

# CHAPTER 18. VEHICLES-TRAFFIC

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## CHAPTER 18. VEHICLES. TRAFFIC

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### **CHAPTER 18. VEHICLES. TRAFFIC**

Editor's Note. This chapter derives, generally, from Title 56 of the 1976 South Carolina Code of Laws; and generally accepted municipal practices relating to motor vehicles and traffic control.

## **ARTICLE I. IN GENERAL**

### **18.101. SHORT TITLE.**

This chapter may be cited as the "Traffic Ordinance."

### **18.102. UNIFORM ACT. DEFINITIONS.**

For the purpose of this chapter, and local enforcement, applicable provisions of Title 56, Chapter 5 of the 1976 South Carolina Code of Laws, as amended, is hereby adopted and made a part of this code, including definitions set forth therein.

### **18.103. JURISDICTION OF MUNICIPAL COURT.**

- a. The Municipal Court may try and determine violations of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits, when the penalty prescribed by state law for such violations does not exceed thirty (30) days imprisonment or five hundred dollars (\$500.00) fine, or both.
- b. The Court may have trial jurisdiction over such traffic cases the same as magistrates. (1976 SC Code 56-5-6150)

### **18.104. AUTHORITY.**

Pursuant to 5-7-30 of the 1976 South Carolina Code of Laws, as amended, the Chief of Police, with the approval of the Council, is hereby authorized to:

1. Regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, "U" turns, school zones and other official traffic-control devices indicating the place or manner of operating or parking vehicles, including "loading zones."
2. Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic.

3. Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.
4. Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street.
5. The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the Council.

**18.105. TRAFFIC CONTROL DEVICES.PLACEMENT.  
MAINTENANCE.SPECIFICATIONS. OBEDIENCE. INTERFERENCE.**

- a. The Council may, from time to time, request SCDOT to place and maintain traffic control devices upon the streets of the town, as deemed necessary, to regulate, warn or guide traffic in the town.
- b. All such traffic control devices shall conform to the specifications of SCDOT. (1976 SC Code §56-5-930)
- c. Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals.
- d. No person shall willfully, without lawful authority, attempt to or alter, deface, injure, knock down or remove any traffic control device or sign or street name sign or any part thereof in addition, any unauthorized person found in possession of any street sign or traffic control device from the town shall be deemed in violation of this section.

**18.106. SPEED LIMIT VARIATION BY CITY. SCDOT APPROVAL. SIGNS.**

- a. Whenever the Council shall have determined on the basis of an engineering and traffic investigation that the maximum speed imposed by this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Council may determine and declare a reasonable and safe maximum limit thereon which:
  - (1) Decreases the limit at intersections;
  - (2) Increases the limit within an urban district, but not to more than fifty-five (55) miles per hour; or

- (3) Decreases the limit outside an urban district, but not to less than thirty-five (35) miles per hour.
- b. Any alteration of maximum limits on state highways or extensions thereof in the town, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT. (1976 SC Code §56-5-1510 et seq, §56-5-1540)
- c. Any altered limit established, as authorized by this article, shall be effective at all times, when appropriate signs giving notice thereof have been erected.

**18.107. DRIVER’S AND VEHICLE LICENSES REQUIRED. EXCEPTIONS.**

- a. No person shall operate a motor vehicle on any street without a valid driver’s license issued by this or another state to operate the vehicle, and said vehicle shall have current license tags.
- b. This section shall not apply to persons expressly exempt by state law from the requirement of a driver’s license nor shall this section be construed so as to interfere with reciprocity rights under state law as concerns the driver of a vehicle bearing an out-of-state license to driving with an out-of-state driver’s license.

**18.108. RESPONSIBILITY OF VEHICLE OWNER.**

No person shall allow, permit or let any vehicle registered in his name violate any of the ordinances of the town; provided, however, that all violations of parking ordinances shall be presumed to be with the knowledge of the owner of such vehicle.

**18.109. FIXING TRAFFIC TICKETS UNLAWFUL.**

It shall be unlawful for any official or employee of the town to “fix” any ticket or summons issued by the Police Department for a violation of any traffic ordinance.

**ARTICLE II. MOVING TRAFFIC**

Editor’s Note. This article derives from Section 5-7-30 and Title 56, Chapter 5 of the 1976 South Carolina Code of Laws; and generally accepted municipal practices.

**18.201. ADOPTION OF STATE LAWS.**

All vehicles shall be operated in accordance and conformity with all current state laws and this code or amendments thereto as such laws and amendments relate to the operation of vehicles. Such provisions are adopted by reference and made a part of this chapter as if set out herein, except those provisions relating solely to SCDOT and those provisions the

penalty for which exceeds a fine of five hundred dollars (\$500.00) or imprisonment for more than thirty (30) days, or both.

**18.202. CARELESS OPERATION OF A MOTOR VEHICLE. POINTS.**

- a. It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.
- b. Any person failing to do so shall be guilty of the offense of careless operation of a motor vehicle.
- c. Careless driving shall be unlawful and may be considered a lesser offense than reckless driving.
- d. The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facie evidence of a violation of this section.
- e. The provisions of this article may be used in lieu of tickets requiring points.
- f. Any person violating the provisions of this section shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment not exceeding thirty (30) days.

