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Editor's Note.

**CHAPTER 1. GENERAL PROVISIONS**

**ARTICLE I. CERTIFICATION OF INCORPORATION**

Editor's Note.

On April 24, 1996, the South Carolina Secretary of State issued "to The Town of Rockville a Certificate of Incorporation..."

A reprint of that certificate is included in this code on the following page.

## ARTICLE II. THE CODE

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

### **1.201. HOW CODE DESIGNATED AND CITED.**

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

### **1.202. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.**

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

### **1.203. SEVERABILITY OF PARTS OF CODE.**

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

### **1.204. CATCHLINES OR CATCHWORDS OF SECTIONS.**

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

### **1.205. DEFINITIONS.**

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

**AND, OR** The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it.

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

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

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

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

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

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

COUNTY shall mean the County of Charleston.

COURT shall mean the Magistrate's Court.

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 town to do some act or make certain inspections, it shall be construed to authorize them to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly designate otherwise.

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

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

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

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

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

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

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

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

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

MAY shall be permissive.

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPAL CLERK Please see Town Clerk.

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

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

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

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

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

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

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

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

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

defined herein.

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

PREMISES shall mean place or places.

PROPERTY shall include real and personal property.

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

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

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

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

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

SCDOT shall mean the South Carolina Department of Transportation.

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

SHALL, MUST shall be mandatory.

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

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

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

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

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

TAX COLLECTOR shall mean Charleston County.

(RQ 40)

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

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

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

TOWN CLERK shall mean "Clerk/Treasurer," "Clerk" or "Municipal Clerk."

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

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

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

#### **1.206. RULES OF CONSTRUCTION.**

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

1. Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.
2. All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
3. All words importing the present tense also shall apply to the future.

#### **1.207. GENERAL PENALTY. CONTINUING VIOLATIONS.**

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

(1976 SC Code §14-25-65)

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

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

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

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

#### **1.209. OFFENSES BEYOND TOWN LIMITS.**



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

#### **1.210. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.**

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

#### **1.211. AMENDMENTS TO CODE.**

a. All ordinances adopted subsequent to this Code of Ordinances, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections, or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

b. Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in substantially the following, or similar language: "*that Section No. \_\_\_ of the Town Code of The Town of Rockville is hereby amended as follows: ....*" The new provisions may then be set out in full as enacted, utilizing the text and numbering system consistent with this code.

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

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

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

#### **1.212. ALTERING CODE.**

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

**1.213. PROSECUTION WHERE DIFFERENT PENALTIES EXIST FOR SAME OFFENSE.**

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

**1.214. CORPORATE LIMITS ESTABLISHED.**

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

**1.215. MUNICIPAL SEAL.**

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

**ARTICLE III. RESPONSIBILITIES OF ALL MUNICIPALITIES**

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

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

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

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

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## CHAPTER 2. ADMINISTRATION

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

### ARTICLE I. IN GENERAL

#### **2.101. FORM OF GOVERNMENT.**

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

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

#### **2.102. TOWN COUNCIL. COMPOSITION.**

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

(RQ 3)

#### **2.103. SAME. TERMS.**

a. The term of office for Mayor shall be two (2) years.

b. The term for the office for Council shall be two (2) year terms.

(RQ 3) (See also Article III, this chapter.)

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

#### **2.104. SAME. ELIGIBILITY.**

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

**2.105. ACTUAL EXPENSES.**

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

(1976 SC Code §5-7-170)

**2.106. MAYOR. DUTIES.**

a. The Mayor shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, franchises, resolutions, directives, deeds, bonds and other official instruments or documents directed by state law or Council.

b. He shall have other such duties and perform such functions as may be requested by Council.

*(Editor's Note. Chapter 9 of Title 5 sets forth in detail the **responsibilities and powers of the Mayor.***

*Resolution #96-004 authorized the Mayor to "negotiate with Berkeley Electric Cooperative and Bell South to obtain payment of legally authorized franchise fees."*

**2.107. MAYOR PRO TEMPORE. DUTIES.**

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

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

(1976 SC Code §5-7-190)



**2.108. OATH OF OFFICE REQUIRED.**

The Mayor, each member of Council and other officials, when required, before entering upon the duties of their respective offices, shall take the following oath:

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

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

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

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

**2.109. ORDINANCES.**

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

(1976 SC Code §5-7-30)

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

**2.110. SAME. SIX DAYS BETWEEN READINGS. AMENDMENTS.**

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

(1976 SC Code §5-7-270)

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

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

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

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

**2.111. SAME. BOOK OF.**

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

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

(1976 SC Code §5-7-290)

**2.112. SAME. NOTATION OF AMENDMENTS OR REPEALS.**

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

**2.113. SAME. ENACTING CLAUSE.**

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

**2.114. SAME. REQUIRED BY STATE LAW.**

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

1. Adopt or amend an administrative code or establish, alter or abolish any department, office or agency;
2. Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
3. Appropriate funds and adopt a budget;
4. Grant, renew or extend franchises, licenses or rights in public streets, or in public property and close abandoned streets;
5. Authorize the borrowing of money or the issuance of bonds;
6. Levy taxes, assess property for improvements or establish charges for services;
7. Annex areas;
8. Convey or lease or authorize the conveyance or lease of any lands; and
9. Amend or repeal any ordinance described in subparagraphs 1 through 8 above.

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

(1976 SC Code §5-7-30, §5-7-260)

**2.115. SAME. ANNUAL CODIFICATION.**

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

(1976 SC Code §5-7-290)

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

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

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

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

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

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

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

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

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

### **2.118. SAME. FINAL FORM BEFORE ADOPTION.**

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

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

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

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

(1976 SC Code §5-7-250(d))

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

c. An emergency ordinance may not levy taxes.

(1976 SC Code §5-7-250)

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

(1976 SC Code §5-7-250)

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

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

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

b. In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the citizenry or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency.

c. In order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the Town Council, the Mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the Town Council and to specific hours of the day or night and to exempt from the curfew police officers, fire fighters, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits.

(1976 SC Code §5-7-250)

#### **2.121. RESOLUTIONS. INTRODUCTION.**

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

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

#### **2.122. SAME. ADOPTION. PUBLIC HEARING.**

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

## **ARTICLE II. MEETINGS OF TOWN COUNCIL**

**2.201. MEETINGS. REGULAR. PLACE.**

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

(RQ 6)

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

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

**2.202. SAME. SPECIAL.**

Special meetings may be held:

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

**2.203. SAME. NOTICE OF CHANGE.**

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

**2.204. SAME. OPEN TO PUBLIC.**

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

**2.205. SAME. MAYOR TO PRESIDE.**

The Mayor shall preside at all Council meetings.

**2.206. AGENDA.**

- a. Matters to be considered at a regular meeting shall be placed on a written agenda

prepared by the Mayor.

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

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

(RQ 7)

### **2.207. APPEARANCE OF CITIZENS.**

Any citizen of the town shall be entitled to meet with Council at a time allotted after the business meeting.

(RQ 8)

### **2.208. MINUTES OF TOWN COUNCIL MEETINGS.**

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

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

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

### **2.209. QUORUM. REQUIRED.**

a. All actions of Council shall require a quorum.

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

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

### **2.210. RULES OF ORDER. PARLIAMENTARIAN.**

a. Except as otherwise provided by state law or this code, all proceedings of Council



shall be governed by *Robert's Rules of Order*.

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

#### **2.211. MOTIONS. TO BE IN WRITING.**

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

#### **2.212. UNLAWFUL TO INTERRUPT MEETINGS.**

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

(See also §14.606, this code.)

#### **2.213. ORDER OF PROCEEDINGS OF COUNCIL. MEETINGS.**

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

- |                                     |                            |
|-------------------------------------|----------------------------|
| 1. Calling the roll.                | 5. Published Agenda Items. |
| 2. Invocation/Pledge of Allegiance. | 6. Committee Reports.      |
| 3. Approval of the minutes.         | 7. Council Concerns.       |
| 4. Mayor's Report.                  | 8. Adjournment.            |

#### **2.214. HOW OFTEN MEMBERS MAY SPEAK.**

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

#### **2.215. VOTING. MAYOR MAY VOTE. QUORUM.**

a. The result of each vote on every question shall be recorded in the minutes by the Town Clerk. The "yeas" and "nays" on any question shall be recorded, when requested by any

member.

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

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

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

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

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

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

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

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

(RQ 9, as to "g.")

h. A quorum shall constitute fifty percent (50%) plus one of the members of Council.

*(Editor's Note. Webster's Collegiate Dictionary, Tenth Edition, page 702.)*

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

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

(1976 SC Code §8-13-700)

#### **2.217. EXECUTIVE SESSIONS.**

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

interest.

