

CHAPTER 1. CHARTER

ARTICLE I. THE CHARTER

Editor's Note. In 1975, the South Carolina Legislature enacted into law Act 283, which has become known as "The Home Rule Act."

The Home Rule Act requires municipalities of this State to adopt by ordinance one of three prescribed forms of local government:

1. The Mayor-Council form,
2. The Council form; and
3. The Council-Manager form.

The form adopted was required to be "...the form most nearly corresponding to the form in effect in the particular municipality on March 1, 1974, as determined by the municipal governing body."

(S.C. Code 1976, as amended §5-5-10)

The City Council adopted the Council form, which met that criteria, and the Secretary of State issued a confirming Certificate of Incorporation which is shown on the following page.

Statutory authority for this form of government can be found at Title 5, Chapter 11, 1976 South Carolina Code of Laws.

ARTICLE II. NAME OF CITY

1.201. OFFICIAL NAME OF CITY.

The name of this city is the City of Landrum.

1.202. RESERVED.

ARTICLE III. THE CODE

1.301. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and following chapters and sections constitute and are designated as the “Code of Ordinances of Landrum, South Carolina” and may be so cited. They may be cited also as the “Landrum City Code” or the “Code.”

1.302. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.

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

1.303. SEVERABILITY OF PARTS OF CODE.

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

1.304. CATCHLINES OR CATCHWORDS OF SECTIONS.

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

1.305. DEFINITIONS.

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

ADMINISTRATOR shall mean the official appointed by Council to that position. He shall also have the title of City Administrator.

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

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CITY shall mean The City of Landrum, South Carolina.

CLERK shall mean the Municipal Clerk. as provided in §5-7-220 of the 1976 South Carolina Code of Laws. However, the title may be used interchangeably with, “Clerk”, “City Clerk. or, if one person holds both positions, “Clerk/Treasurer.”

CODE shall mean city code, as of the date of adoption.

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

CORPORATE LIMITS shall mean the legal boundary of The City of Landrum.

COUNCIL, MAYOR AND COUNCIL, OR CITY COUNCIL shall mean the Mayor and Council of The City of Landrum, as defined in the 1976 South Carolina Code of Laws, Section 5-11-20.

COUNTY shall mean the County of Spartanburg.

COURT shall mean the Municipal Court of The City of Landrum.

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

DELEGATION OF AUTHORITY shall mean that whenever a provision or section of this Code appears requiring the head of a department of the city to do some act or make certain inspections, it shall 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 expressly designate otherwise.

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

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

GENDER. See “Rules of Construction.” (See §1.306 of this Chapter)

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

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restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

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

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

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

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

MAY shall be permissive.

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPALITY may be used interchangeably with “city” and shall mean the entire area within the corporate limits of The City of Landrum.

NAME OF MAYOR AND COUNCIL ADMINISTRATOR OR OTHER OFFICER shall be construed as though the words “of The City of Landrum” were added.

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

NUMBER See “Rules of Construction.” (§1.306 of this chapter.)

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

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

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

PERSONAL PROPERTY shall include every species of property, except real property, as defined in this Section.

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

PROPERTY shall include real and personal property.

PUBLIC PLACE shall mean any park, cemetery, school yard or open space adjacent thereto, including all other properties owned or controlled by public authority.

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

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

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

SCDOT shall mean the South Carolina Department of Transportation.

SEAL shall mean the corporate seal of the city, as may be adopted by the Council.

SHALL shall be mandatory.

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

SIGNATURE OR SUBSCRIPTION shall mean a “mark” when a person cannot write.

STATE shall mean the State of South Carolina.

STREET shall include streets, avenues, boulevards, highways, roads, alleys, lanes, bridges, and all other public thoroughfares and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Council.

TAX COLLECTOR shall mean the Spartanburg County Treasurer.

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TENANT OR OCCUPANT, when applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

TREASURER shall mean the Municipal Treasurer, if appointed separately from the City Clerk.

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

YEAR shall mean a calendar year, unless otherwise defined.

1.306. RULES OF CONSTRUCTION.

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

1. Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.
2. All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
3. All words importing the present tense shall apply to the future, also.
4. The words “and” and “or” shall be used interchangeably.

1.307. GENERAL PENALTY. CONTINUING VIOLATIONS.

Whenever in this Code or in any ordinance, resolution, rule, regulation or order promulgated by any agency or officer thereof under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, where no specific penalty is provided for the violation thereof, the violation of any such provisions of this Code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding five hundred (\$500) dollars or by imprisonment for a period not exceeding thirty (30) days, or both; provided, however, that no penalty shall exceed the penalty provided by state law for similar offenses. Each day any violation of this Code or any ordinance, rule or regulation shall continue shall constitute a separate offense.

(S.C. Code 1976, as amended §14-25-65)

1.308. LIABILITY OF CORPORATIONS, THEIR AGENTS, ETC.

- A. Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.
- B. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this Code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

1.309. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

1.310. AMENDMENTS TO CODE.

- A. All ordinances adopted subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections, or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.
- B. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following, but not necessarily the exact language: “that Section xxx of the City Code of the City of Landrum is hereby amended as follows:” The new provisions may then be set out in full as enacted; the text and numbering system consistent with this Code.
- C. In the event a new section not heretofore existing in the code is to be added, the following language may be used: “...that the Landrum City Code, 1999 is hereby amended by adding a section, to be numbered which section shall read as follows:...” The new section shall then be set out in full. The sections of the ordinance may be renumbered to accomplish such intention.
- D. All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

1.311. ALTERING CODE.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever, which may cause the laws of this municipality to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in §1.307 hereof.

1.312. PROSECUTION WHERE DIFFERENT PENALTIES EXIST.

In all cases where the same offense may be made punishable or shall be created by different clauses or sections of the ordinances of the municipality, the prosecuting officer may elect under which to proceed. Not more than one recovery shall be had against the same person for the same offense.

1.313. MUNICIPAL SEAL.

The municipality shall have a common seal, to be in the custody of the Clerk. The seal shall be affixed to all official documents of the municipality as may be directed by the Council.

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CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

2.101. FORM OF GOVERNMENT.

Pursuant to the Code of Laws of South Carolina, 1976, the Landrum form of government shall be the Council form.

(S.C. Code 1976, as amended §5-11-10, et seq.)

2.102. COMPOSITION AND ELECTION OF COUNCIL.

- a. The City Council shall be composed of a Mayor and six Council members, all of whom shall be residents of the city and elected by the qualified electors at an election as provided by Article III of this chapter.
- b. The Mayor shall be elected at large.
- c. The members of Council shall be elected at large. (S.C. Code 1976, as amended §5-15-20)

2.103. TERMS OF OFFICE.

The Mayor and all members of Council shall be elected for four (4) years.

(S.C. Code 1976, as amended §5-15-40)

2.104. COMPENSATION. INCREASES. ACTUAL EXPENSES.

- a. The Mayor shall be paid an annual salary of three thousand dollars (\$3,000.00).
- b. Each member of Council shall be paid an annual salary of one thousand eight hundred dollars (\$1,800.00).
- c. Increases in compensation shall not become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the ordinance, at which time it will become effective for all members.
- d. The Mayor and members of Council may receive payment for actual expenses incurred in the performance of their official duties, when supported by expense vouchers.

(S.C. Code 1976, as amended §5-7-170, as amended)

2.105. MAYOR PRO TEMPORE. DUTIES.

- a. Immediately after any general election of the Council, the Council shall elect from its membership a Mayor pro tempore for a term of not more than two years.
- b. He shall act as Mayor during the absence or disability of the Mayor.
- c. In case of a vacancy in the office of Mayor, the Mayor pro tempore shall serve until a successor is elected.

(S.C. Code 1976, as amended §5-7-190)

2.106. OATH OF OFFICE REQUIRED.

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

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

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

2.107. ORDINANCES.

The Council shall act by ordinance in all matters required by law to be done by ordinance, including acts to:

1. Adopt or amend an administrative code or establish, alter or abolish any department, office or agency;
2. Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for the violation thereof;
3. Appropriate funds and adopt a budget;
4. Grant, renew or extend franchises, licenses or rights in public streets, or in public property, and close abandoned streets;
5. Authorize the borrowing of money or the issuance of bonds;

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6. Levy taxes, assess property for improvements or establish charges for services;
7. Annex areas;
8. Convey or lease or authorize the conveyance or lease of any lands; and
9. Amend or repeal any ordinance described in subparagraphs 1 through 8 above.

(S.C. Code Ann. § 5-7-260.)

2.108. ENACTING CLAUSE.

The enacting clause of all ordinances shall be, in substance, as follows: “Be it ordained by the Mayor and Council of the City of Landrum, South Carolina:”

2.109. RESERVED.

2.110. CODIFICATION.

All ordinances amending this Code and any other ordinances or portions of ordinances, as may be required by Council, shall be codified as necessary.

2.111. RESERVED.

2.112. FORM. INTRODUCED IN WRITING.

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

1. A title briefly describing the contents;
2. Findings, reasons or basis for the ordinance, if desired and when appropriate;
3. An enacting clause;
4. A repealing provision, when appropriate;
5. The provisions of the ordinance including section numbers, when appropriate;
6. The effective date of the ordinance and dates of first and second readings and the approval of the City Attorney as to form, when requested;

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7. Space for the signature of the Mayor or, in the absence of the Mayor, the presiding member of Council. The Clerk shall attest adoption. When appropriate, the City Attorney shall attest as to form.

(S.C. Code 1976, as amended §5-7-270)

2.113. INTRODUCTION. PUBLIC INSPECTION.

- A. An ordinance may be proposed by the Mayor or any member of Council. When appropriate, a proposed ordinance shall be referred to the Municipal Attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances when requested to do so.
- B. After an ordinance is in proper form, the Clerk shall make it available for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of Council, its title is read.

2.114. ADOPTION.

- A. Unless otherwise permitted by state law, all ordinances require two (2) readings on two (2) separate days with at least six (6) days between each reading.
- B. Written or oral resolutions may be adopted on one (1) reading.

2.115. ORIGINAL TO BE ENTERED IN BOOK OF ORDINANCES.

The Clerk shall enter in an ordinance book the original copy of all ordinances passed by the Council. The book shall be known as the "Ordinance Book," as required by the 1976 South Carolina Legislature, bearing Ratification No. 718.

2.116. RESERVED.

2.117. EMERGENCY.

Emergency ordinances shall conform to the provisions of the South Carolina Code of Laws 1976, as amended.

§5-7-250(d) and §2.118 hereof.

2.118. EMERGENCY POWERS OF THE MAYOR.

- A. A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbances, catastrophe, or for any other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

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

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

2.119. RESERVED.

2.120. RESERVED.

2.121. RESERVED.

2.122. FEES. SCHEDULE OF RATES AND FEES.

- A. Fees, rates or charges necessary for the efficient and orderly maintenance of city services shall be included in “Schedule of Rates and Fees.”

- B. The “Rates and Fees” as adopted by Council from time to time are hereby made a part of this Code as if fully set forth herein and filed in the office of the City Clerk.

ARTICLE II. MEETINGS OF COUNCIL

2.201. MEETINGS. REGULAR. PLACE. ANNUAL NOTICE REQUIRED.

- A. The regular meetings of Council shall be held at the City Hall on the second Tuesday of each month, at 6:30 p. m., local time, unless otherwise set by the Mayor. A reasonable notice shall be given to each available Council member and a notice posted at City Hall at least twenty-four (24) hours prior to the meeting, if not held at the regularly scheduled time.
- B. In the event an official city holiday falls on the scheduled Council meeting date, the regular meeting shall be held as determined by Council.
- C. Written public notice of the regular meeting shall be given at the beginning of each calendar year, as required by South Carolina Code of Laws.

2.202. NOTICE OF CHANGE.

Notice of all changed meetings and special meetings shall be given, as required by the South Carolina Freedom of Information Act.

2.203. SPECIAL MEETINGS.

Special meetings may be held:

1. Whenever called by the Mayor in cases of emergency, or
2. When, in the judgment of the Mayor, the good of the municipality requires it, or
3. By a majority of the members of Council.

2.204. EXECUTIVE SESSIONS.

- a. Council may hold Executive Sessions at such times and places as Council may deem necessary and in the public interest.
- b. A majority vote of Council shall be necessary to call such sessions.
- c. 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 purpose of the Executive Session.

- d. No official action may be taken in Executive Session.

2.205. RESERVED.

2.206. MAYOR TO PRESIDE. ABSENCE OF MAYOR AND MAYOR PRO TEMPORE.

- a. The Mayor shall preside at all Council meetings.
- b. The Mayor pro tempore shall preside at the absence of the Mayor.
- c. In the absence of both the Mayor and Mayor Pro tempore the duties of the Mayor shall be performed by such member of the Council as the Council may designate.
(S.C. Code 1976, as amended §5-7-190)

2.207. AGENDA

Matters to be considered by Council at a regular meeting shall be placed on a written agenda by the Administrator at least twenty. four (24) hours prior to the meeting.

2.208. MINUTES OF COUNCIL MEETINGS. COUNCIL POSITIONS.

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

2.209. RULES OF ORDER.

Except as otherwise provided by state law or this Code, all proceedings of Council shall be governed by Robert's Rules of Order. The City Attorney shall act as parliamentarian. In his absence, all questions of order shall be decided by the Mayor or, in his absence, the presiding officer, without debate, subject to an appeal to the Council.

