, wood, or painted stuccoed, or decorative concrete block; shall be structurally sound and properly maintained; and shall be at least 75 percent opaque.

(e) *Trees.*

- (1) At the time of installation, all large canopy trees shall be at least 12 feet tall with a minimum caliper of two inches; all small understory or multistem trees shall be at least six feet tall with a minimum caliper of 1¼ inches.
- (2) All trees installed to meet the requirements of this article shall be recommended for local use by the tree board and shall conform to the American Association of Nurserymen standards.

(f) *Special.* Decorative pavement material may be used in place of concrete or bituminous asphalt. Decorative pavement may be either permeable or nonpermeable, intended for pedestrian or vehicular use, and of such material as brick or stone pavers, exposed aggregate concrete, or stamped and/or stained concrete.

(Code 1977, § 5-9008; Ord. No. 92-13, 12-1-1992)

**Sec. 90-28. Legal.**

(a) *Administration.*

- (1) The beautification board and the tree board of the city hereby designate the code enforcement officer as the administrative official responsible for administering and enforcing this article, as follows:
  - a. To receive and approve copies of landscaping plans required by this article and to serve as staff of the beautification board and the tree board;
  - b. To investigate complaints of violations of this article and require correction of violations; and
  - c. To interpret this article according to its literal terms.
- (2) All development plans shall include landscaping plans showing the items and features required in subsections (b)(1) and (b)(2) of this section and, if applicable, subsection (c)(1) of this section. Predevelopment approvals or permits shall not be issued without the code enforcement officer's certification in writing that landscaping plans meet or exceed the requirements of this article.

(b) *Plan requirements.*

- (1) The landscaping plan required in subsections (a)(1) and (a)(2) of this section shall bear the name of the proposed development, the name, address and telephone number of the developer and the project designer, and a location map showing the proposed project and its relationship to the roadway network.
- (2) This plan shall be drawn to a scale appropriate to clearly convey all required information (but no smaller than one inch equals 100 feet) and shall show the true size, shape and location of all existing and proposed features and landscaping as follows:
  - a. All existing lot lines, buildings, pavement, rights-of-way, utility lines, water-courses, floodways, floodplains, land uses, and topography in two-foot contours;
  - b. All proposed buildings, paving, utilities, land uses, and final grades in two-foot contours;
  - c. All proposed landscaping and watering systems required by this article, with all plant species labeled and scaled to show location and spread at time of installation;
  - d. A table of planting materials stating species, number, and size at planting for all plants; and

- e. An overlay indicating the location and size of all trees existing prior to development with a circumference of greater than 24 inches.
- (c) *Tree credits.* If tree credits are claimed under section 90-26, the landscape plan shall:
- (1) Identify all trees which are being preserved beyond the requirements of section 90-26(e)(1) and (e)(2), indicating their species, circumferences, the number of credits claimed, and their locations; and
  - (2) Identify all required trees for which credits are claimed, specifying their species and caliper, and indicating the locations where these required trees are not being planted by reason of the credits claimed.
- (d) *Plan review.*
- (1) The developer shall present two copies of the landscaping plan to the code enforcement officer.
  - (2) The code enforcement officer shall review the landscaping plan and verify that it contains all of the required information and conforms to the terms and intent of this article within 15 working days after submission, prior to certifying in writing that the landscaping plan is approved.
- (e) *Alternate compliance.* Any developer who wishes to approach the objectives addressed by this article in a different manner from that prescribed in this article shall have the freedom to present his solution to the beautification board for consideration as follows:
- (1) Present proposed solutions to the code enforcement officer in writing by the required deadline for a regularly scheduled meeting of the beautification board;
  - (2) Explain in detail the problem for which an alternative solution is offered, the requirements of this article for solving that problem, the proposed alternative, and a written statement, graphic presentation, or both, prepared by a registered landscape architect, architect or engineer explaining how the alternative meets the intent and spirit of this article; and
  - (3) Include a statement, binding upon the developer, that if the alternative is approved by the beautification board the developer will install the alternative as described, or meet the literal terms of this article within one year.
- (f) *Alternate approval.*
- (1) The beautification board shall, at its next meeting, consider the proposed alternative and determine whether it would meet the intent and spirit of this article. If they find that the proposed alternative would address the problem as well as or better than the requirements of this article, they may grant approval of the alternative and accept the developer's statement described in subsection (e)(3) of this section.
  - (2) Alternative approval shall be valid for one year, and may be extended once for one year if the approved work has begun but is not completed after the first year.

- (3) Alternative approval shall run with the land and be transferable to the developer's successors in title or interest; provided, that such successors resubmit the statement described in subsection (e)(3) of this section.

(g) *Appeals.* Any person or corporation aggrieved by the administration, interpretation, or enforcement of this article may appeal any decision of the beautification board to the planning and zoning commission. The planning and zoning commission shall hold a public hearing to determine whether the beautification board has acted erroneously or unjustly. Upon finding such error or injustice, the planning and zoning commission shall have the authority to overturn or modify such decision.

(Code 1977, § 5-9010; Ord. No. 92-13, 12-1-1992)

**Secs. 90-29—90-59. Reserved.**

### ARTICLE III. TREES

**Sec. 90-60. Short title.**

This article may be referred to as the city's tree ordinance.  
(Code 1977, § 5-8001; Ord. No. 91-6, 8-6-1991)

**Sec. 90-61. Purpose.**

The purpose of this article is to provide the means by which a systematic plan may be developed and implemented for the planting, transplanting, removal, and care of trees upon both public and private property within the city.  
(Code 1977, § 5-8002; Ord. No. 91-6, 8-6-1991)

**Sec. 90-62. Tree board.**

(a) *Creation.* In order to implement the provisions of this article there is hereby established the City of Darlington Tree Board, hereinafter referred to as "the board." Except as provided for in subsection (b)(3) of this section, the board shall consist of five residents of the city.

(b) *Appointment.*

- (1) Members of the board shall be appointed by the mayor, subject to confirmation by the city council.
- (2) It is recommended that one member of the board be a certified arborist.
- (3) The remainder of the board members shall be appointed upon the basis of their individual and combined qualities such as leadership and organizational skills, interest in urban forestry, and the ability and willingness to serve. In order to obtain the services of uniquely qualified individuals, the mayor may, at his discretion, appoint members to the board whose residence falls outside of the corporate limits of the city; provided, however, that the total number of such members does not exceed two.



- (4) Members of the board shall assume their duties and be installed at the first regular meeting of the board following their appointment. Members shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties as authorized by city council.

(c) *Terms of office.*

- (1) The term of office for each member of the board shall be two years.
- (2) Memberships shall be identified by place numbers one through five. Terms of office in the three odd-numbered places shall expire in odd-numbered years and those in even-numbered places shall expire in even-numbered years; provided, however, that each member of the board shall serve until his successor is appointed and duly installed.

(d) *Removal.* Any member of the board may be removed from membership by the mayor, with confirmation by the city council for repeated failure to attend meetings of the board, or for any other cause deemed sufficient by the mayor.

(e) *Appointment to fill a vacancy.* In the event any place on the board becomes vacant due to removal, resignation, or any other cause, the mayor shall appoint a replacement within 60 days for the remainder of the unexpired term, subject to confirmation by the city council.

(f) *Duties and powers.*

- (1) It shall be the duty of the board to promote the purposes and objectives of this article.
- (2) It shall be the responsibility of the board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city.
- (3) The board shall annually host an Arbor Day ceremony to recognize the value of trees to urban landscape and increase awareness of the activities of the board. The board may promote education programs or disseminate news and information regarding the selection, planting and maintenance of trees in the urban environment or related topics in accord with the budget constraints imposed by the city council.
- (4) The board shall recognize the role that trees play in the role of beautification and promote and conduct projects utilizing trees in the beautification of private and public areas.
- (5) The board shall develop guidelines for the care and protection of trees on public lands which, if desired, shall be forwarded to the city council for action. The board shall develop and recommend guidelines for the protection of trees on commercial or private property, and develop a landscaping ordinance to be forwarded to the city council for action.

- (6) The board shall recommend to the proper authority the type and kind of trees to be planted upon such municipal street or parts of municipal streets or in parks as designated.
  - (7) The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
  - (8) The board may issue awards, letters of commendation, or other incentives to individuals, groups, businesses, or other entities for the purpose of rewarding and encouraging forestation efforts.
  - (9) The board may appoint or enlist leaders in business or residential communities for the purpose of establishing forestation projects within specific areas of the city.
  - (10) The board may, at a regular or special meeting, or at a public hearing authorized by the city council, hear complaints, issues, proposals, concerns, advice or opinions relating to forestation from any person or group invited by, or wishing to appear before, the board.
  - (11) The board may also, at its discretion, bring matters before the city council pertaining to forestation on a timely basis.
- (Code 1977, § 5-8003; Ord. No. 91-6, 8-6-1991)

**Sec. 90-63. Meetings, rules and records.**

- (a) *Regular meetings.* Regular meetings for the transaction of business of the board shall be held with such frequency as the board may determine, but not less than four times a year.
- (b) *Annual organizational meeting.* The first regular meeting following the beginning of the city's fiscal year shall be designated the annual organizational meeting for the election of officers and organization of the board.
- (c) *Special meetings.* Special meetings of the board may be held at any time upon call of the chairman.
- (d) *Rules and records.* The board shall adopt rules of order and shall keep records or minutes of its recommendations. Such records shall be public records. A quorum, consisting of a majority of the total membership of the board, shall be required for the transaction of business.
- (e) *Public notice of meetings.* The board shall comply with the Freedom of Information Act in regard to the public notice of meetings.
- (f) *Board action.* Decisions or actions by the board shall be by concurring majority vote of qualified members present and voting. Proxy votes will not be permitted.

(g) *Officers.* The board shall elect from its membership a chairman and vice-chairman who shall serve for one year or until their successors are elected. No member shall be elected chairman or vice-chairman for more than three consecutive years. The board shall appoint a secretary who may be from its membership or who may be an officer or employee of the city. (Code 1977, § 5-8004; Ord. No. 91-6, 8-6-1991)

**Sec. 90-64. Definitions.**

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

*Board* means the city tree board of Darlington, South Carolina, as created by this article.

*Large trees* means trees attaining a height of 45 feet or more.

*Medium trees* means trees attaining a height of 30 to 45 feet.

*Public trees* means and shall include all shade and ornamental trees now or hereafter growing on any street or any public areas where otherwise indicated.

*Small trees* means trees attaining a height of less than 30 feet.

*Street trees* means trees, shrubs, bushes, and all other wood vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(Code 1977, § 5-8005; Ord. No. 91-6, 8-6-1991)

**Sec. 90-65. Tree management.**

(a) *Street tree species to be planted.* The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the city tree board. This section does not prohibit the planting of street trees by adjacent property owners; provided, that the selection and location of said trees is in accordance with this subsection (a) and subsection (b) of this section.

<i>Small Trees</i>	<i>Medium Trees</i>	<i>Large Trees</i>
Aristocrat Pear	Birch, River	Ash, White
Bradford Pear	Blackgum	Baldcypress
Crabapple, Flowering	Cherrylaurel	Honeylocust, Thornless
Cherry, Flowering	Locust	Magnolia, Southern
Dogwood, Flowering	Mulberry	Maple, Red
Goldenrain Tree		Oak, Laurel
Holly, American		Oak, Live
Photinia, Fraser		Oak, Pin
Plum, Purpleleaf		Oak, Scarlet
Redbud, Eastern		Oak, Willow
Sourwood		Planetree, London

*Small Trees*

*Medium Trees*

*Large Trees*

Waxmyrtle

Sweetgum

Sycamore

Zelkova, Japanese

(b) *Spacing and distance.* The spacing of street trees will be in accordance with the three species size classes listed in subsection (a) of this section.

- (1) *Distance from curb and sidewalk.* No trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.
- (2) *Distance from street corners, driveways, and fire hydrants.* No street tree shall be planted closer than 25 feet of any street corner, measured from the point of intersecting right-of-way lines. No tree shall be planted any closer than ten feet to any driveway accessing public lands or lands containing multiple uses. Single-family homes are exempt from the driveway provision. No tree shall be planted closer than ten feet to any fire hydrant.
- (3) *Distance from utilities.* No trees may be planted within five lateral feet of any underground water line, sewer line, transmission line, or other utility. No street trees other than those species listed as small trees in this section may be planted within ten lateral feet of any overhead electrical utility wire.

(c) *Public tree care.* The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(d) *Removal.* The city tree board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

(e) *Tree topping.* It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. The term "topping" is defined as the severe cutting back of limbs larger than three inches in diameter to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstruction where other pruning practices are impractical may be exempted from this section at the determination of the city tree board.

(f) *Pruning, corner clearance.* Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to

the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or sign.

(g) *Dead or diseased tree removal on private property.*

- (1) The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice.
- (2) In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owners.

(h) *Abuse or mutilation of public trees.* Unless specifically authorized by the board, no person shall intentionally damage, cut, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertising posters, or other contrivance to any public tree; allow any gaseous liquid; or solid substance which is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.

(Code 1977, § 5-8006; Ord. No. 91-6, 8-6-1991; Ord. No. 94-3, 2-1-1994)

#### **Sec. 90-66. Interference with city tree board.**

It shall be unlawful for any person to prevent, delay, or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

(Code 1977, § 5-8007; Ord. No. 91-6, 8-6-1991)

#### **Sec. 90-67. Review by city council.**

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council, who may hear the matter and make a final decision.

(Code 1977, § 5-8008; Ord. No. 91-6, 8-6-1991)

#### **Sec. 90-68. Penalty.**

Any person, firm, or corporation violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum no less than \$1.00 or more than \$500.00, or may be imprisoned for a term not exceeding 30 days.

(Code 1977, § 5-8009; Ord. No. 91-6, 8-6-1991; Ord. No. 93-13, 8-3-1993)



Chapters 91—93

**RESERVED**





Chapter 94

**VEHICLES FOR HIRE**

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- Sec. 94-79. Referral, report on application.
- Sec. 94-80. Approval of application; permit fee; issuance.
- Sec. 94-81. Expiration date; renewal.
- Sec. 94-82. Grounds for denial.
- Sec. 94-83. Permit to be in possession of driver at all times.
- Sec. 94-84. Permit number.

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- Sec. 94-85. Certificate of identification.
- Sec. 94-86. Revocation or suspension.
- Sec. 94-87. Refund of permit fee prohibited.
- Secs. 94-88—94-117. Reserved.

### Division 4. Zones

- Sec. 94-118. City and suburbs divided into zones.
- Secs. 94-119—94-149. Reserved.

### Division 5. Charges

- Sec. 94-150. Maximum charges for transportation of passengers.
- Sec. 94-151. Charges for transportation of baggage.
- Sec. 94-152. Charges for transportation of children under six years of age.
- Sec. 94-153. Excessive charges.
- Sec. 94-154. Display of zone map and rates.
- Secs. 94-155—94-176. Reserved.

## **Article III. Wreckers and Towing Services**

- Sec. 94-177. Wrecker to go to accident only when properly called.
- Sec. 94-178. Use of police radio prohibited.
- Sec. 94-179. Solicitation of business by wrecker or towing service.
- Sec. 94-180. Solicitation of business by city employees.
- Sec. 94-181. Impounding authorized.
- Sec. 94-182. Requirements and procedures for wrecker service.
- Sec. 94-183. Penalty for violation.
- Sec. 94-184. Licenses.
- Sec. 94-185. Insurance.
- Sec. 94-186. Revocation or suspension of license.

**ARTICLE I. IN GENERAL**

**Secs. 94-1—94-20. Reserved.**

**ARTICLE II. TAXICABS**

## DIVISION 1. GENERALLY

**Sec. 94-21. Definition.**

The term "taxicab" as used in this article shall mean any motor vehicle and a driver operating upon any street, on call or demand, accepting or soliciting passengers indiscriminately for hire between such points along such streets as may be directed by the passenger being transported.