**18.203. RECKLESS DRIVING.**

Any person who drives a vehicle in such manner as to indicate a willful or wanton disregard for the safety of persons or property, upon conviction, shall be guilty of reckless driving and of a violation of this section. (1976 SC Code §56-5-2920)

**18.204. DRIVING ACROSS PRIVATE PROPERTY TO MAKE TURNS.**

- a. It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to “cut a corner” purposely.
5. It is the intention of this section to prohibit corner cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

**18.205. STOP SIGNS.**

When stop signs are erected at the entrance to any intersection, every driver of a vehicle shall stop, before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

**18.206. ENTERING INTERSECTION OR MARKED CROSSWALK.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate said vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

**18.207. VEHICLES. BOARDING OR ALIGHTING FROM.**

No person shall board or alight from any vehicle while it is in motion.

**18.208. SAME. UNLAWFUL RIDING.**

No person shall ride on any vehicle nor upon any portion thereof which is neither designated nor intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in a space intended for merchandise.

**18.209. OPERATION ON PLAY STREETS.**

Whenever authorized signs are erected indicating any street or any part thereof as a play street, no person shall drive a vehicle upon any portion thereof, except drivers of vehicles having business or whose residences are within such closed area.

**18.210. LEAKING OR SCATTERING LOAD PROHIBITED.**

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets. All loads must be covered as required by SCDOT.

**18.211. DAMAGING PAVED SURFACES PROHIBITED.**

It shall be unlawful for any person to operate, drive, or cause to be driven or operated, over, upon or across the paved streets or any thoroughfare, a vehicle having wheels with

flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle that would injure or damage the paved surface of said streets or thoroughfares.

**18.212. TIRES: SOLID OR CUSHION. SPECIAL SPEED LIMIT.**

No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than (10) miles an hour. (1976 SC Code §56-5-1 570. b)

**18.213. PROHIBITIONS. SIDEWALKS.**

a. It shall be unlawful for any person to ride, propel or park any automobile, motorcycle or other vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings.

b. This section shall not apply to children under the age of twelve (12) years who ride bicycles and tricycles on residential sidewalks, at a speed less than fifteen (15) miles per hour.

**18.214. SAME. EXCEPTIONS.**

a. The use of all unlicensed motor vehicles, including, but not limited to, three-wheelers, four-wheelers, mini-bikes, go-carts, trail bikes and other unlicensed vehicles is hereby forbidden on the streets, roads or sidewalks, within the corporate limits.

b. The use of such vehicles is hereby declared to be a nuisance.

c. The provisions hereof shall not apply to the use of golf carts, or similar vehicles, by the town when reading water meters or performing other municipal duties.

(Editor's Note. These prohibitions are declared to be nuisances in that they (1) prevent the free circulation of traffic in, through and from the town; (2) the use thereof endangers the health, safety and welfare of the general public and (3) these conditions can be reduced by said prohibitions.)

**18.215. "U" TURNS.**

It shall be unlawful for any person driving a vehicle to make a "U" turn or other prohibited turn at any point where such turn is prohibited by posted signs or to accomplish a "U" turn by deviously going into or through private property adjoining a street where such turn is prohibited.

**18.216. STREETS UNDER REPAIR CLOSED TO TRAVEL.**

No person shall drive or cause to be driven any vehicle over any street which is being repaired or paved or over any part of a street wholly closed to travel.

**8.217. NO-PASSING ZONES.**

The Council may determine those portions of any street where overtaking and passing a vehicle proceeding in the same direction or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof. (Editor's Note. In some instances, this becomes the responsibility of SCDOT.)

**18.218. PASSING UNLAWFULLY.**

It shall be unlawful for any vehicle to pass another vehicle proceeding in the same direction when the passing vehicle is within one hundred (100) feet of an intersection, approaching a curve, when a solid yellow line is located in the lane of the passing vehicle or upon a hill or grade.

**18.219. ADVERTISING PROHIBITED.**

No person shall operate or park any vehicle on any street for the primary purpose of advertising, without the prior approval of the Council.

**18.220. FOLLOWING TOO CLOSELY.**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic and the conditions of the street.

**18.221. HORN IN QUIET ZONES.**

Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle, except in an emergency.

**18.222. DOORS OPENING INTO TRAFFIC.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the

side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

**18.223. LOADS TO BE SECURELY CHAINED.**

No person shall haul logs, pulpwood logs, lumber, cross ties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chain shall be made of material of a dimension not less than one-half (1/2) inch in diameter.

**18.224. SPEED RESTRICTIONS.**

- a. No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care. (1976 SC Code §56-5-1520 et seq.)
- b. The speed limit within the town shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the Council.

**18.226. SPEED LIMITS.**

Where no special hazard exists that requires a lower speed for compliance with this article, the speed of any vehicle not in excess of the limits specified in this article shall be lawful, such limits established in this section being:

1. Twenty-five (25) miles per hour in any business district; and
2. Thirty (30) miles per hour in any residential district. (1976 SC Code §56-5-1520)

**18.226. LOWER SPEEDS REQUIRED.**

The driver of every vehicle shall, consistent with the requirements of this article, drive at an appropriate speed when approaching and crossing an intersection, when approaching a hill crest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to other traffic or by reason of weather or street conditions.

**18.227. TRUCKS, TRUCK TRACTORS.**

Where no special hazards exist, trucks and truck tractors~ of a size greater than one and one-half tons shall obey signs posted giving notice of any special conditions.

**18.228. SPECIAL HAZARDS.**

Where special hazards exist, all motor vehicles shall obey posted signs giving notice of special conditions.

**18.229. RACING OR DRAG RACING PROHIBITED.**

It shall be unlawful for any person to engage in a motor vehicle race or contest for speed or acceleration on any public road, street or highway or to aid, abet or assist in any manner whatsoever in any such race contest. It shall be unlawful also for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed.