2.210. UNLAWFUL TO INTERRUPT MEETINGS.

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

2.211. RESERVED.

2.212. APPEARANCE OF CITIZENS.

Any citizen of the City shall be entitled to address Council during the period reserved for Public Comment on the agenda, and time limits for such comments will be limited to three (3) minutes at regular meetings to discuss municipal matters, with the exception of personnel and contractual matters.

2.213. VOTING. QUORUM. MAYOR TO VOTE.

- A. A show of hands or a voice vote shall be sufficient to record votes. During the voting, no member may leave the Council chamber, without permission of the presiding officer.
- B. A majority of the total membership of the Council shall constitute a quorum for the purpose of transacting Council business.
- C. The result of each vote on every question shall be recorded in the minutes by the Clerk. The “yeas” and “nays” on any question shall be recorded, when requested by any member.
- D. Every member of Council, including the Mayor, shall have one (1) vote on every question, except when required to refrain from voting by state law.
- E. Members voting “present” shall not be recorded as in favor or opposed to the motion.
- F. The Mayor may make a motion or second a motion without vacating the chair.

2.214. REASONS FOR VOTING MAY BE RECORDED.

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

2.215. NO USE OF OFFICE FOR FINANCIAL GAIN.

Neither the Mayor nor any member of Council may knowingly use his official office to obtain an economic interest or a financial benefit as provided by South Carolina law, (see Section §8-13-700).

2.216. RESERVED.

2.217. APPOINTMENT OF COMMITTEES.

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Council may appoint a committee to assist in or hold a public hearing for Council at any time upon any matter pending before it, unless otherwise prohibited by law. Minutes or reports of hearings held by such committees shall be filed with the Clerk as public records.

ARTICLE III. MUNICIPAL ELECTIONS

2.301. ELECTION LAWS OF THE STATE TO GOVERN.

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

(S.C. Code 1976, as amended §5-15-20 et seq.)

2.302. ELECTION COMMISSION.

All authority for the conducting of municipal elections is hereby transferred to the Election Commission for Spartanburg County in the following particulars:

1. The Spartanburg County Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the City of Landrum.
2. Immediately upon the closing of the polls at any municipal election in the City of Landrum, the Spartanburg County Election Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Council person, canvass the vote and publicly display the unofficial results.
3. The Election Commission shall thereafter certify the results of the elections and transmit the certified results to the City of Landrum Council or an appointed authority representing City government as soon as practical following the certification.
4. Hear and decide protests and certify the results of municipal elections.
5. Utilize a computer counting system with the count publicly conducted.
6. Take such other action as may be necessary or appropriate to conduct municipal elections and certify results.
7. The City of Landrum shall reimburse the Registration and Election Commission of Spartanburg County for its share of all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensation and other related additional expenses incurred in its conduct of municipal elections in the City of Landrum. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the City of Landrum shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Spartanburg County

Registration and Election Commission shall provide invoices and/or other documentation to the City of Landrum of all such costs and expenses incurred in the conduct of City of Landrum municipal elections, protests, certification of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance. Further, the County Election Commission will not be responsible for collecting filing fees, if any are required. A candidate will have to submit a receipt from the City acknowledging payment of said fee and attach it to the statement of candidacy or petition, or the City would have to certify to the Election Commission that filing fee has been paid.

Each candidate for office shall sign a Statement of Candidacy which shall be completed and filed with the Spartanburg County Election Commission no later than Noon on August 1st of each odd-numbered election year, unless that date falls on a week-end or holiday at which time the filing closes at Noon on the following Monday. Such Statements of Candidacy shall be delivered timely to the Spartanburg County Election Commission.

Any required submission to the United States Justice Department for preclearance, now or in the future necessitated by City mandated election changes, will be prepared by and submitted by the City of Landrum. The costs incurred for such submission and future expense, if any, for additional preclearance required by City mandated election changes will be borne by the City.

2.303. REGULAR ELECTION DATE.

Regular elections for the offices of Mayor and Council members shall be held in odd-numbered years on the first Tuesday after the first Monday in November, which coincides with the General Election.

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

State law reference – duty of council to establish time for general elections, S.C. Code 1976, §5-15-50.

2.304. NOTICE OF ELECTIONS.

The Spartanburg County Election Commission shall publish two notices of general and special elections held in a newspaper of general circulation in the municipality. Included in each notice shall be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 2:00 p.m. on election day at a place designated in the notice by Spartanburg County Election Commission. The first notice must appear not later than ninety (90) days before the election and the second notice must appear not later than two weeks after the first notice.

2.305. VOTING HOURS. PLACES AT LARGE.

A. Polling places shall be open from 7:00 a.m. to 7:00 p.m., at the Landrum United Methodist Church or at such times and places as determined by the County Election Commission.

B. All municipal elections shall be conducted at large.

2.306. PROCEDURE FOR CONTESTING RESULTS OF ELECTION; APPEALS.

(a) Within forty-eight hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Spartanburg County Election Commission. Within forty-eight hours after the filing of such notice, the Spartanburg County Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the Clerk of Court of Spartanburg County, notify the parties concerned of the decisions made, and when the decision invalidates the election, the Council shall order a new election as to the parties concerned.

Neither the Mayor nor any member of Council shall be eligible to participate in the issues arising in any contest in which he is a party.

(b) Within ten days after notice of the decision of the Spartanburg County Election Commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the Clerk of Court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appeal.

2.307. DECLARATION OF RESULTS.

The Spartanburg County Election Commission shall declare the results of an election not later than three days following the election.

2.308. TIME FOR ASSUMING OFFICE

Members newly elected at a regular election shall subscribe to the oath required by the Constitution and laws of the State and take office at a meeting of council on the first Tuesday in January in even number years, or at such other meeting as called by council which is at least forty-eight (48) hours after an election which is not contested.

Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

Officers newly elected at a special election shall subscribe to the oath required by the Constitution and laws of the State and take office at a meeting of council which is at least forty-eight (48) hours after an election which is not contested, or, for an election which is contested, at a meeting of council held after protests are finally determined.

2.309. FILING.

Candidates shall file the necessary petition and Statement of Economic Impact at the office of the City Clerk at least seventy-five (75) days prior to the election or file a Statement of Candidacy and Statement of Economic Impact at least seventy-five (75) days prior to the election (nonpartisan candidates) at the office of the City Clerk.

2.310. FILING FEES.

A filing fee of two-hundred dollars (\$200.00) shall be required of candidates for Mayor. For Council, the fee shall be one-hundred dollars (\$100.00).

2.311. SAME. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(S.C. Code 1976, as amended §7-13-1380)

2.312. QUALIFICATIONS FOR VOTING.

Every citizen of the city shall be entitled to vote in all municipal elections, if he is or has:

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

ARTICLE IV. OFFICERS, DEPARTMENTS AND PERSONNEL

2.401. AUTHORITY TO ESTABLISH.

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

2.402. CHIEF ADMINISTRATIVE OFFICER.

The Administrator shall be the chief administrative officer of the city.

(Ord. 2-9-88) (See also §2.501, this Code.)

2.403. APPOINTMENT. SUSPENSION.

Except as otherwise provided by this Code, all officers of the city shall be appointed by the Administrator. They shall be subject to suspension and termination by the Administrator.

2.404. COMPENSATION.

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

2.405. RESISTING OR INTERFERING WITH OFFICIALS OR EMPLOYEES.

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

ARTICLE V. CITY ADMINISTRATOR

2.501. EMPLOYMENT AUTHORIZED.

The position of City Administrator is hereby created and established to assist the Mayor and Council and governed by the provisions in this article.

2.502. APPOINTMENT. QUALIFICATIONS. SHORT TITLE.

- A. The Council shall appoint a City Administrator and fix his or her compensation.
- B. The Administrator shall be appointed solely upon the basis of his executive and administrative qualifications.
- C. For purposes of this Code, the short title “Administrator” may be used.

2.503. TERM.

The Administrator shall serve at the pleasure of the Council for an indefinite term.

2.504. BOND.

The Administrator shall enter into an approved bond in such sum as prescribed by the Council, conditioned for the faithful and honest performance of the duties of such office. The cost of the bond shall be paid by the city.

2.505. GENERAL DUTIES.

The Administrator shall be responsible to the Council for the proper administration of the policies and affairs of the city and, to that end, shall have the power and authority and be required to:

1. Direct, supervise and coordinate the administrative activities and operations.
2. Appoint department heads, with the approval of the Council.
3. Appoint such other employees as prescribed in the Personnel Policies and Procedures Manual.
4. Suspend or dismiss department heads, with the approval of the Council.
5. Suspend or dismiss other employees as provided in the Personnel Policies and Procedures Manual.

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6. Prepare and submit an annual operating budget and capital program to the Council for their consideration and approval.
7. Assume the responsibility for administration of annual operating budget after adoption.
8. Prepare an annual update of improvements program and budget.
9. Recommend and administer personnel policies, classification, compensation and evaluation for all employees.
10. Monitor the financial condition of the city and estimate present and future financial needs.
11. Prepare a monthly analysis of the financial condition of the city.
12. Combine or consolidate job positions within departments as necessary or prudent, maximizing manpower utilization and efficiency.
13. Administer policies governing purchasing procedures and inventory control as prescribed in Chapter 8 of this Code.
14. Authorize the purchase of services, materials, supplies and equipment which do not require the taking of bids, provided such items are appropriated in the city's various fund accounts.
15. Authorize shifts and departmental budget line items, provided overall department budget appropriations do not change.
16. Authorize shifts in departmental budgets, provided overall budget appropriations do not change.
17. Investigate complaints concerning administrative matters and personnel performance with the heads of departments.
18. Prepare and submit to the Council at the end of each fiscal year a complete annual report regarding the finances and administrative activities of the city.
19. With the approval of the Council, delegate authority to other administrative officer's subject to his direction and supervision to exercise specified duties and responsibilities as may be considered appropriate.

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20. Provide the Council with information, guidance, and leadership in matters of policy determination.
21. Actively investigate the opportunities available to the City in relation to federal grants, state and county shared services and money and prepare the necessary papers, etc., upon approval of the Council.

2.506. REMOVAL FROM OFFICE.

The Administrator may be removed from office by a majority vote of the Council. Those members voting for removal shall state their reasons for such a vote. The actions of the Council in removing the Administrator shall be final. In all cases the Administrator shall receive thirty (30) days' notice of his removal, or severance pay for thirty (30) days when such removal is made effective by a majority vote of the Council.

2.507. COMMUNICATION BETWEEN ADMINISTRATOR AND COUNCIL.

The Administrator shall relate to and communicate with the Council on any and all problems, situations and conditions which shall arise concerning any department of activity of the city which, in the opinion of the Administrator, is of significance. Except for the purpose of inquiry, the Council shall communicate directly with the Administrator in all matters concerning any department or activity of the City. No member of the Council shall give orders to any subordinate of the Administrator, except in the case of emergency.

ARTICLE VI. MUNICIPAL CLERK/TREASURER

2.601. APPOINTMENT. TENURE.

The Council shall appoint an officer of the municipality who shall have the title of Municipal Clerk, in addition to any other title assigned by Council and shall serve at the pleasure of Council.

2.602. BOND.

Before entering upon the duties of his office, the Clerk shall enter into bond in such sum as may be required by Council with good and sufficient surety for the faithful performance of his duties. The fee therefor shall be paid by the municipality.

2.603. DUTIES.

The Clerk shall serve as ex officio Clerk of Council, give notice of meetings, attend regular and special meetings, record votes of Council, attest all ordinances and resolutions, keep minutes of Council meetings and perform such other duties as may be assigned by Council.

2.604. CLERK MAY ACT AS TREASURER.

In addition to all other duties, the Clerk may act also as the Treasurer and perform those duties commonly associated therewith, pursuant to state statutes and this Code.

2.605. TREASURER TO BE BONDED.

Should the Treasurer be other than the Clerk, he shall be bonded as provided for the Clerk in §2.602, hereof.

ARTICLE VII. MUNICIPAL ATTORNEY

2.701. APPOINTMENT. TENURE.

The Council may appoint a City Attorney who shall be a lawyer of good and reputable standing who shall hold office at the pleasure of Council and in accordance with the provisions of State law.

2.702. DUTIES.

The City Attorney shall possess all powers and perform all the duties required by the laws of the State and such other duties as may be prescribed by City Council from time to time.

CHAPTER 3. ANIMALS

[This Chapter revised by City and changes will be inserted at a future date]

CHAPTER 4. [RESERVED FOR FUTURE USE]

CHAPTER 5. BUILDINGS. CODES

ARTICLE I. IN GENERAL.

- 5.101. Standard Codes Adopted. Modifications. Conflicts.
- 5.102. Reserved.
- 5.103. Reserved.
- 5.104. Homeowner's Provisions.
- 5.105. Ordinary Repairs. Maintenance Authorized.
- 5.106. Nonresident Contractors to Obtain Business License.
- 5.107. Licensed Electricians, Plumbers.
- 5.108. Smoke-Free City Buildings.
- 5.109. Alternate Materials and Methods.
- 5.110. Liability Not Assumed.
- 5.111. Cumulative Provisions.

ARTICLE II. INTERNATIONAL PROPERTY MAINTENANCE CODE

- 5.201. Adoption of the *International Property Maintenance Code*, 2021 Edition ("IPMC").
- 5.202. Implementation of the IPMC.

ARTICLE III. NUMBERS FOR BUILDINGS AND PROPERTY

- 5.301. Required.

ARTICLE IV. [Reserved for future use]

- 5.401. Reserved.