(Code 1977, § 7-6011)

**Sec. 94-22. Liability insurance required.**

(a) It shall be unlawful for any person operating taxicabs licensed by the city for the purpose of carrying passengers for hire within the city to operate such taxicabs unless such person shall have filed with the clerk-treasurer, for the benefit of the public generally, a public liability insurance policy in the usual form with the evidence of the premiums having been paid thereon for the period covered by the license to operate such taxicabs, in not less than the minimum limits required by the state for the operation of motor vehicles on the public highways of this state. Such public liability policy shall be written by an insurance company licensed to do business under the laws of the state. Such person shall at all times while operating such taxicabs, keep such policy of insurance in full force and effect.

(b) Public liability insurance shall be renewed on or before January 10 of each year.  
(Code 1977, § 7-6012)

**Sec. 94-23. Inspection of mechanical condition and cleanliness of vehicles.**

All taxicabs licensed under this article shall be subject to inspection as to mechanical condition and cleanliness by such persons and at such time and in such manner as the city may require.

(Code 1977, § 7-6013)

**Sec. 94-24. Marking and identification of vehicles.**

(a) All taxicabs licensed under this article, before being put into taxicab service, shall have painted upon the exterior of each side and upon the exterior of the rear of such vehicle the word "taxi" (minimum size for letters being four inches) with the name of the licensee painted immediately thereunder, in such size as to be plainly legible from a distance of 100 feet.

(b) A licensed emblem or suitable substitute shall be affixed to the roof of the vehicle. In addition, each vehicle shall have the cab license number painted permanently on each side (minimum size of four inches).

(Code 1977, § 7-6014)

**Sec. 94-25. Stopping, standing and parking.**

Except as otherwise provided, it shall be unlawful for any person to stop or park a taxicab on any street or public place within the city except for the purpose of taking on or letting off passengers.

(Code 1977, § 7-6015)

**Sec. 94-26. Solicitation of passengers.**

It shall be unlawful for the driver of a taxicab to solicit passengers on the street or at other public places of the city.

(Code 1977, § 7-6016)

**Sec. 94-27. Use of the streets as business place.**

It shall be unlawful for the driver of a taxicab to use any streets of the city as a business place, except in going for a passenger or in transporting a passenger.

(Code 1977, § 7-6017)

**Sec. 94-28. Conduct of drivers.**

All taxicab drivers must, while on duty, remain in their taxicabs or in the building or on the premises which the business occupies, and at no time shall they congregate or stand on the sidewalks, nor shall they use vulgar or obscene language.(Code 1977, § 7-6018)

**Sec. 94-29. Duty to afford transportation.**

No driver of any taxicab shall refuse to transport a passenger up to the seating capacity of the vehicle, or fail to keep an engagement to do so, without a good and reasonable excuse.

(Code 1977, § 7-6019)

**Secs. 94-30—94-46. Reserved.**

DIVISION 2. TAXICAB LICENSE

**Sec. 94-47. Required; limitation on number.**

No taxicab shall be operated within the city until a taxicab license from the clerk-treasurer authorizing such operation has been first obtained. Taxicab licenses shall not be issued for the operation of more than 21 taxicabs at any one time in the city.

(Code 1977, § 7-6031; Ord. No. 90-8, 6-5-1990; Ord. No. 2000-08, 7-11-2000)

**Sec. 94-48. Application.**

Any person desiring a taxicab license shall file an application for such license with the clerk-treasurer upon such form as may be prescribed. It is required that such application contain a description of the taxicab for which the taxicab license is sought, including the motor number and vehicle license number thereof.

(Code 1977, § 7-6032)

**Sec. 94-49. Police department to investigate and report on application.**

An application for a taxicab license shall be referred by the clerk-treasurer to the police department, which shall investigate the application, the applicant and the vehicle to be used and report thereon to the clerk-treasurer within two weeks.

(Code 1977, § 7-6033)

**Sec. 94-50. Approval of applications; issuance generally.**

Upon approval of an application for a taxicab license, such license shall be issued by the clerk-treasurer subject to the terms of this article and upon payment of a license tax in such sum as may be computed to be due in accordance with the business license schedule as set by the mayor and city council.

(Code 1977, § 7-6034)

**Sec. 94-51. Issuance upon payment of license tax.**

No taxicab license shall be issued by the clerk-treasurer for the operation of any taxicab until the insurance policy referred to in section 94-22 shall have been deposited with the clerk-treasurer as provided in such section.

(Code 1977, § 7-6035)

**Sec. 94-52. Particular taxicabs to be specified in license; transferability.**

A taxicab license shall be issued pursuant to a particular application and shall specify the specific taxicabs for which issued. No taxicab license shall be transferred or in any way conveyed to another person by the original licensee, but shall be returned to the license division if not used in 90 days. There shall be no refund of any license fees or taxes paid under the provisions of this article.

(Code 1977, § 7-6036)

**Sec. 94-53. Expiration date.**

Any taxicab license issued under the provisions of this article shall expire on December 31 of each year, unless revoked prior thereto.

(Code 1977, § 7-6037)

**Sec. 94-54. Substitution of equipment.**

If any taxicab licensed under this article is removed from service, the holder of the license therefor may operate such taxicab as may be substituted for that removed from the service under the original license if notice of such removal and substitution is given to the clerk-treasurer within five days after such removal and substitution have been made. Such substituted taxicab must comply with all applicable provisions of this article. There shall be a \$25.00 substitution fee paid to the clerk-treasurer at the time notice is given.

(Code 1977, § 7-6038)

**Sec. 94-55. License sticker required.**

It shall be unlawful for any taxicab to operate in the city without a sticker, which shall be given to the operator of any taxicab at the time of payment of the license tax to operate a taxi. Said sticker shall be displayed at all times in the lower left-hand corner of the windshield. Failure to so comply shall result in a fine of up to \$500.00 or imprisonment for up to 30 days.

(Code 1977, § 7-6039; Ord. No. 93-13, 8-3-1993)

**Sec. 94-56. Revocation or suspension by mayor and council.**

The mayor and city council shall have full power to revoke or suspend any taxicab license under this article for violation of any of the provisions of this article, for any reason expressed in this article or for any willful misconduct which, in the discretion of the city council, renders the licensee an improper person to conduct the service authorized by such license. There shall be no refund of any fees or taxes paid under any provision of this article following license revocation for any cause.

(Code 1977, § 7-6040)

**Sec. 94-57. Revocation for nonuse.**

Any taxicab license not used by the licensee or licensee's agent within 90 days from the date of issuance shall be revoked by the clerk-treasurer.

(Code 1977, § 7-6041)

**Sec. 94-58. Confiction for violation of law grounds for suspension or revocation.**

Conviction of any person holding a taxicab license under this article for violation of any law or ordinance shall constitute grounds for the suspension or revocation by the city council of such license issued such person, if the council deems that the public safety or interest required such suspension or revocation.

(Code 1977, § 7-6042)

**Sec. 94-59. Suspension when condition of taxicab is hazardous to the public safety.**

If at any time a taxicab shall be found by the police department to be in such condition that its operation constitutes a hazard to public safety, the clerk-treasurer shall suspend the taxicab license until the cause for such suspension is removed. There will be a \$25.00 fee for reinstatement hereunder.

(Code 1977, § 7-6043)

**Secs. 94-60—94-76. Reserved.**

## DIVISION 3. TAXICAB DRIVER'S PERMIT

**Sec. 94-77. Required.**

No person shall drive a taxicab while such taxicab is being used for the purpose of transporting passengers for hire without first obtaining a taxicab driver's permit from the clerk-treasurer.

(Code 1977, § 7-6051)

**Sec. 94-78. Application required.**

Any person desiring a taxicab driver's permit shall file an application for such permit with the clerk-treasurer upon such form as may be prescribed.

(Code 1977, § 7-6052)

**Sec. 94-79. Referral, report on application.**

The application for a taxicab driver's permit shall be referred to the police department, which shall investigate the application and the applicant and report thereon to the clerk-treasurer within two weeks.

(Code 1977, § 7-6053)

**Sec. 94-80. Approval of application; permit fee; issuance.**

Upon approval of an application for a taxicab driver's permit and upon payment to the clerk-treasurer of a fee of \$25.00, a taxicab driver's permit shall be issued by the clerk-treasurer to the applicant authorizing applicant to drive a taxicab licensed by the city.

(Code 1977, § 7-6054)

**Sec. 94-81. Expiration date; renewal.**

Taxicab driver's permits shall expire on December 31 of each year unless revoked as provided in this article. Such permits must be renewed annually under the same provisions and requirements as for an initial application.

(Code 1977, § 7-6055)

**Sec. 94-82. Grounds for denial.**

No taxicab driver's permit shall be issued to any person who, during the five years immediately preceding the date of the application for such permit, has been convicted either of a misdemeanor or for violation of any provision of this Code relating to the use, possession or sale of intoxicating liquors or drugs. No such permit shall be granted to any person who has been convicted of a felony within ten years immediately preceding the date of said application. No such permit shall be issued to an habitual violator of traffic regulations or an habitual user of intoxicating liquors or drugs.

(Code 1977, § 7-6056)

**Sec. 94-83. Permit to be in possession of driver at all times.**

The taxicab driver's permit shall at all times while so employed be in the possession of the person to whom it was issued.

(Code 1977, § 7-6057)

**Sec. 94-84. Permit number.**

Each person granted a taxicab driver's permit shall be assigned a permit number.

(Code 1977, § 7-6058)

**Sec. 94-85. Certificate of identification.**

Every person granted a taxicab driver's permit shall obtain a certificate of identification from the police department and shall carry such identification on his person at all times while so employed. Such certificate of identification shall show the name of the driver, driver's address, race, age, name of employer and the date issued. A photograph shall be attached to the certificate of identification. The driver shall produce and exhibit such certificate of identification whenever requested to do so by a passenger or law enforcement officer. It shall be unlawful for any person to drive a taxicab operated pursuant to the provisions of this article unless and until the driver has first obtained such certificate of identification and has such certificate of identification on his person at all times. It shall be unlawful for such driver to fail or refuse to produce and exhibit such certificate of identification at any time whenever requested by a passenger or law enforcement officer. Any violation of this section is punishable by a fine of up to \$500.00 or imprisonment of up to 30 days.

(Code 1977, § 7-6059; Ord. No. 93-13, 8-3-1993)

**Sec. 94-86. Revocation or suspension.**

The city council shall have full power to revoke or suspend any taxicab driver's permit for violation of any of the provisions of this article or for any willful misconduct or violation of law or ordinance which, in the discretion of the city council, renders the permittee an improper person to conduct the service authorized by such permit.

(Code 1977, § 7-6060)



**Sec. 94-87. Refund of permit fee prohibited.**

Upon the revocation or suspension of any taxicab driver's permit, there shall be no refund of any part of any fee paid therefor.

(Code 1977, § 7-6061)

**Secs. 94-88—94-117. Reserved.**

## DIVISION 4. ZONES

**Sec. 94-118. City and suburbs divided into zones.**

The city and adjacent suburban territory are hereby divided into three zones, as shown on a map filed in the office of the clerk-treasurer and revised from time to time by the mayor and city council as they deem necessary, for the purpose of fixing the maximum charges by the drivers of taxicabs for the transportation of passengers and baggage therein.

(Code 1977, § 7-6071)

**Secs. 94-119—94-149. Reserved.**

## DIVISION 5. CHARGES

**Sec. 94-150. Maximum charges for transportation of passengers.**

(a) The maximum charge by the drivers of taxicabs for transportation of one passenger from one place to another place in zone 1 shall not exceed \$3.00, and for each additional passenger from the same place of origin to the same place of destination the charge shall not exceed \$1.00.

(b) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in zone 1 to any place in zone 2, or from any place in zone two to another place in zone 2 shall not exceed \$4.00; and for each additional passenger from the same place of origin to the same place of description the charge shall not exceed \$1.00.

(c) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in zone 1 or zone 2 to any place in zone 3, or from any place in zone 3 to another place in zone 3 shall not exceed \$5.00; and for each additional passenger from the same place of origin to the same place of destination the charge shall not exceed \$1.00.

(Code 1977, § 7-6072; Ord. No. 90-8, 6-5-1990; Ord. No. 2000-08, 7-11-2000)

**Sec. 94-151. Charges for transportation of baggage.**

The maximum charge for any and all baggage shall not exceed \$2.00.

(Code 1977, § 7-6073; Ord. No. 90-8, 6-5-1990; Ord. No. 2000-08, 7-11-2000)

**Sec. 94-152. Charges for transportation of children under six years of age.**

No charge shall be made by the driver of any taxicab for the transportation of any child under six years of age when such child is accompanied by an adult paying passenger. (Code 1977, § 7-6074)

**Sec. 94-153. Excessive charges.**

It shall be unlawful for the driver of any taxicab to charge or collect any fare for transportation of passengers or baggage in excess of the charges fixed in this article. Any violation of this section is punishable by a fine of up to \$500.00, or imprisonment for up to 30 days. (Code 1977, § 7-6075; Ord. No. 93-13, 8-3-1993)

**Sec. 94-154. Display of zone map and rates.**

All taxicabs operated under the authority of this article shall be equipped with a map clearly indicating the boundary lines of each zone as well as the legal fee chargeable in each one. Said zone map rates shall be fastened in front of the passengers at all times. (Code 1977, § 7-6076)

**Secs. 94-155—94-176. Reserved.**

**ARTICLE III. WRECKERS AND TOWING SERVICES\***

**Sec. 94-177. Wrecker to go to accident only when properly called.**

It shall be unlawful for the owner or agent of any wrecker or towing service to go to any place where an accident has occurred unless called by a police dispatcher or the owner/operator of the vehicle. Responding to a call upon notice of any other person shall be considered a violation of this article. In the event of nonaccidental mechanical breakdowns, the operator of an automobile or vehicle shall be allowed to call a wrecker or towing service of his choice; provided the wrecker or towing service has a reasonable response time as specified in section 94-182. (Code 1977, § 7-6086)

**Sec. 94-178. Use of police radio prohibited.**

It shall be unlawful for the owner, agent or driver of any wrecker or towing service to go to the location of a disabled or damaged vehicle by reason of information received by police radio or to interfere in any manner with the police radio calls. No provision of this section shall

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\***Federal law reference**—Federal law preempts local government regulation relating to price, route or service of any motor carrier respecting transportation of property, 49 USC 14501(c)(1); safety regulations by local governments are not preempted, 49 USC 14501(c)(2)(A); regulation of price of for-hire tows performed without prior consent of owner, exempt from preemption, 49 USC 14501(c)(2)(C).

prohibit the owner, agent or driver of any wrecker or towing service from monitoring police radio calls for the purpose of ascertaining whether the correct rotation of wreckers is followed in accordance with the wrecker policy of the city.

(Code 1977, § 7-6087)

**Sec. 94-179. Solicitation of business by wrecker or towing service.**

It shall be unlawful for the owner or agent of any wrecker or towing service to drive along or park on any streets, bridges, or highways soliciting wrecker or towing service.

(Code 1977, § 7-6088)

**Sec. 94-180. Solicitation of business by city employees.**

It shall be unlawful for any city employee to solicit business for any wrecker or towing service and any employee violating these provisions shall be subject to appropriate discipline. It shall likewise be unlawful for any owner, agent, or driver of a towing service to entice or engage a city employee to solicit business for the service in exchange for payment, whether monies, a gift or gratuity, and the offending service shall forfeit its eligibility for the rotation list, as specified in the wrecker policy.

(Code 1977, § 7-6089)

**Sec. 94-181. Impounding authorized.**

When a police officer finds a motor vehicle or other vehicle that has been abandoned or wrecked upon the streets or ways of the city, or upon city property, or that has been parked in violation of a city ordinance or state law, or the vehicle has been, or is being used, in the commission of a crime, such officer may have the vehicle removed by the wrecker as designated by the requesting officer. Vehicles removed under the above conditions shall be held until claimed by the legal owner or otherwise disposed of as provided by state or federal law.