**18.230. AUTHORIZED EMERGENCY VEHICLES.**

- a. The speed limitations set forth herein shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet.
- b. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

**18.231. SCHOOL ZONES.**

It shall be unlawful for any person driving a motor vehicle within a designated school zone to fail to observe unusual care and caution. Speed limits as posted shall be carefully observed.

**18.232. FAILURE TO DIM LIGHTS.**

It shall be unlawful for the driver of any vehicle, from dusk to dawn, when approaching another vehicle from an opposite direction, to fail to dim the lights of his vehicle when it is within three hundred (300) feet of the approaching vehicle.

**18.233. SHIFTING LANES WITHOUT SAFETY PRECAUTION.**

It shall be unlawful for the driver of any vehicle to shift lanes of traffic without first ascertaining that a shift in lanes of traffic by his vehicle will not impede or interfere with the movement of any other vehicle upon the public right-of-way.

**18.234. UNATTENDED VEHICLES.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway or street.

**18.235. DRIVING WHILE INTOXICATED/UNDER INFLUENCE OF DRUGS.**

It shall be unlawful for any person under the influence of intoxicating liquors, narcotic drugs, barbiturates, paraldehyde's or drugs, herbs or any substance of like character, whether synthetic or natural, to drive any vehicle within the town.

**18.236. ACCIDENTS. ASSISTANCE REQUIRED.**

Every person driving a vehicle of any kind which strikes or hits any person or another vehicle shall stop such vehicle at once and render such assistance as he can, give his name, post office address, license number and serial number of his vehicle to the other person or driver. He shall assist in calling a police officer and remain at the scene until a police officer arrives.

(Editor's Note. As to state laws relating to accidents and reports, please see §56-5-1210 et seq, of the 1976 South Carolina Code of Laws.)

**18.237. IMPEDING FREE FLOW OF TRAFFIC UNLAWFUL.**

It shall be unlawful for any person or group of persons to congregate upon the streets or sidewalks in such a manner as to impede the free flow of traffic.

**18.238. RIDING IN/ON MUNICIPAL VEHICLES UNLAWFUL.**

It shall be unlawful for any unauthorized person or persons to ride in or on any municipal vehicle, without official authority to do so.

**18.239. MOTORCYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.**

- a. It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.
- b. No person riding a motorcycle shall attach the same or himself to any moving vehicle upon any street.

### **ARTICLE III. PARKING. STANDING. STOPPING.**

Editor's Note. This article is derived from parking standards used by other municipalities in this state.

#### **18.301. PARKING. AUTHORIZED.**

- a. In addition to the other provisions of this article relative to parking, the Council may designate areas or spaces on town streets where the parking of vehicles is permitted, prohibited, or limited to a specific time or otherwise restricted.
- b. When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day, except Sundays and public holidays.
- c. When signs are erected giving notice that parking is limited to a certain period of time, no person shall park a vehicle for longer than the period and between the hours so designated, except on Sundays and public holidays.

#### **18.302. SAME. SPECIAL PLACES.**

The Council, in its discretion, may designate special parking areas or places for which sufficient cause is shown.

#### **18.303. SAME. BUS SPACES.**

It shall be unlawful to park a bus on a public street, except in designated places.

#### **18.304. SAME. MANNER.**

- a. Where parking is permitted on streets not marked off for parking, the operator of any vehicle shall park such vehicle with the right front and right rear wheels as near as possible to the curb or side of the road and parallel thereto. Vehicles parked within marked areas shall not occupy any part of more than one (1) space. The operator of a parked vehicle shall enter the roadway only when the roadway is clear.
- b. All vehicles parked in areas in which parking spaces have been marked off or designated shall be parked entirely within a single space.

#### **18.305. EMPLOYEES, MANAGERS. PROHIBITED PARKING.**

- a. No proprietor, manager or employee of any business in the business district shall park and leave standing any motor vehicle for a period of more than two (2) consecutive hours between the hours of 8:00 a. m. and 6:00 p. m, except on Sundays and legal holidays.
- b. Each two (2) hour period of violation hereof shall constitute a separate offense.

**18.306. HANDICAPPED PERSONS. PARKING. PENALTY.**

- a. It shall be unlawful to park at or in a space specifically designated for handicapped persons without proper authorization to do so.
- b. A person violating the provisions of this subparagraph, upon conviction, is guilty of a misdemeanor and must be fined not less than one hundred dollars (\$100.00) nor more than Two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days for each offense.

(Editor's Note. Section §56-3-1 965 of the 1976 South Carolina Code of Laws authorizes municipalities to designate parking spaces for handicapped persons. §56-3-ISTQ requires the penalty set forth in this section. §56-3-1971 authorizes "All law enforcement officers..."to issue "a uniform parking violations ticket.." to vehicles violating designated spaces for handicapped persons. (Emphasis supplied.)

Section 56-5-1960 authorizes a handicapped person to park in any metered or timed parking place without a fine, as long as the vehicle displays a current handicapped license plate.)

**18.307. BLOCKING STREETS AND ALLEYS. EXCEPTION.**

- a. No person shall stop, stand or park any vehicle upon a street or an alley in such a manner or under such conditions as to obstruct the well-traveled portion of the roadway.
- b. No person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic.
- c. A driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

**18.308. LOADING ZONES.**

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone are in effect. In no case shall the stop for loading and unloading of materials exceed sixty (60) minutes.

**18.309. HAZARDOUS OR CONGESTED PLACES.**

When signs are erected at an approach to hazardous or congested places no person shall stop, stand or park a vehicle in any such designated place.