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ARTICLE V. FAIR HOUSING

5.501. Fair Housing.

ARTICLE VI. FLOOD DAMAGE PREVENTION

5.601. Flood Damage Prevention Ordinance Not Repealed.

ARTICLE VII. PENALTIES

5.701. Penalty.

CHAPTER 5. BUILDINGS. CODES

ARTICLE I. IN GENERAL

Section 6-9-5(B) of the Code of Laws of South Carolina 1976 provides in part that:

only those portions or provisions of the nationally known building and safety codes which relate to building standards and safety are binding upon any ... local governmental entity or agency which adopts the building and safety codes authorized or required

Section 6-9-10(A) of the Code of Laws of South Carolina 1976 provides in part that:

All municipalities ... *shall* enforce building, energy, electrical, plumbing, mechanical, gas, and fire codes, referred to as building codes in this chapter, relating to the construction, livability, sanitation, erection, energy efficiency, installation of equipment, alteration, repair, occupancy, classification, or removal of structures located within their jurisdictions and promulgate regulations to implement their enforcement. (emphasis added)

Section 6-9-50(A) restricts adoption of standard codes to the following:

The council *shall* adopt by reference and amend only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction within this State: building, residential, gas, plumbing, mechanical, fire, and energy codes as promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association. The appendices of the codes provided in this section may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal ... governing body. (emphasis added)

5.101. STANDARD CODES ADOPTED. MODIFICATIONS, CONFLICTS.

- a. Those provisions of the latest editions of the following codes adopted and implemented by the South Carolina Building Codes Council, together with the current amendments thereto, relating directly to building and safety standards are hereby adopted by reference, as though they were copied herein fully:
 - 2021 International Building Code with SC modifications
 - International Fire Code with SC modifications

- 2021 International Plumbing Code with SC modifications
 - International Mechanical Code with SC modifications
 - 2021 International Fuel Gas Code with SC modifications
 - 2020 National Electrical Code (NFPA 70) with SC modifications
 - 2009 International Energy Conservation Code (Energy Standard Act)
- b. The Council reserves the right to make modifications in said codes as amendments thereto are promulgated by the issuing authority and adopted and implemented by the South Carolina Building Codes Council.
- c. Copies of the foregoing standard codes shall be filed in the office of the City Clerk.
- d. It is hereby adopted and incorporated by reference as if fully set out at length herein. The provisions thereof shall be controlling as to all subjects therein contained, within the corporate limits.

5.102. Reserved.

5.103. Reserved.

5.104. HOMEOWNER'S PROVISIONS.

Nothing in this Chapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this Chapter, either is it to be constructed as exempting any such property owner from obtaining a permit and having work inspected.

5.105. ORDINARY REPAIRS. MAINTENANCE AUTHORIZED.

Ordinary minor repairs and general maintenance may be made without a permit provided, that such repairs shall not violate any of the provisions of this Code. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, carpeting, etc.

5.106. NONRESIDENT CONTRACTORS TO OBTAIN BUSINESS LICENSE.

It shall be unlawful for a nonresident contractor to commence any work until a business license has been obtained therefor.

5.107. LICENSED ELECTRICIANS, PLUMBERS.

All electric and plumbing services, when not performed by the owner of the property, shall be performed by electricians and plumbers licensed in this State.

5.108. SMOKE-FREE CITY BUILDINGS.

All City buildings are hereby declared to be and shall remain a smoke-free environment.

5.109. ALTERNATE MATERIALS AND METHODS.

The City Administrator, or a person designated by Council, shall authorize the use of alternate materials or construction methods, provided the proposed design complies with the provisions of the applicable building code.

5.110 LIABILITY NOT ASSUMED.

This Chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas, or plumbing equipment from damages to anyone insured thereby, nor shall the City be held as assuming any such liability by reason of inspection authorized herein or certificate issued.

5.111. CUMULATIVE PROVISIONS.

- a. Nothing herein shall be construed to abrogate or impair the powers of the courts or any department of the City to enforce any provisions hereof or to prevent or punish violations thereof.
- b. The powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law.

ARTICLE II. INTERNATIONAL PROPERTY MAINTENANCE CODE

5.201. Adoption of the *International Property Maintenance Code*, 2021 Edition (“IPMC”).

(a) *Adoption of the International Property Maintenance Code (IPMC).* This section is to be known and referred to as the Property Maintenance Code of the City of Landrum. There is hereby adopted by the City the 2021 edition of the IPMC, a copy of which, along with applicable amendments, is to be kept permanently on file in the administrative office at City Hall as part of the general ordinances of the City, with same being incorporated herein by reference, as amended pursuant to Section 5.201.010(b) of this chapter, without the necessity of setting out and copying in its entirety the applicable IPMC, 2021 Edition.

(b) *Amendments and Revisions.* In implementing the provisions of the IPMC, the City has determined to implement certain amendments and modifications to the provisions of the IPMC. To the extent a section of the IPMC is not amended and restated by the provisions hereof, the original provisions of the IPMC shall be applicable. The applicable amendments and revisions to the IPMC referenced herein are to be kept permanently on file in the administrative office at City Hall as part of the general ordinances of the City, with same being incorporated herein by reference without the necessity of setting out and copying the entirety of such amendments and revisions herein.

5.202. IMPLEMENTATION OF THE IPMC. The implementation of the IPMC does not abolish, diminish, or impair remedies otherwise available to the City. To the extent the provisions of this Ordinance conflict with the Unfit Dwellings Act, the provisions of such act have been deemed by the City to be permissive and the provisions of this Ordinance shall control.

ARTICLE III. NUMBERS FOR BUILDINGS AND PROPERTY

Editor's Note. The City Council has an arrangement with Spartanburg County whereby the county assigns house numbers. This article has been added to give local direction in the enforcement of the provisions thereof.

5.301. REQUIRED.

- a. All buildings and properties located within the corporate limits shall be assigned a number, as designated by authorized officials of Spartanburg County.
- b. The owner, occupier or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned hereinabove as follows:
 - (1) Numbers shall be a minimum of three (3) inches in height, shall be durable and clearly visible.
 - (2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than fifty (50) feet from the street, the number shall be placed near the walk, driveway or common entrance to the building upon a gatepost, fence, post, tree or other appropriate place so that the number can be plainly seen from the street.
 - (3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three (3) inches as space permits, provided it can be plainly seen from the street.
- c. It shall be the responsibility of the owner, occupier or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number from authorized officials of Spartanburg County.

ARTICLE IV.

[Reserve for future use]

ARTICLE V. FAIR HOUSING

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

ARTICLE VI. FLOOD DAMAGE PREVENTION

5.601. FLOOD DAMAGE PREVENTION ORDINANCE NOT REPEALED.

The provisions of the Flood Damage Prevention Ordinance, as adopted, are not repealed by this Code of Ordinances, and the provisions thereof are made a part hereof and shall remain in effect until amended by the Council.

ARTICLE VII. PENALTIES

5.701. PENALTY.

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

(S.C. Code 1976, as amended §5-7-30, §14-25-65)

CHAPTER 6. [RESERVED]

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

- 7.101. Established.
- 7.102. Jurisdiction.
- 7.103. Appointment. Term. Compensation. Oath. Residence.
- 7.104. Vacancy in office; temporary absence.
- 7.105. Clerk of Court.
- 7.106. Sessions of the Court.

ARTICLE II. JURIES

- 7.201. Reserved.
- 7.202. Reserved.
- 7.203. Jury List.
- 7.204. Juries. Single Trials. Trial Terms.
- 7.205. Refusal to Appear as Juror.
- 7.206. Refusal to Appear as Defendant.
- 7.207. Jury Compensation.

ARTICLE III. PENALTIES AND FINES

- 7.301. Maximum Penalty, Restitution, Contempt.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

7.101. ESTABLISHED.

There is hereby established a Municipal Court for the City of Landrum which shall be a part of the unified judicial system of the State of South Carolina.

(S.C. Code 1976, as amended §14-25-5)

7.102. JURISDICTION.

- a. The Court shall have jurisdiction to try and determine all cases arising under the ordinances of the City and shall have all such judicial powers and duties as are conferred by the laws of the State of South Carolina.
- b. The Court shall have all such powers, duties, and jurisdiction in criminal cases as are now conferred by law upon Magistrates appointed and commissioned in this county.

7.103. APPOINTMENT. TERM. COMPENSATION. OATH. RESIDENCE.

- a. The Court shall be presided over by a Municipal Judge who shall be appointed by the Council for a term not less than two (2) years but not more than four (4) years and shall receive such compensation as fixed by Council.
- b. Before entering upon the discharge of the duties of his office, he shall take and subscribe to the oath of office prescribed by Article VI, Section 5, of the South Carolina Constitution.
- c. The Judge shall not be required to be a resident of the City.

7.104. VACANCY IN OFFICE; TEMPORARY ABSENCE, ETC.

In case of a vacancy in the office of the municipal judge, a successor shall be appointed in the manner of the original appointment for the unexpired term. In case of temporary absence, sickness, disability or other disqualification of the municipal judge, the court shall be held by a judge of another municipality, a county magistrate, or by a practicing attorney or by 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.

7.105. CLERK OF COURT.

The Administrator shall appoint a Clerk of Court who shall keep such records and make such reports as may be required by the Judge or the State Court Administrator.

7.106. LOCATION OF THE COURT.

The Council shall establish a regular location to hold Court.

ARTICLE II. JURIES

7.201. Reserved.

7.202. Reserved.

7.203. JURY LIST.

- a. A jury list shall be composed of all names on the official list of qualified residents of the City.
- b. Computer generated lists may be used as deemed appropriate by the City Judge in compliance with state law.

7.204. JURIES. SINGLE TRIALS. TRIAL TERMS.

The method of drawing and selecting juries, conducting trials, setting terms of court and the use of peremptory challenges shall be decided by the City Judge in compliance with state law.

7.205. REFUSAL TO APPEAR AS JUROR.

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

7.206. REFUSAL TO APPEAR AS DEFENDANT.

In the event any person charged with any offense against the ordinances of the City shall be noticed to appear, and such person neglects, refuses or fails to appear at the time specified, the Municipal Court shall proceed with the trial of said case, as though the defendant were present.

7.208. JURY COMPENSATION.

Jurors shall be paid per session. Such fee shall be as set forth from time to time.

ARTICLE III. PENALTIES AND FINES

7.301. MAXIMUM PENALTY, RESTITUTION, CONTEMPT.

(A) If the City Judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars or imprisonment for thirty days, or both. In addition, the City Judge may order restitution in an amount not to exceed the civil jurisdictional amount of magistrates court provided in Section 22-3-10(2). In determining the amount of restitution, the Judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the Judge may set an appropriate payment schedule.

(B) The City Judge may hold a party in contempt for failure to pay the restitution ordered if the Judge finds the party has the ability to pay. In addition, the City Judge may convert any unpaid restitution, fines, costs, fees, surcharges, and assessments to a civil judgement, as provided in Section 17-25-323(C).

CHAPTER 8. FINANCIAL ADMINISTRATION AND TAXATION

ARTICLE I. GENERAL PROVISIONS

- 8.101. Fiscal Year for Budget and Accounting.
- 8.102. Reserved.
- 8.103. Reserved.
- 8.104. Reserved.
- 8.105. Reserved.
- 8.106. Reserved.
- 8.107. Reserved.
- 8.108. Tax Levy to be Stated. Clerk to Notify County.
- 8.109. Lapse of Appropriations.
- 8.110. Failure to Adopt.
- 8.111. Reserved.
- 8.112. Public Inspection.
- 8.113. Public Hearing. Public Notice.
- 8.114. Changes.
- 8.115. Certification. Filing.
- 8.116. Appropriations. Subsequent to Adoption.
- 8.117. Regular Financial Reports.
- 8.118. Disbursements to be by Clerk. Signatures.
- 8.119. Deposit of Moneys.
- 8.120. Audit. Requirements.
- 8.121. Borrowing in Anticipation of Collection of Taxes.
- 8.122. Reserved.
- 8.123. Returned Checks. Fee.

ARTICLE II. TAXATION

- 8.201. Spartanburg County Authorized to Collect Taxes.
- 8.202. Basis of Value of Property for Taxation.
- 8.203. Penalty for Nonpayment.

ARTICLE III. Reserved

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ARTICLE IV. PURCHASING

8.401. Purchasing Agent. Specified Duties.

ARTICLE V. BUSINESS LICENSES

8.501. Business License Ordinance Not Repealed.

8.502. Administration.

ARTICLE VI. PENALTIES

8.601. Penalty.

CHAPTER 8. FINANCIAL ADMINISTRATION AND TAXATION

ARTICLE I. GENERAL PROVISIONS

8.101. FISCAL YEAR FOR BUDGET AND ACCOUNTING.

The fiscal year for budget and accounting for the City shall begin on the first day of the month of July and shall end on June 30 of the following year.

8.102. Reserved.

8.103. Reserved.

8.104. Reserved.

8.105. Reserved.

8.106. Reserved.

8.107. Reserved.

8.108. TAX LEVY TO BE STATED. CLERK TO NOTIFY COUNTY.

- a. The Council shall identify in the budget the tax rate for the ensuing year.
- b. It shall be the duty of the Clerk to notify the appropriate county officials of the annual tax millage rates.

8.109. LAPSE OF APPROPRIATIONS.

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

8.110. FAILURE TO ADOPT.

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

8.111. Reserved.

8.112. PUBLIC INSPECTION.

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Upon final adoption, the budget shall be in effect for the budget year. The budget and all supporting schedules shall be a public record in the office of the City Clerk and open for public inspection during regular office hours.