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

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

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

### **2.218. COMMITTEES. APPOINTMENT. PUBLIC HEARINGS.**

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

b. Minutes or reports of hearings shall be prepared and filed with the Town Clerk as public records.

(RQ 16)

### **2.219. SAME. REPORTS.**

a. Committee reports shall be in writing and signed by a majority of the committee.

b. Any report involving the expenditure of money shall be in writing and include the amount to be expended, or an approximation thereof, and the reasons therefor.

### **2.220. SAME. ORDER OF REPORTS.**

Reports of committees shall be rendered to Council when requested by Council.

### **2.221. MOTIONS. NOT DEBATABLE.**

The following motions shall be without debate:

1. To adjourn,
2. To lay on the table,
3. To read any paper,
4. To take the "yeas" and "nays" for the previous question, and
5. To reconsider.

**2.222. SAME. PRECEDENCE DURING DEBATE.**

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

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

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

**2.223. SAME. TO RECONSIDER.**

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

### **ARTICLE III. MUNICIPAL ELECTIONS**

*This Article Updated September 2009 to include transferring authority from Rockville to Charleston County Election Commission (Rockville Ordinance #07-1015).*

**EDITOR'S NOTE. THE UNITED STATES CONGRESS HAS MANDATED THAT ANY ORDINANCE WHICH IMPACTS UPON THE ELECTION PROCESS MUST BE CLEARED IN ADVANCE BY THE UNITED STATES DEPARTMENT OF JUSTICE.**

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

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

### **2.301. ELECTION LAWS OF THE STATE TO GOVERN.**

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

(1976 SC Code §5-15-20 et seq.)

### **2.302. MUNICIPAL ELECTION COMMISSION ESTABLISHED. TERMS. VACANCIES.**

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

b. Members shall be appointed by the Town Council and shall certify all municipal elections. (Rockville Ordinance #07-1015)

(1976 SC Code §5-15-90 and §5-15-100 require the provisions of this section.)

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

### **2.303. DATE OF ELECTIONS. PLACE.**

a. All regular Council elections shall be held the first Tuesday following the first Monday in November in each odd numbered year. (Rockville Ordinance #07-1015)

b. Voting shall be held at the Rockville Presbyterian Church, unless otherwise authorized by Council and public notice given.

(RQ 10)

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

#### **2.304. VOTING HOURS.**

Polling places shall be open from 7:00 a.m. to 7:00 p.m. (1976 SC Code §7-13-60) (RQ 14)

#### **2.305. FILING.**

a. Candidates shall file a Statement of Candidacy and a Statement of Economic Interest at the office of Charleston County Board of Elections and Voter Registration at least sixty (60) days prior to the election. (Rockville Ordinance #07-1015)

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

(1976 SC Code §5-15-110)

#### **2.306. SAME. FEES.**

There is no filing fee for the office of Mayor and Council.

(RQ 13)

#### **2.307. CERTIFICATION.**

The Charleston County Board of Elections and Voter Registration shall certify the nominees to the Town Council at least sixty (60) days prior to the election. (Rockville Ordinance #07-1015)

#### **2.308. PUBLIC NOTICE REQUIRED.**

Public notice of all municipal elections shall be given at least ninety (90) days prior to such elections, as required by law. (Rockville Ordinance #07-1015)

(1976 SC Code §5-15-50)

**2.309. WRITE-IN VOTES.**

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

**2.310. SUCCESSORS TO BE QUALIFIED.**

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

**2.311. ASSUMING OFFICE.**

Newly elected members of Council will be sworn in and take office at the 1<sup>st</sup> council meeting following certification of the election. (Rockville Ordinance #07-1015)

(RQ 15)

**2.312. AT-LARGE. POLITICAL PARTIES.**

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

(RQ 11)

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

(RQ 12)

**2.313. NONPARTISAN ELECTION AND RUNOFF. TIE VOTES. CONTESTED.**

- a. As prescribed in §5-15-62 of the 1976 South Carolina Code of Laws, election results

shall be determined under the nonpartisan election and runoff election method. 50% + 1 is winner. (Majority)

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

b. If any election results in a tie, the Board of Election and Voter Registration shall conduct a runoff election two weeks following that election to break the tie. (Rockville Ordinance #07-1015)

(1976 SC Code §5-15-125) (RQ 12)

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

(1976 SC Code §5-15-130)

### **2.314. SPECIAL.**

Special elections, when required, shall be scheduled and conducted in accordance with code 7-13-190 by the Board of Election and Voter Registration. Public notice of such elections shall be given at least sixty (60) days prior thereto, and the other provisions of this article, as appropriate, shall apply. (Rockville Ordinance #07-1015)

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

### **2.315. QUALIFICATIONS FOR VOTING.**

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

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

(1976 SC Code §7-5-120)



## ARTICLE IV. PERSONNEL

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

### **2.401. AUTHORITY TO ESTABLISH.**

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

### **2.402. CHIEF ADMINISTRATIVE OFFICER.**

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

### **2.403. APPOINTMENT. SUSPENSION.**

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

### **2.404. SAME. COMPENSATION.**

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

### **2.405. RESISTING OR INTERFERING WITH OFFICIALS OR EMPLOYEES.**

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

**2.406. HOLIDAYS.**

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

JAN - New Years - Day after or day before  
Martin Luther King Day

FEB - President's Day

MAY - Memorial Day

JUL - July 4<sup>th</sup>

SEP - Labor Day

NOV - Thanksgiving Day and day after

DEC - Christmas - Day after or day before

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

**ARTICLE V. TOWN CLERK**

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

**2.501. APPOINTMENT.**

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

(1976 SC Code §5-7-220)

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

**2.502. BOND. SURETY COMPANY. FEE.**

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

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

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

**2.603. DUTIES.**

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

(1976 SC Code §5-7-220)

**2.604. COMPENSATION.**

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

## ARTICLE VI. MUNICIPAL ATTORNEY

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

### **2.601. APPOINTMENT. TERM OF OFFICE. RESIDENCE.**

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

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

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

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

### **2.602. DUTIES.**

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

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

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

### **2.603. COMPENSATION.**

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

**CHAPTER 3. ANIMALS. FOWL**

**ARTICLE I. IN GENERAL**

- 3.101. Definitions.
- 3.102. Nuisance Animals.
- 3.103. Animal Care.
- 3.104. Rabies Control. Inoculation.
- 3.105. Injured, Diseased and Dead Animals.
- 3.106. Slaughterhouse, etc., Prohibited.
- 3.107. Removal of Dog and Cat Excrement. Exceptions.

**ARTICLE II. BIRD SANCTUARY**

- 3.201. Established.
- 3.202. Birds Constituting a Nuisance. Action to Rid.

**ARTICLE III. PENALTIES**

- 3.301. Penalty.

## CHAPTER 3. ANIMALS. FOWL

### ARTICLE I. IN GENERAL

*Editor's Note. This article derives from Title 47 of the 1976 South Carolina Code of Laws and generally accepted municipal practices. Provisions for animal control will be enforced by the county upon complaint.*

#### **3.101. DEFINITIONS.**

The following definitions will be used in this chapter.

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

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

**ANIMAL CONTROL OFFICER** shall mean the enforcement officer of the provisions of this article.

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

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

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

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

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

RABIES INOCULATION shall mean the injection, subcutaneously, intramuscularly or otherwise, of anti-rabic vaccine as approved by DHEC and by the United States Department of Agriculture-Veterinary Biologics Division.

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

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

VICIOUS ANIMAL shall mean any animal:

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

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

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

### **3.102. NUISANCE ANIMALS.**

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

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

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

3. Maintaining a vicious animal.

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

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

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

7. Keeping an animal that is diseased and dangerous to public health.

8. Keeping an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles.

9. Failing to confine or control a female pet in heat in such a manner as not to create a nuisance by attracting other animals.

10. Maintaining one (1) or more birds, snakes or animals within the town in such location, in such quantities or in such manner as to unreasonably disrupt the peace and quiet of any person or interfere with the reasonable use of property or enjoyment of life by any person, or unreasonably to cause damage, destruction, detriment or impairment to public or private property or to the value thereof, or to cause unreasonable annoyance or disturbance to any other person or to unreasonably cause offense to the senses of another person by reason of noise, odor, filth, vermin or other cause.

### **3.103. ANIMAL CARE.**

a. No owner shall fail to provide such person's animals with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

b. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight or other combat between animals or between animals and humans.

c. No owner of an animal shall abandon such animal.

d. No person except a licensed veterinarian, who is qualified to perform such an operation, shall crop a dog's ears.

e. No person shall give away any live animal, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.



f. Any person operating a motor vehicle, who strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the incident to the Police Department.