**18.310. SCHOOL ZONES.**

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

**18.311. SAFETY HAZARDS.**

No vehicle shall be parked in any place within the town in such a fashion that it creates a safety hazard.

**18.312. VISION OBSTRUCTION OF TRAFFIC UNLAWFUL.**

No vehicle shall be parked on any street if the vehicle obstructs the vision of traffic approaching the vehicle in any direction, or which causes vehicles approaching the parked vehicle to alter their normal course of movement.

**18.313. DISABLED VEHICLES.**

The operator of any vehicle which becomes disabled on any street within the town shall:

1. Move the disabled vehicle to the extreme right side of the road;
2. Notify the Police Department immediately that the vehicle is disabled;
3. Make arrangements to have the vehicle removed from the town street and actually have the vehicle removed as quickly as possible;
4. Turn on warning flashers or place warning reflectors to advise other moving vehicles of the disabled vehicle; if no warning flashers and/or reflectors are available, remain with the vehicle to personally direct and warn other vehicles of the disabled vehicle.

**18.314. FIRE LANES DESIGNATED. PARKING PROHIBITED. PENALTY.**

- a. To provide for the emergency access of fire department apparatus and rescue operations, fire lanes may be designated adjacent to buildings. The fire lanes may be designated by the use of no-parking signs, yellow curbing and/or pavement markings.
- b. Any person who stops, stands or parks a vehicle in a designated fire lane, within the corporate limits of the town, shall be deemed to be in violation of this section.
- c. Any violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court. (1976 SC Code §5-7-30)

**18.315. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

- a. Except at the direction of a police officer, no person shall stop, stand or park a vehicle, whether occupied or not:
  - (1) on a sidewalk;
  - (2) within an intersection;
  - (3) on a crosswalk;
  - (4) at any place where official traffic-control devices prohibit stopping, standing or parking.
- b. Except to momentarily pick up or discharge passengers, no person shall stop, stand or park a vehicle, whether occupied or not:
  - (1) in a traveled portion of the street or highway;
  - (2) in front of a public or private driveway;
  - (3) within fifteen (15) feet of a fire hydrant;
  - (4) at any place where official traffic-control devices prohibit stopping, standing or parking.

- c. Any person who stops, stands or parks a vehicle in a prohibited area within the corporate limits shall be deemed to be in violation of this article.
- d. The violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court. (1976 SC Code §5-7-30, §56-5-2530)

**18.316. HEAVY VEHICLES IN RESIDENTIAL AREAS.**

No vehicle which has a load capacity in excess of one (1) ton, shall be parked on any street within a residential area; provided, however, that this section shall not apply to vehicles making deliveries or pickups within said area while actually engaged in unloading or loading operations.

**18.317. PARKING TICKETS AUTHORIZED.**

- a. The Chief of Police may, subject to the restrictions imposed in the foregoing sections, post signs and devices relating to the limitations upon parking at particular places. Penalties shall be imposed by placing a ticket upon any offending vehicle.
- b. The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.
- c. Failure to pay such amount within the prescribed time, however, shall subject the owner to the penalty set forth in Article IX of this chapter.

**ARTICLE IV. FUNERALS**

Editor's Note. See §14.801. e, this code as to official funerals.

**18.401. DRIVING INTO FUNERAL PROHIBITED. EXCEPTIONS.**

- a. No driver of a vehicle shall drive between vehicles comprising a funeral while in motion and when such vehicles are conspicuously identified as required herein.
- b. This provision shall not apply at intersections where traffic is controlled by traffic signals or police officers.

**18.402. IDENTIFICATION.**

A funeral procession of vehicles shall be identified as such by a display on the outside of each vehicle, when designated by the Chief of Police.

**18.403. DRIVERS IN PROCESSIONS TO FOLLOW CLOSELY.**

Each driver in a funeral shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as closely as practical and safe, with headlights on.

#### **ARTICLE V. ABANDONED VEHICLES, JUNK.**

Editor's Note. This article derives from Ordinance No. 10.601 passed 9/11/00 for the disposition and control of abandoned, wrecked, inoperable, derelict and junk vehicles and Title 56 of the 1976 South Carolina Code of Laws, as amended, with particular reference to 56-5-5680.

#### **18.501. REFER TO CHAPTER 10, SECTION 601.**

#### **ARTICLE VI. BICYCLES**

This article derives from generally accepted municipal practices.

#### **18.601. REGULATIONS APPLICABLE TO BICYCLES.**

This article shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

#### **18.602. APPLICABILITY OF TRAFFIC LAWS.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this code, except as to special regulations herein and except as to those provisions of this code which by their nature can have no application.

#### **18.603. DUTY TO KEEP TO RIGHT.**

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable.

#### **18.604. RIDING ABREAST.**

It shall be unlawful for persons on bicycles to ride more than two abreast, except in parades and similar circumstances.

#### **18.605. BICYCLE PATHS TO BE USED.**

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path or area and shall not use the roadway.

**18.606. RIDING BICYCLES ON SIDEWALKS.**

It shall be unlawful for anyone to ride a bicycle on a sidewalk, except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to tricycles operated in residential districts by children under twelve years of age.

**18.607. CLINGING TO VEHICLES.**

No person riding upon a bicycle, coaster, roller skates, sled or toy vehicle shall attach it or them or himself to any vehicle on a roadway.

**18.608. RIDING "NO HANDS". GENERAL CONTROL.**

It shall be unlawful to operate a bicycle without having at least one hand on the handlebars at all times, or to fail to have control of the bicycle at all times.