8.113. PUBLIC HEARING. PUBLIC NOTICE.

- a. Pursuant to §6-1-80 (S.C. Code 1976, as amended), as amended, and prior to its adoption, the Council shall determine a place and time for a public hearing on the budget.
- b. Public notice shall be given by advertising the public hearing before the adoption of the budget in at least one (1) newspaper of local general circulation.
- c. The notice shall be given not less than fifteen (15) days in advance of the public hearing and must be a minimum of two (2) columns wide with a bold headline.
- d. The public notice shall contain all the information required by §6-1-80 (S.C. Code of Laws 1976, as amended).

8.114. CHANGES.

After the conclusion of a public hearing, the Council may insert new items or may increase, decrease or delete the items of the budget but, should the total proposed expenditures be increased, it shall also increase the total anticipated revenues by an amount at least equal to such proposed total expenditures, except for items of capital outlay to be financed through sources not listed or contained in the budget.

8.115. CERTIFICATION. FILING.

A permanent copy of the budget, as finally adopted and certified by the City Clerk, shall be filed in the office of the Clerk.

8.116. APPROPRIATIONS. SUBSEQUENT TO ADOPTION.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

8.117. REGULAR FINANCIAL REPORTS.

The Administrator shall furnish regular financial reports to the Council.

8.118. DISBURSEMENTS. SIGNATURES.

All disbursements, other than for petty cash, shall be approved by two parties: the City Clerk and City Administrator, but in the absence of either, the Mayor or the Mayor Pro Tem shall be the second signatory.

8.119. DEPOSIT OF MONEYS.

All municipal funds shall be deposited to the credit of the City in a bank or banks, located within the City limits.

8.120. AUDIT. REQUIREMENTS.

- a. Prior to the end of each fiscal year, the Council shall designate a Certified Public Accountant, a public accountant or firm of such accountants who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the municipality and shall submit a report to the Council.
- b. Such accountant shall have no direct or indirect personal interest in the fiscal affairs of the municipality or of any of its officers.
- c. The accountant shall, within specifications approved by Council, post-audit the books and documents kept by any office, department, board or agency of the municipality.

8.121. BORROWING IN ANTICIPATION OF COLLECTION OF TAXES.

The Council may, during each calendar year, borrow money for its current expenses and pledge the taxes becoming payable during such calendar year for the payment of any moneys so borrowed.

8.122. Reserved.

8.123. RETURNED CHECKS. FEE.

- a. All dishonored checks payable to the city and redeemed by the maker shall have added to the principal sum a collection fee for each such check.
- b. Such fee shall be as adopted by Council from time to time.

ARTICLE II. TAXATION

8.201. SPARTANBURG COUNTY AUTHORIZED TO COLLECT TAXES.

Pursuant to §5-7-300 (S.C. Code 1976, as amended), the authority to collect municipal taxes, including those delinquent and those which may be put to auction for nonpayment, is hereby vested in the appropriate officials of Spartanburg County whose responsibilities include the collection of taxes.

8.202. BASIS OF VALUE OF PROPERTY FOR TAXATION.

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

8.203. PENALTY FOR NONPAYMENT.

Pursuant to §5-7-300 (S.C. Code 1976, as amended), a penalty in an amount determined by Council from time to time is hereby imposed for nonpayment of taxes payable when the taxes become delinquent.

ARTICLE IV. PURCHASING

8.401. PURCHASING AGENT. SPECIFIED DUTIES.

The Administrator shall be the Purchasing Agent for the City and is responsible for compliance with the City Procurement Policy or such other applicable procurement requirements.

ARTICLE V. BUSINESS LICENSES

8.501. BUSINESS LICENSE ORDINANCE NOT REPEALED.

- a. The provisions of the Business License Ordinance of the City of Landrum, as amended, are not repealed.
- b. The provisions thereof shall remain in full force and effect as if fully set forth herein, until amended by Council.

8.502. ADMINISTRATION.

The responsibility for administering the Business License Ordinance is hereby vested in the Administrator.

City of Landrum

Business License Ordinance

Sec. 1. License Required

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this ordinance, in whole or in part, within the limits of the City of Landrum, South Carolina, is required to pay an annual license fee and obtain a business license as herein provided.

Sec. 2. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

- A. **Business** means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.
- B. **City** means the City of Landrum.
- C. **Classification** means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by City Council.
- D. **Gross Income** means the total revenue of a business, received or accrued, for one calendar year collected or to be collected from business done within the City, except therefrom income from business done wholly outside the City on which a license tax is paid to some other municipality or county and fully reported to the City. The gross income for business license purposes maybe verified by inspection of returns filed for income tax purposes with the Internal Revenue Service, the South Carolina Department of Revenue and Taxation, and/or the South Carolina Insurance Commission.

In the case of brokers or agents, gross income shall mean gross commission retained. Gross income for insurance companies shall mean gross premiums collected.

- E. **License Inspector** means the City Clerk, or other person designated to administer this ordinance.
- F. **Person** means any individual, firm, partnership, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

Sec. 3. Purpose and Duration

The business license levied by this ordinance is for the purpose of providing such regulation as may be required by the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one year and shall expire on December 31. The provisions of this ordinance and the rates herein shall remain in effect from year to year, as amended by City Council.

Sec. 4. License Fee

The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before April 15th in each year. A separate license shall be required for each place of business and for each classification of business conducted at one place. If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year.

Sec. 5. Registration Required

The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year, except that a new business shall be required to have a business license prior to operation within the City. Application shall be on a form provided by the License Inspector which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the business deemed necessary to carry out the purpose of this ordinance by the License Inspector. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes due and payable to the City have been paid. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued, and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Inspector. An insurance agent not employed by a company shall be licensed as a broker.

Sec. 6. Deductions and Exemptions

No deductions from gross income shall be made except income from business done wholly outside - of the City on which a license tax is paid to some other municipality or a county, or income which cannot be taxed pursuant to State or Federal law. The applicant shall have the burden to establish the right to deduction by satisfactory records and proof. No person shall be exempt from the requirements

of the ordinance by reason of the lack of an established place of business within the City, unless exempted by State or Federal law. The License Inspector shall determine the appropriate classification for each business in accordance with the latest issue of the U.S. Office of Management and Budget Standard Industrial Classification (SIC) Manual. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this ordinance.

Sec. 7. False Application Unlawful

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or fee required by this ordinance.

Sec. 8. Display and Transfer

All persons shall display the license issued to them on the original form provided by the License Inspector in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the City. A change of address must be reported to the License Inspector within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification of the License Inspector and compliance with zoning and building codes. Failure to obtain the approval of the License Inspector for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of ownership shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Sec. 9. Administration of Ordinance

The License Inspector shall administer the provisions of this ordinance, collect license fees, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violations to the police department and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Sec. 10. Inspections and Audits

For the purpose of enforcing the provisions of this ordinance, the License Inspector or other authorized agent of the City is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records, and it shall be unlawful for an such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that false information has been filed by the licensee, the costs of the audit shall be added to the correct license fee and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license fee shall constitute a separate offense. The

License Inspector shall make systematic inspections of all businesses within the City to ensure compliance with the ordinance. Records of inspections and audits shall not be deemed public records, and the License Inspector shall not release the reported gross income of any person by name without permission of the licensee, provided that statistics compiled by classifications may be made public.

Sec. 11. Assessments

When any person shall have failed to obtain a business license or to furnish the information required by this ordinance or the License Inspector, the License Inspector shall proceed to examine such records or the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as he may deem appropriate to assess a license tax and penalties as provided herein. A notice of assessment shall be served by certified mail and an application for adjustment of the assessment may be made to the License Inspector within five (5) days after the notice is mailed or the assessment will become final. The License Inspector 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 (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to City Council.

Sec. 12. Delinquent License Fees

For non-payment of all or any part of the correct license fee, the License Inspector shall levy and collect a late penalty of five percent (5%) of the unpaid fee for each month or portion thereof after the due date until paid. If any license fee shall remain unpaid for sixty(60)days after its due date, the License Inspector shall issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and costs of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes.

Sec. 13. Notices

The License Inspector may, but shall not be required to, mail written notices that license fees are due, but if notices are not mailed there shall be published a notice of the due date in a newspaper of general circulation within the City three (3) times prior to the due date in each year.

Sec. 14. Denial of License

The License Inspector shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, or when the activity for which a license is sought is unlawful or constitutes a public nuisance. A decision of the License Inspector shall be subject to appeal to City Council as herein provided. Denial shall be written with reasons stated.

Sec. 15. Suspension or Revocation of License

When the License Inspector determines that:

- A. A license has been mistakenly or improperly issued, or issued contrary to law; or
- B. A licensee has breached any condition upon which his license was issued or has failed to comply with the provisions of this ordinance; or a licensee has obtained a
- C. license through fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
- D. A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- E. A licensee has engaged in an unlawful activity or nuisance related to the business;

the License Inspector shall give written notice to the licensee or the person in control of the business within the City by personal service or certified mail that the license is suspended pending a hearing before City Council for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Sec. 16. Appeals to City Council

- A. Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the License Inspector may appeal the decision to City Council by written request stating the reasons therefor filed with the License Inspector within ten (10) days after the payment of the assessment under protest or notice of denial is received.
- B. An appeal or a hearing on revocation shall be held by City Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice. At such hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. City Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

- C. No person shall be subject to a prosecution for doing business without a license until the expiration of ten(10)days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

Sec. 17. Confidentiality

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

Sec. 18. Violations

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

Sec. 19. Separability

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Sec. 20. Classification

The license fee for each Class of business shall be computed in accordance with the following rates. The major groups of businesses included in each Class are listed with the major group number according to the Standard Industrial Classification Manual (SIC). The License Inspector shall determine the proper class for a business according to the SIC.

Non-resident rates - Unless otherwise specifically provided, all minimum fees and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.

1	\$25	\$0.25
2	\$30	\$0.30
4	\$40	\$0.40
5	\$45	\$0.45

Declining Rates

Declining rates apply in all Classes for gross income in excess of \$1,000,000.

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GROSS INCOME IN MILLIONS	Percent of Class Rate for each additional \$1,000
0 - 1 Million	100%
1 - 2 Million	90%
2 - 3 Million	80%
3 - 4 Million	70%
Over 4 Million	60%

Class 8 Rates

(Each SIC Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.)

***** LARGE SECTION DID NOT FORMAT RATE SCHEDULES*****

ARTICLE VI. PENALTIES

8.601. PENALTY.

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

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MEMORANDUM

TO: Mayor and Members of City Council

FROM: Steven P. Wolochowicz, City Administrator

DATE: October 15, 2012

RE: Proposed changes to our Business License program for insurance companies as mandated by the State legislature and as recommended by the Municipal Association of South Carolina (MASC).

During the last legislative session changes were made to the Business License fee schedule for insurance companies. Because of this, we have to amend our agreement with MASC, who collects those fees for us, and amend our Business License ordinance. Both documents have been prepared for the cities and towns by the MASC.

City Council approved the new fee collections agreement with MASC on October 9th. I now recommend that the City Council approve the attached Business License ordinance amendment on Second Reading following a Public Hearing.

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***** DOCUMENT LETTER FROM MASC GOES HERE *****

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CHAPTER 9. FIREWORKS

ARTICLE I. Reserved

ARTICLE II. Reserved

ARTICLE III. FIREWORKS

9.301. Fireworks. Requirements and Prohibition.

CHAPTER 9. FIREWORKS

ARTICLE III FIREWORKS

9.301. FIREWORKS. REQUIREMENTS AND PROHIBITION.

- a. Any person who desires to manufacture, store, transport or possess fireworks as defined in Title 23, Chapter 35 of the S.C. Code 1976, as amended, must fully comply with all the requirements contained in such chapter.
- b. Absent the appropriate permits as required by State law, all fireworks, as defined in Title 23, Chapter 35 of the S.C. Code 1976, as amended are prohibited by the City, unless approved by Landrum Fire Department.

CHAPTER 10. HEALTH AND SANITATION

ARTICLE I. BOARD OF HEALTH

10.101. Generally.

ARTICLE II. NUISANCES

10.201. Definition of Nuisance.

10.202. Abatement.

10.203. Refusal to Abate.

10.204. Reserved.

10.205. Reserved.

10.206. Reserved.

10.207. Correction or Removal of Conditions.

ARTICLE III. Reserved.

ARTICLE IV. Reserved.

ARTICLE V. Reserved.

ARTICLE VI. Reserved.

CHAPTER 10. HEALTH AND SANITATION

ARTICLE I. BOARD OF HEALTH

10.101. GENERALLY.

Unless and until a Board of Health is appointed by Council, health matters, generally, shall be referred to the Spartanburg County Board of Health or Department of Health and Environmental Control (DHEC).

ARTICLE II. NUISANCES

10.201. DEFINITION OF NUISANCE.

Any act of any person, firm or corporation whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit such property to become unsanitary by allowing any offensive matter or thing upon such lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, storage or ice boxes, refrigerators, stoves, refuse, manure, straw, hay or thing to accumulate and remain upon such premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises such thing which may endanger, injure or damage another person's health or property. The above shall not be construed as all-inclusive.

10.202. ABATEMENT.

The City Council may declare as nuisances such things, the existence of which may be deemed unhealthy or harmful to the citizens, and such nuisances shall be abated pursuant to directions from the Council.