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

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

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

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

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

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

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

1. Their location conforms to the provisions of the zoning codes of the town;
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
3. Animals are maintained in quarters so constructed to prevent their escape;  
and,
4. No person lives or resides within two hundred (200) feet of the quarters in which the animals are kept.

### **3.1047. RABIES CONTROL. INOCULATION.**

*(Editor's Note. The control of rabies is found generally at Title 44 of the 1976 South Carolina Code of Laws.)*

### **3.105. INJURED, DISEASED AND DEAD ANIMALS.**

- a. Anyone who strikes an animal with a motor vehicle or bicycle and injures or kills the animal must, if the owner thereof cannot be found, notify the County Sheriff's office immediately.
- b. The town is hereby authorized to enter into agreements with licensed veterinarians for the care of injured animals.
- c. Any animal received by a veterinarian in critical condition from wounds, injuries, or disease, may be destroyed at such veterinarian's discretion if the owner cannot be contacted within twelve (12) hours. If the pet is suffering great pain, it may be destroyed immediately.
- d. The owner of any pet that dies shall immediately provide for its burial or cremation.
- e. The town shall collect or cause to be collected all dead domestic animals found on public grounds or highways of the town. If the animal is identifiable, the town must notify the owner of the animal as soon as practical.

**3.106. SLAUGHTERHOUSE, ETC., PROHIBITED.**

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

**3.107. REMOVAL OF DOG AND CAT EXCREMENT REQUIRED. EXCEPTIONS.**

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

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

## ARTICLE II. BIRD SANCTUARY

*Editor's Note. This article has been inserted so that in the event Council should decide to make Rockville a sanctuary, the provisions for same will have been prepared. If not desired, it should be deleted. This article also derives from Question 20 of the Rockville Questionnaire and generally accepted municipal practices.*

### **3.201. ESTABLISHED.**

a. When established by ordinance, the entire area within the corporate limits of The Town of Rockville is hereby established and declared to be a wild bird sanctuary.

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

### **3.202. BIRDS CONSTITUTING A NUISANCE. ACTION TO RID.**

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

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

**ARTICLE III. PENALTIES****3.301. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 4. RESERVED

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

**CHAPTER 5. BUILDINGS. PLANNING AND ZONING.**

**ARTICLE I. ADMINISTRATION**

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

**ARTICLE II. CODES**

- 5.201. Authority. Enforcement.

**ARTICLE III. MOBILE HOMES**

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

**ARTICLE IV. BUILDING AND PROPERTY NUMBERS**

5.401. Numbers Required for Buildings and Property.

**ARTICLE V. PLANNING**

5.501. Commission Established.

5.502. Composition of Commission. Terms.

5.503. Compensation.

5.504. Removal of Members.

**ARTICLE VI. PENALTIES**

5.601. Penalty



## CHAPTER 5. BUILDINGS. PLANNING AND ZONING

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

*The town has made arrangements with Charleston County for functions applicable to buildings. This article has been included for local guidance.*

(Ord. 7-18-96)

### ARTICLE I. ADMINISTRATION

#### **5.101. AUTHORITY OF INSPECTORS.**

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

#### **5.102. ORDINARY REPAIRS, MAINTENANCE AUTHORIZED.**

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

#### **5.103. HOMEOWNER'S PROVISIONS.**

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

b. Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from having work inspected, if required.

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

#### **5.104. LIABILITY NOT ASSUMED BY TOWN.**

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

**5.105. UNSAFE BUILDINGS. REPAIRS. FAILURE TO REPAIR.**

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

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

**5.106. SAME. NOTICE TO REMOVE/CORRECT.**

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

**5.107. UNFIT DWELLINGS.**

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

(1976 SC Code §31-15-20)

**5.108. UTILITY CONNECTIONS.**

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

**5.109. DOCKS AND WALKWAYS.**

The construction of any dock or walkway across any marshes or to any waterways in or abutting the town boundaries, which meets the criteria established by the OCRM and issued a permit by such, shall be subject to a similar review and approval by this Design Review Board, and no such dock or walkway shall be constructed without prior approval, in writing, by the Design Review Board. (See Chapter 20, *Unified Development*, this code.)

(Ord. 4-19-04)

**5.110. APPEALS.**

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

## ARTICLE II. CODES

*Editor's Note. The Town of Rockville has made arrangements with Charleston County for the county to assume responsibility for standard code promulgation and enforcement. (RQ 25)*

### **5.201. AUTHORITY. ENFORCEMENT.**

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

### ARTICLE III. MOBILE HOMES

*Editor's Note. This article has been added by the editors, to provide for maintenance, utilities and taxes for mobile homes. As to taxes, please see §8.103 of this code.*

#### **5.301. MOBILE HOME DEFINED.**

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

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

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

#### **5.302. FOUNDATION AND UNDERPIN MANDATORY.**

It shall be unlawful to occupy for dwelling purposes a mobile home unless it shall have been securely placed on a permanent foundation.

#### **5.303. UTILITIES REQUIRED. INSPECTIONS. SEPTIC TANKS. APPEALS.**

a. Water and sewerage facilities shall be a prerequisite to either locating or occupying a mobile home within the corporate limits, subject to appeal to the Council.

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

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

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

**ARTICLE IV. BUILDING AND PROPERTY NUMBERS**

*Editor's Note. In many towns, numbers are assigned by the Town Clerk or the Post Office; in The Town of Rockville, Charleston County assigns them.*

**5.401. NUMBERS REQUIRED FOR BUILDINGS AND PROPERTY.**

a. All buildings and properties located within the corporate limits of the Town of Rockville shall display a number as assigned by Charleston County.

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

(1) Numbers shall be durable and clearly visible.

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

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

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

(RQ 70)

## ARTICLE V. PLANNING

*Editor's Note. A Planning Commission is included in the Unified Development Ordinance (see pages 2 and 3 of the ordinance) setting forth its decision making authority in the execution of the ordinance. This article provided for the establishment of the commission.*

### **5.501. COMMISSION ESTABLISHED.**

There is hereby established a Planning Commission and it shall have the powers and duties provided in the Unified Development Ordinance.

### **5.502. COMPOSITION OF COMMISSION. TERMS.**

The Commission shall consist of five (5) members appointed by Town Council for terms of three (3) years, staggered so that one third (1/3) of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. No member of the Planning Commission shall be the holder of an elected public office in the town or county.

### **5.503. COMPENSATION.**

Members of the Commission shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds, pursuant to reimbursement policies and procedures for employees of the town.

### **5.504. REMOVAL OF MEMBERS.**

Members of the Commission may be removed at any time by Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the *Freedom of Information Act*. The determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meeting, may constitute cause.

*(Editor's Note. As to the Unified Development Ordinance, and Zoning Compliance Officer, see Chapter 20, this code.)*

**ARTICLE VI. PENALTIES****5.601. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)



CHAPTER 6. RESERVED

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

**CHAPTER 7. COURT**

Editor's Note.

**CHAPTER 7. COURT**

*Editor's Note. The Town of Rockville has authorized the conduct of court matters for the town to be conducted by the County Magistrate and the use of Uniform Ordinance Summons. (See §14.101 of this code.)*

*As a result thereof, the town has no formal court as required by the South Carolina United Judicial System establishing a Municipal Court.*

**CHAPTER 8. FINANCE, BUDGET AND TAXATION****ARTICLE I. BUDGET AND FINANCE**

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

**ARTICLE II. ANNUAL TAXES**

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

**ARTICLE III. MOBILE HOMES TAXES**

- 8.301. Mobile Homes. Taxed as Real Property.

**ARTICLE IV. PURCHASING**

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

**ARTICLE V. BUSINESS LICENSES**

- 8.501. Business License Ordinance Not Repealed.
- 8.502. Administration. Enforcement.
- 8.503. Yard Sales. No Fee Required.

**ARTICLE VI. PENALTIES**

- 8.601. Penalty.

## CHAPTER 8. FINANCE, BUDGET AND TAXATION

### ARTICLE I. BUDGET AND FINANCE

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

#### **8.101. FISCAL YEAR.**

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

(RQ 33)

#### **8.102. BUDGET AND ACCOUNTING YEAR.**

The fiscal year shall constitute the budget and accounting year.

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

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

(1976 SC Code §5-13-30(3) requires a budget.) (RQ 34.a) (The budget is currently prepared by a CPA.)

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

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

d. The annual budget ordinance shall state the annual tax rate that shall be sufficient to produce revenue necessary to fund the general operations and debt service requirements of the municipality.

(RQ 34.b)

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

#### **8.104. SAME. CONTINGENT EXPENSES.**

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

#### **8.105. SAME. PUBLIC HEARING. PUBLIC NOTICE.**

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

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

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

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

(RQ 34.c)

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

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

**8.106. SAME. PUBLIC INSPECTION.**

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

**8.107. SAME. FAILURE TO ADOPT.**

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

**8.108. SAME. APPROPRIATIONS SHALL LAPSE.**

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

**8.109. SAME. FINANCIAL REQUIREMENTS.**

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

**8.110. DISBURSEMENTS TO BE BY CHECK. SIGNATURES.**

All disbursements shall be by check and signed by the Mayor or the Town Clerk.