**18.609. LIGHTS.**

- a. Every bicycle, when in use after dark, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle.
- b. A red lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.
- c. "After dark" shall mean the time during which the streetlights of the town are or should be lighted.

**18.610. WARNING DEVICES.**

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

**18.611. LARCENY Of BICYCLES.**

The larceny of any bicycle shall be punishable at the discretion of the Municipal Court.

**18.612. BRAKES.**

No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level and clean pavement.

## **ARTICLE VII. PEDESTRIANS**

Editor's Note. This article provides for the safety of pedestrians and derives from generally accepted municipal practices.

### **18.701. OBEDIENCE TO TRAFFIC-CONTROL SIGNALS REQUIRED.**

Pedestrians shall comply with the directions of any official traffic-control signal or lawful authorities.

### **18.702. USE OF RIGHT HALF OF CROSSWALKS.**

Pedestrians shall move upon the right half of a crosswalk whenever practicable.

### **18.703. WALKING ON STREETS AND ROADWAYS.**

Where sidewalks are not provided, pedestrians shall, when practical, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

### **18.704. HITCHHIKING PROHIBITED.**

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

### **18.705. DRIVERS TO EXERCISE DUE CARE WITH REGARD TO PEDESTRIANS.**

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn, when necessary. He shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street.

## **ARTICLE VIII. RAILROADS**

Editor's Note. This article derives, primarily, from Titles 57 and 58 of the 1976 South Carolina Code of Laws, as amended, and generally accepted municipal practices. It has been inserted to give the city a reasonable amount of control, based on state statutes.

### **18.801. DEFINITIONS.**

As used in this article:

Grade Crossing shall mean a crossing at-grade of a public street or highway over a track or tracks of a railroad. Railroad shall mean a carrier of persons or property upon cars, other than street cars, operated on stationary rails, and this shall include locomotives. Railroad Train shall mean a steam engine, electric or other motor, with or without cars coupled thereto and operated upon rails.

Railroad signal or sign shall mean any sign, signal or device erected by proper authority intended to give notice of the presence of railroad tracks or the approach of railroad trains or locomotives.

**18.802. ADVERTISING PROHIBITED.**

It shall be unlawful for any person to use for advertising purposes the kind of cross usually used as a crossing sign by railroads.

**18.803. DANGEROUS INTERSECTIONS. STOP SIGNS.**

The Council is hereby authorized to designate particularly dangerous highway grade crossings of railroads at street intersections, but no stop signs shall be erected without the approval of SCDOT.

**18.804. ROADBEDS.**

It shall be the duty of every railroad company to construct and keep in good repair the roadbed of all public streets and sidewalks across or along the roadbed of such railroad company and for a reasonable distance on each side thereof.

**18.805. DRAINS.**

It shall be the duty of every railroad company to construct and maintain all necessary drains along, across or under its roadbed or along any public street or sidewalk.

**18.806. TIME FOR COMPLIANCE.**

It shall be the duty of every railroad company to do and perform, at the expense thereof, all the work required herein above, within five (5) days from notice by the town, orally or in writing, so to do.

**18.507. POISON SPRAY ON RIGHTS-OF-WAY.**

It shall be unlawful for railroad agent or employee to spray weeds and grass with poison along the railroad right-of-way within the corporate limits.

**18.808. FLAGMAN REQUIRED.**

The railroad company is hereby required to provide and keep stationed at each of its crossings, when switching, at least one (1) flagman, unless warning devices are installed and maintained which comply with the 1976 South Carolina Code of Laws, as amended, and which provide for the placement of a flagman thereat.

**18.809. SAME. DUTIES.**

It shall be the duty of the flagman to keep a lookout for the approach of cars crossing the said streets and to warn persons crossing, or about to cross, of the approach of any train, car or engine.

**18.810. SAME. RED SIGNAL REQUIRED.**

The flagman shall be provided with a red flag during daylight hours and a red light during the night time which shall be displayed at all times upon the approach of any train, car or engine.

**18.811. SAME. UNLAWFUL TO CROSS DESPITE WARNING.**

It shall be unlawful to cross a railroad track after having been warned by a flagman or to interfere with, resist or annoy any flagman while in the discharge of his duties herein imposed.

**18.812. SPEED OF ENGINES.**

It shall be unlawful to run an engine on any railroad faster than ten (10) miles an hour. The engineer or conductor shall be held liable for any violation of this section.

**ARTICLE IX. CARELESS OPERATION**

**18.901 CARELESS OPERATATION**

No person shall operate any motor vehicle without care and caution and full regard for the safety of persons and property. Any person failing to do so shall be guilty of careless driving. The operation of any vehicle when the same or any of its parts are not in proper or safe condition shall be prima facie evidence of careless driving. Speeding, failure to obey a traffic control device or other acts of careless operation of a motor vehicle as described in Title 56, Article 5 thru Article 22 inclusive, Code of Laws South Carolina 1976, as amended,

shall be prima facie evidence of a violation of this section. Conviction for such offense shall subject such person to a fine of not more the \$500.00, plus assessments, or imprisonment for not more than thirty (30) days or both at the discretion of the court.

## **ARTICLE X. PENALTIES**

### **18.1001. PENALTY.**

Any Violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court. (1976 SC Code §5-7-30, §14-25-65)

## **APPENDIX A**

### **FREEDOM OF INFORMATION ACT**

Editors Note. Act No. 118, of the 1987 South Carolina Legislature repealed Chapter 3 of Title 30 of the 1976 South Carolina Code of Laws, (commonly called the "Freedom of Information Act"). A new Chapter 4 was added, effective May 26, 1987, which incorporated numerous changes in the Act.