10.203. REFUSAL TO ABATE.

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

10.204. Reserved.

10.205. Reserved.

10.206. Reserved.

10.207. CORRECTION OR REMOVAL OF CONDITIONS.

- a. In the event the owner of any lot or premises, upon which a condition described in this article exists, fails to remedy such condition after notice to do so is given, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, pay therefor and charge the expenses incurred thereby to the owner of such lot. The doing of such work shall not relieve such person from prosecution for failure to comply with such notice. Such expenses shall be assessed against the lot or real estate upon which the work was done, or the improvements made.
- b. The owner shall have the right of appeal to Council.

ARTICLE III. Reserved.

ARTICLE IV. Reserved.

ARTICLE V. Reserved.

ARTICLE VI. Reserved.

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CHAPTER 11. Reserved.

ARTICLE I. Reserved.

CHAPTER 11. Reserved.

ARTICLE I. Reserved.

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CHAPTER 12. PARKS AND PLAYGROUNDS

ARTICLE I. IN GENERAL

- 12.101. Public Park Defined.
- 12.102. Injury to Shrubbery, Flowers, etc.
- 12.103. Injury to Structures or Personalty.
- 12.104. Leaving Trash, etc., in Public Park.
- 12.105. Bills, Posters and Advertising Prohibited.
- 12.106. Selling in Public Parks.
- 12.107. Intoxicating Liquors. Disorderly Conduct, etc.
- 12.108. Motor Vehicle Traffic in Parks.

ARTICLE II. Reserved.

ARTICLE III. PENALTIES

- 12.301. Penalty.

CHAPTER 12. PARKS AND PLAYGROUNDS

ARTICLE I. IN GENERAL

12.101. PUBLIC PARK DEFINED.

“Public park” shall be construed to refer to municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits.

12.102. INJURY TO SHRUBBERY, FLOWERS. ETC.

It shall be unlawful for any person to destroy any shrub, flowers or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a “keep off” sign has been posted.

12.103. INJURY TO STRUCTURES OR PERSONALTY.

It shall be unlawful for any person to write on, carve, cut, deface, injure or break any part of any building, grandstand or other structure, or any chair, seats, etc., in any public park.

12.104. LEAVING TRASH, ETC. IN PUBLIC PARK.

It shall be unlawful for any person to deposit, leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park.

12.105. BILLS, POSTERS AND ADVERTISING PROHIBITED.

It shall be unlawful for any person to erect any bill posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park.

12.106. SELLING IN PUBLIC PARKS.

It shall be unlawful for any person, except such as may have a permit from the City, to sell or offer for sale within any public park any merchandise of any kind or description.

12.107. INTOXICATING LIQUORS. DISORDERLY CONDUCT, ETC.

It shall be unlawful for any person to carry into any public park any intoxicating liquors, to drink the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar or

indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious or disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such park.

12.108. MOTOR VEHICLE TRAFFIC IN PARKS.

It shall be unlawful for any motor vehicle to be driven in any public park at a greater rate of speed than fixed by traffic signs erected therein, nor shall any such vehicle be parked in any of the driveways without being drawn well to the right, so as not to impede, obstruct or interfere with the free passage on such driveway of other vehicles and traffic. At night, both moving and parked motor vehicles shall be provided with adequate lights, front and rear.

ARTICLE II. Reserved.

ARTICLE III. PENALTIES

12.301. PENALTY.

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

CHAPTER 13. POLICE

ARTICLE I. IN GENERAL

- 13.101. Appointment of Police Chief and Officers.
- 13.102. Chief of Police. Authority.
- 13.103. Surety Bond.
- 13.104. Oath of Office.
- 13.105. Compensation.
- 13.106. Powers. Generally.
- 13.107. Uniforms.
- 13.108. Bonds and Fines.
- 13.109. Summons for Violations.
- 13.110. Jurisdiction of Streets.
- 13.111. Observation of Conditions.
- 13.112. Police to Sell Recovered Personal Property.
- 13.113. Reserved.
- 13.114. Reserved.
- 13.115. Additional Duties.
- 13.116. Property to be Returned. Failure to Do So.

ARTICLE II. Reserved.

ARTICLE III. Reserved.

ARTICLE IV. INTERFERENCE

- 13.401. Obedience to Officers.
- 13.402. Reserved.
- 13.403. Assaulting an Officer.
- 13.404. Resisting Officer Making Arrest.
- 13.405. Obstructing Officer.
- 13.406. Failure to Stop on Command of Officer.
- 13.407. Aiding and Abetting.
- 13.408. Prisoners. Communication With.
- 13.409. Reserved.
- 13.410. Approaching Within Twenty Feet of Person Being Arrested.
- 13.411. Imitating Signal or Call for Police Officer Prohibited.

CHAPTER 13. POLICE

ARTICLE I. IN GENERAL

13.101. APPOINTMENT OF POLICE CHIEF AND OFFICERS.

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

13.102. CHIEF OF POLICE. AUTHORITY.

- a. In addition to those duties and powers provided elsewhere in this Code or by ordinance, the Chief of Police shall supervise the Police Department and shall be responsible for security of business establishments and for any other matters of public safety and law enforcement.
- b. He shall execute and return all writs and processes as directed and serve criminal writs and processes.
- c. Police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.

13.103. SURETY BOND.

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

13.104. OATH OF OFFICE.

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

13.105. COMPENSATION.

Compensation shall be subject to appropriations in the annual budget.

13.106. POWERS. GENERALLY.

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

13.107. UNIFORMS.

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

13.108. BONDS AND FINES.

Members of the department shall not collect bonds or fines.

13.109. SUMMONS FOR VIOLATIONS.

- a. Any person violating an ordinance of the City of Landrum or any state laws may be apprehended by a police officer and a summons issued therefor.
- b. A trial date shall be designated in the summons by the apprehending officer, and a copy of the summons shall be held for further action by the appropriate judicial officer.
- c. The summons duly served, as herein provided, shall give the judicial officer jurisdiction to dispose of the matter.

13.110. JURISDICTION OF STREETS.

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

13.111. OBSERVATION OF CONDITIONS.

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

13.112. POLICE TO SELL RECOVERED PERSONAL PROPERTY.

- a. This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items of personal property which may be recovered by the department in connection with the performance of its duties, or turned in to the department, and shall be referred to herein as personal property.
- b. All personal property which has been lost, stolen or abandoned and which is in the possession of the department shall be disposed of by public sale to the highest bidder by the Chief of Police in accordance with directions for such sale from the City Administrator.

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- c. Such personal property which remains unclaimed by the owner, or if the owner is unknown, shall be sold at public sale after duly posting of notice of same at City Hall at least fifteen (15) days prior to such sale. The notice shall contain time, place and terms of the sale and a description of the property to be sold.
- d. The proceeds from the sale of unclaimed personal property shall be paid into the General Fund of the city the day of the sale.

13.113. Reserved.

13.114. Reserved.

13.115. ADDITIONAL DUTIES.

In addition to the duties prescribed in this article, the department shall perform such other duties as may be directed and required by Council.

13.116. PROPERTY TO BE RETURNED. FAILURE TO DO SO.

- a. Upon termination of services, for whatever reason, all members of the department shall return any equipment and all official material or things belonging to the department.
- b. Failure to do so shall constitute a misdemeanor, punishable by the Municipal Court.

ARTICLE II. Reserved.

ARTICLE III. Reserved.

ARTICLE IV. INTERFERENCE

13.401. OBEDIENCE TO OFFICERS.

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

13.402. Reserved.

13.403. ASSAULTING AN OFFICER.

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

13.404. RESISTING OFFICER MAKING ARREST.

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

13.405. OBSTRUCTING OFFICER.

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

(S.C. Code 1976, as amended §16-5-50)

13.406. FAILURE TO STOP ON COMMAND OF OFFICER.

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

13.407. AIDING AND ABETTING.

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

(S.C. Code 1976, as amended §16-1-40) (State Westfield, 1 Ball. (17 S.C.L. 132))

13.408. PRISONERS. COMMUNICATION WITH.

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

13.409. Reserved.

13.410. APPROACHING WITHIN TWENTY FEET OF PERSON BEING ARRESTED.

- a. It shall be unlawful for any person or persons willfully to approach nearer than twenty (20) feet to any police officer who is making an arrest or attempting to do so, or while on his or her way to jail with the prisoner.
- b. All police officers are empowered to order all persons away from the vicinity of the site of arrest or the jail while any person is being placed therein or being held for custody.

13.411. IMITATING SIGNAL OR CALL FOR POLICE OFFICER PROHIBITED.

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

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CHAPTER 14. PUBLIC PEACE. OFFENSES

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CHAPTER 14. PUBLIC PEACE. OFFENSES

ARTICLE I. ORDINANCE SUMMONS

14.101. ORDINANCE SUMMONS.

a. An Ordinance Summons may be used by any City police officer or code enforcement officer to summon and command the person named therein as defendant to appear before the Municipal Court at a time to be set in the summons.

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

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

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

d. This section shall not apply to any ordinance which regulates the use of motor vehicles on the public roads.

e. 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.

f. The bond amount for violations shall be prescribed by the Municipal Judge. Bonds shall be posted in the manner prescribed by the Municipal Judge. City code enforcement officers, and City law enforcement officers shall be prohibited from accepting bonds.

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

ARTICLE II. ALCOHOLIC BEVERAGES

14.201. CONSUMPTION AT CERTAIN PLACES. PUBLIC PROPERTY.

- a. Except as permitted by City Council, it shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.
- b. Except as permitted by City Council, it shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, roads or other public place within the corporate limits of The City of Landrum.
- c. Possession of such container shall constitute prima facia evidence of a violation of this section.
- d. This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.
- e. Any person violating this section is guilty of a misdemeanor and upon conviction for a first offense, shall be punished by a fine of not less than seventy-five (\$75.00) and not more than five hundred (\$500.00) and no/100 dollars.

ARTICLE III. AMUSEMENTS. DEVICES

14.301. DEFINITION OF TERMS.

As used in this article, unless the context otherwise indicates:

AMUSEMENT DEVICE shall mean any machine for the playing of amusements or video games, without free play feature operated by a slot wherein is deposited any coin or thing of value.

1. It also shall include any machine for the playing of games or amusements, which has a free play feature, operated by a slot wherein is deposited any coin or thing of value and such machine is of the nonpayment pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.
2. It also shall include any machine of the nonpayment type, in-line pin game or video game with free play feature operated by a slot wherein is deposited any coin or thing of value except machines of the no payout pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.

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OPERATOR shall mean any person, firm, corporation, partnership or association who maintains for use or permits the use of, on any place or premises occupied by him, any amusement device as defined above.

OWNER shall mean any person, firm, corporation, partnership or association engaged in the business of selling or leasing amusement devices as defined above.

14.302. Reserved.

14.303. GAMBLING DEVICES NOT PERMITTED.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling or gambling devices, the operation of which is made unlawful under the laws of this state.

14.304. MUSICAL DEVICES. HOURS OF BUSINESS.

It shall be unlawful for any place of business having in its possession for use any piccolo, nickelodeon, radio, television or other music-making machine, to be open between the hours of 12:00 midnight and 8:00 a.m. the following day.

14.305. REGULATING BUSINESSES.

It shall be unlawful for any person to operate any coin-operated mechanical device for making music in any place of business between the hours of 12:00 midnight and 8:00 a.m. or to operate such device between the hours of 12:00 midnight on Saturday and 8:00 a.m. on the following Monday.

14.306. OPERATED LOUDLY.

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

14.307. AMUSEMENT PLACES TO HAVE ENTRANCES OPENING ONTO STREET.

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

14.308. CARNIVALS AND STREET SHOWS PROHIBITED WITHOUT PERMIT.

- a. All carnival or street shows, or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the Council.
- b. Permits, when issued, shall specify the date, time, place, length of show, duration of appearance and all other details as may be required by Council.

14.309. DISTURBANCE AT ENTERTAINMENTS, GATHERINGS, ETC.

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

ARTICLE IV. OFFENSES AGAINST MORALITY,
DECENCY AND PUBLIC WELFARE

14.401. IMMORAL PURPOSES, SOLICITATION, PREMISES.

It shall be unlawful for any person to invite or entice any person upon any street, public square or enclosure to accompany, go with or follow such person to any place for immoral purposes, or to incite, entice or address any person from any door, window, porch or portico of any house or building, to enter any house, go with or accompany such person to any place for immoral purposes.

14.402. TRANSPORTATION OF PERSONS.

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

14.403. INFORMATION OR DIRECTION.

It shall be unlawful for any person to give information about any house or place for immoral purposes,

14.404. LEASE, USE OF PLACES, ETC.

It shall be unlawful for any person to take, rent, use or occupy any place for immoral purposes.

14.405. BAWDY HOUSES.

The keeping of a bawdy house, disorderly house or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house, or other building situated within the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution.

14.406. ADULT CLUBS.

- a. Adult clubs are defined as businesses catering to adults for the purpose of exciting its customers in a salacious manner.
- b. Such clubs are hereby declared unlawful in the City of Landrum.

14.407. OBSCENE MATERIAL. DISPLAY OR SALE.

It shall be unlawful for any person to post or make any indecent, obscene or profane writing or pictures, or to make, sell, exhibit or offer for sale any indecent or lewd book, picture or anything of like character.

14.408. INDECENT EXPOSURE. LANGUAGE.

It shall be unlawful for any person to make any indecent exposure of his person or to curse or use any obscene or indecent language or to permit same on any of the streets, alleys or other public ways or places in the City.

14.409. PEEPING TOMS.

It shall be unlawful for any person to enter upon the private property of another to spy or look into the windows or doors of any building located on private property; provided, this section does not apply to police officers in the actual discharge of their duties.