(RQ 35)

**8.111. RETURNED CHECKS. FEE.**

All dishonored checks payable to the town and redeemed by the maker shall have added to the principal sum a collection fee of twenty-five dollars (\$25.00) for each such check.

(RQ 36)



**8.112. AUDIT.**

a. Prior to the end of each fiscal year, Council shall designate a qualified Certified Public Accountant who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the municipality and shall submit a report to the Council.

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

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

(1976 SC Code §5-7-240)

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

**8.113. BORROWING REVENUES. BY ORDINANCE.**

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

(1976 SC Code §5-7-30)

b. The borrowing of money shall be by ordinance.

(1976 SC Code §5-7-260)

**8.114. EMERGENCY APPROPRIATIONS.**

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

## ARTICLE II. ANNUAL TAXES

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

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

*Section 5-7-300 authorizes a municipality to*

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

*The Town of Rockville has made such arrangements with Charleston County.*

### **8.201. CHARLESTON COUNTY AUTHORIZED TO BILL AND COLLECT TAXES.**

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

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

(1976 SC Code §5-7-300)

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

### **8.202. BASIS OF VALUE OF PROPERTY FOR TAXATION.**

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

**ARTICLE III. MOBILE HOMES TAXES**

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

**8.301. MOBILE HOMES. TAXED AS REAL PROPERTY.**

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

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

(1976 SC Code §12-43-230)

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

## ARTICLE IV. PURCHASING

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

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

### **8.401. PURCHASING AGENT. DESIGNATED.**

- a. The Town Clerk shall serve as Purchasing Agent for the town and shall:
  - (1) approve all purchase orders prior to a purchase transaction;
  - (2) notify department heads of availability of funds; and,
  - (3) keep appropriate records for audit purposes.
- b. Procedures shall be:
  - (1) A purchase order will be required for each purchase.
  - (2) Purchase orders shall be approved prior to purchase.
  - (3) Refer to purchase order number, when making a purchase or order. (The purchase order number should be referenced on the invoice.)
  - (4) Indicate on the purchase order to which department the order should be charged.
  - (5) A purchase order number may be given for purchases; provided, however, any item over one hundred dollars (\$100.00) shall require approval from the Mayor and Council.

c. Special Purchases:

- (1) Emergency purchases shall be handled on an individual basis.
- (2) Work contracts shall require a purchase order.

d. The Purchasing Agent shall ensure that prices of items and bids are competitive when possible.

(RQ 45)

**8.402. SAME. DUTIES.**

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

1. The purchase of supplies, materials and equipment and contractual services required by the town;
2. Establishing written specifications, whenever practicable, for supplies, materials and equipment required by the town. Such specifications shall be definite and certain and shall permit competition;
3. Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment;

**8.403. FINANCIAL INTEREST OF TOWN OFFICIALS AND EMPLOYEES PROHIBITED.**

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

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

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

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

The Purchasing Agent shall have authority to sell all equipment, supplies, etc. which have become unsuitable for public use or to exchange the same for, or trade-in the same on, new supplies. Such sales shall be made to the highest bidder. All moneys received from such sales shall be paid into the General Fund.

**8.405. GIFTS AND REBATES.**

The Purchasing Agent and every officer and employee of the town are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the town.

**8.406. COOPERATIVE PURCHASING.**

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

**8.407. STATE PURCHASING.**

The Purchasing Agent shall have authority to make purchases of supplies and equipment through the property division of the State Budget and Control Board, without the formality of publication and receiving competitive bids.

**ARTICLE V. BUSINESS LICENSES**

*Editor's Note. Business License Ordinances are not included in codes, due to the technical nature. The ordinance is filed with the Town Clerk and available for public inspection during regular office hours.*

**8.501. BUSINESS LICENSE ORDINANCE NOT REPEALED.**

a. The provisions of the Town of Rockville Business License Ordinance adopted by Ordinance No. 96-007, dated September 5, 1996, with all subsequent amendments thereto, are not repealed.

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

**8.502. ADMINISTRATION. ENFORCEMENT.**

The responsibility for administering said ordinance is hereby vested in the Town Clerk.

**8.503. YARD SALES. NO FEE REQUIRED.**

Yard sales shall be permitted without charge; provided, however, notice thereof shall be given to the Clerk.

(RQ 48)

**ARTICLE VI. PENALTIES****8.601. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)



**CHAPTER 9. FIRE DEPARTMENT****ARTICLE I. ADMINISTRATION**

- 9.101. Fire Department Authorized.
- 9.102. Command at Scene of Fire.
- 9.103. Possession and Control of Buildings on Fire.
- 9.104. Right of Entry During Emergencies.
- 9.105. Responding to Alarms. Right-of-Way.
- 9.106. Law Enforcement Officers to Enforce Provisions.
- 9.107. Fire Inspector.
- 9.108. Fire Investigations.
- 9.109. Building Burned or Destroyed More Than Half its Value.

**ARTICLE II. PROHIBITED ACTS**

- 9.201. False Alarms.
- 9.202. Parking at Hydrants. Obstructing Fire Equipment or Members.
- 9.203. Following or Parking Near Fire Equipment. Bystanders.
- 9.204. Failure to Obey Lawful Orders.
- 9.205. Driving over Fire Hose.
- 9.206. Opening Fire Hydrants.
- 9.207. Burning Trash.
- 9.208. Fire Hazard Upon Lots, Buildings, Premises; Accumulation,  
Growth, etc.
- 9.209. Fires Near Buildings.

**ARTICLE III. PENALTIES**

- 9.301. Penalty.

## CHAPTER 9. FIRE DEPARTMENT

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

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

*General state statutes governing fire protection are found at Title 5, Chapter 25 of the 1976 South Carolina Code of Laws, as amended, entitled, "BUILDING CODES AND FIRE PROTECTION."*

### ARTICLE I. ADMINISTRATION

#### **9.101. FIRE DEPARTMENT AUTHORIZED.**

The St. John's Fire Department is hereby authorized and designated as the responsible organization to address fire and life safety issues including fire protection and emergency medical care within the corporate limits of Rockville.

(RQ 50)

#### **9.102. COMMAND AT SCENE OF FIRE.**

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

#### **9.103. POSSESSION AND CONTROL OF BUILDINGS ON FIRE.**

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

#### **9.104. RIGHT OF ENTRY DURING EMERGENCIES.**

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

**9.105. RESPONDING TO ALARMS. RIGHT-OF-WAY.**

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

**9.106. LAW ENFORCEMENT OFFICERS TO ENFORCE PROVISIONS.**

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

**9.107. FIRE INSPECTOR.**

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

(1976 SC Code §5-25-120) (RQ 51)

**9.108. FIRE INVESTIGATIONS.**

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

(1976 SC Code §5-25-160, §5-25-170) (Inquiry is required by law.)

**9.109. BUILDING BURNED OR DESTROYED MORE THAN HALF ITS VALUE.**

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

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

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

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

*(Editor's Note. Sections 9.102 – 9.109 of this code have been added to provide for enforcement in emergency situations.)*

## ARTICLE II. PROHIBITED ACTS

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

### **9.201. FALSE ALARMS.**

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

(1976 SC Code §16-17-570)

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

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

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

### **9.203. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.**

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

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

### **9.204. FAILURE TO OBEY LAWFUL ORDERS.**

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

**9.205. DRIVING OVER FIRE HOSE.**

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

(1976 SC Code §56-5-3850)

**9.206. OPENING FIRE HYDRANTS.**

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

**9.207. BURNING TRASH.**

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

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

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

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

**9.209. FIRES NEAR BUILDINGS.**

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

**ARTICLE III. PENALTIES****9.301. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

**CHAPTER 10. HEALTH AND SANITATION**

**ARTICLE I. IN GENERAL**

- 10.101. County to Provide.
- 10.102. Food Handling Establishments. Standards and Inspections.
- 10.103. Sale of Unsound, Unwholesome Food.

**ARTICLE II. VACANT LOTS, PREMISES, LAND**

- 10.201. Accumulations. Prohibited.
- 10.202. Same. Summons For Failure to Maintain Lots.
- 10.203. Same. How Summons Given.
- 10.204. Same. Failure to Clean Declared a Misdemeanor. Penalty.

**ARTICLE III. TOILET FACILITIES**

- 10.301. Pit Privy Defined. Declared Unlawful.
- 10.302. Disposal of Human Excrement.
- 10.303. Building Contracts to Provide For Waste Disposal.