(Code 1977, § 7-6090)

**Sec. 94-182. Requirements and procedures for wrecker service.**

All wrecker services shall comply with the following requirements and procedures:

- (1) Arrive at the scene within a reasonable period of time after having been notified to do so by the police department, or when requested by the owner or driver; reasonable time to be interpreted as 20 minutes after contact has been made with the wrecker company, absent unusual circumstances;
- (2) Obey lawful orders given to wrecker drivers and attendants by any police officer investigating the accident or vehicle;
- (3) Fill out an impound report sheet furnished by the police department when towing a vehicle from an accident scene or a disabled vehicle; and

(4) It shall be the duty of every wrecker driver picking up wrecked/disabled vehicles to clear the city's streets of any and all debris, parts or glass.  
(Code 1977, § 7-6091)

**Sec. 94-183. Penalty for violation.**

Any person found guilty of violating any provision of this article shall be subject to a fine of up to \$500.00, or imprisonment for up to 30 days, for each such violation.  
(Code 1977, § 7-6092; Ord. No. 93-13, 8-3-1993)

**Sec. 94-184. Licenses.**

All wrecker and towing services operating within the city limits shall obtain from the clerk-treasurer such business licenses as required, subject to the terms of this article and upon payment of such sum as may be computed to be due in accordance with the business license schedule as set by the mayor and city council. Failure to so comply will subject violators to sanctions as provided herein.  
(Code 1977, § 7-6093)

**Sec. 94-185. Insurance.**

It shall be unlawful for any person or business to operate, or allow the operation of, any wrecker or other vehicle as referred to in this article within the city limits unless said vehicle shall be covered by a policy of liability insurance as required by the state for the operation of such vehicle as a wrecker or vehicle used for towing on the public highways.  
(Code 1977, § 7-6094)

**Sec. 94-186. Revocation or suspension of license.**

The mayor and city council shall have full power to revoke or suspend any business licenses of any wrecker or towing service for violation of any provision of this article, for any reason expressed in this article or for any willful misconduct which, in the discretion of the mayor and city council, renders the licensee an improper person or business to conduct the service authorized by such license. There shall be no refund of any fees or taxes paid under any provision of this article following license revocation for any cause.  
(Code 1977, § 7-6095)

Chapters 95—97

**RESERVED**



Chapter 98

**ZONING\***

**Article I. In General**

Sec. 98-1. Zoning ordinance adopted by reference.  
Secs. 98-2—98-20. Reserved.

**Article II. Economic Development and Planning**

Sec. 98-21. The establishment of the office of economic development and planning.

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

**State law reference**—Zoning ordinance, purposes, S.C. Code 1976, § 6-29-710.





**ARTICLE I. IN GENERAL****Sec. 98-1. Zoning ordinance adopted by reference.**

Zoning provisions in effect upon adoption of this Code are incorporated by reference as if set forth herein, and remain valid until amended.

(Code 1977, § 5-2001)

**Secs. 98-2—98-20. Reserved.****ARTICLE II. ECONOMIC DEVELOPMENT AND PLANNING****Sec. 98-21. The establishment of the office of economic development and planning.**

The planning office shall be abolished and the office of economic development and planning shall be established. All duties of this office shall come under the jurisdiction of the director of economic development and planning of the city.

(Code 1977, § 5-2002; Ord. No. 2004-04, 3-2-2004)



**APPENDIX A\***

**ANNEXATIONS**

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**\*Editor's note**—Printed herein is appendix 1 of the City of Darlington's 1977 Code of Ordinances. Amendments to the appendix are indicated by parenthetical history notes following amended provisions. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.



## APPENDIX A—ANNEXATIONS

### THE CORPORATE LIMITS OF THE CITY OF DARLINGTON

The sovereignty and jurisdiction of the City of Darlington, South Carolina, extends to all property within its bounds, which are hereby declared to be as follows:

Beginning at a point on South Main Street, 1¼ miles distant from the courthouse and designated by the letter A on map of the said City of Darlington, made by T. E. Wilson, C. E., under authority of the city council of said city, and running then in a straight line to the point of intersection of the Sumter Branch of the Atlantic Coast Line Railroad with Washington street, designated on the said map by the letter B; thence N. 1 Degree 45 Minutes E. along the northwestern margin of said Washington Street, a distance of 460 feet to a monument designated on said map by the letter C; thence N. 34 Degrees 50 Minutes W., a distance of 2,367 feet to a ditch at a point designated on said map by the letter D; N. 34 Degrees 15 Minutes W., along said ditch, a distance of 622 feet to the public road leading from Darlington to Lamar at a point designated on said map by the letter E. thence N. 26 Degrees 25 Minutes W. to the run of Indian Branch, at a point designated on said map by the letter F; thence with the run of said Indian Branch to its intersection with Swift Creek; thence with the run of Swift Creek to the point where the Bennettsville Branch of the Atlantic Coast Line Railroad crosses the same, designated on said map by the letter G; and thence in a straight line to the beginning point.

Also the following described property within the corporate limits of the City of Darlington as shown by an Act of the General Assembly of the State of South Carolina, entitled "An Act To Extend The Corporate Limits of The Town of Darlington So As To Include Certain Areas For the Purpose of Police And Sanitary Measures" approved the 20th day of May, 1939, said additional area being described as follows:

- (1) *Sewage disposal plant.* All that certain piece, parcel or tract of land situate, lying and being in the County of Darlington, and State of South Carolina, containing 3.48 acres, the same being more particularly described by metes and bounds as shown on plat thereof made by T. E. Wilson, C. E., dated November 15th, 1937, and duly filed in the office of the Clerk of Court for Darlington County in Plat Book 9, at page 140, as follows: Beginning at a stake on the extreme Southwestern corner and running thence North 55 Degrees East for a distance of 468 feet to the run of Swift Creek; thence following the run of Swift Creek in a Northerly direction for a distance of approximately 350 feet to a stake; thence running South 55 Degrees West 445 feet to a stake; thence South 35 Degrees 10 minutes East 341 feet to a stake at the point of beginning, the same being a tract of land adjoining the corporate limits of the town of Darlington formerly owned by "Grove Hill Cemetery Co.," and conveyed to the City of Darlington, upon which the sewage disposal plant is now located.
- (2) *Darlington Memorial Cemetery.* All that certain piece, parcel or tract of land situate, lying and being in the County of Darlington and State of South Carolina, containing 4.52 acres and known as the "Negro Cemetery Property," the same being more particularly described by metes and bounds as shown on plat thereof made by T. E. Wilson, C. E., dated April 15th, 1939, and duly filed in the office of the Clerk of Court

## DARLINGTON MUNICIPAL CODE

for Darlington County in Plat Book 9, at page 142, as follows: Beginning at a stake on the extreme Southwestern corner and running thence South 60 Degrees 45 minutes West for a distance of 610 feet to the run of Swift Creek; thence following the run of said Swift Creek in a Northern direction approximately 600 feet; thence South 55 Degrees East 468 feet to a stake; thence South 18 Degrees East 600 feet to the point of beginning, said property now owned by the Negro Cemetery and adjoins and abuts the corporate limits of the City of Darlington.

- (3) *St. John's Athletic Field.* All those three certain pieces, parcels or tracts of land situate, lying and being in the County of Darlington and State of South Carolina, containing 24 acres, .86 acres and .97 acres, respectively, the same being designated as lots A, B, and E on plat thereof made by T. E. Wilson, C. E., dated January 26th, 1938, and duly filed in the office of the Clerk of Court for Darlington County in Plat Book 9, at page 144, the same being more particularly described by metes and bounds on said plat as follows:

TRACT A, commencing at a stake on the extreme Northeastern corner and running thence North 40 Degrees 30 minutes West for a distance of 300 feet to stake on Public Highway U. S. No. 52; thence running South 44 degrees 30 minutes West for a distance of 180 feet; thence in an Easterly direction for a distance of 195 feet; thence South for a distance of 165 feet to point of beginning.

TRACT B, beginning at a point on the Southwestern side of said tract and running thence South 40 Degrees 45 minutes East for a distance of 783 feet to an iron stake on the main run of Swift Creek; thence following the main run of Swift Creek in a Northern direction to trestle on said Railroad right-of-way in a Western direction for a distance of 1020 feet; then South 52 degrees West 563 feet to right-of-way; thence along said right-of-way in a Southwestern direction to stake; thence South 58 degrees 50 minutes West for a distance of 592 feet to point of beginning.

TRACT E, beginning at a point or right-of-way on the extreme Northern part of said tract and running thence South 54 degrees 40 minutes West for a distance of 590 feet; thence in a southwestern direction for a distance of 50 feet; thence North 58 degrees 50 minutes West for a distance of 592 feet to stake; thence North 40 degrees East for a distance of 93 feet to the point of beginning.

The lots of land above described being those three certain lots of land owned by Darlington School District No. 2 and known as the "Williamson Athletic Field."

- (4) *Williamson Park Area.* All that certain piece, parcel or tract of land situate, lying and being in Darlington County, State of South Carolina, containing 16.04 acres and designated as tract H, as shown on plat made by T. E. Wilson, C. E., dated August 2nd, 1927, and duly filed in the office of the Clerk of Court for Darlington County in Plat Book 9, at page 146, said area known as the "Park Development Property" said tract being more particularly described by metes and bounds on the aforesaid plat as follows: Beginning at a stake on the extreme Northwestern corner and running North 54 Degrees 25 minutes East 144 feet to a stake; thence North 81 degrees 30 minutes

## APPENDIX A—ANNEXATIONS

East 252 feet to a stake; thence North 56 degrees 35 minutes East 126 feet to an oak; thence South 86 degrees 15 minutes East 218 feet to a stake; thence North 57 degrees 50 minutes, East 285 feet to an oak; thence North 50 degrees, 45 minutes East 300 feet to a stake; thence North 46 degrees 50 minutes East 294 feet to a stake; thence South 78 degrees 10 minutes East 173 feet to a stake; thence North 69 degrees 30 minutes East 200 feet to a stake; thence South 76 degrees 40 minutes East 264 feet to a stake; thence South 66 degrees East 121 feet to a stake; thence South 87 degrees East 314 feet to a stake; thence South 74 degrees 10 minutes East 385 feet to a stake on Mill Creek; thence South for a distance of approximately 100 feet to the run of Swift Creek in meandering direction West for the entire distance of the run of said Swift Creek as shown on said plat thence running North 11 degrees 30 minutes West for a distance of 176 feet to stake at the point of beginning. The tract of land above described being the remaining portion of the "Park Development Property" to the north of Swift Creek and just outside of and adjoining the corporate limits of the City of Darlington.

Also the following described property annexed on March 2, 1954, pursuant to authority or Act No. 176 of the 1953 Acts of the General Assembly of the State of South Carolina:

- (1) *St. John's Elementary School property.* All that certain piece, parcel or tract of land situate, lying and being in the County of Darlington and State of South Carolina, containing 6.36 acres, bounded and described as follows, to wit: On the North by public road leading from U. S. Highway 52 to Darlington Manufacturing Company; on the South by lands of Darlington School District No. 2; on the East by lands of Darlington School District No. 2 and road or right-of-way leading from U. S. Highway No. 52 to St. John's Athletic Field; and on the West by road or right-of-way leading from St. John's Athletic Field to U. S. Highway No. 52, which separates this tract from lands of the estate of Julia Pegues, the same being more particularly described by metes and bounds as shown on plat thereof made by T. E. Wilson, C. E., dated April 18, 1952, and duly filed in the office of the Clerk of Court for Darlington County in Plat Book 18, at page 69, as follows: Beginning at a stake on the extreme northwest corner at the intersection of road leading from U.S. Highway No. 52 to Cotton Mill and road leading to St. John's Athletic Field; and running thence N. 48 degrees 15 minutes E. for a distance of 314 feet to a stake; thence N. 49 degrees 41 minutes E. for a distance of 251.5 feet to a stake corner on another road leading to St. John's Athletic Field; thence S. 41 degrees E. for a distance of 191 feet to a stake; thence N. 52 degrees 15 minutes W. for a distance of 109 feet to a stake; thence S. 57 degrees 30 minutes E. for a distance of 360 feet, more or less, to a stake thence S. 40 degrees E. for a distance of 17 feet; thence S. 54 degrees 40 minutes W. for a distance of 590 feet to a stake; thence N. 41 degrees W. for a distance of 489 feet to the point of beginning. The tract of land above described being the same that was conveyed to the Trustees of Darlington County School District by James A. Pegues and Donald T. Pegues by their deed dated the 6th day of May, 1953 and duly recorded in the office of the Clerk of Court for Darlington County in Book 306, at page 236.

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- (2) *Road.* All that certain road designated as No. 190 as shown on State Highway Department plans approved by S. N. Pearman, Engineer, of date July 29, 1953, said road commencing at the run of Swift Creek on what is known as the extension of Well Street in the City of Darlington and designated as Road No. 190, and running in a northerly direction to Road 67 as shown on the aforesaid State Highway plan for a distance of approximately 1,425 feet, said road measuring 66 feet in width from Station 11.50 to Station 14, and 58 feet in width from Station 14 to Station 20, and 50 feet in width from Station 20 to Public Road 67, all of which will more fully appear by reference to the aforesaid State Highway plans as shown on Sheet No. 5 thereof.

Also the following described property annexed July 30, 1959, by a special annexation election:

All that certain parcel or tract of land adjoining and just North of the corporate limits of the City of Darlington, in Darlington County, South Carolina, beginning at a point where Spring Street Extension (also known as Mineral Springs Road) crosses Swift Creek at the corporate boundary of the City of Darlington, then running along said corporate boundary up Swift Creek 300 feet, more or less, to the junction of said Swift Creek and an unnamed branch, then turning and going up said unnamed branch in a generally West or Northwest direction as the same meanders between lands now or formerly of Wilson and of DeWitt on the East and lands of Vaughan, Kyser and others on the West to the point where the Northern boundary of lands now of Charles A. DeWitt intersects with said branch, then turning and running along said boundary line between Bailey on the North and Charles A. DeWitt, R. E. Mills and R. L. Kilgo on the South 650 feet, more or less, to the line of R. L. Kilgo on the East and Bailey on the West in a Northerly direction to the property now or formerly of H. M. Smith Estate, then turning and running along the boundary line between property now or formerly of R. L. Kilgo on the South and of H. M. Smith Estate on the North 1205 feet, more or less, to Spring Street Extension (also known as Mineral Springs Road), then across said street and running along the Eastern boundary thereof in a Northerly direction 1,200 feet, more or less, to a road which separates lands of Sartor from lands of Langston, then turning and running down said road on the Southeastern edge thereof 657½ feet, more or less, to a ditch separating lands of Sartor from lands of Venrow Williams, then turning and running down said ditch South 32 degrees East 145 feet to a point, then turning and running along the Northern boundary line between lands of Sartor and lands of Venrow Williams North 44 degrees 30 minutes East 270 feet to a point, then turning and running down an arbitrary line separating lands of Sartor, South 40 degrees 30 minutes East 770 feet, more or less, to the Southern boundary of a farm road leading to Sartor's house, then turning and running along the Southern boundary of said farm road in an Easterly direction 319 feet, more or less, to a stake, then turning and running along an arbitrary line separating lands of Sartor South 40 degrees 30 minutes West 2,250 feet, more or less, to a point where lands of Sartor meet on Williamson Park, then continuing along the boundary line between Williamson Park on the South and by lands of Sartor, Beckham, Smyre and Pearce on the North to Spring Street Extension (also known as Mineral Springs Road), then turning on Spring Street Extension (also known as Mineral Springs Road) and proceeding in a Southerly direction thereon to the place and point of beginning.