14.410. DISTURBING THE PEACE.

It shall be unlawful for any person to conduct himself in such a manner as to result in a disturbance of the peace to the inhabitants of the city or to knowingly aid, assist or abet therein.

14.411. LOITERING.

- a. It shall be unlawful for any person to loiter in or upon any street, park, public place or in any public building or obstruct the access to any public building or any part

thereof, or obstruct the passage of any person through any public street, park or public place.

- b. For the purpose of this section, the term “loiters” shall encompass, but shall not necessarily be limited to, one or more of the following acts:

- (1) Obstruction of the unhampered passage of pedestrians or vehicles;
- (2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or

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- (3) Refusing to move when requested to do so by a Peace Officer, provided the Peace Officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

14.412. PUBLIC DRUNKENNESS.

It shall be unlawful for any person to create a nuisance or disturbance upon the public streets or in any public place in a drunken condition.

14.413. INTOXICATING BEVERAGES. DRINKING IN PUBLIC.

It shall be unlawful for any person or persons to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public places.

14.414. INTERFERENCE WITH STREETS, SIDEWALKS, ETC.

It shall be unlawful for any person to close or in any manner interfere with the free use of any public street or thoroughfare, sidewalk or alley without the previous written consent of Council.

14.415. SPITTING.

It shall be unlawful for any person to spit upon any sidewalk or other public place, or upon the floor, walls or any other part of any building or room which is used by the public.

14.416. SCHOOL DISTURBANCES.

It shall be unlawful:

1. For any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers at any school, (b) to loiter about such school premises or (c) to act in an obnoxious manner thereon; or
2. For any person to enter upon any school premises or loiter around the premises, except on business, without the permission of the principal or person in charge.

(S.C. Code 1976, as amended §16-17-420)

14.417. DANCE HALLS UNLAWFUL ON SUNDAYS.

It shall be unlawful for any person to keep open or operate any public dance hall, or allow any person to continue thereat, between the hours of 12:00 midnight Saturday, and 7:00 a.m., Monday, and all such places shall be and remain closed to the public between such hours.

14.418. GAMBLING PROHIBITED. EXCEPTIONS.

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a. It shall be unlawful for any person to engage in gambling or games of chance, to keep or operate, or permit to be kept or operated, any slot machines, punchboard, tip board, or other device pertaining to games of chance of whatsoever name or kind.

b. Exceptions shall include automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin or bill deposited therein, and in which there is no element of chance, as may be permitted by state statutes.

(S.C. Code 1976, as amended §16-19-40)

14.419. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.

Upon the charging of any person in Municipal Court of a violation hereof, it shall be the duty of the police, whenever possible, to seize and take into possession any gaming device, machines, punchboard, tip board, or other device of whatever name or kind pertaining to games of chance. Upon conviction in Municipal Court, it shall be the duty of the police officers of the City to destroy the gaming device of whatever name or kind.

14.420. HOUSES UNLAWFUL.

It shall be unlawful for any person or persons to keep or maintain a gambling house or room or place where people resort to engage in gambling or games of chance, or to permit gambling or games of chance in any building on their premises or under their control.

14.421. FORTUNE-TELLING.

It shall be unlawful, without a valid permit or license, to engage in the business, trade or profession of fortune-telling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.

(S.C. Code 1976, as amended §40-41-310)

ARTICLE V. OFFENSES AGAINST THE PEACE. PUBLIC POLICY

14.501. DISORDERLY CONDUCT. DEFINED.

a. It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public inconvenience, annoyance, alarm or recklessly create a risk thereof by:

- (1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace;
or

- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or addresses of abusive language to any person present; or
- (3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or
- (4) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent or profane writing, picture, mark or figure on any wall, fence, house or structure.

b. For the purpose of this section “public” means affecting or likely to affect any person or persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

(S.C. Code 1976, as amended §16-17-530)

14.502. FIREARMS. CARRYING. EXCEPTIONS.

It shall be unlawful for any person to carry about the person, whether concealed or not, any pistol, except as follows:

1. Any person carrying a permit issued by lawful authority, pursuant to South Carolina statutes.
2. Marshals, sheriffs, police officers or other law enforcement officers, or peace officers of the federal government or other states when they are carrying out official duties while in this state.
3. Members of the Armed Forces of the United States or of the National Guard, organized reserves or the state militia when on duty.
4. Members of organizations authorized by law to purchase or receive firearms from the United States or this state, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while the members are at or going to or from their places of target practice, or their shows and exhibits.
5. Licensed hunters or fishermen while engaged in hunting or fishing.
6. Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of that person while possessing, using or carrying a pistol in the usual or ordinary course of business.
7. Guards of common carriers, banks and other financial institutions while engaged in that capacity and guards engaged in protection of property of the United States or any agency thereof.
8. Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

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9. Any person in his home, or upon his real property, or fixed place of business.
10. Any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.
11. Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of one's fixed place of business.
12. Any night watchman while engaged in his duties as a night watchman.

14.503. DISCHARGE. DANGEROUS DEVICES.

- a. It shall be unlawful for any person to point at or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.
- b. It shall be unlawful, within the corporate limits, to fire, aim or discharge any air rifle, pellet rifle, sling shot or other device, in any manner, which may be intentionally used to harm any person or property.
- c. Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or like performances or to peace officers in the discharge of their duties.

(S.C. Code 1976, as amended §16-23-410)

14.504. CONCEALED WEAPONS.

Except as herein provided, it shall be unlawful for any person to possess or carry concealed about his person any dirk, metal knuckles, razor, ice pick, or other weapon usually used for the infliction of personal injuries.

(S.C. Code 1976, as amended §16-23-460)

14.505. CARRYING WEAPONS. KNIVES.

- a. It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.
- b. It shall be unlawful for any person within the city to possess or conceal upon his person any knife, measuring seven (7) inches or greater in length either when opened or unopened, or any switchblade knife.

- (1) For the purposes of this section, the term "switch blade knife" shall mean any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.

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- (2) This section does not apply to pocketknives, which when open, do not exceed five and one-half (5 1/2) inches in overall length.

(S.C. Code 1976, as amended §16-23-20)

14.506. CRIME WATCH AREA CITY DESIGNATED.

The Council hereby declares The City of Landrum to be a “Crime Watch Area,” and hereby authorizes the placing of signs upon highway rights--of-way upon highways entering the city designating the community as a “Crime Watch Area.” Appropriate signs shall be placed in accordance with SC DOT regulations, as authorized by the General Assembly.

14.507. SWEARING FALSELY WHEN TAKING OATHS.

It shall be unlawful for any person to willfully and knowingly swear falsely under oath in giving evidence in the Municipal Court, or at any other time or place within the corporate limits where an oath has been taken before any person who may be qualified to administer oaths.

14.508. INTERFERING WITH WORSHIP, PUBLIC GATHERINGS OR MEETINGS.

It shall be unlawful for any person to interfere with or disturb any religious worship or public gatherings or meetings.

(S.C. Code 1976, as amended §16 17-520)

14.509. RIOTS. INSTIGATING, AIDING, PARTICIPATING.

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no wound inflicted, shall be subject to and liable for each offense as a misdemeanor.

(S.C. Code 1976, as amended §16-5-120)

14.510. NOISE. UNREASONABLE PROHIBITED.

a. The creation of any unreasonably loud, disturbing and unnecessary noises and noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section; provided however, that such enumeration shall not be construed to be exclusive of other noises:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the

creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

- (2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.
- (3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
- (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the City Council, which permit may be renewed for a period of three (3) days or less while the emergency continues.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.
- (9) The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof, provided, however, that this subsection shall not apply to houses of worship.
- (11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

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- (12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.
- (13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the Chief of Police.
- (14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.
- (15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise. Any motor vehicle operated within the City shall be kept under proper control at all times.
- (16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

ARTICLE VI. OFFENSES AGAINST PROPERTY

14.601. MALICIOUS MISCHIEF.

It shall be unlawful for any person to willfully or maliciously destroy or in any manner injure any property, real or personal, public or private, not his own within the city.

14.602. DAMAGING PROPERTY.

Any person or persons who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person or persons, upon conviction, shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended §16-11-510, §16-11-520)

14.603. FAILURE TO LEAVE PREMISES WHEN ORDERED.

Any person or persons who, when requested to leave the premises of another or the house wherein any one or more persons shall conduct business (except offices of public officers), shall refuse to do so, upon conviction, shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended §16-11-620. State v. Hanapole, 255 S. C. 258, 178 S. E. 2d 247 (1970))

14.604. PETIT LARCENY. DEFINED.

a. Petit larceny is hereby defined as any article of goods, choses in action, bank bills, bills receivable, chattels or other article of personalty of which, by law, larceny may be committed or of any such fixture or part or product of the soil, severed from the soil by an unlawful act, or has a value of one thousand dollars (\$1,000.00).

b. The act is hereby declared to be a misdemeanor. (S.C. Code 1976, as amended §16-13-30)

14.605. STOLEN GOODS.

Any person who shall buy, receive, or have in his possession any goods or chattels or other property, knowing the same to have been stolen, upon conviction, shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended §16-13-180)

14.606. TRESPASSING.

a. For the purposes of this section, private property shall mean the house and land surrounding the house, either owned or rented or occupied by any person.

b. Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor and be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not exceeding thirty (30) days.

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

d. Any person entering upon the lands of another for the purpose of hunting, fishing, trapping, netting, gathering fruit, wildflowers, cultivated flowers, shrubbery, straw, turf, vegetables or herbs or cutting timber on the same, without the consent of the owner or manager thereof, upon conviction, shall be guilty of a misdemeanor.

14.607. SIGNATURE OR PROPERTY. OBTAINING BY FALSE PRETENSES.

Any person who shall, by any false pretense or representation, obtain the signature of any person to any written instrument or shall obtain for any other person any chattel, money, valuable security or

other property, real or personal, if the sum of the written instrument or the value of the property so obtained does not exceed two hundred dollars (\$200.00), with the intent to cheat and defraud any person of such property, upon conviction, shall be guilty of a misdemeanor and the punishment shall be not more than is permitted by law without presentment or indictment by the grand jury.

(S.C. Code 1976, as amended §16-13-240, §16-13-260)

14.608. CREDIT CARDS. OBTAINING CREDIT OR PROPERTY UNLAWFULLY.

a. The term “credit card,” as used in this section, means an identification card, credit number, credit device or other credit document issued to a person by a business organization which permits such person to purchase or obtain goods, property or services on the credit of such organization.

b. The word “notice,” as used in this section, shall be construed to include whether notice given to the purchaser in person or notice given to him in writing. Such notice in writing shall be presumed to have been given when deposited as registered or certified matter, in the United States mail, addressed to such person at his address as it appears in the files of the issuer of the credit card.

c. It shall be unlawful for any person to knowingly use, for the purpose of obtaining credit or for the purchase of goods, property or services:

- (1) a credit card which has not been issued to such person and which is not used with the consent of the person to whom issued; or,
- (2) a credit card which has been revoked or canceled by the issuer of such card and notice thereof has been given to such person; or,
- (3) a credit card which has expired; or
- (4) a credit card which is false, fictitious or counterfeit.

d. Any person violating the provisions of this section, when the amount of credit or purchase obtained is less than fifty dollars (\$50.00), upon conviction, shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended 16-13-270)

14.609. PROPERTY SECURED BY FRAUDULENT IMPERSONATION OF OFFICER.

Anyone who shall take upon himself to act as an officer with the intent to defraud any government, firm or person, or shall in such pretension or pretended character demand, obtain or receive from any government, firm or person any money, paper, document or other valuable thing of a value less than twenty dollars (\$20.00), upon conviction, shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended §16-13 -290)

14.610. SHOPLIFTING.

Shoplifting is hereby declared to be a misdemeanor. Upon conviction, a person shall be guilty of shoplifting who:

1. Takes possession of, carries away, transfers from one person to another or from one area of a wholesale or retail mercantile establishment to another area, or cause to be carried away or transferred any merchandise displayed, held, stored or offered for sale by any wholesale or retail mercantile establishment with the intention of depriving the owner of the possession, use or benefit of said merchandise without paying the full value thereof.
2. Alters, transfers or removes any label, price tag marking, indication of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a wholesale or retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the established value with the intention of depriving the owner of the full value of said merchandise.
3. Transfers any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(S.C. Code 1976, as amended §16-13-110)

14.611. FAILING TO RETURN BOOKS, ETC., BORROWED FROM PUBLIC INSTITUTIONS.

Whoever shall borrow from any library, school, museum, collection or exhibition any book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article belonging to or in the care of said organizations, under any agreement to return it, thereafter shall fail to return said borrowed article, shall be given written notice, mailed to his last known address by certified mail or delivered in person, to return such borrowed article within fifteen (15) days; and in the event that such person shall thereafter willfully and knowingly fail to return such borrowed article within fifteen (15) days, such person shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended §16-13-340)

14.612. PUBLIC EVENTS. GAINING ADMISSION WITHOUT PAYMENT.

It shall be unlawful for any person:

1. where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.
2. unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission.

3. to aid, abet or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

14.613. BREAKING INTO MOTOR VEHICLE. GASOLINE TANK PUMP. ETC.

a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, in the daytime or in the nighttime, with intent to steal the same or anything of value therefrom or attached or annexed thereto or used in connection therewith or in the perpetuation of any criminal offense, upon conviction, shall be guilty of a misdemeanor.

b. Whoever shall break or attempt to break any tank, pump or other vessel, where kerosene, gasoline or lubricating oil is stored or kept, with intent to steal any such product therein contained, upon conviction, shall be guilty of a misdemeanor.