**ARTICLE IV. PENALTIES**

- 10.401. Penalty.

## CHAPTER 10. HEALTH AND SANITATION

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

### ARTICLE I. IN GENERAL

#### **10.101. COUNTY TO PROVIDE.**

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

(RQ 53)

#### **10.102. FOOD HANDLING ESTABLISHMENTS. STANDARDS AND INSPECTIONS.**

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

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

#### **10.103. SALE OF UNSOUND, UNWHOLESOME FOOD.**

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

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

*(Editor's Note. According to #54 of the Rockville Questionnaire, solid waste removal is provided by Charleston County.)*



**ARTICLE II. VACANT LOTS, PREMISES, LAND**

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

**10.201. ACCUMULATIONS. PROHIBITED.**

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any vacant lots, improved or unimproved premises, or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood, junk or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.

**10.202. SAME. SUMMONS FOR FAILURE TO MAINTAIN LOTS.**

It shall be the duty of the Town Clerk to summon the owner of such premises. If, after fully hearing the matter and any statement the owner may make and any testimony he may offer on his behalf concerning such matter, the Clerk should find such premises or lot in a condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

**10.203. SAME. HOW SUMMONS GIVEN.**

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

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

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

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

**ARTICLE III. TOILET FACILITIES****10.301. PIT PRIVY DEFINED. DECLARED UNLAWFUL.**

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

(1976 SC Code §44-55-210)

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

(RQ 55)

**10.302. DISPOSAL OF HUMAN EXCREMENT.**

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

**10.303. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.**

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

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

**ARTICLE IV. PENALTIES****10.401. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 11. RESERVED

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

**CHAPTER 12. MOTELS, BOARDING HOUSES, RESTAURANTS**

**ARTICLE I. IN GENERAL**

12.101. Food Accommodations. Unlawful to Defraud.

12.102. Types Prohibited. Appeals.

**ARTICLE II. PENALTIES**

12.201. Penalty.

**CHAPTER 12. MOTELS, BOARDING HOUSES, RESTAURANTS****ARTICLE I. IN GENERAL**

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

**12.101. FOOD ACCOMMODATIONS. UNLAWFUL TO DEFRAUD.**

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

**12.102. TYPES PROHIBITED. APPEALS.**

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

b. Appeals shall be made to the Mayor and Council.

**ARTICLE II. PENALTIES****12.201. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

**CHAPTER 13. POLICE**

Editor's Note.



## **CHAPTER 13. POLICE**

*Editor's Note. Police protection for the Town of Rockville is provided by Charleston County. This information derives from No. 58 of the Rockville Questionnaire*

**CHAPTER 14. PUBLIC PEACE. OFFENSES****ARTICLE I. ORDINANCE SUMMONS**

14.101. Summons Ordinance. Procedure for Offenses Other Than Breach of Peace.

**ARTICLE II. ALCOHOLIC BEVERAGES**

- 14.201. Definitions.
- 14.202. Jurisdiction of the Magistrate's Court.
- 14.203. Prior Offenses.

**ARTICLE III. BEER, ALE, PORTER AND WINE**

- 14.301. Unlawful to Sell Unless Tax Paid.
- 14.302. Sale to Minors.
- 14.303. Giving False Age.
- 14.304. Purchase for Transfer to Persons Under Twenty-one.
- 14.305. Purchase or Possession by Minor.

**ARTICLE IV. GAMING OPERATIONS**

- 14.401. Gambling Devices on Vessels Prohibited.
- 14.402. Prohibition.
- 14.403. Intent.

**ARTICLE V. OFFENSES AGAINST MORALITY,  
DECENCY AND PUBLIC WELFARE**

- 14.501. Iceboxes. Abandonment Prohibited.
- 14.502. Wells, Open Pits Prohibited.
- 14.503. Loitering. Unlawful. Defined.
- 14.504. Display or Sale of Obscene Material.
- 14.505. Disturbance at Schools.
- 14.506. Disturbing the Peace.
- 14.507. Gambling Prohibited. Exceptions.
- 14.508. Same. Confiscation and Destruction of Paraphernalia.
- 14.509. Same. Houses Unlawful.
- 14.510. Bawdy Houses.
- 14.511. Same. Immoral Purposes. Solicitation. Premises.
- 14.512. Same. Information or Direction.

- 14.513. Same. Transportation of Persons.
- 14.514. Same. Lease, Use of Places, etc.
- 14.515. Indecent Exposure. Language.
- 14.516. Peeping Toms.
- 14.517. Intoxicating Beverages. Drinking in Public.
- 14.518. Same. Public Drunkenness.

#### **ARTICLE VI. OFFENSES AGAINST THE PEACE. PUBLIC POLICY**

- 14.601. Disorderly Conduct. Defined.
- 14.602. Carrying Firearms. Exceptions.
- 14.603. Concealed Weapons.
- 14.604. Same. Carrying Weapons. Knives.
- 14.605. Discharge of Firearms. Dangerous Devices.
- 14.606. Disruption of Meetings.
- 14.607. Crime Watch Area. Town Designated.
- 14.608. Riots; Instigating, Aiding, Participating.
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#### **ARTICLE VII. OFFENSES AGAINST PROPERTY**

- 14.701. Malicious Mischief.
- 14.702. Damaging Property.
- 14.703. Failure to Leave Premises when Ordered.
- 14.704. Petit Larceny.
- 14.705. Receiving Stolen Goods.
- 14.706. Trespassing; Private Property.
- 14.707. Obtaining Signature or Property by False Pretenses.
- 14.708. Securing Property by Fraudulent Impersonation of Officer.
- 14.709. Shoplifting.
- 14.710. Advertising Matter. Painting, Printing on Sidewalks, etc.
- 14.711. Public Events. Gaining Admission Without Payment.
- 14.712. Breaking Into Motor Vehicle. Gasoline Tank.
- 14.713. Bad Checks. Unlawful to Issue.
- 14.714. Landmarks; Altering, Removing.
- 14.715. Fences; Removing, Destroying or Leaving Down.
- 14.716. Property to be Returned to Town.
- 14.717. Junkyards Prohibited. Buildings.

**ARTICLE VIII. OFFENSES AGAINST THE PERSON**

- 14.801. Assault and Battery.
- 14.802. Pointing Pistol or Gun at Any Person.
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**ARTICLE IX. PARADES. DEMONSTRATING. PICKETING**

- 14.901. Parades, Picketing, Demonstrations.
- 14.902. Permit Required. Issuance.
- 14.903. Restrictions.
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**ARTICLE X. PENALTIES**

- 14.1001. Misdemeanor.
- 14.1002. Adoption of Criminal Laws of State of South Carolina.
- 14.1003. Parties to a Crime.
- 14.1004. Plea of Guilty or Nolo Contendere or Forfeiture of Bail  
Same as Conviction.
- 14.1005. Penalty.

**CHAPTER 14. PUBLIC PEACE. OFFENSES****ARTICLE I. ORDINANCE SUMMONS**

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

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

a. In all actions for the violation of the provisions of the ordinances of The Town of Rockville, not amounting to a breach of the peace, the initial process may be a summons issued by the town officials or employees, who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the 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. The Uniform Ordinance Summonses must be consecutively numbered and shall be audited as part of the annual independent audit required in §4-9-150 of the South Carolina Code of Laws. A copy of each audit shall be furnished to the Mayor.

d. Service of the Uniform Ordinance Summons vests the County Magistrate appointed by the Chief Magistrate, (per the agreement dated August 20, 1997 between the county and the town) with jurisdiction to hear and dispose of the charge for which the summons was issued and served.

e. Any law enforcement officer or code enforcement officer who serves a Uniform Ordinance Summons must allow the person served to proceed without having to post bond or to appear before a magistrate. Acceptance of a Uniform Ordinance Summons shall be deemed to constitute a person's recognizance to comply with the terms of the summons.

f. Any person who fails to appear before the court as required by a Uniform Ordinance Summons, without first having posted such bond as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, may be fined not more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days.

g. Any law enforcement agency processing an arrest made pursuant to this ordinance must furnish such information to the State Law Enforcement Division as required by §23-3-10 of the South Carolina Code of Laws.

h. The Uniform Ordinance Summons may not be used to perform a custodial arrest. Further, no county or town ordinance regulating the use of motor vehicles on public roads of this state can be enforced using the Uniform Ordinance Summons.

i. This article does not prevent the town from enforcing ordinances by any other means authorized by law.

(Ord. 7-17-97)

## ARTICLE II. ALCOHOLIC BEVERAGES

*Editor's Note. Although various state laws regarding the regulation of alcoholic beverages have been repealed, this article has been included to provide guidance for law enforcement officials of Charleston County.*

### **14.201. DEFINITIONS.**

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

### **14.202. JURISDICTION OF THE MAGISTRATE'S COURT.**

The Magistrate's Court shall try and determine all cases involving any violation of this article occurring within the corporate limits and shall have jurisdiction over such criminal cases, with the right and duty of sending such cases, occurring within the corporate limits but beyond its jurisdiction to try, to the higher courts.