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Also, the following described property annexed December 5, 1967, pursuant to provisions of Act. No. 430 of 1967 Statutes of South Carolina:

All that certain parcel or tract of land adjoining and just northeast of the corporate limits of the City of Darlington, in Darlington County, South Carolina, beginning at a point where Cashua Ferry Road crosses Swift Creek at the corporate boundary of the City of Darlington, then running along said corporate boundary down Swift Creek 3000 feet, more or less, to the right-of-way of the Seaboard Coast Line Railroad, then turning and running along the western edge of said right-of-way in a generally northerly direction 1890 feet, more or less, to a point on the southern edge of Cashua Ferry Road, then turning and running along the southern edge of Cashua Ferry Road in a generally easterly direction 1550 feet, more or less, to a point on said Road directly across from the eastern boundary of Parsonage Lot of St. Matthews Episcopal Church, then turning and running across said road and then along the eastern boundary of said Parsonage Lot and lot of Coxe in a generally northwesterly direction 494 feet, more or less, to the northeasternmost point in lot of Coxe, then turning and running along the northern boundary of the lot of Coxe in a generally westerly direction 202 feet, more or less, to a point where lot of Coxe meets lot of Wilson, then turning and running in a generally northerly or northwesterly direction along the eastern or northeastern boundary of lot of Wilson and the other lots fronting on Circle Drive and/or Oakview Drive (and approximately 200 feet east or northeast of said Circle Drive and/or Oakview Drive) 1933 feet, more or less, to Seaboard Coast Line Railroad right-of-way, then crossing said right-of-way at a distance approximately 200 feet northeast of Oklahoma Drive and continuing in a generally northwesterly direction along the northeastern boundary of the lots fronting on Oklahoma Drive (and approximately 200 feet northeast of said Oklahoma Drive) 1040 feet, more or less, to Maryland Drive, then turning and running along the southern edge of Maryland Drive in a generally westerly direction 200 feet, more or less, to the southeasternmost point of Lot 108, Maryland Drive, then turning and running along the eastern boundary of said Lot 108 in a generally northerly direction 200 feet, more or less, then turning and running along the northern boundary of the lots fronting on Maryland Drive (and approximately 200 feet north of said Drive) in a generally westerly direction 1320.5 feet, more or less, to a point, then turning and running along the western boundary of the lots fronting on Alabama Drive (and approximately 200 feet west of said Drive) in a generally southeasterly direction 1261 feet, more or less, to a point at the northeastern corner of lot of Greer, then turning and running along northern boundary of lot of Greer in a generally westerly direction 200 feet, more or less, to the northern edge of Min-Lou Circle, then continuing along said northern edge of Min-Lou Circle to the eastern edge of the Old Darlington-to-Society Hill Highway and across said Highway, then turning and running along the western edge of said Highway in a generally southerly or southwesterly direction to Swift Creek at the place of beginning.

Also, the following described property annexed July 16, 1969, pursuant to provisions of Section 3, Act No. 430 of the 1967 Statutes of South Carolina:

All that certain parcel or lot of land contiguous to the City of Darlington, and being the Eastern most portion of a lot of 4,789 acres as shown on plat of said entire parcel made by

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Ervin Engineering Co. of Brockington Heights, by plat dated March 3, 1969. The parcel hereby annexed is shown to be irregular in shape and to begin at the edge of the City of Darlington and to run in an Easterly direction, South 84 degrees 04 minutes, East 560 feet, more or less, to a point; then to turn and run along land of White, South 5 degrees 56 minutes, West 350 feet; then to turn and run in a Westerly direction, North 84 degrees 04 minutes, West 275 feet, more or less, to the City limits of the City of Darlington, then to turn and run along said City limits in a generally Northwesterly direction for a distance of 445 feet, more or less, to the point of beginning.

Also, the following described property annexed January 5, 1971, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

Lots Nos. 109, 110, and 111 of Oakdale Subdivision, delineated on plat made by T. E. Wilson & Son, C. E. & L. S., dated August 27, 1964, and later amended, and recorded in the office of the Clerk of Court of Darlington County in Plat Book 40, page 211, said lots being contiguous and beginning at a point in Oakdale Subdivision on the Southern edge of Maryland Drive and on the Northern edge of Lot No. 120 of said Subdivision and then running along the Southern edge of said Maryland Drive for a distance of 300 feet, more or less, to a point; then crossing Maryland Drive and running along the boundary between Lots No. 111 and 112 of said Subdivision for a distance of approximately 240 feet to a point 200 feet North of said Drive; then turning and running along the Northern boundary of Lots no. 111, 110, and 109 of said Subdivision for a distance of 300 feet in a generally Western direction to a point; then turning and running along the Western boundary of Lot No. 109 for a distance of 240 feet, more or less, to the point of beginning. Said parcel hereby annexed being all of lots no. 109, 110, and 111 of Oakdale Subdivision and that portion of Maryland Drive bordering said three lots.

Also, the following described property annexed April 6, 1971, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

All that certain parcel or lot of land in the City and County of Darlington, State of South Carolina, designated as Lot No. 131 on plat made by T. E. Wilson & Son, C. E. & L. S., dated August 27, 1964, and recorded in the office of the Clerk of Court of Darlington County in Plat Book 40, at page 211, whereon the same is shown to be bounded as follows: On the North by Maryland Drive, on which it measures a distance of 210 feet, more or less; On the East by Kentucky Drive, on which it measures a distance of 83 feet; on the South by Lot No. 132, as shown on said plat on which it measures a distance of 200 feet and on the West by Lots No. 120 and 121 for an aggregate distance of 140 feet.

Also, the following described property annexed February 1, 1972, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

All that certain parcel of land lying southwest of the corporate limits of the City of Darlington and beginning at a point on Magnolia Street where said City Limits line crosses lot 45 of Mayo Heights Subdivision and running in a southerly direction along Magnolia Street 92 feet, more or less, to Limit Street, then turning and running along Limit Street in a generally westerly direction 585 feet, more or less, to the right-of-way of Seaboard

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Coastline Railroad, then turning and running in a generally northerly direction along said right-of-way 230 feet, more or less, to Cypress Street and along property formerly of Bethea 185 feet, more or less, to the point where the City limits of the City of Darlington crosses said property formerly of Bethea and property now of J. T. Yarborough, Burt D. Jordan, Lionel Johnson, and Wilhelmina Johnson, then running generally in a southern direction 480 feet, more or less, to the point of beginning; said parcel being bounded generally on the North by the remainder of Lot 45 of said subdivision, by the remainder of parcel formerly of Etheline Allen Johnson, et al, property formerly of Bethea and by Cypress Street, on the east by Magnolia Street, on the South by Limit Street and on the West by the right-of-way of the Seaboard Coastline Railroad. Also, Limit Street as shown on said plat from its intersection with Magnolia Street to right-of-way of Seaboard Coastline Railroad.

Also, the following described property annexed June 6, 1972, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

That Spring Street (S-68) between Barfield Road (S-421) and Blue Street (S-123) and that portion of Blue Street lying east of Spring Street Extension and formerly under the jurisdiction of the Darlington County Commission, be, and the same hereby are, declared annexed to the City of Darlington.

Also, the following described property annexed June 20, 1972, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

All that certain parcel or tract of land adjoining and just East of the corporate limits of the City of Darlington, in Darlington County, South Carolina, beginning at a point on the Northeastern corner of the sewer facility of the City of Darlington and the gas line easement and running along the line of said gas line and said sewer facility N. 1 degree 30 minutes W. 175 feet to a point on the southern edge of Cashua Ferry Road (S.C. Highway 34); then turning and running in a generally westerly direction along the curve of said road and along the present City limits 315 feet, more or less, to a point on said Highway where a road enters and separates property of Ervin and Darlington Country Club from other property of Ervin; then turning and running along the Western Edge of said road and property of Ervin N. 3 degrees W. 500 feet, more or less, to a point on the said road; then turning and running along boundary between property of Ervin and of Darlington Country Club S. 62 degrees 30 minutes W. 265 feet, more or less, to a point; then turning and running along boundary line between property of Ervin and property of Darlington Country Club, and partly along the Western edge of the road separating said property, S. 37 degrees 50 minutes E. 1720 feet, more or less; then S. 36 degrees 15 minutes E. 1419 feet, more or less; then S. 12 degrees 10 minutes W. 337 feet, more or less; then South 2 degrees W. 189 feet, more or less, to a point, then turning and running along boundary line between Darlington Country Club and property of Ervin N. 78 degrees 25 minutes W. 2230 feet, more or less, to the run of Black Creek; then along Black Creek as the same meanders in a generally Northerly or Northwesterly direction 3300 feet, more or less; then turning and running along the boundary line between Darlington Country Club and property of the Coggeshall Estate N. 30 degrees W. 780 feet, more or less, to a point in Black Creek; then along Black Creek as

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the same meanders in a generally Westerly direction 1,000 feet, more or less, to a point; then N. 76 degrees 20 minutes W. 650 feet, more or less, along the Northern edge of an old road to a point; then S. 87 degrees 45 minutes W. 390 feet, more or less, along the property line of Millsaps and the Northern edge of another road to a point in said other road; then along the Western edge of said other road N. 25 degrees E. 420 feet, more or less, to a point in the Southern edge of Cashua Ferry Road (S.C. Highway No. 34); then along said Highway N. 65 degrees 45 minutes E. 2235 feet, more or less, to a point in the Southern edge of said Highway, then turning and crossing said Highway and running along boundary line between property of Coggeshall and property of Wilson Clinic & Hospital, Inc., N. 24 degrees 15 minutes W. 1171.82 feet; then continuing along said boundary line South 65 degrees 45 minutes W. 631.78 feet; then along said boundary line South 5 degrees 30 minutes W. 178.66 feet; then S. 8 degrees 45 minutes E. 86 feet; then S. 13 degrees 55 minutes E. 873 feet to a point 100 feet Northwest of said S.C. Highway No. 34; then turning and running along an imaginary line 100 feet Northwest or West of said S.C. Highway No. 34 through property of B. E. Coggeshall and across Black Creek to a point in property of T. C. Coxe, III, S. 65 degrees 45 minutes W. 1375 feet, more or less, then continuing along said imaginary line 100 feet Northwest on said Highway through property of Coxe 750 feet, more or less, to the point of beginning, all as more particularly delineated on map prepared by Ervin Engineering Company June 7th, 1972.

Also, the following described property annexed October 3, 1972, pursuant to the provisions of S.C. Code 1962, § 47-19.5(3):

All that certain parcel or tract of land adjoining the corporate limits of the City of Darlington, lying on the West or southwest side of Wells Street and containing 9.42 acres and bounded generally on the northeast by said Wells Street, on the southeast by the run of Swift Creek, on the southwest by property of McDowell and on the northwest by property of Pegues. Said 9.42 acres consist of Tract 2 and 3 of the Pegues property as shown on map made by Ervin Engineering Company dated July 8, 1971, and recorded in the office of the Clerk of Court of Darlington County in Plat Book 55 at page 211, which tracts 2 and 3 have been subsequently redivided so that Columbia Apartments, Ltd. owns the northern portion, containing 3.5 acres, and Horizon Apartments, Ltd. owns the southern portion, now containing 5.92 acres.

Also, the following described property annexed November 7, 1972, December 5, 1972, and March 15, 1973, pursuant to the provisions of S.C. Code 1962, § 47-19.5(3):

All that certain parcel or tract of land adjoining and just north of the corporate limits of the City of Darlington, in Darlington County, S.C., beginning at a point on the northwestern side of Blue Street where the same corners with property of Langston and Cohen, then running in a generally northwesterly direction along boundary between Langston and of Cohen and along boundary between Central Baptist Church and Jones to a point, then continuing along boundary of property line between Central Baptist Church and Jones in a generally westerly direction to Lawson Road, then continuing in a straight line across Lawson Road, then turning and running along the western edge of Lawson Road in a

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generally southwesterly direction to the eastern or northeastern edge of Spring Street Extension, then turning and running along said eastern or northeastern edge of Spring Street Extension in a generally northwesterly direction to the intersection of Spring Street extension and Smith Avenue, then turning and running along the eastern edge of Belvin Street, then turning and running along the eastern edge of Belvin Street to its intersection with Howle Street, then turning and running along the northwestern edge of Howle Street to U. S. Highway No. 52, then continuing in a straight line across U. S. Highway No. 52, then turning and running in a generally southern direction along said U. S. Highway No. 52 to its intersection with Smith Avenue, then turning and running along the eastern or southeastern edge of Smith Avenue to a point where the same corners with property line of McCown and the school, then turning and running along boundary line between property of McCown and of the school in a generally southerly direction to Blue Street, then continuing in a straight line across Blue Street, then turning and running along the southern edge of Blue Street to the intersection of Blue Street with Spring Street Extension, at the City limits of Darlington.

Also, the following described property annexed June 5, 1973, pursuant to provisions of S.C. Code 1962, §§ 47-19.5(3) and 47-18.2:

All that certain parcel of land adjoining the corporate limits of the City of Darlington, S.C., which tract is irregular in shape and begins at a point in the run of Swift Creek at the present boundary of the City of Darlington and the western edge of U. S. Highway Nos. 52 and 401, then running in a generally easterly direction in the run of Swift Creek as the same meanders to a point where Spring Street Extension crosses Swift Creek, then turning and running up an unnamed branch in a generally northwesterly direction as the same meanders along present corporate limits of the City of Darlington by the lands of Brasington, of Truluck, of Lynch, of DeWitt, and of others on the east and of Bristow, of Vaughan, of Kyzer, of Patterson, and of others on the west, to the point where the southern boundary of lands of DeWitt intersects with said branch, then turning and running along said boundary line between property now or formerly of Bailey on the north, and of DeWitt, of Mills, and of Kilgo on the south to the line of Kilgo on the east and now or formerly of Bailey on the west in a northerly direction to the property now or formerly of the Smith Estate, then turning and running in a generally westerly direction along property of Hiott and/or of Bailey to U. S. Highway Nos. 52 and 401, then continuing in a straight line across said highways to the west side thereof, then turning and running in a easterly direction along the west side of said highway to the point of beginning.

Also, the following described property annexed September 4, 1973, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

Lot No. 112 of Oakdale Subdivision, delineated on plat made by T. E. Wilson, & on, C. E. & L. S., dated August 27, 1964, and later amended, and recorded in the office of the Clerk of Court of Darlington County in Plat Book 40, page 211, said lot beginning at a point in Oakdale Subdivision on the southern edge of Maryland Drive and on the northern edge of Lot No. 131 of said Subdivision and then running along the southern edge of said Maryland



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Drive for a distance of 100 feet, more or less, to a point; then crossing Maryland Drive and running, along the boundary between lots no. 112 and 113 of said Subdivision for a distance of approximately 240 feet to a point 200 feet north of said Drive; then turning and running along the northern boundary of Lot No. 112 of said Subdivision for a distance of 100 feet in a generally westerly direction to a point; then turning and running along the western boundary of Lot No. 112 for a distance of 240 feet, more or less, to the point of beginning. Said parcel hereby annexed being all of Lot No. 112 and that portion of Maryland Drive bordering said lot.

Also, the following described property annexed March 5, 1974, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

All that certain piece, parcel, or tract of land adjoining the corporate limits of the City of Darlington, in Darlington County, South Carolina, beginning at the northern most point of property owned by James B. Brown where it joins property of Alfred Lindsay and fronting on Blue Street, thence in a northwesterly direction for a distance of 402 feet, more or less, to a point where it joins property of Azile Johnson, thence turning in a southeasterly direction for a distance of 110 feet, more or less, to a point where it joins property of Billy Evans, thence turning in a northwesterly direction for a distance of 180 feet, more or less, to U. S. Highway 52 and 401, thence turning in a southeasterly direction down U. S. Highway 52 and 401 for a distance of 290 feet, more or less, including property of Ruby Evans, to a point where it joins unnamed street right-of-way, thence turning in a northeasterly direction for a distance of 238 feet, more or less, along said unnamed street right-of-way, then turning in a northwesterly direction for a distance of 190 feet, more or less, to a point where it joins property of James B. Brown, thence turning and running, in a northeasterly direction for a distance of 402 feet, more or less, to a point where it joins property of Alfred Lindsay, thence turning in a northwesterly direction for a distance of 192 feet, more or less, to the point of beginning.

Also, the following described property annexed May 7, 1974, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

All that certain piece, parcel or tract of land adjoining the corporate limits of the City of Darlington, County of Darlington, State of South Carolina, which tract is regular in shape, bounded on the North by property of McClary; on the South by property of Chapman; on the East by right-of-way of Kentucky Drive and on the West by property of Brasington, as more particularly shown on attached plat whereon the area to be annexed is designated as the Northern 25 feet of lot 132 as shown on a plat made by T. E. Wilson & Son, C. E. & L. S. dated August 27, 1964, and recorded in the Office of the Clerk of Court for Darlington County in Plat Book 40 at page 211.

Also, the following described property annexed May 7, 1974, pursuant to provisions of S.C. Code 1962, § 47-19.5(3):

All that certain piece, parcel or tract of land adjoining the corporate limits of the City of Darlington, County of Darlington, State of South Carolina, which tract is regular in shape bounded on the North by property of McClary; on the South by property of Edwards; on the

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East by right-of-way of Kentucky Drive and on the West by property of Coxe and Brasington, all as more particularly shown on attached plat whereon the area to be annexed is designated as the Southern 75 feet of lot 132; the Northern 50 feet of lot 133 as shown on a plat made by T. E. Wilson & Son, C. E. & L. S., dated August 27, 1964, and recorded in the Office of the Clerk of Court for Darlington County in Plat Book 40 at page 211.