14.614. BAD CHECKS. UNLAWFUL TO ISSUE. PENALTY.

a. It shall be unlawful to draw, make, issue or deliver fraudulent checks to another person, firm or corporation.

(S.C. Code 1976, as amended §34-11-60)

b. For such checks issued to the city, a penalty fee shall be charged the issuer. Such fee shall be as set forth in the "Schedule of Rates and Fees" as shown on Exhibit 1 of this Code.

14.615. LANDMARKS: ALTERING, REMOVING.

If any person shall knowingly, willfully, maliciously or fraudulently cut, fell, alter or move any certain boundary tree or other allowed landmark, lamp post, post or shade tree, such person so offending, upon conviction, shall be guilty of a misdemeanor.

(S.C. Code 1976, as amended §16-11-680)

14.616. FENCES: REMOVING, DESTROYING OR LEAVING DOWN.

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crop or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose, upon conviction, shall be guilty of a misdemeanor.

14.617. PROPERTY OF CITY TO BE RETURNED.

Upon leaving city employment or any city office, it shall be unlawful for any employee or official, including volunteers, to fail to return to the city any city property or equipment issued to him, including this Code of Ordinances.

ARTICLE VII. OFFENSES AGAINST THE PERSON

14.701. ASSAULT AND BATTERY.

It shall be unlawful for any person to commit an assault or assaults and battery upon any other person.

14.702. POINTING PISTOL OR GUN AT ANY PERSON.

It shall be unlawful for any person to point at any other person any loaded or unloaded firearm. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatrical or like performances or to peace officers in the discharge of their duties.

14.703. UNLAWFUL TO THROW OBJECT INJURING PERSON OR DAMAGING PROPERTY.

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken, or other property belonging to another damaged or destroyed.

14.704. REFRIGERATORS. ABANDONMENT PROHIBITED.

a. It shall be unlawful for any person to abandon or discard any refrigerator, ice chest or other type of airtight container of a capacity sufficient to contain any child without, prior to such abandonment, removing the door, lid or other device for the closing thereof.

b. It shall also be unlawful for any person in charge of property to knowingly permit any such container to remain thereon accessible to children without removing the door, lid or other device for the closing thereof.

(S.C. Code 1976, as amended §16-3-1010)

14.705. WELLS, OPEN PITS PROHIBITED.

It shall be unlawful for any owner or tenant to permit or allow any abandoned well or pit to remain open and unprotected on any place or premises owned or occupied by such person.

(S.C. Code 1976, as amended §16-3-1020)

ARTICLE VIII. PARADES. DEMONSTRATING. PICKETING

14.801. PERMIT REQUIRED.

- a. It shall be unlawful to parade, picket or march unless a permit has been secured from the City Clerk.
- b. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the City Clerk, for subsequent approval by the Council, not less than thirty (30) days prior to the time of such parade.
- c. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching.
- d. When picketing or engaging in “demonstrations,” no person shall:
 - (1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.
 - (2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the Council.
 - (3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.
 - (4) Damage or destroy or injure the person or property of others.
 - (5) Block, in any manner, the streets and means of ingress and egress to places of business.
 - (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
 - (7) Interfere in any matter with the attendance, during school hours, of children in the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason, or permitting them to be or remain in churches or other places used in such demonstrations.
 - (8) Picket other than in accordance with the following principles:
 - (a) In small numbers.
 - (b) In a manner so as not to interfere with pedestrians or vehicular traffic.
 - (c) In a manner so as not to block entrances or exits to or from business establishments.

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- (d) No more than four (4) pickets posted at any one time at any one business establishment.
 - (e) No more than two (2) business establishments picketed in the same block at the same time.
 - (f) No picket trespassing upon the property of the business establishment being picketed.
 - (g) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.
 - (h) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.
- (9) “Demonstrate,” other than in accordance with the following principles:
- (a) Walking not more than two (2) abreast upon the public sidewalks or in groups of not more than thirty (30) persons.
 - (b) Observe all traffic control devices.
 - (c) Walking close to the building line or curb so as not to interfere with or obtrude other pedestrian traffic on the sidewalk.
 - (d) Assemble peacefully and speak peacefully for a period of time not exceeding thirty (30) minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.
 - (e) This section shall not apply to funeral processions, the United States Armed Forces, the military forces of this state or the Police and Fire Departments of the city.

14.802. ISSUANCE.

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

14.803. RESTRICTIONS AND SAFEGUARDS.

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

14.804. CULTS. ETC.

Cults, masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in The City of Landrum, unless authorized by the Council prior thereto.

ARTICLE IX. PENALTIES

14.901. PARTIES TO A CRIME.

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this Code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions, upon conviction, shall be guilty of such offense.

14.902. GUILTY PLEA. NOLO CONTENDERE. FORFEITURE OF BAIL.

The entry of any plea of guilty or nolo contendere or the forfeiture of any bail posted for the violation of any provision of this Code or for the violation of any other law or municipal ordinance shall have the same effect as a conviction after trial under such provisions.

14.903. CRIMINAL LAWS OF STATE OF SOUTH CAROLINA ADOPTED.

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the 1976 South Carolina Code of Laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the Council.

14.904. MISDEMEANOR

The violation of any provision of this chapter shall constitute a misdemeanor.

14.905. PENALTY.

Unless otherwise provided herein, upon conviction, the violation of any section of this Code shall be punishable by a fine of not more than five hundred dollars {\$500.00) or imprisonment for not more than thirty {30) days, or both.

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

ARTICLE I. SOLICITING

- 15.101. Types Prohibited.
- 15.102. Use of Streets for Sales and Distribution Prohibited.
- 15.103. Appeals.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

- 15.201. Public and Private Property. Political Signs, etc.
- 15.202. Handbills, Placards, Banners and Flags. Placement. Application.
- 15.203. Municipal or State Signs.

ARTICLE III. ADVERTISING NOISES

- 15.301. Loud speakers, Musical Instruments for Advertising Purposes.
- 15.302. Noise Making for Other Purposes.
- 15.303. Church Bells Excepted.

ARTICLE IV. PENALTIES

- 15.401. Penalty.

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

ARTICLE I. SOLICITING

15.101. TYPES PROHIBITED.

Unless approved by the Administrator, it shall be unlawful:

1. For the operator, owner or manager of any rooming, boarding or lodging house, restaurant, cafe, tea room, lunch room or storage garage, hereafter called establishment, to employ or use any person or persons to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever, and
2. For any person acting as agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

15.102. USE OF STREETS FOR SALES AND DISTRIBUTION PROHIBITED.

(a) It shall be unlawful for any person or group of persons to sell, solicit sales or offer for distribution any merchandise, publication, handbill or pamphlet while such person is standing in the street, areas reserved for parking spaces, the areas reserved for loading and unloading or to enter any of said areas for the purpose of sale and/or delivery of any said items.

(b) It shall be unlawful for any person to go from house to house or from place to place within the City to solicit donations, sell or solicit orders for periodicals, or subscriptions of any kind, or goods, wares, and merchandise without first having obtained a permit as provided herein.

1. *Permit application; information.* Any person desiring to engage in the activity described in subsection (b) shall, before engaging in such activity, file an application for a permit with the chief of police. The application shall state the applicant's name, age, sex, race, business and residence addresses, and the name and address of the applicant's employer or sponsor. The application shall state the length of time for which the permit is requested, shall be in writing and shall have been sworn before a notary public for the state.

2. *Issuance of permit.* After the filing by the applicant under subsection (b)(1), and if, upon due investigation of the application the application is approved, the chief of police shall issue to the applicant a permit authorizing the applicant to engage in the activity described in such application for the period of time set forth in such permit. Such permits shall be restricted to daylight hours only, and only Monday through Saturday.

3. *Business License Required.* After obtaining such permit, such person shall have the applicable business licenses and shall conform to any and all other ordinances of the City prior to engaging in the permitted activity.

4. *Exception.* Any person engaging in the activity described in subsection (b) on behalf of a civic organization located in the City is not required to obtain a business license.

15.103. APPEALS.

Appeals shall be made to the Council.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

15.201. PUBLIC AND PRIVATE PROPERTY. POLITICAL SIGNS. ETC.

a. It shall be unlawful to place any advertisement, notice or sign of any nature on public property within the corporate limits, without prior approval of the Administrator, or on any private property without prior approval of the owner thereof.

b. The above shall include a banner, canvas, placard, picture, paper, circular, printed matter or any other similar means or device whatsoever.

15.202 HANDBILLS, PLACARDS, BANNERS AND FLAGS. PLACEMENT. APPLICATION.

a. Except as otherwise authorized, no handbill placard, banner or flag shall be distributed within the corporate limits, unless it is deposited in a secure place where the wind will not blow it away.

b. The placing of a handbill or placard under a windshield wiper of a motor vehicle shall not be construed as a deposit of same in a secure place. Delivery to person(s) in a vehicle shall be permitted.

c. Application for permit to distribute advertising matter shall be made to the City Clerk.

15.203. MUNICIPAL OR STATE SIGNS.

It shall be unlawful for any person, firm or corporation to remove, tear down, deface or destroy any sign erected by municipal or state authorities.

ARTICLE III. ADVERTISING NOISES

15.301. LOUDSPEAKERS. MUSICAL INSTRUMENTS FOR ADVERTISING PURPOSES.

- a. It shall be unlawful for any person to maintain and operate in any building or on any premises any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in a manner as to create unreasonably loud, excessive and disturbing noise.
- b. This shall include any device which is or may be maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.
- c. Also, any device so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

15.302. NOISE MAKING FOR OTHER PURPOSES.

- a. It shall be unlawful for any person to make any noise upon a public street or in proximity thereto as to be distinctly and loudly audible upon the street.
- b. This shall include, but not be limited to, calling or shouting, or any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for any purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

15.303. CHURCH BELLS EXCEPTED.

This article shall not apply to the ringing of church bells by established places of worship.

ARTICLE IV. PENALTIES

15.401. PENALTY.

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

CHAPTER 16. STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

- 16.101. Control Over Maintenance and Construction.
- 16.102. Sidewalks. Adjacent Property Owners to Keep Clear.
- 16.103. Repair.
- 16.104. Parking Prohibited. Exceptions.
- 16.105. Streets. Names. Changes Prohibited.
- 16.106. Maintenance of New Streets.
- 16.107. Survey Markers Required for New Streets.
- 16.108. Garage Sales.

ARTICLE II. UNLAWFUL ACTS

- 16.201. Obstructions Prohibited. Permission Required for Exceptions.
- 16.202. Protection by Barricades, Lights.
- 16.203. Dangerous Substances on Streets or Sidewalks.
- 16.204. Merchandise on Sidewalks.
- 16.205. Garbage, Other Solid Waste, Trash, Offensive Matter.
- 16.206. Tree Waste. Removal.
- 16.207. Depositing on Streets, Sidewalks and Drains Prohibited.
- 16.208. Damaging Public Property.
- 16.209. Burning on Streets Prohibited.
- 16.210. Advertising Matter. Painting, Printing on Sidewalks, etc.
- 16.211. Curbing. Breaking, Destroying Prohibited; Permission Required, Entrance to Property.
- 16.212. Draining Water, Other Liquids onto Streets or Sidewalks Prohibited. Sprinkling.
- 16.213. Reserved.
- 16.214. Obstruction of Drains, Ditches, Water Courses, etc.
- 16.215. Reserved.
- 16.216. Reserved.
- 16.217. Reserved.
- 16.218. Fences. Repairs.
- 16.219. Games in Streets.
- 16.220. Roller Skating. Roller Blading.
- 16.221. Obstructions to Vision at Street Intersections.
- 16.222. Removal.

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16.223. City May Remove. Owner to Pay Costs.

16.224. Streetlights. Breaking. Removing.

ARTICLE III. EXCAVATIONS

16.301. Permission Required. Bond Required.

16.302. To be Restored.

16.303. Failure.

16.304. Danger Signals Required. Lights Required.

16.305. Removal.

ARTICLE IV. LITTERING

16.401. Prohibited.

16.402. Duty of Business Owners, Occupants.

16.403. Duty of Customer.

ARTICLE V. PENALTIES

16.501. Penalty.

CHAPTER 16. STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

16.101. CONTROL OVER MAINTENANCE AND CONSTRUCTION.

- a. The Council shall approve the construction and maintenance of streets, employing such number of persons to work on the streets as may be needed.
- b. This section shall not apply to streets under the supervision and control of SCDOT or Spartanburg County.

16.102. SIDEWALKS. ADJACENT PROPERTY OWNERS TO KEEP CLEAR.

It shall be the duty of all owners of real estate within the corporate limits to keep the sidewalks adjoining their real estate clear and free from grass, weeds, trash and garbage. Sidewalks shall be cleared, and the grass and weeds cut and removed.

16.103. REPAIR.

All owners of lots of land or lands within the corporate limits which abut sidewalks shall keep the sidewalks adjacent to said lots in good repair.

16.104. PARKING PROHIBITED. EXCEPTIONS.

- a. No vehicles shall be parked on any sidewalk.
- b. Exceptions may be made when it is necessary to avoid traffic or when directed by a police officer or a traffic control device.

16.105. STREETS. NAMES. CHANGES PROHIBITED.

- a. No person shall name any currently unnamed street or change the name of any existing street except by authority of the Council.
- b. It shall be unlawful for any person to lay out any new street within the municipality without first procuring from the Council approval of the names to be assigned to such new street.