Recent changes include Act No. 269 (1992), Act No. 458 (1996) and Act No. 356 (1998) and are reproduced herein for ease of reference.

- 30-4-10. Short Title.
- 30-4-15. Findings and Purpose.
- 30-4-20. Definitions.
- 30-4-30. Right to inspect or copy records; fees; notification as to public availability of records.
- 30-4-40. Disclosures.
- 30-4-50. Certain matters declared public information.
- 30-4-60. Meetings of public bodies shall be open.
- 30-4-70. Meetings which may be closed; procedure; circumvention of Chapter; disruption of meeting; executive sessions of General Assembly.
- 30-4-80. Notice of Meetings of public bodies.
- 30-4-90. Minutes of meetings of public bodies.
- 30-4-100. Injunctive relief; costs and attorney's fees.
- 30-4-110. Penalties.

§30-4-10. Short Title.

This Chapter shall be known and cited as the "Freedom of Information Act."

§30-4-15. Findings and Purpose.

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the

performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

#### §30-4-20. Definitions

- (a) “Public body” means any department of the State, and state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this Chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation are not public bodies for the purpose of this Chapter.
- (b) “Person” includes any individual, corporation, partnership, firm, organization or association.
- (c) “Public record” includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used in the possession of, or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except non-identifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of this act. Nothing herein authorizes or requires the disclosure of those records where the public body, prior to January 20, 1987, by a favorable vote of three-fourths of the membership, taken after receipt of a written request, concluded that the public interest was best served by not disclosing them. Nothing herein authorizes or requires the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of

banks and savings and loan associations or surveys and examinations of the institutions required to be made by law.

- (d) "Meeting" means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.
- (e) "Quorum" unless otherwise defined by applicable law means a simple majority of the constituent membership of a public body.

§30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records.

- (a) Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by §30-4-40, in accordance with reasonable rules concerning time and place of access.
- (b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. Such records shall be furnished at the lowest possible cost to the person requesting the records. Records shall be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for such public body to provide the records in such form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall not be charged for examination and review to determine if such documents are subject to disclosure. Nothing in this chapter shall prevent the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of such costs prior to searching for or making copies of the records.
- (c) Each public body, upon written request for records made under this chapter, shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefore. Such a determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor

personally delivered to the person requesting the document within the fifteen days allowed herein, the request must be considered approved.

- (d) The following records of a public body must be available for public inspection and copying during the hours of operations of the public body without the requester being required to make a written request to inspect or copy the records when the requester appears in person:
  - (1) minutes of the meetings of the public body for the preceding six months;
  - (2) all reports identified in Section 30-4-50(A)(8) for at least the fourteen-day period before the current day; and
  - (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

#### §30-4-40. Disclosures.

- (a) A public body may but is not required to disclose the following information.
  - (1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential; and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.
  - (\*) All materials, regardless of form, gathered by a public body during a search to fill an employment position, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this item, the public body must disclose, upon request, the number of applicants considered for a position. For the purpose of this item 'materials' relating to not fewer than the final three applicants' do not include an applicant's income tax returns, medical records, social security number, or information otherwise exempt from disclosure by this section.
  - (\*) (Editor's Note. At the time of this publication, no number had been assigned.)

- (A) Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented.
- (B) Any data, records, or information developed collected, or received by or on behalf of faculty, staff, employees, or students of a state institution of higher education or any public or private entity supporting or participating in the activities of a state institution of higher education in the conduct of or as a result of study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity until the information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This item, applies to, but is not limited to, information provided by participants in research, research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works.
- (C) The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation, to a state regulatory agency.
- (D) The exemptions in this item do not extend to the institution's financial or administrative records.
- (2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, and telephone number or other such information of an individual or individuals who are handicapped or disabled when the information is requested for person-to person commercial solicitation of handicapped persons solely by virtue of their handicap. This provision must not be interpreted to restrict access by the public and press to information contained in public records.
- (3) Records of law enforcement and public safety agencies not otherwise available by law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:
  - (A) Disclosing identity of informants not otherwise known;

- (B) The premature release of information to be used in a prospective law enforcement action;
  - (C) Disclosing investigatory techniques not otherwise known outside the government;
  - (D) By endangering the life, health, or property of any person.
- (4) Matters specifically exempted from disclosure by statute or law.
- (5) Documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property; however.
- (A) these documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;
  - (B) a contract for the sale or purchase of real estate shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts of sale or purchase where the execution of the deed occurs within twelve months from the date of sale or purchase;
  - (C) confidential proprietary information provided to a public body for economic development or contract negotiations purposes is not required to be disclosed.
- (6) All compensation paid by public bodies except as follows:
- (A) For those persons receiving compensation of fifty thousand dollars or more annually, for all part-time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances or the like, and for employees at the level of agency or department head, the exact compensation of each person or employee;
  - (B) For classified and unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation between, but not including, thirty thousand dollars and fifty thousand dollars annually, the compensation level within a range of four thousand dollars, such ranges to commence at thirty thousand dollars and increase in increments of four thousand dollars;
  - (C) For classified employees not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the salary schedule showing the

compensation range for that classification including longevity steps, where applicable;