Also, all that lot, parcel or tract of land situate, lying and being in the County of Darlington, South Carolina, adjacent to the City of Darlington, along lands of the Country Club as hereinafter noted, containing 47.44 acres, delineated on a map made by Ervin Engineering Company, Inc., on October 2, 1975, whereon said tract is shown as being bounded on the north, west and south by lands of the Estate of J. M. Ervin; and on the east and northeast by lands of Darlington Country Club. Said tract of land fronts and measures 1313.43 feet along lands of the Darlington Country Club, as will more fully appear by reference to said map, copy of which is attached hereto. The above described tract of land is owned jointly by Garbo, Inc. and Timmons and White Builders and Developers, Inc.

(Ord. of 11-4-1975, § 1)

Also, all that certain parcel or tract of land bordering on Williamson Park and adjacent to and just northeast of the corporate limits of the City of Darlington and more particularly delineated on plat of Sartor Estates made on July 10th, 1967, by T. E. Wilson & Son, C. E. and L. S., whereon said property is shown to be bounded on the north by Medford Drive and by property of Dixie Mechanics Club, on the east by the run of Belly Ache Creek, on the south by Williamson Park and on the west in part by property now or formerly of Crosland and in part by the City of Darlington Park area. Said property comprises all of the lots shown on said plat, including those on Carol Drive, the same being Lots 1 through 22, inclusive.

(Ord. of 1-6-1976, § 1)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or tract of land situate, lying and being in Darlington School District 2-2, Darlington County, S.C., containing 29.65 acres, more or less, and designated as Tract 3 on a plat made by T.E. Wilson, C.E., dated November 30, 1937, and being bounded according to said plat, generally, as follows: on the Northeast in part by land of A.B. Hutchinson, in part by one-half acre lot of Hutchinson, one-half acre lot of Windham and by Spring Street Road; on the Southeast in part by land of T.O. Simons and in part by land of Jeff Bryant and in part by lot formerly of Henry Thomas; on the Southwest by U.S. Highway No. 52, and on the Northwest in part by 30 foot roadway and in part by land of A.B. Hutchinson. For a more particular description reference is hereby made to plat above referred to, a copy of which is filed in the office of the Clerk of Court for Darlington County as part of Judgment Roll No. 11,215.

This being the same property conveyed Harold W. Timmons and Hugh D. White by deed dated June 17, 1976, and recorded in Book 748 at page 91, Darlington County Records.

(Ord. No. 78-4, 8-1-1978)

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Also, the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-120:

All that certain piece, parcel or lot of land situate, lying and being in Darlington County, South Carolina, and being bounded by metes and bounds according to a plat made by J.E. Tucker, Jr., Registered Surveyor, dated August 8, 1978, as follows: Beginning at an iron designated as "P.O.B." on said survey, thence North 50 degrees 25 minutes East 48 feet, more or less, along right-of-way of United States Highway No. 401 to existing city limits line; thence along city limits line North 11 degrees 30 minutes West 331 feet, more or less, to right-of-way of South Carolina Highways Nos. 34 and 151; thence along right-of-way of South Carolina Highways Nos. 34 and 151 North 79 degrees 21 minutes West 89 feet, more or less, thence South 22 degrees 41 minutes West 136.54 feet to right-of-way of Hart Street; thence South 31 degrees 52 minutes East 147.80 feet along right-of-way of Hart Street; thence South 38 degrees 22 minutes East 150 feet along right-of-way of Hart Street to the point of beginning; said parcel being bounded on the North by South Carolina Highways Nos. 34 and 151; on the East by the remainder of lot of C & L Enterprises, Inc., as shown on said plat; on the South by United States Highway No. 401 and by Hart Street, and on the West by Hart Street and by property of J. Newton Howle.

(Ord. No. 78-5, § 1, 12-5-1978)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or lot of land in the City and County of Darlington, State of South Carolina, shown and designated as Lot 137 on a plat of Oak Dale prepared by T.E. Wilson & Son, C.E. & L.S., August 27, 1964, which plat is recorded in the office of the Clerk of Court for Darlington County in Plat Book 40, at page 211. According to said plat the lot is bounded on the North by Lot 136 on said plat for a distance of 200 feet; on the East by Kentucky Drive for a distance of 100 feet; on the South by Lot 138 on said plat for a distance of 200 feet and on the West by Lot 127 on said plat for a distance of 100 feet.

(Ord. No. 78-6, § 1, 1-2-1979, § 1)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or lot of land fronting 175 feet on U.S. Highway 52 from Darlington to Society Hill (North Main Street) and bounded on the Northwest 333 feet by Lot D. on the Southwest 180.7 feet by S.A.L. right-of-way, on the Southeast 308 feet by property of J.H. Davis, and on the Northeast by said U.S. Highway, being lots of Wilhelmina L. (Mrs. C.W.) Davis, Lawrence M. Hursey, Sr. and Lawrence M. Hursey, Jr.

(Ord. No. 79-6, § 1, 7-16-1979)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All those certain parcels or tracts of land adjacent to the corporate limits of the City of Darlington designated as Lots Nos. 1 through 29 of Samoset Subdivision, bounded on the



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North by Darlington Country Club; on the East by Lot No. 30 of said subdivision and Wyandot and Shoshone Streets; on the South by said streets and on the West by property of Erwin. Also Wyandot and Shoshone Streets as they bound said Lots Nos. 1 through 29.

Also Lot No. 94 of said subdivision, bounded on the North by Wyandot Street; on the East by Iroquois Street; on the South by Lots Nos. 75 and 76 of said subdivision, and on the West by Lot No. 95 of said subdivision.

Also Lot No. 100 of said subdivision, bounded on the Northeast by Wyandot Street; on the Southeast by Lot No. 99 of said subdivision; on the Southwest by Lots Nos. 119 and 120 of said subdivision and on the Northwest by Lot No. 101 of said subdivision.

Also Lots Numbers 91 and 92 of said subdivision, bounded in the aggregate as follows: on the North by Wyandot Street; on the East by Lot No. 90 of said subdivision; on the South by Lots Numbers 79 and 78 of said subdivision, and on the West by Lot No. 93 of said subdivision. (Ord. No. 79-10, § 1, 12-4-1979)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

That portion of a tract of 40 acres of land lying outside the corporate limits of the City of Darlington (approximately 10 acres of said 40 acres being within the city limits of Darlington) of A.L. Flowers, Sr. The entire 40 acres being bounded on the North by Avenue D; on the East by Kirven Drive and by property of Kirven; on the South by a canal and on the West by 6th Street. Said tract was conveyed the late Ada Rhodes Flowers by the late Anna J. Rhodes and devised by the said Ada Rhodes Flowers to A.L. Flowers, Sr. under her Last Will and Testament duly probated and on file in the office of the Probate Judge of Darlington County.

The part hereby annexed being bounded on the North by that portion thereof in the City of Darlington and on the other three sides as stated above. (Ord. No. 79-13, § 1, 1-8-1980)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

The lot of land, with all improvements thereon, lying outside the corporate limits of the City of Darlington on the corner of Spring Street Extension and Smith Avenue, bounded as follows: On the Northeast by Spring Street Extension, on which it fronts and measures 133 feet; on the Southeast by Smith Avenue, on which it measures 236 feet; on the Southwest by lot of Malcolm E. Richardson, on which it measures 111 feet; and on the Northwest by lot of D.D. Beatson, on which it measures 190 feet.

(Ord. No. 80-5, 3-4-1980)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

The lot of land, in the nature of a triangle, with all improvements thereon, lying outside the corporate limits of the City of Darlington, fronting on road to the City of Darlington and

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bounded as follows: on the Northeast by said unnamed road and ditch, along which it extends for a distance of 475 feet; on the South by lands of Laurie D. Coker, along which it extends for a distance of 149 feet; on the Northwest and West by Flowers land, along which it extends for a distance of 444 feet.

(Ord. No. 80-6, 4-1-1980)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land designated as Lot No. 98 of Samoset Subdivision and bounded on the Northeast by Wyandot Street; on the Southeast by Lot No. 97; on the Southwest by property of Ervin and on the Northwest by Arapaho Street.

(Ord. No. 80-9, 5-6-1980)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land of Lillie Mae Bacote measuring 400 feet, more or less, on Limit Street, which forms its Northern boundary, and bounded on the East by property now or formerly of Arthur for approximately 186.5 feet, and by property now or formerly of Johnson, et al, for approximately 175 feet; on the South approximately 325 feet by property now or formerly of Johnson and approximately 75 feet by property now or formerly of Bethea and on the West 250 feet, more or less, by property now or formerly of Small and of Johnson. Same being the property acquired by Lille Mae Bacote from O.C. Jackson by deed recorded in Book 649 at Page 623. Darlington County records.

Also: That portion of Limit Street running East from its intersection with Magnolia Street to the easternmost edge of said Bacote Lot.

(Ord. No. 80-17, 10-7-1980)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

Lot at southwest corner of Cashua Ferry Road and County Club Road containing 3.58 acres and being the property of W. O. Powers, Burt D. Jordan and Robert P. Jordan and bounded on the north by Cashua Ferry Road (SC Highway 34); East by Country Club Road, property of David Lewis Ervin and R. B. Pond, Jr.; South by unnamed 50 foot road running generally westerly from Country Club Road and property of David Lewis Ervin and on the West by property of Mary Ervin, et al. Said 3.58 acres being irregular and more particularly delineated on plat made for D. L. Ervin by Ervin Engineering Co., July 18, 1978.

(Ord. No. 80-18, § 1, 12-2-1980)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land designated as Lot Nos. 35 and 36 of Samoset Subdivision, which together form one large lot, bounded on the Northwest by Shoshone

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Street, on the Northeast by Lot No. 34 of said subdivision, on the East by property of Ervin, on the south by Lot Nos. 42 and 43 of said subdivision, and on the West by Lot Nos. 37, 38 and 39 of said subdivision, all as shown on map of Samoset Subdivision.

(Ord. No. 81-5, 7-7-1981)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, §§ 5-3-120 and 5-3-150:

All that certain parcel or lot of land composed of two parcels which are contiguous, of Allen Oil Co., Inc., which makes up the Northern part of the entire lot and contains approximately three-fourths of an acre, and of Sara B. Psillos, which forms the Southern portion of said large lot and contains approximately one-half acre, said two parcels together forming one large lot bounded on the North by property of W. H. Bristow, Inc., on the East by North Main Street, on the South by the run of Swift Creek and or property of Darlington School District, and on the West by the right-of-way of Seaboard Coastline Railroad.

(Ord. No. 81-6, 8-4-1981)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcels or lot of land shown on plat made by T. E. Wilson, C. E., July 12, 1946 and revised April 13, 1962, and designated thereon as Lots D, E, F, G, H, I, J, K, L and M and entry road separating Lot D from Lot E and 30 foot road alongside Lots E through M, all of which together makes one irregularly shaped lot, bounded generally on the North by Lot C and by the bridge over State Highway 34; on the East by the run of Black Creek; on the South by the center of an old public road separating said property from property of Darlington Country Club and on the West by said Lot C.

(Ord. No. 81-8, 12-1-1981)

Also the following described properties annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land on the West side of the Country Club Drive lying between property of Jordan and Pond and on which is the office of David Lewis Ervin, and being bounded, according to plat made by Ervin Engineering Co., July 17, 1978, on the North by property of Jordan for a distance of 263.41 feet; on the West by property now or formerly of Ervin for a distance of 121.03 feet; on the South by property now or formerly of Ervin and property of Pond for a distance of 315.75 feet and on the East by said Country Club Drive for approximately 200 feet.

Also:  $\frac{81}{100}$  acre lot, according to the aforementioned plat, now of Burt D. Jordan and Robert P. Jordan, fronting on a 50 foot road leading in a westerly direction from Country Club Drive and bounded on the North by said road for a distance of 222.44 feet; and on the East 210 feet by property of Country Club Estates; on the South 190 feet by property formerly of J. M. Ervin and on the West approximately 145 feet by property now or formerly of Ervin.

(Ord. No. 81-10, 12-29-1981)

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Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or lot of land situate, lying and being in Darlington County, South Carolina, bounded generally on the North by Smith Avenue for a distance of 140 feet and on the East by U. S. Highway No. 52 for a distance of 144 feet, on which there is located a store building.

(Ord. No. 81-12, 12-29-1981)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain irregular lot of land in Darlington County, South Carolina lying on the South side of Limit Street according to sketch attached, whereon said lot is shown to front 350 feet on Limit Street, and to be bounded as follows: on the North by said Limit Street, on the East by lot of Herbert Small, on the South by lot of McIver, on the West by the right-of-way of Seaboard Coast Line Railroad.

(Ord. No. 82-2, 6-1-1982)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain irregular tract of land in Darlington County, South Carolina containing 5.33 acres according to sketch attached, whereon said tract is shown to lie on the West side of U.S. Highway No. 52 leading from Darlington to Bennettsville (North Main Street of Darlington), for a distance of 305.9 feet, and to be bounded on the Southeast by said North Main Street and by property of Bryant and Tadlock, on the Southwest by the run of a branch, on the Northwest by other property of Shearin, and on the Northeast by property of Prevatte, Isgett, Johnson, Evans, Rhodes and Ward.

(Ord. No. 83-8, 3-1-1983)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All those certain lots of land adjacent to the corporate limits of the City of Darlington designated as Lot No. 33, 34, 88 and 102 of Samoset Subdivision, hereinafter more particularly described:

Lot Nos. 33 and 34 together form one large lot bounded on the North by Shoshone Street, on the East by Lot No. 32 of said subdivision and by the run of Black Creek, on the South by the run of Black Creek and by land now or formerly of Ervin, and on the West by Lot No. 35 of said subdivision.

Lot No. 88 is bounded on the North by Wyandot Street, on the East by Lot No. 87, on the South by Lot Nos. 81 and 82, and on the West by Lot No. 89.

Lot No. 102 is bounded on the Northeast by Wyandot Street, on the Southeast by Lot No. 101, on the Southwest by Lot Nos. 117 and 118 and on the Northwest by Lot No. 103, copy of said subdivision plat being attached hereto.

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Also all those six lots adjacent to Samoset Subdivision shown on plat made for Walter Dargan by Ervin Engineering Co., Inc. October 25, 1982, and numbered 1 through 6 thereon, which said lots together form one large lot bounded on the East by Wyandot Street and on the South by Arapaho Street of said subdivision, on the North by land of Country Club Estates, and on the West by other land of Walter Dargan. Also the 31 lots contiguous thereto shown as Wood Creek Subdivision on final plat thereof made by Ervin Engineering Co., Inc. January 4, 1983 and revised May 10, 1983, Wood Creek Road, and an unnamed 50 foot strip lying between Lot Nos. 29 and 30 of said subdivision, which said 31 lots are numbered as Lot Nos. 1 through 30 and Lot No. 30A and, together with Wood Creek Road and said unnamed 50 foot strip, form one large parcel bounded on the North by the six lots heretofore described and by lands of Hugh G. Dargan, Jr., on the East by Arapaho Street, on the South by land of Baker, and on the West by land of Dargan.

Also Arapaho Street as it runs from its intersection with Wyandot Street along the lots hereinabove described.

(Ord. No. 83-11, 7-5-1983)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain lot of land adjacent to the corporate limits of the City of Darlington, designated as Lot No. 108 of Samoset Subdivision, hereinafter more particularly described: on the Northeast by Wyandot Drive; on the Southeast by Lot No. 107; on the Southwest by Lot Nos. 112 and 113; and on the Northwest by Lot No. 109, said lot being rectangular, fronting 145 feet on Wyandot and 300 feet in depth.

(Ord. No. 85-6, 2-5-1985)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain lot of land outlined in green on the Champion Map of the City of Darlington attached hereto (also shown on plat also attached made by T.E. Wilson, C.E.), being in Block 11A on said Map and lying on both sides of Sparks Street adjacent to and just East and Southeast of Cain School property.