(1976 SC Code §5-7-30)

### **14.203. PRIOR OFFENSES.**

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

**ARTICLE III. BEER, ALE, PORTER AND WINE**

*Editor's Note. Although various state laws regarding the regulation of alcoholic beverages have been repealed, this article has been included to provide guidance for law enforcement officials of Charleston County.*

**14.301. UNLAWFUL TO SELL UNLESS TAX PAID.**

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

**14.302. SALE TO MINORS.**

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

**14.303. GIVING FALSE AGE.**

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

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

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

**14.305. PURCHASE OR POSSESSION BY MINOR.**

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

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



**ARTICLE IV. GAMING OPERATIONS**

*Editor's Note. This article derives from an ordinance adopted January 18, 1999.*

**14.401. GAMING DEVICE ON VESSELS PROHIBITED.**

a. For the purposes of this code, the following definitions shall be used:

(1) Gambling device shall mean:

(a) Any so-called "slot machine" or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and (a) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (b) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(b) Any other machine or mechanical device (including, but not limited to, roulette wheels and similar devices) designed and manufactured primarily for use in connection with gambling, and (a) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (b) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(c) Any subassembly or essential part intended to be used in connection with any such machine or mechanical device, but which is not attached to any such machine or mechanical device as a constituent part.

(2) Day cruise and/or Cruise to nowhere shall mean a voyage or segment of a voyage, respectively:

(a) that begins and ends within the waters of the municipal boundaries of the Town of Rockville, or begins in the Town of Rockville and ends in another destination within the State of South Carolina and ends within the waters of the municipal boundaries of the Town of Rockville; and

(b) during which the vessel does not make an intervening stop; and

(c) during which the passengers are entitled to operate gambling devices;

and

(d) that does not provide overnight accommodations for their cruise passengers and that is not primarily engaged in carrying passengers between ports in the United States or foreign countries.

**14.402. PROHIBITION.**

It shall be unlawful to manufacture, recondition, repair, sell, transport, possess or use any gambling device on a vessel within the waters of the municipal boundaries of the Town of Rockville operated for the purpose of conduction a day cruise.

**14.403. INTENT.**

By enacting this ordinance, the Town of Rockville exercises its authority delegated to it pursuant to the 1976 South Carolina Code, §5-7-30 (the Home Rule Act) and its authority to legislate to preserve the health, security, general welfare and convenience of its citizens. Further, by enacting this ordinance, the city intends to opt out of the provisions of 15 U.S.C. §1175(h)(1)(A) (*the Johnson Act*).

*(Editor's Note. As to other gambling provisions, see §14.507 of this code.)*

**ARTICLE V. OFFENSES AGAINST MORALITY,  
DECENCY AND PUBLIC WELFARE**

*Editor's Note. This article derives from generally accepted municipal practices and appropriate state statutes.*

**14.501. ICEBOXES. ABANDONMENT PROHIBITED.**

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

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

(1976 SC Code §16-3-1010)

**14.502. WELLS, OPEN PITS PROHIBITED.**

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

(1976 SC Code §16-3-1020)

**14.503. LOITERING. UNLAWFUL. DEFINED.**

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

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

(1) Obstruction of the unhampered passage of pedestrians or vehicles;

(2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or

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

**14.504. DISPLAY OR SALE OF OBSCENE MATERIAL.**

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

**14.505. DISTURBANCE AT SCHOOLS.**

It shall be unlawful:

1. For any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school, (b) to loiter about such school premises or (c) to act in an obnoxious manner thereon; or

2. For any person to enter upon any school premises or loiter around the premises, except on business, without the permission of the principal or person in charge.

(1976 SC Code §16-17-420)

**14.506 DISTURBING THE PEACE.**

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

(1976 SC Code §5-7-30) (See §14.601, this code for "Disorderly Conduct.")

**14.507. GAMBLING PROHIBITED. EXCEPTIONS.**

In addition to the provisions of Article IV of this chapter,

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

2. 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.

*(Editor's Note. As to intent, see §14.403 of this code.)*

**14.508. SAME. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.**

Upon the charging of any person in Magistrate's Court of a violation of §14.607, hereof, it shall be the duty of the police, whenever possible, to seize and take into possession any gaming device, machines, punchboard, tipboard, or other device of whatever name or kind pertaining to games of chance. Upon conviction in court, it shall be the duty of the police officers of the town to destroy the gaming device of whatever name or kind.

**14.509. SAME. HOUSES UNLAWFUL.**

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

**14.510. BAWDY HOUSES.**

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

(1976 SC Code §16-15-90)

**14.511. SAME. IMMORAL PURPOSES. SOLICITATION. PREMISES.**

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

(1976 SC Code §16-15-90)

**14.512. SAME. INFORMATION OR DIRECTION.**

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

(1976 SC Code §16-15-90)

**14.513. SAME. TRANSPORTATION OF PERSONS.**

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

(1976 SC Code §16-15-90)

**14.514. SAME. LEASE, USE OF PLACES, ETC.**

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

(1976 SC Code §15-43-10)

**14.515. INDECENT EXPOSURE. LANGUAGE.**

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

**14.516. 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.

**14.517. INTOXICATING BEVERAGES. DRINKING IN PUBLIC.**

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

**14.518. SAME. PUBLIC DRUNKENNESS.**

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

(1976 SC Code §16-17-530)

**ARTICLE VI. OFFENSES AGAINST THE PEACE. PUBLIC POLICY**

*Editor's Note. This article derives from generally accepted municipal practices and appropriate state statutes.*

**14.601. DISORDERLY CONDUCT. DEFINED.**

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

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

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or addresses of abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or

(4) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent or profane writing, picture, mark or figure on any wall, fence, house or structure.

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

(1976 SC Code §16-17-530) (See §14.506, this code, for "Disturbing the Peace.")

**14.602. CARRYING FIREARMS. EXCEPTIONS.**

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

1. Any person carrying a permit issued by lawful authority, pursuant to South Carolina statutes.

2. Marshals, sheriffs, police officers or other law enforcement officers, or peace officers

of the federal government or other states when they are carrying out official duties while in this state.

3. Members of the Armed Forces of the United States or of the National Guard, organized reserves or the state militia when on duty.

4. Members of organizations authorized by law to purchase or receive firearms from the United States or this state, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while the members are at or going to or from their places of target practice, or their shows and exhibits.

5. Licensed hunters or fishermen while engaged in hunting or fishing.

6. Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of that person while possessing, using or carrying a pistol in the usual or ordinary course of business.

7. Guards of common carriers, banks and other financial institutions while engaged in that capacity and guards engaged in protection of property of the United States or any agency thereof.

8. Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

9. Any person in his home, or upon his real property, or fixed place of business.

10. Any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.

11. Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of one's fixed place of business.

12. Any night watchman while engaged in his duties as a night watchman.

#### **14.603. CONCEALED WEAPONS.**

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

(1976 SC Code §16-23-460)



**14.604. SAME. CARRYING WEAPONS. KNIVES.**

a. It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.

b. It shall be unlawful for any person within the town to possess or conceal upon his person any knife, measuring seven (7) inches or greater in length either when opened or unopened, or any switchblade knife.

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

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

(1976 SC Code §16-23-405)

**14.605. DISCHARGE OF FIREARMS. DANGEROUS DEVICES.**

a. It shall be unlawful for any person to point at or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.

b. It shall be unlawful, within the corporate limits, to fire, aim or discharge any air rifle, pellet rifle, sling shot or other device, in any manner, which may be intentionally used to harm any person or property.

c. Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or like performances or to peace officers in the discharge of their duties.

**14.606. DISRUPTION OF MEETINGS.**

It shall be unlawful for any person to interrupt the proceedings of the Magistrate's Court or any official public meeting, or be guilty of disorderly conduct therein or to commit any contempt of thereof.

**14.607. CRIME WATCH AREA. TOWN DESIGNATED.**

The Town Council hereby declares The Town of Rockville to be a "*Crime Watch Area*," and hereby authorize the placing of signs upon highway rights-of-way upon highways entering the town designating the community as a "*Crime Watch Area*." Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the General Assembly.

(RQ 68)

**14.608. RIOTS; INSTIGATING, AIDING, PARTICIPATING.**

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

(1976 SC Code §16-5-120, §16-5-130)

**14.609. UNREASONABLE NOISE PROHIBITED.**

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

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

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.

(3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday noon to 7:00 p.m. Sunday, except in case of urgent necessity in the interest of public safety.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.