- (D) For unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the compensation level within a range of four thousand dollars, such ranges to commence at two thousand dollars and increase in increments of four thousand dollars.
- (E) For purposes of this subsection (6), “agency head” or “department head” means any person who has authority and responsibility for any department, of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.
- (7) Correspondence or work product of legal counsel for a public body and any other material that would violate attorney-client relationships.
- (8) Memorandum, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs; however, nothing herein may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this Chapter and not specifically exempted by any other provisions of this Chapter.
- (9) Memorandum, correspondence, documents, and working papers relative to efforts or activities of a public body to attract business or industry to invest within South Carolina.
- (10) Any standards used or to be used by the South Carolina Revenue and Taxation for the selection of returns for examination, or data used or to be used for determining such standards, if the Commission determines that such disclosure would seriously impair assessment, collection, or enforcement under the tax laws of this State.
- (11) Information relative to the identity of the maker of a gift to a public body if the maker specifies that his making of the gift must be anonymous and that his identity must not be revealed as a condition of making the gift. For the purposes of this item, “gift to a public body” includes, but is not limited to, gifts to any of the state-supported colleges or universities and museums. With respect to the gifts, only information which identifies the maker may be exempt from disclosure, if the maker of any gift or any member of his immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure.

- (b) If any public record contains material which is not exempt under subsection (d) of this section, the public body shall separate the exempt and nonexempt material available in accordance with the requirements of this Chapter.

§30-4-50. Certain matters declared public information.

- a. Without limiting the meaning of other Sections of this Chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of §30-4-20, §30-4-40 and §30-4-70 of this Chapter
  - (1) The names; sex, race, title and dates of employment of all employees and officers of public bodies;
  - (2) Administrative staff manuals and instructions to staff that affect a member of the public;
  - (3) Final options, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
  - (4) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the public body;
  - (5) Written planning policies and goals and final planning decisions;
  - (6) Information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;
  - (7) The minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to 30-4-70;
  - (8) Reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.
  - (9) Statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.
- b. No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers

of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.

30-4-60. Meetings of public bodies shall be open.

Every meeting of all public bodies shall be open to the public unless closed pursuant to §30-4-70 of this Chapter.

§30-4-70. Meetings which may be closed: procedure; circumvention of chapter; disruption of meeting: executive sessions of General Assembly.

- (a) A public body may hold a meeting closed to the public for one or more of the following reasons:
  - (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.
  - (2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, where the legal advice related to a pending, threatened or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.
  - (3) Discussion regarding the development of security personnel or devices.
  - (4) Investigative proceedings regarding allegations of criminal misconduct.
  - (5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.
  - (6) Before going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "specific purpose" means a description of the matter to be discussed as identified in items (1)

through (5) of subsection (a) of this section. However, when the executive session is held pursuant to §30-4-70 (a)(1) or §30-4-70(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session to be stated. No action may be taken in executive session except (a) to adjourn or (b) to return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

- (b) No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.
- (c) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.
- (d) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.

#### §30-4-80. Notice of Meeting of Public Bodies.

- (a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agendas, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or reschedule meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting.

The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

- (b) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

- (c) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (a), must make reasonable and timely efforts to give notice of their meetings.
- (d) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists at the building in which the meeting is to be held.
- (e) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

#### §30-4-90. Minutes of Meetings of Public Bodies.

- (a) All public bodies shall keep written minutes of all of their public meetings. Such minutes shall include but need not be limited to:
  - (1) The date, time, and place of the meeting.
  - (2) The members of the public body recorded as either present or absent.
  - (3) The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.
  - (4) Any other information that any member of the public body requests be included or reflected in the minutes.
- (b) The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with §30-4-70 of this chapter.
- (c) All or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed pursuant to §30-4-70 of this chapter, provided that in so recording there is no active interference with the conduct of the meeting. Provided, further, that the public body shall not be required to furnish recording facilities or equipment.

#### §30-4-100. Injunctive Relief; Costs and Attorney's Fees.

- (a) Any citizen of the State may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the provisions of this chapter in appropriate cases as long as such application is made no later than one year following the date on which the alleged violation occurs or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.
- (b) If a person or entity seeking such relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation. If such person or entity prevails in part, the court may in its discretion award him or it reasonable attorney fees or an appropriate portion thereof.

#### §30-4-110. Penalties.

Any person or group of persons who willfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days for the second offense and shall be fined three hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense.

(Editor's Note. This reproduction is from the Code of Laws of South Carolina published by the Lawyers Cooperative Publishing Company, Rochester, New York. It should be noted that annotations, case notes, history of sections, opinions of the Attorney General and research references have not been included above. The reader is referred to the parent volumes for that data.)

### **APPENDIX B**

Editor's Note. The following is a sample ordinance to illustrate one way of amending this code. The amended section has been chosen arbitrarily, as an example only, and it is not to be considered as official action.

On the following pages, additional suggestions are listed for the guidance and convenience of municipal officials when ordinances are to be considered.

All ordinances are required, by this code, to be numbered. They should either be an amendment to this code, or a new section/chapter to be added.

### **SAMPLE ORDINANCE FORM**

ORDINANCE NO. \_\_\_\_

AN ORDINANCE ENTITLED

CHANGE IN TIME OF REGULAR COUNCIL MEETINGS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAMPOBELLO, SOUTH CAROLINA:

BE IT ORDAIN

SECTION 1. Section 2.201 of the Town Code is hereby amended by rescinding the time authorized for regular Council meetings (7:00 p.m.) and inserting in lieu thereof "1:30 p.m.," so that when amended the time for regularly scheduled meetings of Council shall be 1:30 p.m.

(THIS IS SAMPLE WORDING ONLY)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

(THIS PARAGRAPH CANCELS ANY CONFLICTING ORDINANCES)

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

(THIS PARAGRAPH LIMITS ANY RULING BY THE COURTS TO THE SPECIFIC SECTION TO WHICH THE RULING APPLIED.)