(Ord. No. 85-7, 2-5-1985)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain lot of land adjacent to the corporate limits of the City of Darlington, designated as Lot B on plat of Evans Subdivision made by D.J. Wilkes, Registered Surveyor, September 15, 1977, attached hereto and bounded, according to said plat, on the Northeast by Lot A of Evans Subdivision; on the Northwest by property of Johnson; and on the Southwest and Southeast by property then of Shearin and of Rhodes, now of Indian Creek Apartments and/or Southern Development Company.

(Ord. No. 85-8, 2-5-1985)

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Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land in the County of Darlington, designated as 327 Spring Street Extension, and bounded as follows: on the Northwest by property of John C. Patrick, for a distance of 75 feet; on the Southeast by property of G.W. McInville, for a distance of 170 feet; on the Southwest by Spring Street Extension, for a distance of 75 feet and on the Northwest by property of Maybelle H. McCoy, for a distance of 170 feet.

(Ord. No. 85-9, 6-4-1985)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-120:

All that certain parcel or lot of land lying at the Western or Southwestern edge of the City of Darlington, being approximately triangular in shape and bounded on the Northeast by Darlington Plaza (occupied by Winn-Dixie, et al); on the South by State Highways 151 and 34, leading from Darlington to Hartsville; and on the Northwest by the run of Indian Branch.

(Ord. No. 85-10, 6-4-1985)

Also the following described properties annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land adjacent to the corporate limits of the City of Darlington, and being the Southernmost portion of Tract A shown on sketch attached. Tract A as shown on said sketch is bisected by said city line and the parcel hereby annexed is bounded on the North by the remainder of said Tract A; on the East by Tract B of Brown, et al.; on the South in part by a .50 acre parcel of Parrott, and by U.S. Highway 52 By-Pass; and on the West by Cross Street.

The above identified parcel is annexed into the City of Darlington with the entire Tract A rezoned "General Commercial," all in accordance with proper action by city zoning authorities.

All that certain lot of land adjacent to the corporate limits of the City of Darlington, designated as Lot No. 104 of Samoset Subdivision, hereinafter more particularly described: on the Northeast by Wyandot Drive; on the Southeast by Lot No. 3; on the Southwest by Lot Nos. 115 and 116; and on the Northwest by Lot No. 105, said lot being rectangular, fronting 145 feet on Wyandot and 300 feet in depth.

(Ord. No. 86-5, 7-1-1986)

Also the following described properties annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain lot of land adjacent to the corporate limits of the City of Darlington, designated as Lot No. 23 of Conder Subdivision, lying at the northeastern corner of the intersection of Spring Street Extension and Grace Street and bounded on the north by said



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Grace Street a distance of 258.4 feet; on the east by Lot No. 22; on the south by Lot No. 24 and on the west by Spring Street Extension, on which it fronts a distance of 104 feet, and being approximately rectangular in shape.

Also: The northern prolongation of Spring Street from its ending at the present city limits to the northern corner of its intersection with Grace Street, and Grace Street from said corner on Spring Street Extension eastward 260 feet, more or less, to the eastern boundary of Lot No. 24.

Also: All that certain lot of land adjacent to the corporate limits of the City of Darlington, designated as Lot No. 3 of Conder Subdivision and fronting 135 feet on Grace Street and running back on the east 214 feet to a pond and bounded on the south by said street; on the east by Lot No. 4; on the north by the run of said pond and on the west by Lot No. 2.

Also: All that certain lot of land adjacent to the corporate limits of the City of Darlington, designated as Lot No. 86 of Samoset Subdivision, bounded on the north and east by Wyandot Street; on the south by Lots Nos. 85, 84 and 83; on the west by Lot No. 87; said lot being irregular in shape and fronting 453.89 feet on Wyandot Street and 247.9 feet in depth on the southern edge of said lot.

Also: Wyandot Street from its present intersection with Shoshone Street southward to the southern edge of Lot No. 85, for approximately 370 feet.  
(Ord. No. 87-1, 5-5-1987)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that parcel or lot of land at the northwest intersection of Brockington Road and Saleeby Loop bounded south by said road, east by Saleeby Loop, west by property of White, et al. and north by property of Brockington Heights Apartments. See plat by J.E. Tucker, Jr., a registered surveyor, January 28, 1987, attached for exact measurements.  
(Ord. No. 87-14, 12-1-1987)

Also the following described property annexed by this ordinance, pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or lot of land adjacent to Woodcreek Subdivision and containing 6 acres more or less lying north or northwest of lots 24 through 30 of said subdivision and south or southeast of County Club Estates Subdivision. Said 6 acres ± parcel is irregular in shape as will appear from plat attached which shows the exact measurements.  
(Ord. No. 87-15, 12-1-1987)

[Also the following described property:]

All that certain irregular parcel or tract of land just south or southeast of the corporate limits of the City of Darlington bounded on the northeast by the northern edge of Third Street Extension, on the east and southeast by the right-of-way of Seaboard Coastline Railroad, on the southeast and south by the southern edge of Joe Louis Boulevard, on the southwest by South Main Street and on the northwest by the present city limits of the City

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of Darlington. Said parcel includes, within said area, all of Third Street Extension, Howard Street, Hunter Street, Gandy Street, Grady Street, Jordan Street, Lincoln Street, First Street Extension, Joe Louis Boulevard, David Street and all of Sparks Street not already within the city limits.

Also, those two said lots of land immediately south of Joe Louis Boulevard and east of U.S. Highway 52 known as property of Lillian Willie and of Edward Harrison bounded north by Joe Louis Boulevard, east by property of McInnes Estate, south by property of Wingate, et al. and west by said U.S. Highway 52, also known as South Main Street.

Also all of Highway 52, also known as South Main Street lying between the southern edge of the parcel last above described northward to the City Limits of the City of Darlington. (Ord. No. 87-16, 12-1-1987)

Also the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land at the intersection of Smith Avenue and North Main Street, Darlington County, South Carolina, set forth as Lots 9 and 10 on a map prepared by Ervin Engineering Co., Inc., dated March 30, 1988, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-2L, Tax Map #164-05-01-008, Parcel #3583 and 3585.

Also, all that certain parcel or tract of land located at 129 Cain Street, Darlington County, South Carolina, designated as Lots 3 and 4 on a plat prepared by J.E. Tucker, Jr. R.S., a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-2HL, Tax Map #165-15-01-082, Parcel #3756-3.

Also, all that certain parcel or tract of land located at 205 Limit Street, Darlington County, South Carolina, designated as Lots 3 on a plat prepared April 10, 1968, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-1, Tax Map #165-15-01-062, Parcel #1552-3-A.

Also, all that certain parcel or tract of land located at 207 Limit Street, Darlington County, South Carolina, designated as Lot 4 on a plat prepared April 10, 1968, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-1, Tax Map #165-15-01-063, Parcel #1552-3-B.

Also, all that certain parcel or tract of land located at 209 Limit Street, Darlington County, South Carolina, designated as Lot 5 on a plat prepared April 10, 1968, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-1, Tax Map #165-15-01-064, Parcel #1552-3-C.

Also, all that certain parcel or tract of land located at 211 Limit Street, Darlington County, South Carolina, designated as Lot 6 on a plat prepared April 10, 1968, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-1, Tax Map #165-15-01-065, Parcel #1552-3-D.



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Also, all that certain parcel or tract of land designated as Lot 90 on a plat of Samoset subdivision, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-2H, Tax Map #184-00-01-033, Parcel #3274A-46.

Also, all that certain parcel or tract of land designated as Lot 97, Samoset subdivision, on a plat dated August 14, 1989, a copy of which is attached hereto and made a part hereof. This property is located in Darlington County District 2-2H, Tax Map #184-00-01-092, Parcel #3274A-15.

(Ord. No. 89-10, 12-15-1989)

Also the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land located at 110 Blue Street as set out on the attached map prepared by Douglas W. Lee, Sr., fronting 52.5 feet on said Blue Street and extending back therefrom for a distance of 210 feet. This property is located in Darlington County District 2-2L, location number 164-06-01-077.

Also, all that certain parcel or lot of land located at 438 Blue Street, designated as Lot A-1 on a plat made by T.E. Wilson, C.E., dated July 9, 1937, recorded in Darlington County Plat Book 18, page 103. This property is located in Darlington County District 2-2L, location number 164-02-043.

Also, all that certain parcel or lot of land located at 436 Blue Street, designated as the Southwestern 62 feet of a 1.06 acre parcel of land as set out on a plat made by T.E. Wilson, C. E., dated July 9, 1937, recorded in Darlington County Book 18, page 103. This property is located in Darlington County District 2-2L, location number 164-02-01-065.

Also, all that certain parcel or lot of land located at 122 Wyandot Street, designated as Lot 101 on a plat of Samoset recorded in Darlington County Plat Book 66, page 156. This property is located in Darlington County District 2-2H, location number 184-00-01-018.

Also, all that certain parcel or lot of land located on Wyandot Street, designated as Lot 95 on a plat of Samoset recorded in Darlington County Plat Book 66, page 156. This property is located in Darlington County District 2-2H, location number 184-00-02-090.

Also all that certain parcel or lot of land located at 162 Stone Road, in Darlington County District 2-2L. location number 165-05-03-02.

(Ord. No. 90-19, 12-20-1990)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land located at 102 Byrd Avenue, as set out on a map prepared by Lind, Hicks and Associates, Surveyors, dated May 1, 1984, recorded in Darlington County Plat Book 97, page 33. The Tax Map and Parcel Number for this property is 164-05-02-033.

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Also, all that certain parcel or lot of land located at 107 Laura Avenue, designated as Lot "A" and "B" on plat made by Prosser Surveying Company, dated November 15, 1989, recorded in Darlington County Plat Book 125, page 199. The Tax Map and Parcel Number for this property is 164-06-01-096.

Also, all that certain parcel or tract of land located at 449 North Main Street, fronting 80 feet on North Main street, as set out on a plat made by T.E. Wilson, C.E., dated August 23, 1955. The Tax Map and Parcel Number for this property is 164-06-01-085.

Also, all that certain parcel or tract of land located at 103 Byrd Avenue, designated as a part of Lot 1 on a plat of Royal Oaks, recorded in Darlington County Plat Book 9, page 258. The Tax Map and Parcel Number for this property is 164-05-02-034.

Also, all that certain parcel or tract of land designated as Tract Number 2 on a map made by Ervin Engineering Company, Inc. recorded in Darlington County Deed Book 617 at page 349, and being bounded by Smith Avenue, U.S. Highway 52, Blue Street, and Tract Number 1 as set out on said plat. The Tax map and Parcel Number for this property is 164-05-03-001.

Also, all that certain parcel or lot of land located at 104 Byrd Avenue, fronting 230 feet on said Byrd Avenue, and running back therefrom in depth in uniform width 105½ feet. The Tax Map and Parcel Number for this property is 164-05-02-036.

Also, all that certain parcel or lot of land located at 442 North Main Street, fronting 105 feet on North Main Street and running back therefrom in depth in uniform width a distance of 175 feet. The Tax Map and Number for this property is 164-06-01-080.

Also, all that certain parcel or lot of land located at 445 North Main Street, fronting 110 feet on North Main Street, running back therefrom 200 feet, more or less. The Tax Map and Parcel Number for this property is 164-06-01-083.

Also, all that certain parcel or lot of land located at 447 North Main Street, being a portion of Lot 1 as set out on a plat recorded in Darlington County Plat Book 9, page 258, fronting 79.75 feet on North Main Street, and running back therefrom in depth a distance of 200 feet. The Tax Map and Parcel Number for this property is 164-06-01-084.

Also, all that certain parcel or lot of land located at 505 North Main Street, fronting 75 feet on North Main Street as set out on a plat prepared by Lind, Hicks and Associates, recorded in Darlington County Plat Book 92, page 93. The Tax Map and Parcel Number for this property is 164-05-02-030.

Also, all that certain parcel or lot of land located at 443 North Main Street, fronting 156 feet on North Main Street, and running back therefrom in depth a distance of 416 feet. The Tax Map and Parcel Number for this property is 164-06-01-082.

Also, all that certain parcel or lot of land located at 503 North Main Street, fronting 75 feet on North Main Street, and running back therefrom in depth a distance of 200 feet. The Tax Map and Parcel Number for this property is 164-05-02-031.

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Also, all that certain parcel or lot of land located at 501 North Main Street, fronting 105.5 feet on North Main Street as set out on a plat prepared by Ervin Engineering Co., recorded in Darlington County Plat Book 115, page 217. The Tax Map and Parcel Number for this property is 164-05-02-032.

Also, all that portion of Blue Street extending from the present corporate limits of the City of Darlington to North Main Street.

Also, all that portion of North Main Street extending from the present corporate limits of the City of Darlington to and including Smith Avenue as it intersects with said North Main Street.

Also, all that portion of Smith Avenue extending from the present corporate limits of the City of Darlington to North Main Street.

Also, all that portion of Laura Avenue contiguous to 107 Laura Avenue, Parcel Number 164-06-01-096.

Also, all that portion of Young Avenue extending from and including its intersection with Laura Avenue to and including its intersection with Windham Avenue.

Also, all that portion of Windham Avenue extending from Young Avenue to North Main Street.

Also, all that portion of Byrd Street extending from and including its intersection with Young Avenue to North Main Street.  
(Ord. No. 91-10, 10-1-1991)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land designated as Lot #89 on a plat of Samoset recorded in Darlington County Plat Book 72, page 29, located at 310 Wyandot Street, The Tax Map and Parcel Number for this property is 184-00-01-032.

Also, all that certain parcel or tract of land located at 411 North Main Street, fronting 100 feet on North Main Street, as set out on a plat made by J.E. Truck, Jr., Surveyor, recorded in Darlington County Plat Book 127, page 213. The Tax Map and Parcel Number for this property is 164-10-01-007.

Also, all that certain parcel or lot of land located at 431 North Main Street, fronting 200 feet on North Main Street. The Tax Map and Parcel Number for this property is 164-10-01-004.

Also, all that certain parcel or lot of land located at 435 North Main Street, fronting 125 feet on North Main Street. The Tax Map and Parcel Number for this property is 164-10-01-002.

Also, all that certain parcel or lot of land located at 329 Spring Street, as set out on a plat recorded in Darlington County Plat Book 39, page 187. The Tax Map and Parcel Number for this property is 164-06-01-004.

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Also, all that certain parcel or lot of land located at 554 Spring Street, designated as Lot 2, Block 2-I on a plat recorded in Darlington County Plat book 37, page 21. The Tax Map and Parcel Number for this property is 164-02-01-024.

Also, all that certain parcel or lot of land located at 218 Mont Clare Road, as set out on a plat recorded in Darlington County Plat Book 58, page 209. The Tax Map and Parcel Number for this property is 164-08-02-004.

Also, all that portion of Wyandot Street contiguous with Lot 89 as set forth above.

Also, all that portion of Mont Clare Road contiguous with 218 Montclare Road as set forth above.

(Ord. 91-15, 12-11-1991)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land located at Min-Lou Circle, fronting 125 feet on Min-Lou Circle as set out on a plat made by D. J. Wilkes dated May 30, 1980. The Tax Map and Parcel Number for this property is 164-08-02-003;

Also, all that certain parcel or tract of land located at 327 North Main Street, fronting 75 feet on North Main Street, as set out on a plat made by T. E. Wilson, C. E., dated December 15, 1951. The Tax Map and Parcel Number for this property is 164-10-01-067;

Also, all that certain parcel or tract of land designated as Lot #88 on a plat of Samoset recorded in Darlington County Plat Book 72, page 29, located at the corner of Iroquois and Nez Perce Streets. The Tax Map and Parcel Number for this property is 184-00-01-088;

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976: All those certain parcels or tracts of land located at 1046 and 1025 Pearl Street, containing 5 acres, more or less, and being the property generally known as Magnolia Cemetery. The Tax Map and Parcel Numbers for this property are 165-05-03-003 and 165-05-03-004.

(Ord. No. 92-14, 12-8-1992; Ord. No. 93-6, 5-24-1993)

Also, the following described property annexed by this ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land, located at 1212 South Main Street, containing 1.0 acres, more or less, as set out on a Plat prepared by Lind, Hicks & Associates, dated August 7, 1992. The Tax Map and Parcel Number for this property is 165-11-04-032.