(9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof, provided, however, that this subsection shall not apply to houses of worship. (See also §15.303, this code, as to church bells.)

(11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.

(13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the Mayor and Council.

(14) The operation of any garage, service station, auto repair business, taxi

business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

(15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise. Any motor vehicle operated within The Town of Rockville shall be kept under proper control at all times.

(16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(1976 SC Code §5-7-30) (Morrison v. Rawlinson. 193 S. C. 25, S. E. 2d 635 (1940)) (RQ 61)

*(Editor's Note. See also §15.301, et seq. of this code as to advertising noises.)*

**ARTICLE VII. OFFENSES AGAINST PROPERTY**

*Editor's Note. This article derives from generally accepted municipal practices and appropriate state statutes.*

**14.701. MALICIOUS MISCHIEF.**

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

**14.702. DAMAGING PROPERTY.**

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

(1976 SC Code §16-11-510, §16-11-520)

**14.703. 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 shall refuse to do so, upon conviction, shall be guilty of a misdemeanor.

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

**14.704. PETIT LARCENY.**

Petit larceny is hereby declared a misdemeanor and is 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).

(1976 SC Code §16-13-30)

**14.705. RECEIVING STOLEN GOODS.**

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

(1976 SC Code §16-13-180)

**14.706. TRESPASSING; PRIVATE PROPERTY.**

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

b. Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor and punishable by the Magistrate's Court.

*(Editor's Note. For detailed information regarding this subject, please refer to Title 16, Chapter 11, of the 1976 South Carolina Code of Laws, as amended.)*

**14.707. OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES.**

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

(1976 SC Code §16-13-240, §16-13-260)

**14.708. SECURING PROPERTY BY FRAUDULENT IMPERSONATION OF OFFICER.**

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

(1976 SC Code §16-13-290)

**14.709. SHOPLIFTING.**

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

1. Takes possession of, carries away, transfers from one person to another or from one area of a wholesale or retail mercantile establishment to another area, or cause to be carried away or transferred any merchandise displayed, held, stored or offered for sale by any wholesale or retail mercantile establishment with the intention of depriving the owner of the possession, use or benefit of said merchandise without paying the full value thereof.

2. Alters, transfers or removes any label, price tag marking, indication of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a wholesale or retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the established value with the intention of depriving the owner of the full value of said merchandise.

3. Transfers any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(1976 SC Code §16-13-110)

**14.710. ADVERTISING MATTER. PAINTING, PRINTING ON SIDEWALKS, ETC.**

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

*(Editor's Note. See also §18.218 of this code as to vehicle advertising on streets.)*

**14.711. 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.

**14.712. BREAKING INTO MOTOR VEHICLE. GASOLINE TANK.**

a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, upon conviction, shall be guilty of a misdemeanor.

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

**14.713. BAD CHECKS. UNLAWFUL TO ISSUE.**

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

(1976 SC Code §34-11-60)

**14.714. LANDMARKS; ALTERING, REMOVING.**

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

(1976 SC Code §16-11-680)

**14.715. 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.

**14.716. PROPERTY TO BE RETURNED TO TOWN.**

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

**14.717. JUNKYARDS PROHIBITED. BUILDINGS.**

a. No junkyard, whether for automobiles, machinery or other junk equipment, shall be operated in the town. No license shall be issued for such a business.

b. This section shall not apply to junk dealers who maintain their business in a completely enclosed building.

*(Editor's Note. See §1.205, this code, for definitions of junk and junkyard.)*



**ARTICLE VIII. OFFENSES AGAINST THE PERSON**

*Editor's Note. This article derives, generally, from Title 16, Chapter 3 of the 1976 South Carolina State Code of Laws and generally accepted municipal practices.*

**14.801. ASSAULT AND BATTERY.**

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

**14.802. 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.

**14.803. UNLAWFUL TO THROW OBJECT INJURING PERSON OR DAMAGING PROPERTY.**

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

**ARTICLE IX. PARADES. DEMONSTRATING. PICKETING**

*Editor's Note. This article derives from court decisions, appropriate state statutes, and generally accepted municipal practices.*

**14.901. PARADES, PICKETING, DEMONSTRATIONS.**

a. It shall be unlawful to parade, picket or march unless permission has been secured from the town. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it to the Town Clerk not less than seven (7) days prior to the time of such parade. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching.

b. When picketing or engaging in "demonstrations," no person shall:

- (1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.
- (2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the Town Council.
- (3) Engage in riotous conduct which invades the privacy of homes or businesses.
- (4) Damage or destroy or injure the person or property of others.
- (5) Block, without a permit, in any manner, the streets and means of ingress and egress to places of business.
- (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
- (7) Interfere in any matter with the attendance, during school hours, of children in schools.

(8) Picket other than in accordance with the following principles:

- (a) In a manner so as not to interfere with pedestrians or vehicular traffic.
- (b) In a manner so as not to block entrances or exits to or from picketed establishments.
- (c) No picket trespassing upon the property of the business establishment being picketed.
- (d) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.
- (e) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.

(9) "Demonstrate," other than in accordance with the following principles:

- (a) Walking not more than two (2) abreast upon the public sidewalks or in groups of not more than thirty (30) persons.
- (b) Observe all traffic control devices.
- (c) Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.
- (d) Assemble peacefully and speak peacefully for a period of time not exceeding thirty (30) minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.

(Darlington v. Stanley, 239 S. C. 139, 122 S.E. 2d 207 (1961))

c. This section shall not apply to funeral processions.

*(Editor's Note. See also §18.401 of this code, as to funeral processions.)*

**14.902. PERMIT REQUIRED. ISSUANCE.**

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

**14.903. RESTRICTIONS.**

Masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in the Town of Rockville.

**14.904. APPEALS.**

Appeals shall be made to the Mayor and Council.

## ARTICLE X. PENALTIES

*Editor's Note. The 1976 South Carolina Code of Laws, §5-7-30, permits municipalities to "... enact ... ordinances, not inconsistent with the Constitution and general laws of this State ...."*

### **14.1001. MISDEMEANOR.**

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

### **14.1002. ADOPTION OF CRIMINAL LAWS OF STATE OF SOUTH CAROLINA.**

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

### **14.1003. 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.

### **14.1004. PLEA OF GUILTY OR NOLO CONTENDERE OR FORFEITURE OF BAIL SAME AS CONVICTION.**

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

### **14.1005. PENALTY.**

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

(1976 SC Code §14-25-65)

**CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING**

**ARTICLE I. SOLICITING**

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

**ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.**

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

**ARTICLE III. ADVERTISING NOISES**

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

**ARTICLE IV. PENALTIES**

- 15.401. Penalty.

**CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING**

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

**ARTICLE I. SOLICITING****15.101. TYPES PROHIBITED.**

Unless approved by the Town Clerk, it shall be unlawful:

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

2. For any person acting as agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

**15.102. USE OF STREETS FOR SALES AND DISTRIBUTION PROHIBITED.**

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

**15.103. APPEALS.**

Appeals shall be made to the Council.

**ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.**

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

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

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

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

c. It shall be unlawful to post political signs of any nature on public property, without prior approval of the Town Clerk, including, but not limited to, power poles, telephone poles, street signs, etc.

**15.202. HANDBILLS AND PLACARDS. PLACEMENT. APPLICATION.**

a. Except as authorized by the Town Clerk, no handbill or placard shall be distributed on public property within the corporate limits.

b. Application for permit to distribute advertising matter shall be made to the Town 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 lawful authority.



### ARTICLE III. ADVERTISING NOISES

*Editor's Note. This article derives from generally accepted municipal practices. (As to unreasonable noises, see §14.609, this code.)*

#### **15.301. LOUDSPEAKERS, MUSICAL INSTRUMENTS FOR ADVERTISING PURPOSES.**

a. It shall be unlawful for any person to maintain and operate in any building or on any premises any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in a manner as to create unreasonably loud, excessive and disturbing noise.

b. This shall include any device that 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 by any kind.

b. This shall include, but not be limited to, crying, calling or shouting, or any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for any purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

#### **15.303. SAME. CHURCH BELLS EXCEPTED.**

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

(See also §14.609.b.10, this code as to unreasonable noises.)

**ARTICLE IV. PENALTIES****15.401. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

**CHAPTER 16. STREETS AND SIDEWALKS****ARTICLE I. IN GENERAL**

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- 16.215. Curbs. Breaking, Destroying Prohibited; Permission Required, Entrance to Property.
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- 16.402. Duty of Business Owners, Occupants.
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**CHAPTER 16. STREETS AND SIDEWALKS**

*Editor's Note. This article derives from portions of Title 5, Chapter 27 of the 1976 South Carolina Code of Laws; other applicable state statutes and generally accepted municipal practices. (See §5.401, this code, for house numbering.)*

**ARTICLE I. IN GENERAL****16.101. MAINTENANCE.**

This article shall not apply to streets under the supervision and control of SCDOT, Charleston County or the Town of Rockville.