16.106. NEW STREETS.

- a. Before construction of any new street, the following is required:
 - (1) Plans and profiles for the proposed street, sidewalk, or drainage structure shall be submitted to the City Administrator for review and approval prior to any construction.

- (2) Upon approval, all such streets, sidewalks and drainage structures shall be constructed to line and grade, the necessary drainage structures installed, and adequate inlet and outlet ditches constructed as approved. "As Built" construction plans shall be submitted to the Council at the time of completion.

16.107. SURVEY MARKERS REQUIRED FOR NEW STREETS.

In order to avoid disputes which may arise concerning the boundaries of the streets of the City, a permanent survey marker shall be erected on each corner of said street at the point where it intersects with any other street.

16.108. GARAGE SALES.

All garage sales and yard sales in the city shall comply with the following regulations:

- a. It shall be unlawful for any person to have a yard sale more than one day each calendar year.
- b. It shall be unlawful for any person, not a resident of the city, to have a yard sale within the city limits, unless a property owner gives permission but then only on that person's property.

ARTICLE II. UNLAWFUL ACTS

16.201. OBSTRUCTIONS PROHIBITED. PERMISSION REQUIRED FOR EXCEPTIONS.

- a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the city by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.
- b. It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.
- c. It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereof any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding twenty (20) feet.
- d. Any person building houses or other structures within the city may obtain from the City Clerk permission for a partial and temporary use of the streets for building purposes.
- e. No permanent obstruction shall be placed on any street, highway or other public place.

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- f. Any obstruction placed on any street, sidewalk or highway in violation of this section may be removed by police officers of the city or under their supervision.
- g. This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction a of street, sidewalk, public way or utilities.

16.202. PROTECTION BY BARRICADES. LIGHTS.

While the obstructions provided for in this article remain on any street, sidewalk, highway or other public place, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

16.203. DANGEROUS SUBSTANCES ON STREETS OR SIDEWALKS.

It shall be unlawful for any person to throw or place on any street or sidewalk any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.

(S.C. Code 1976, as amended §57-7-20)

16.204. MERCHANDISE ON SIDEWALKS.

Unless approved by the City Administrator it shall be unlawful for any merchant to place any obstructions, including tables, chairs and merchandise on any City streets or City sidewalks.

16.205. GARBAGE. OTHER SOLID WASTE. TRASH. OFFENSIVE MATTER.

It shall be unlawful for any person or persons to throw or cause to be thrown any garbage, other solid waste, trash or other offensive matter onto any sidewalk, street, lot or public place.

16.206. TREE WASTE. REMOVAL.

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste caused by such cutting, trimming or digging.

16.207. DEPOSITING ON STREETS. SIDEWALKS AND DRAINS PROHIBITED.

- a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any trash, garbage or matter or substance of any kind likely to cause injury to any person, animal or vehicle onto streets or sidewalks.
- b. This section shall apply to obstruction of any storm drain or ditches.

16.208. DAMAGING PUBLIC PROPERTY.

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- a. It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits.
- b. This section shall prohibit the erection of anything on public property, without permission of the Council.

16.209. BURNING ON STREETS PROHIBITED.

It shall be unlawful for any person to burn any trash, garbage, leaves or refuse matter on the streets and sidewalks.

16.210. ADVERTISING MATTER. PAINTING, PRINTING ON SIDEWALKS. ETC.

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the city; provided however, that nothing herein contained shall be construed to prohibit SCDOT, the Police Department or any other department of the city from marking the sidewalks or streets for the purpose of controlling traffic or for any other city purpose.

16.211. CURBING. BREAKING. DESTROYING PROHIBITED: PERMISSION REQUIRED. ENTRANCE TO PROPERTY.

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained written permission therefor from the City Administrator or his designee.

16.212. DRAINING WATER OTHER LIQUIDS ONTO STREETS OR SIDEWALKS PROHIBITED. SPRINKLING.

- a. It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.
- b. It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.

16.213. Reserved.

16.214. OBSTRUCTION OF DRAINS, DITCHES, WATER COURSES, ETC.

It shall be unlawful for any person or persons to obstruct, or cause to be obstructed, any drains, ditches or water courses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions. They shall not allow any growth of weeds or shrubbery

on or along the banks thereof which will prevent sunlight from entering therein. When overflows or floods form pools or “back waters” therein, they shall be promptly drained.

16.215. Reserved.

16.216. Reserved.

16.217. Reserved.

16.218. FENCES. REPAIRS.

It shall be unlawful for the owner or owners of lands, or lots of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the city.

16.219. GAMES IN STREETS.

It shall be unlawful for any person to play football, baseball, basketball or other games in and upon any street, park or other public place in the city, except in the places provided therefor.

16.220. ROLLER SKATING. ROLLER BLADING.

- a. It shall be unlawful for any person to skate on or to use roller skates or roller blades on the streets or sidewalks of the city; provided, however, that children may skate on the sidewalk within the block in which they reside, but they shall not cross the street.
- b. It shall be unlawful for anyone to ride a bicycle, tricycle, coaster, skateboard, roller skates, scooter or any other wheeled conveyance on a sidewalk in any area of the city zoned General Commercial District (C-2) or General Business District (C-1), except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to wheelchairs or other similar devices used by handicapped persons.

16.221. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

On corner lots there shall be no obstruction to vision between the existing surfaces of the intersecting streets at their center lines

16.222. REMOVAL.

Whenever it shall be determined by the Administrator that there exists, on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten (10) days after official written notice, remove such obstruction.

16.223. CITY MAY REMOVE. OWNER TO PAY COSTS.

If any such property owner shall fail or refuse to remove any such obstruction, after written notice to do so, as provided above, the costs of such removal shall be charged to the property owner. It shall be a lien on such property and shall be added to and payable with the taxes on such property.

16.224. STREETLIGHTS. BREAKING, REMOVING.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with streetlights.

ARTICLE III. EXCAVATIONS

16.301. PERMISSION REQUIRED. BOND REQUIRED.

- a. It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the city or SCDOIT, except in a bona fide emergency situation.
- b. Before permission shall be granted for the opening or cutting of any street or sidewalk in the city, the person making application may be required to deposit with the City, a cash bond in a sum to insure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the restoration thereof, including repair required within one year.

16.302. TO BE RESTORED.

Any such cut or excavation shall be restored according to the standards of SCDOIT within a period of twenty-four (24) hours. Upon request, special consideration may be granted by the city or SCDOIT due to extreme weather conditions.

16.303. FAILURE.

In the event that said repair should sink or give away within one (1) year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within seventy-two (72) hours of being notified by the city and/or SCDOIT.

16.304. DANGER SIGNALS REQUIRED. LIGHTS REQUIRED.

- a. It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety

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devices properly displayed around same as danger signals to prevent accidents to persons or property.

- b. Adequate lights shall be displayed at night.

16.305. REMOVAL.

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

ARTICLE IV. LITTERING

16.401. PROHIBITED.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

16.402. DUTY OF BUSINESS OWNERS. OCCUPANTS.

- a. The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.
- b. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.
- c. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle or receptacles above referred to, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

16.403. DUTY OF CUSTOMER.

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

ARTICLE V. PENALTIES

16.501. PENALTY.

The violation of any provisions of this chapter shall constitute a misdemeanor, punishable by the Municipal Court.

CHAPTER 17. Reserved

CHAPTER 17. Reserved

Article I. Reserved

CHAPTER 18. VEHICLES. TRAFFIC

NEEDS TO BE REVIEWED BY JASON

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CHAPTER 18. VEHICLES. TRAFFIC

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.

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 of 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.

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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 directions 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 device upon the streets of the city, as deemed necessary, to regulate, warn or guide traffic in the city.
- B. All such traffic control device shall conform to the specifications of SCDOT.
(S.C. Code 1976, as amended §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 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 city 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 city, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT.

- 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 city; 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 city to "fix" any ticket or summons issued by the Police Department for a violation of any traffic ordinance.

ARTICLE II. MOVING TRAFFIC

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 city limits, without care, prudence, caution and without full regard for the safety of persons or property.

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- 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 facia 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 one hundred dollars (\$100.00) 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.

18.204. DRIVING ACROSS PRIVATE PROPERTY TO MAKE TURNS.

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

18.205. STOP SIGNS.

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

18.206. ENTERING INTERSECTION OR MARKED 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.

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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.

APPENDIX A FREEDOM OF INFORMATION ACT

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

§30-4-10. Short Title.

§304-15. 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.

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(a) “Public body” means any department of the State, and state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this Chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation are not public bodies for the purpose of this Chapter.

(b) “Person” includes any individual, corporation, partnership, firm, organization or association.

(c) “Public record” includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used in the possession of, or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except nonidentifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of this ad. 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 ad 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 §30-440, in accordance with reasonable rules concerning time and place of access.

(b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. Such records shall be furnished at the lowest possible cost to the person requesting the records. Records shall be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for such public body to provide the records in such form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall not be charged for examination and review to determine if such documents are subject to disclosure. Nothing in this chapter shall prevent the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of such costs prior to searching for or making copies of the records.

(c) Each public body, upon written request for records made under this chapter, shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefor. Such a determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the fifteen days allowed herein, the request must be considered approved.

(d) The following records of a public body must be available for public inspection and copying during the hours of operations of the public body without the requester being required to make a written request to inspect or copy the records when the requestor appears in person:

(1) minutes of the meetings of the public body for the preceding six months;

(2) all reports identified in Section 30450(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.

(8) 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;

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(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.

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(6) All compensation paid by public bodies except as follows:

(A) For those persons receiving compensation of fifty thousand dollars or more annually, for all part-time employees, for any other persons who are paid honoraria or other

compensation for special appearances, performances or the like, and for employees at the level of agency or department head, the exact compensation of each person or employee;

- (B) For classified and unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation between, but not including, thirty thousand dollars and fifty thousand dollars annually, the compensation level within a range of four thousand dollars, such ranges to commence at thirty thousand dollars and increase in increments of four thousand dollars;

- (C) For classified employees not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the salary schedule showing the compensation range for that classification including longevity steps, where applicable;

- (D) For unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the compensation level within a range of four thousand dollars, such ranges to commence at two thousand dollars and increase in increments of four thousand dollars.

- (E) For purposes of this subsection (6), “agency head” or “department head” means any person who has authority and responsibility for any department, of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

- (7) Correspondence or work product of legal counsel for a public body and any other material that would violate attorney-client relationships.

- (8) Memoranda, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs; however, nothing herein may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this Chapter and not specifically exempted by any other provisions of this Chapter.

- (9) Memoranda, correspondence, documents, and working papers relative to efforts or activities of a public body to attract business or industry to invest within South Carolina.

- (10) Any standards used or to be used by the South Carolina Revenue and Taxation for the selection of returns for examination, or data used or to be used for determining such standards, if the Commission determines that such disclosure would seriously impair assessment, collection, or enforcement under the tax laws of this State.

- (11) Information relative to the identity of the maker of a gift to a public body if the maker specifies that his making of the gift must be anonymous and that his identity must not be revealed as a condition of making the gift. For the purposes of this item, “gift to a public body” includes, but is not limited to, gifts to any of the state. Supported colleges or universities and museums. With respect to the gifts, only information which identifies the maker may be exempt from disclosure. If the maker of any gift or any member of his immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure.

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

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

a. Without limiting the meaning of other Sections of this Chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of §30-4-20, §304-40 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;

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- (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.

§3 0. 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 §30470(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session to be stated. No action may be taken in

executive session except (a) to adjourn or (b) to return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

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

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

- a. All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agendas, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.
- b. Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.
- c. Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (a), must make reasonable and timely efforts to give notice of their meetings.
- d. Written public notice must include but need not be limited to posting a copy of the notice at the principle office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.
- e. All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

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

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

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

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

§0-4-110. 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.

APPENDIX B

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

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

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

SAMPLE ORDINANCE FORM

SAMPLE ORDINANCE FORM

ORDINANCE NO. _____

AN ORDINANCE ENTITLED

CHANGE IN TIME OF REGULAR COUNCIL MEETINGS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LANDRUM, SOUTH CAROLINA:

SECTION 1. Section 2.201 of the City 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.)

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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 B. Briggs, Mayor

Second Reading

Council Member

ATTEST:

Clerk/Treasurer

Council Member

AS TO FORM:

City Attorney

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

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

1. Some municipalities prefer to repeal the entire amended section, and have it retyped in its entirety to avoid future confusion or misunderstanding as to the intent of Council. Others prefer the “short version,” as above. This is especially true if the amended section is lengthy. Either way is local choice.
2. If a date other than that of second reading is to be the effective date, it should be inserted accordingly as a part of Section 3 {of the sample ordinance) or the appropriate section number in the amending ordinance. Example: “effective on December 1, 2000.”
3. More space than that shown in the sample ordinance can be utilized between sections, the date of readings and the signatures of the Mayor and Administrator-Clerk to space it more aesthetically on the page.
4. Upon adoption of the ordinance, the original copy, with signatures, should be placed in the “Book of Ordinances’ (as discussed in §2.114 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. 5--2000, Supplement #2. 10-1-2000, etc.
7. Such changes should be noted also in the general Table of Contents, Chapter Table of Contents and the Index, as appropriate. Maintaining a chronological list of all supplements in the “Book of Ordinances• by date of supplement will prove helpful for future reference.

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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

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

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14. Planning

15. Property Conveyances

16. Sale, lease or contract to sell lands

17. Subdivision Plats

18. Tax Levies and other charge

19. Zoning

*****schedule of rates and fees