Also, all that certain parcel or tract of land, located at 105 Nez Perce Street, designated as Lot 84, Samoset, as set out on a Plat recorded in Darlington County Plat Book 80, page 163. The Tax Map and Parcel Number for this property is 184-00-01-084.

Also, all that certain parcel or tract of land, located at 119 Nez Perce Street, designated as Lot 38, Samoset, as set out on a Plat recorded in Darlington County Plat Book 80, page 163. The Tax Map and Parcel Number for this property is 184-00-01-038.

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Also, all that certain parcel or tract of land, located at 110 Wyandot Street, designated as Lot 24, Samoset, as set out on a Plat recorded in Darlington County Plat Book 80, page 163. The Tax Map and Parcel Number is 184-00-02-024.

Also, all that certain parcel or tract of land, located at 106 Nez Perce Street, designated as Lot 79, Samoset, as set out on a Plat recorded in Darlington County Plat Book 80, page 163. The Tax Map and Parcel Number is 184-00-01-079.  
(Ord. No. 94-4, 3-1-1994)

Also, the following described property annexed by this ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land, located at 603 Spring Street Extension. The Tax Map and Parcel Number for this property is 164-02-01-063;

Also, all that certain parcel or tract of land, located at 122 Nez Perce drive, designated as Lot 59, Samoset, as set out on a Plat recorded in Darlington County Plat Book 80, page 163. The Tax Map and Parcel Number for this property is 184-00-01-071;

Also, all that certain parcel or tract of land located at 101 Grace street, designated as Lot 9 on a Plat prepared by J.E. Tucker, Jr., R.L.S., dated April 10, 1989. The Tax Map and Parcel Number for this property is 164-02-01-002;

Also, all that certain parcel or tract of land located at 109 Nez Perce Street, designated as Lot 86, Samoset, as set out on a Plat recorded in Darlington County Plat Book 80, page 163. The Tax Map and Parcel Number for this property is 184-00-01-086;

Also, all that certain parcel or tract of land, located on South Carolina Highway 151-34 and US Highway 52 By-Pass, containing nineteen (19) acres, more or less, as set out on the attached copy of an aerial map on file in the office of the Darlington County Tax Assessor. The property annexed is a portion of Tax Map and Parcel Numbers 146-00-03-045 and 146-00-03-046;

Also, all that portion of South Carolina Highway 151-34 extending from the Western boundary of the City of Darlington along the entire Northern boundary of the nineteen (19)-acre parcel as described immediately above.  
(Ord. No. 94-10, 11-1-1994)

Also, the following described property annexed by this ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land, located at 112 Nez Perce Drive, designated as Lot 64, Samoset, as set out on a Plat recorded in Darlington Plat Book 80, page 163. The Tax Map and Parcel Number is 184-00-01-076;

Also, all that certain parcel or tract of land, located at 210 Blue Street. The Tax Map and Parcel Number for this property is 164-06-01-069;

Also, all that certain portion of South Main Street forming a boundary of 1212 South Main Street, said 1212 South Main Street having been previously annexed by Ordinance;

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Also, all those portions of Nez Perce Street forming a boundary for 105 Nez Perce Street, 119 Nez Perce Street, 106 Perce Street, and 112 Nez Perce Street, said property having been annexed by previous Ordinances, or by this Ordinance;

Also, all that certain portion of Grace Street bounding 101 Grace Street, said 101 Grace Street having been previously annexed by Ordinance;

Also, all that portion of Wyandot Street forming a boundary of 110 Wyandot Street, said 110 Wyandot Street having been previously annexed by Ordinance;

Also, all portion of Blue Street forming a boundary of 210 Blue Street, said 210 Blue Street having been annexed by this Ordinance.

(Ord. No. 94-11, 12-15-1994)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All those certain parcels or tracts of land, located on South Carolina Highway 151-34 and U.S. Highway 52 by-pass, being the remaining portions of the nineteen (19)-acre tract previously annexed by Ordinance 94-10. The Tax Map and Parcel Numbers for this property are 146-00-03-043, and 146-00-03-044;

Also, all that portion of South Carolina Highway 151-34 that borders the land referred to above.

(Ord. No. 95-7, 3-7-1995)

All that portion of U.S. Highway 52 by-pass which forms the eastern boundary of the 19-acre tract previously annexed by Ordinance No. 94-10;

Also, all that parcel or tract of land located at 307 Limit Street. The Tax Map and Parcel Number for this property is 165-15-01-067.

Also, that portion of Limit Street which adjoins 307 Limit Street as referred to above.

Also, all that parcel or tract of land containing 4.636 acres designated as "Asbury Street Site" as set out on a plat prepared by Ervin Engineering Company, Inc., dated July 25, 1994. The Tax Map and Parcel Number for this property is 164-05-01-002.

Also, all that portion of Moore Avenue which forms the Northwestern boundary of the "Asbury Street Site" as described above, and all that portion of Asbury Street which forms the Southeastern boundary of the "Asbury Street Site" as described above.

Also, all that parcel or tract of land containing 1.541 acres, designated as "Blue Street Site" on a plat prepared by Ervin Engineering Company, dated July 23, 1994. The Tax Map and Parcel Number for this property is 164-06-01-063.

Also, all that portion of Blue Street which forms the Northwestern boundary of the "Blue Street Site" as referred to above.

Also, all that parcel or tract of land located on the corner of Asbury Street and North Main Street. The Tax Map and Parcel Number for this property is 164-01-02-020.



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Also, all that portion of Asbury Street which adjoins the property described immediately above, and all that portion of North Main Street which adjoins the property as described immediately above.

(Ord. No. 95-9, 6-6-1995)

Also, the following described property annexed by this ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land located at 107 Byrd Avenue. The Tax Map and Parcel Number for this property is 164-05-02-035;

Also, all that portion of Byrd Avenue which adjoins 107 Byrd Avenue as referred to above;

Also, all that parcel or tract of land fronting on Red Street having the Tax Map and Parcel Number of 164-06-01-068;

Also, all that parcel or tract of land located at 109 Red Street. The Tax Map and Parcel Number for this property is 164-06-01-072;

Also, those portions of Red Street which adjoin the two parcels or tracts as referred to immediately above.

(Ord. No. 95-15, 11-7-1995)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land located at 501 Red Street. The Tax Map and Parcel Number for this property is 164-06-01-095.

Also, all that portion of Red Street which adjoins 501 Red Street as referred to above.

(Ord. No. 96-4, 3-5-1996)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land containing 4.66 acres, fronting on U.S. Highway 52 South, South Main Street. The Tax Map and Parcel Number for this property is 165-16-02-002;

Also, that portion of U.S. Highway 52 South, South Main Street, which adjoins the parcel or tract as referred to immediately above;

Also, all that parcel or tract of land located at 1316 South Main Street as set out on a plat recorded in Darlington County Plat Book 144, page 293. The Tax Map and Parcel Number for this property is 165-16-01-005;

Also, all that portion of U.S. Highway 52 South, South Main Street, which adjoins the parcel or tract as referred to immediately above;

Also, all that portion of Tax Map and Parcel Number 165-16-02-013 which fronts on U.S. Highway 52 South, South Main Street, for a distance of 300 feet, more or less, and running back in uniform depth from said U.S. Highway 52 South for a distance of 20 feet;

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Also, all that portion of U.S. Highway 52 South, South Main Street, which adjoins the parcel or tract as referred to immediately above;

Also, all that portion of Tract No. 2 as set out on a plat recorded in Darlington County Plat Book 16, page 55 that fronts on U.S. Highway 52 South, South Main Street, for a distance of 756 feet, more or less, and running back in uniform depth from said U.S. Highway 52 South for a distance of 20 feet. The Tax Map and Parcel Number for this property is 166-00-02-018;

Also, all that portion of U.S. Highway 52 South, South Main Street, which adjoins the parcel or tract as referred to immediately above;

Also, all that parcel or tract of land located at 1321 South Main Street. The Tax Map and Parcel Number for this property is 165-16-02-003;

Also, all that portions of U.S. Highway 52 South, South Main Street, and Theresa Avenue which adjoin the parcel or tract as referred to immediately above;

Also, all that parcel or tract of land designated as Lots 6, 8, and part of Lot 4 on plat recorded in Darlington County Plat Book 48, page 207, located on Theresa Avenue. The Tax Map and Parcel Number for this property is 165-16-02-010;

Also, all that portion of Theresa Avenue which adjoins the parcel or tract as referred to immediately above;

Also, all that parcel or tract of land located at 1333 South Main Street. The Tax Map and Parcel Number for this property is 165-16-02-012;

Also, all those portion of U.S. Highway 52 South, South Main Street and Theresa Avenue, which adjoin the parcel or tract as referred to immediately above;

Also, all that parcel or tract of land containing 2.3864 acres as set out on a plat recorded in Darlington County Plat Book 160, page 265. The Tax Map and Parcel Number for this property is 166-00-02-095;

Also, all that fifty foot right-of-way as set out on plat recorded in Darlington County Plat Book 160, page 265;

Also, all that certain parcel or tract of land designated as 30.00 foot X 47.30 foot lot as set out on a plat recorded in Darlington County Plat Book 160, page 191. The Tax Map and Parcel Number for this property is 166-00-02-902;

Also, all those portions of U.S. Highway 52 South, South Main Street, and U.S. Highway 52 By-Pass, Governor Williams Highway, which adjoin the three parcels or tracts as referred to immediately above.

(Ord. No. 96-5, 4-2-1996)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that Parcel or tract of land located at 1328 South Main Street. The Tax Map and Parcel Number for this property is 165-16-01-013;



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Also, all that portion of South Main Street, U.S. Highway 52, which adjoins 1328 South Main Street as referred to above.

(Ord. No. 96-6, 5-7-1996)

Also, the following described property annexed by this ordinance pursuant to provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land containing 9.2736 acres bounded on the East by U.S. Highway 52 South, South Main Street, and on the Southwest by U.S. Highway 52 By-Pass. The Tax Map and Parcel Number for this property is 166-00-02-088;

Also, those portions of U.S. Highway 52 South, South Main Street and U.S. Highway 52 By-Pass which adjoin the parcel or tract as referred to immediately above.

(Ord. No. 96-9, 7-8-1996)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land located at 118 Wyandot Street. The Tax Map and Parcel Number for this property is 184-00-02-020.

(Ord. No. 96-11, 11-5-1996)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land designated as Lot #82, Samoset Subdivision. The Tax Map and Parcel No. for this property is 184-00-01-042; also, all that portion of Nez Perce Drive, which adjoins Lot #82 as referred to above.

(Ord. No. 98-1, 1-6-1998)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that parcel or tract of land located at 519 North Main Street. The Tax Map and Parcel Number for this property is 164-5-02-023. Also, all that portion of North Main Street, U.S. Highway 52 North, which adjoins this parcel or tract of land.

(Ord. No. 98-3, 6-2-1998)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that 1.8767 acre parcel or tract of land located at the corner of U.S. Highway 52 and South Carolina Road S-16-179. The Tax Map Number for this property is 166-00-02-014. Also, all those portions of U.S. Highway 52 and South Carolina Road S-16-179 which adjoin this parcel or tract of land.

(Ord. No. 98-5, 6-18-1998)

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Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that 2.1479 acres parcel or tract of land, located on U.S. Highway No. 52 By-Pass, as set out on a plat recorded in Darlington County Plat Book 175, at Page 145. The Tax Map No. for this property is 166-00-01-101.

Also, that portion of U.S. Highway 52 By-Pass which adjoins this parcel or tract of land.  
(Ord. No. 98-8, 8-4-1998)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or tract of land located at 117 Doneraile Street. The Tax Map Number for this property is 164-10-01-064. Also, all those portions of Doneraile Street which adjoin this parcel or tract of land.

(Ord. No. 98-12, 10-6-1998)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or tract of land, located at 1384 South Main Street. The Tax Map Number for this property is 166-00-02-016. Also, all that portion of South Main Street, U.S. Highway 52 South, which adjoins this parcel or tract of land.

(Ord. No. 98-13, 10-6-1998)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or tract of land, located at 103 Franklin Street, also bounded by South Main Street. The Tax Map Number for this property is 165-16-01-012. Also, all those portions of Franklin Street and South Main Street, U.S. Highway 52, which adjoin this parcel or tract of land.

(Ord. No. 98-16, 12-1-1998)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land located at 128 Nez Perce Drive. The Tax Map Number for this property is 184-00-01-068. Also, all those portions of Nez Perce Drive which adjoin this parcel or tract of land.

(Ord. No. 99-2, 4-6-1999)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain parcel or tract of land located at 510 Young Street. The Tax Map Number for this property is 164-05-02-45. Also, all those portion of Young Street which adjoin this parcel or tract of land.

(Ord. No. 99-3, 4-6-1999)

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Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All those pieces, parcels, or lots of land, located on the western boundary of the city of Darlington, designated as Tax Map Nos. 146-00-03-042, 146-00-03-041, 146-00-03-040, 146-00-03-039, 146-00-03-038, 146-03-00-092, 146-03-00-037, 146-00-03-023, 146-00-03-008, and 146-00-03-007. Also, all those portions of Odom Street, Dock Drive, and Racetrack Road which adjoin these parcels or tracts of land.

(Ord. No. 99-4, 5-4-1999)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel, or lot of land, located at 623 North Main Street, city of Darlington, Darlington County, State of South Carolina, and designated as Tax Map No. 164-01-02-018. Also, all those portions of U.S. Highway 52 which adjoin the property annexed by this Ordinance.

(Ord. No. 99-7, 7-6-1999)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel, or lot of land, located at 410 Barfield Road, designated as Tax Map No. 164-03-02-033, and also that portion of Barfield Road which adjoins this parcel or lot of land;

Also, all that piece, parcel, or lot of land, located at 1503 South Main Street, designated as Tax Map No. 166-00-02-065, also, that portion of South Main Street which adjoins this parcel or lot of land; and,

Also, all that piece, parcel, or lot of land, located at 1512 South Main Street, designated as Tax Map No. 166-00-02-087, also that portion of South Main Street which adjoins this parcel or lot of land.

(Ord. No. 99-10, 12-7-1999)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at 108 Nez Perce Street, designated as Tax Map No. 184-00-01-078. Also, that portion of Nez Perce Street which adjoins this parcel or tract of land.

(Ord. No. 2000-01, 1-4-2000)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at 206 Wyandot Street, designated as Tax Map No. 184-00-01-091. Also, that portion of Wyandot Street which adjoins this parcel or tract of land.

(Ord. No. 2000-05, 4-4-2000)

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Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel, or lot of land, as set out on a plat prepared by W. B. Huntley, III, registered land surveyor, dated February 22, 2000, with the exception of the 0.55 acre tract. This property is bounded by U.S. Highway 52 By-Pass and U.S. Highway 401, designated as Tax Map Nos: 146-00-03-087, 146-00-03-148, 146-00-03-147, and 146-00-03-149. Also, that portion of U.S. Highway 52 By-Pass, which adjoins this parcel or tract of land. Also, that portion of U.S. Highway 401, which adjoins this parcel or tract of land.  
(Ord. No. 2000-06, 5-2-2000)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976: All that piece, parcel or lot of land, located at 123 Nez Perce Drive, designated as Tax Map No. 184-00-01-039. Also, that portion of Nez Perce Drive which adjoins this parcel or tract of land.

Also, all that piece, parcel, or lot of land, located at 1512 South Main Street, designated as Tax Map No. 166-00-02-080. Also, that portion of South Main Street which adjoins this parcel or tract of land.