SECTION 4. This ordinance shall become effective upon its final adoption.

(ALL ORDINANCES MUST HAVE AN EFFECTIVE DATE)

\_\_\_\_\_  
First Reading

\_\_\_\_\_  
Robert Bell, Mayor

\_\_\_\_\_  
Second Reading

\_\_\_\_\_  
Ray Copeland, Mayor Pro tempore

ATTEST:

\_\_\_\_\_  
Donald Cohenour, Council Member

\_\_\_\_\_  
Clerk/Treasurer

\_\_\_\_\_  
Robert Payne, Jr., Council Member

AS TO FORM:

\_\_\_\_\_  
Mat Tidwell, Council Member

\_\_\_\_\_  
Town Attorney

(ALL ORDINANCES MUST HAVE TWO READINGS, AT LEAST SIX DAYS APART, AND MUST BE SIGNED BY THE MAYOR AND SIGNED AND ATTESTED BY THE MUNICIPAL CLERK.)

**ADDITIONAL NOTES TO BE USED AS GUIDANCE FOR AMENDMENTS TO THIS CODE:**

1. Some municipalities prefer to repeal the entire amended section and have it retyped in its entirety to avoid future confusion or misunderstanding as to the intent of Council. Others prefer the “short version,” as above. This is especially true if the amended section is lengthy. Either way is local choice.
2. If a date other than that of second reading is to be the effective date, it should be inserted accordingly as a part of Section 3 (of the sample ordinance) or the appropriate section number in the amending ordinance. Example: “effective on December 1, 2000.”
3. More space than that shown in the sample ordinance can be utilized between sections, the date of readings and the signatures of the Mayor and Clerk to space it more aesthetically on the page.
4. Upon adoption of the ordinance, the original copy, with signatures, should be placed in the “Book of Ordinances” (as discussed in §2.114 of this code).
5. Also upon adoption, the official copy of the code should be amended accordingly and copies reproduced and distributed to the holders of the code and inserted in any extra copies which have not been distributed, to keep all copies current. The Clerk/Treasurer should retain a list of all persons to whom a code has been distributed so that they may receive copies of future amendments. Such amendments are called “Supplements.”
6. When the code is amended, each change should be noted by Supplement number and date at the bottom of the amended page, left hand corner, to denote the change. Example: Supplement #1. 8-5-2000, Supplement #2. 10-1-2000, etc.

7. Such changes should be noted also in the original Table of Contents, Chapter Table of Contents and the Index, as appropriate. Maintaining a chronological list of all supplements in the "Book of Ordinances" by date of supplement will prove helpful for future reference.
8. For EMERGENCY ORDINANCES, see §2.117 of this code.
9. Amending or repealing ordinances should be noted on the original copy of the ordinance repealed or amended, as required by law and as codified in §2.115 of this code.
10. As to updating this code, some municipalities prefer to do so as amendments are made; others prefer doing so on a quarterly, semiannual or annual basis. This code requires, at a minimum, an annual update. If a different updating schedule is preferred, the requirement should be amended accordingly. (See §2.110 of this code.)

## **EXCERPT**

1976 CODE OF LAWS OF SOUTH CAROLINA

APPENDIX C

COUNCIL FORM OF GOVERNMENT

SECTION 5-11-10. Applicability of Chapter 7.

Except as specifically provided for in this chapter, the structure, organization, powers, duties, functions and responsibilities of municipal government under the council form shall be as prescribed in Chapter 7.

SECTION 5-11-20. Structure of council form of government election of mayor and members of council.

- (a) Under the council form of government there shall be a municipal council composed of five, seven or nine members including the mayor.
- (b) The mayor and members of the council shall be elected in accordance with Chapter 15.

SECTION 5-11-30. Legislative and administrative powers of municipality vested in municipal council.

All legislative and administrative powers of the municipality and the determination of all matters of policy shall be vested in the municipal council. Each member of council, including the mayor, shall have one vote.

SECTION 5-11-40. Establishment of municipal departments, offices or agencies; employment of administrator administrative officers appointed and controlled by council; annual budget; taxes.

- (a) The council may establish municipal departments, offices or agencies in addition to those created by Chapters 1 through 17 and may prescribe the functions of all departments, offices and agencies. The council may hire an administrator to assist the council.
- (b) All departments, offices and agencies may be administered by an officer appointed by and subject to the direction and supervision of the council.
- (c) The municipal council shall adopt annually, prior to the beginning of the fiscal year, operating and capital budgets for the operation of city government and shall in such budgets identify the sources of anticipated revenue including taxes necessary to meet the financial requirements of the budgets adopted. The council shall further provide for the levy and collection of taxes necessary to meet all budget requirements except as provided for by other revenue sources.

## **APPENDIX D**

### ORDINANCES NOT REPEALED BY THIS CODE

Editor's Note. As pointed out in the enacting ordinance of this code, certain ordinances have not been codified due to the nature of the ordinance. These have been listed below. The original of each ordinance listed below is maintained, where appropriate, by the Clerk/Treasurer.

Those ordinances which pertain to the following are not included:

1. Annexation
2. Assessments
3. Bonded indebtedness
4. Budgets

5. Buildings
6. Business Licenses
7. Contracts
8. Finances
9. Franchises
10. Grant agreements
11. Leases
12. Loans
13. Options
14. Planning
15. Property Conveyances
16. Sale, lease or contract to sell lands
17. Subdivision Plats
18. Tax Levies and other charges
19. Zoning