Also, all that piece, parcel, or lot of land, located at 103 Iroquois Drive, designated as Tax Map No. 184-00-01-036. Also, that portion of Iroquois Drive which adjoins this parcel or tract of land.  
(Ord. No. 2000-09, 7-11-2000)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976: All that certain parcel or tract of land, located at 1504 South Main Street. The Tax Map No. for this property is 166-00-02-020. Also, that portion of South Main Street which adjoins this parcel or tract of land.  
(Ord. No. 2001-12, 8-3-2001)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976: All that piece, parcel or lot of land, located at 133 Nez Perce Street, designated as Tax Map No. 184-00-01-044. Also, that portion of Nez Perce Street which adjoins this parcel or tract of land.  
(Ord. No. 2001-13, 9-4-2001)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at I 12 Wyandot Street, designated as Tax Map No. 184-00-02-023;

Also, that portion of Wyandot Street which adjoins this parcel or tract of land.  
(Ord. No. 2002-02, 3-5-2002)

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Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, known as Roanoke Drive, located in Wood Creek Annex Subdivision, as set out on a plat recorded in Darlington County Plat Book 173, at Page 313. (Ord. No. 2002-04, 4-2-2002)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at 105 Arapaho Circle, designated as Tax Map No. 184-00-02-028;

Also, that portion of Arapaho Circle which adjoins this parcel or tract of land. (Ord. No. 2002-05, 4-2-2002)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, known as Old Mill Pond Road (Blue Street), designated as Tax Map No. 164-02-01-042. (Ord. No. 2002-12, 9-3-2002)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located the corner of North Main Street and Asbury Avenue, designated as Tax Map No. 164-1-01-019;

Also, that portion of U. S. Highway 52, North Main Street Drive which adjoins this parcel or tract of land. (Ord. No. 2003-02, 6-3-2003)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at 114 Nez Perce Drive, designated as Tax Map No. 184-00-01-075;

Also, that portion of Nez Perce Drive which adjoins this parcel or tract of land. (Ord. No. 2003-03, 6-3-2003)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at 218 Blue Street, designated as Tax Map No. 164-06-01-062.001;

Also, that portion of Blue Street which adjoins this parcel or tract of land. (Ord. No. 2003-09, 8-5-2003)

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Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that piece, parcel or lot of land, located at 1435 South Main Street, containing 2.00 acres, designated as a portion of Tax Map No. 166-00-02-017 and a portion of Tax Map No. 166-00-02-093, as set out on a plat prepared by Nesbitt Surveying Co., Inc. dated November 2, 2004, a copy of which is attached hereto and made a part hereof;

Also, those portions of South Main Street, U.S. Highway 52, and South Governor Williams Highway which adjoin this parcel or tract of land.  
(Ord. No. 2005-02, § 1, 2-8-2005)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel or tract of land, originally containing 24.924 acres, as set out on a plat of Ervin Engineering Company, Inc. dated August 4, 1994, recorded in Darlington County Plat Book 158, at Page 127, located at the intersection of U.S. Highway 52 By-Pass and S.C. Highway 340 (Washington Street), designated as Tax Map Nos. 165-13-01-030, 165-13-01-031, and 165-14-01-028.

Also, those portions of U.S. Highway 52 By-Pass and S.C. Highway 340 (Washington Street) which adjoin this parcel or tract of land.

Also, all those certain pieces, parcels, or tracts of land, each containing 1.0 acres, designated as Lot 1 and Lot 2 on a plat of Ervin Engineering Company dated February 3, 2005, recorded in Darlington County Plat Book 200, at Page 61, designated as Tax Map No. 165-13-01-081.

Also, that portion of U.S. Highway 52 By-Pass which adjoins this parcel or tract of land.  
(Ord. No. 2005-05, § 1, 4-12-2005)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All those certain pieces, parcels, or tracts of land, designated as #7, #9, #11, and #13 on a plat recorded in Darlington County Plat Book 48, at Page 207, with the address of 124 Theresa Drive, Darlington, South Carolina, designated as Tax Map No. 165-16-02-006.

Also, that portion of Theresa Drive which adjoins this parcel or tract of land.  
(Ord. No. 2005-09, § 1, 7-5-2005)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All those certain pieces, parcels, or tracts of land, having the addresses of 409 Whit Street, 102 Whit Street, and Doneraile Street, Darlington, South Carolina, designated as Tax Map Nos. 164-10-01-037, 164-10-01-051, and 164-10-01-052.

All those certain pieces, parcels, or tracts of land, having the addresses of 138 Doneraile Street, 140 Doneraile Street, and 415 Wells Street, Darlington, South Carolina, designated as Tax Map No. 164-13-02-022.

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Also, those portions of White Street, Wells Street, and Doneraile Street which adjoin these parcels or tracts of land.

(Ord. No. 2005-12, § 1, 8-2-2005)

Also, the following described property annexed by this Ordinance pursuant to the provisions of S.C. Code 1976, § 5-3-150:

All that certain piece, parcel, or tract of land, designated as Lot 6 on a plat prepared by Lind, Hicks & Associates, R.L.S., for AHJ Properties, Inc., dated June 14, 2004, recorded in the Office of the Clerk of Court for Darlington County in Plat Book 99, at Page 169, Tax Map No. 165-16-01-002.

Also, that portion of Bowen/Brown Street which adjoins this parcel or tract of land.

(Ord. No. 2005-14, § 1, 9-6-2005)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All that certain piece, parcel, or tract of land, having the address of 1218 South Main Street, Darlington, South Carolina, designated as Tax Map No. 165-15-01-035.

Also, that portion of South Main Street which adjoins this parcel or tract of land.

(Ord. No. 2006-01, § 1, 2-7-2006)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All that certain piece, parcel, or tract of land, designated as Lot 6 on a plat prepared by Lind, Hicks & Associates, R.L.S., for AHJ Properties, Inc., dated June 14, 2004, recorded in the Office of the Clerk of Court for Darlington County in Plat Book 99, at Page 169, Tax Map No. 165-16-01-037.

Also, that portion of Bowen/Brown Street which adjoins this parcel or tract of land.

(Ord. No. 2006-03, § 1, 4-4-2006)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All that piece, parcel or lot of land, located at 1435 South Main Street, containing 2.00 acres, designated as Tax Map No. 166-00-02-105, as set out on a plat prepared by Nesbitt Surveying Co., Inc. dated November 2, 2004, a copy of which is attached hereto and made a part hereof;

Also, those portions of South Main Street, U.S. Highway 52, and South Governor Williams Highway which adjoin this parcel or tract of land.

(Ord. No. 2006-04, § 1, 4-4-2006)



## DARLINGTON MUNICIPAL CODE

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All those four certain pieces, parcels, or lots of land situate, lying and being in Darlington County, South Carolina, designated as Lots 6, 7, 8, 9 and 10 on the plat hereinabove referred to, and shown to be bounded thereon in the aggregated, as follows: on the Northeast in part by Lot A as shown on said plat for a distance of 71 feet and in part by land of W. H. Bristow, Jr. and Robert B. Bristow for a distance of 150 feet; on the Southeast by Lot 5 as shown on said plat for a distance of 120 feet; on the Southwest by Brown Street for a distance of 221 feet; and on the Northwest by a ditch for a distance of 120 feet, and designated as Tax Map No. 165-16-01-037.

Also, that portion of Brown Street which adjoins this parcel or tract of land.  
(Ord. No. 2006-06, § 1, 6-6-2006)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All those certain pieces, parcels or lots of land located on U.S. Highway 52, Governor Williams Highway, designated as tax map numbers 166-00-02-001 and 165-14-01-026.

Also, those portions of U.S. Highway 52, Governor Williams Highway which adjoin these parcels or tracts of land.  
(Ord. No. 2006-11, § 1, 8-1-2006)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All those certain pieces, parcels, or tracts of land, designated as tracts C and D on a plat prepared by Nesbitt Surveying Company, Inc. dated September 26, 2006. Tax Map No. 166-00-02-019.

Also, that portion of S16-179 McIver Road which adjoin these parcels or tracts of land.  
(Ord. No. 2007-02, § 1, 3-27-2007)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All those certain pieces, parcels, or tracts of land, designated as tracts A and B on a plat prepared by Nesbitt Surveying Company, Inc. dated September 26, 2006. Tax Map No. 166-00-02-084.

Also, those portions of U.S. Highway 52 South Main Street, Road S16-179 McIver Road, and S16-179 Old Road which adjoin these parcels or tracts of land.  
(Ord. No. 2007-03, § 1, 3-27-2007)



## APPENDIX A—ANNEXATIONS

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All that certain piece, parcel, or tract of land, designated as tract F on a plat prepared by Nesbitt Surveying Company, Inc. dated September 26, 2006. Tax Map Nos. 165-16-02-013 and 165-16-02-005.

Also, that portion of U.S. Highway 52 South Main Street which adjoins this parcel or tract of land.

(Ord. No. 2007-04, § 1, 3-27-2004)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All that certain piece, parcel, or tract of land, designated as tract E on a plat prepared by Nesbitt Surveying Company, Inc. dated September 26, 2006. Tax Map No. 166-00-02-018.

Also, that portion of U.S. Highway 52 South Main Street which adjoins this parcel or tract of land.

(Ord. No. 2007-05, § 1, 3-27-2007)

Also, the following described property annexed by this Ordinance pursuant to the provisions of Section 5-3-150, South Carolina Code of Laws, 1976:

All that certain piece, parcel, or tract of land, having the address of 315 North Main Street, Darlington, South Carolina, designated as Tax Map No. 164-10-01-071.

Also, that portion of North Main Street which adjoins this parcel or tract of land.

(Ord. No. 2007-06, § 1, 3-27-2007)



**APPENDIX B\***  
**BUILDING PERMIT FEES**

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\***Note**—As referenced in section 18-37 of this Code.



APPENDIX B—BUILDING PERMIT FEES

<i>Total valuation</i>	<i>Fee</i>
\$1,000.00 and less	No fee, unless inspection required, in which case a \$25.00 fee for each inspection shall be charged
\$1,000.00 to \$50,000.00	\$25.00 for the first \$1,000.00 plus \$7.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,000.00 to \$100,000.00	\$300.00 for the first \$50,000.00 plus \$6.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$500.00 for the first \$100,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000.00 and up	\$2,000.00 for the first \$500,000.00 plus \$3.00 for each additional thousand or fraction thereof
Plan review fee	50% of building permit fee, but not less than \$50.00
Reinspection fee	\$25.00 per re-inspection

Moving fee:

For the moving of any building or structure, the fee shall be \$100.00.

For the set-up of any mobile home, the fee shall be \$100.00.

Demolition fee:

For the demolition of any building or structure, the fee shall be:

- 0 up to 100,000 cubic feet           \$60.00
- 100,000 square feet and over   \$50.00 plus \$0.50/1,000 square feet

Note: Demolition permits are valid for 30 days only.

Renewal fee: \$50.00 (one-time extension for 14 days)

Board of appeals fee: \$300.00

Penalties:

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled; but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code, in the execution of the work, nor from any other penalties prescribed herein.

(Ord. No. 2001-07, 6-5-2001)



**APPENDIX C\***  
**ELECTRICAL PERMIT FEES**

---

\***Note**—As referenced in section 18-70 of this Code.





APPENDIX C—ELECTRICAL PERMIT FEES

For new services, changes to service equipment, and additions to existing services — single-phase and three-phase:

Each permit costs	\$ 20.00
In addition to following schedule:	
0—100 amperes	6.00
101—150 amperes	8.00
151—200 amperes	10.00
201—300 amperes	15.00
301—400 amperes	20.00
401—500 amperes	25.00
501—600 amperes and above	35.00
Whole house heat and air conditioning units to include each disconnect box	5.00
All motors 1½ horsepower and up	5.00
For each 110 volt outlet: switches, receptacles, fans, etc.	0.25
For each 220 volt outlet: base plugs, stove outlets, clothes dryers, ranges, cook tops, hot water heaters, etc.	0.50
Temporary service pole or attached to building temporary service	10.00
Service entrance (meter base, conduit, or shielded cable and weather head)	5.00
Re-inspection fee: for any reason to be recalled to job site where work was not ready or for re-inspection of work required to be corrected	25.00

(Ord. No. 2001-07, 6-5-2001)



**APPENDIX D\***  
**PLUMBING PERMIT FEES**

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**\*Note**—As referenced in section 18-104 of this Code.



APPENDIX D—PLUMBING PERMIT FEES

Each permit costs	\$ 15.00
In addition to following schedule:	
For each new house sewer	10.00
For each house sewer to be replaced or repaired	10.00
For each plumbing fixture, floor drain or trap (including water and drainage piping)	5.00
For each cesspool	10.00
For each septic tank and seepage pit or drain field, or individual lift pumps	15.00
For each water heater and/or vent	5.00
For installation, alteration or repair of water piping and/or water treating equipment	10.00
For repair or alteration of drainage or vent piping	10.00
For vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served:	
A. Nontestable type, each	2.50
B. Testable type**, each	5.00
Sewer tap fee	515.00
For installation of new or relocated water heater	15.00

**Note**—A test report signed by a certified backflow prevention tester, licensed by South Carolina D.H.E.C., shall be submitted with the installation of each testable backflow prevention device.

(Ord. No. 2001-07, 6-5-2001)



**APPENDIX E\***

**CONSUMERS' GAS PIPING (L.P. AND NATURAL) PERMIT FEES**

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\***Note**—As referenced in section 18-126 of this Code.





APPENDIX E—CONSUMERS' GAS PIPING (L.P. AND NATURAL) PERMIT FEES

For issuing each permit	\$ 15.00
Inspection of gas piping, both rough and final, one to four outlets	10.00
Each additional outlet over four	2.00
Inspection of wall furnaces and water heaters:	5.00
Each additional unit	2.00
If reinspection is required, additional fee	15.00

1. Any and all fees shall be paid by the person to whom the permit is issued.
2. If any work commences before obtaining the necessary permit, the total cost of the permit will be doubled.
3. Any new installation of water heaters or relocation of water heaters requiring additional plumbing pipe will require a separate plumbing permit issued only to a licensed plumber.  
(Ord. No. 2001-07, 6-5-2001)



**APPENDIX F\***  
**MECHANICAL PERMIT FEES**

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**\*Note**—As referenced in section 18-177 of this Code.



APPENDIX F—MECHANICAL PERMIT FEES

<b>C101.1 — Initial fee</b>	
For issuing each permit .....	\$15.00
<b>New work</b>	
<b>C101.2 — Additional fees</b>	
<b>C101.2.1 — Fee for inspecting heating, ventilating, ductwork, air conditioning and refrigeration systems shall be .....</b>	12.50
for the first \$1,000.00, or fraction thereof, of valuation of the installation plus ..	2.50
for each additional \$1,000.00 or fraction thereof.	
<b>Repairs and additions</b>	
<b>C101.2.2 — Fee for inspecting repairs, alterations and additions to an existing system shall be .....</b>	10.00
plus .....	2.50
for each \$1,000.00 or fraction thereof.	
<b>C101.2.3 — Fee for inspecting boilers .....</b>	25.00
<b>Reinspection</b>	
<b>C102 — Fee for reinspection</b>	
In case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of .....	25.00
<b>Temporary operation inspection</b>	
<b>C103 — Fee for temporary operation inspection</b>	
When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration, or air conditioning system or portion thereof, a fee of .....	10.00
shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee shall be charged for each subsequent preliminary inspection for such purpose.	
<b>C104 — Self-contained units less than two tons</b>	
In all buildings, except one- and two-family dwellings, where self-contained air conditioning units of less than two tons are to be installed, the fee charged for each shall be .....	5.00
(Ord. No. 2001-07, 6-5-2001)	



**APPENDIX G\***

**SWIMMING POOL PERMIT FEES**

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\***Note**—As referenced in section 18-209 of this Code.





APPENDIX G—SWIMMING POOL PERMIT FEES

For each swimming pool:	
Public pool	\$ 50.00
Private pool	35.00
Pool filling system, including backflow prevention, each	5.00
Each water heater and/or vent	15.00
Gas piping system, each	10.00
Replacement of piping	8.00
Miscellaneous replacements	5.00
Backwash receptor	5.00

(Ord. No. 2001-07, 6-5-2001)



## CODE COMPARATIVE TABLE

### 1967 CODE

This table gives the location within this Code of those sections of the 1967 Code which were carried over into the 1977 Code, and which are in whole or in part a source from which provisions in this 2007 Code are derived.

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## CODE COMPARATIVE TABLE

### 1977 CODE

This table gives the location within this Code of those sections of the 1977 Code which are included herein. Sections of the 1977 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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<b>1977 Code Section</b>	<b>Section this Code</b>	<b>1977 Code Section</b>	<b>Section this Code</b>
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## CODE COMPARATIVE TABLE

### ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1977 Code which are included herein. Ordinances adopted since the adoption of the 1977 Code, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

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<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Section this Code</b>
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**\*Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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