**16.102. CONSTRUCTION.**

a. No person, firm or corporation shall construct any new street within the corporate limits, without approval of the Mayor and Council.

*(Editor's Note. The reader is encouraged to review similar requirements in the town's Zoning Ordinance, to resolve any conflict.)*

**16.103. SIDEWALKS. PARKING PROHIBITED. EXCEPTIONS.**

a. It shall be unlawful to park a vehicle on any sidewalk.

b. Exceptions may be made when it is necessary to avoid traffic or when directed by lawful authority or a traffic control device.

(1976 SC Code §56-5-2530)

**16.104. INTERFERENCE WITH SIDEWALKS AND STREETS.**

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

(1976 SC Code §5-7-30)

**16.105. STREETS. NAMES. CHANGES PROHIBITED.**

a. No person shall name any currently unnamed street or change the name of any existing street except by authority of the Mayor and Council.

b. It shall be unlawful for any person to lay out any new street within the municipality without first procuring from the Mayor and Council approval of the names to be assigned to such new street.

*(Editor's Note. See also requirements of the Zoning Ordinance, etc.)*

**16.106. SURVEY MARKERS REQUIRED FOR NEW STREETS.**

In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town where development or activity may affect a right-of-way, easement, or setback, shall be required to conduct a survey of said properties by a registered land surveyor. A permanent survey marker shall be erected on each corner of said property at the point where it intersects with any other property.

**ARTICLE II. UNLAWFUL ACTS**

*Editor's Note. This article derives from applicable state statutes and generally accepted municipal practices.*

**16.201. OBSTRUCTIONS PROHIBITED. PERMISSION REQUIRED FOR EXCEPTIONS.**

a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the town by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.

b. It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.

c. It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding twenty (20) feet.

d. Any person building a house or other structure within the town may obtain from the Town Clerk permission for a partial and temporary use of the streets for said building purposes.

e. No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.

f. Any obstruction placed on any street, sidewalk or highway in violation of this section may be removed by police officers of the town or under their supervision.

g. This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction of a street, sidewalk, public way or utilities.

**16.202. SAME. PROTECTION BY BARRICADES, LIGHTS.**

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

**16.203. DAMAGING PUBLIC PROPERTY.**

a. It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits.

b. This section shall prohibit the erection of anything on public property, without the written consent of the Town Clerk.

**16.204. DEPOSITING ON STREETS, SIDEWALKS AND DRAINS PROHIBITED.**

a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any trash, garbage or refuse matter of any kind onto streets or sidewalks.

b. This section shall apply to obstruction of storm drains and ditches.

**16.205. BURNING ON STREETS PROHIBITED.**

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

**16.206. DANGEROUS SUBSTANCES ON STREETS OR SIDEWALKS.**

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

(1976 SC Code §57-7-20)

**16.207. STREET LIGHTS. BREAKING, REMOVING.**

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



**16.208. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.**

On corner lots there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet measured above the average elevation of the existing surfaces of the intersecting streets at their center lines, within the area formed by joining points on the property lines, measured as follows:

1. On property lines abutting streets fifty (50) feet or less in right-of-way width, the points on the property lines shall be not less than twenty-five (25) feet from the lot corner.
2. On property lines abutting streets more than fifty (50) feet in right-of-way width, the points on the property lines shall be fifty (50) feet from the lot corner.
3. This restriction shall not apply to buildings in business districts.

**16.209. SAME. REMOVAL.**

Should there exist 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 that interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten (10) days after official written notice, remove such obstruction.

(1976 SC Code §5-7-80)

**16.210. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR. PENALTY.**

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

b. Upon conviction thereof, any person, firm or corporation shall be guilty of a misdemeanor.

**16.211. MERCHANDISE ON SIDEWALK S.**

It shall be unlawful for any merchant to display merchandise on the streets or sidewalks without approval by the Town Clerk.

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

a. It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.

b. It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.

(1976 SC Code 5-7-30)

c. Sprinkling of a street to control dust is not forbidden.

**16.213. DOORS AND GATES OPENING ONTO SIDEWALKS.**

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

(1976 SC Code §5-7-30)

**16.214. LOTS DRAINING TOWARD SIDEWALK. APPEALS.**

a. Every person owning any lot that drains toward a sidewalk shall provide suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining streets.

b. Appeals shall be made to the Mayor and Council.

(1976 SC Code §5-7-30)

**16.215. CURBS. BREAKING, DESTROYING PROHIBITED; PERMISSION REQUIRED, ENTRANCE TO PROPERTY.**

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

**16.216. SPEAKING, EXHIBITING, ENTERTAINING ON STREETS.**

Preaching, lecturing or speaking, exhibition or entertainment of any nature shall be permitted on the streets, sidewalks or public ways of the town, but the Town Clerk must be informed. Failure to do so shall constitute a misdemeanor.

**16.217. OBSTRUCTION OF DRAINS, DITCHES, WATER COURSES, ETC.**

In the public interest, it shall be unlawful for any person or persons to obstruct, or cause to be obstructed, any drains, ditches or water courses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions.

**16.218. GARBAGE, OTHER SOLID WASTE, TRASH, OFFENSIVE MATTER.**

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

**16.219. TREE WASTE. REMOVAL.**

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

**16.220. FENCES. REPAIRS.**

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

### ARTICLE III. EXCAVATIONS

*Editor's Note. This article derives from appropriate state statutes and generally accepted municipal practices.*

#### **16.301. PERMISSION REQUIRED. BOND REQUIRED.**

a. It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the town or SCDOT, except in a bona fide emergency situation.

(1976 SC Code §5-7-30)

b. Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town, a cash bond in a sum as may be estimated by the Town Clerk, to ensure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacement thereof.

#### **16.302. DANGER SIGNALS REQUIRED. LIGHTS REQUIRED.**

a. It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.

b. Adequate lights shall be displayed at night.

#### **16.303. REMOVAL OF DANGER SIGNALS.**

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

**16.304. CUTS, EXCAVATIONS TO BE RESTORED.**

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

**16.305. FAILURE.**

In the event that said repair should sink or give away within one (1) year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within a reasonable time of being notified by the town and/or SCDOT.

## ARTICLE IV. LITTERING

*Editor's Note. This article derives from a resolution of February 29, 2000 and generally accepted municipal practices.*

### **16.401. PROHIBITED.**

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

### **16.402. DUTY OF BUSINESS OWNERS, OCCUPANTS.**

a. The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

b. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

c. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle or receptacles above referred to, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

### **16.403. DUTY OF CUSTOMER.**

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

**ARTICLE V. PENALTIES****16.501. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

**CHAPTER 17. UTILITIES**

Editor's Note.



**CHAPTER 17. UTILITIES**

*Editor's Note. At the preparation of this Code of Ordinances, the Town of Rockville did not operate a water or sewerage system. This page has been added for the future when the town may provide the details for such provisions.*

**CHAPTER 18. VEHICLES. TRAFFIC****ARTICLE I. IN GENERAL**

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- 18.105. Traffic Control Devices. Placement. Maintenance. Specifications. Obedience. Interference.
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- 18.302. Sea Island Yacht Club Road.
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- 18.401. Driving Into Funeral Prohibited. Exceptions.
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- 18.501. Inoperable Vehicles.
- 18.502. Unlicensed. Salvage, Repair on Private Property.
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- 18.601. Obedience to Traffic Control Signals Required.
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- 18.701. Penalty.

**CHAPTER 18. VEHICLES. TRAFFIC**

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

**ARTICLE I. IN GENERAL****18.101. SHORT TITLE.**

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

**18.102 UNIFORM ACT. DEFINITIONS.**

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

**18.103. JURISDICTION OF MAGISTRATE'S COURT.**

a. The Magistrate's Court may try and determine violations of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits, when the penalty prescribed by state law for such violations does not exceed thirty (30) days imprisonment or five hundred dollars (\$500.00) fine, or both.

b. The Court may have trial jurisdiction over such traffic cases the same as magistrates.

(1976 SC Code §56-5-6150)

**18.104. AUTHORITY.**

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

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

2. Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic.

3. Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

4. Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street.

5. The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the Town Council.

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

a. The Council may, from time to time, request SCDOT to place and maintain traffic control devices upon the streets of the town, as deemed necessary, to regulate, warn or guide traffic in the town.

b. All such traffic control devices shall conform to the specifications of SCDOT.

(1976 SC Code §56-5-930)

c. Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals.

d. No person shall willfully, without lawful authority, attempt to or alter, deface, injure, knock down or remove any traffic control device or sign or street name sign or any part thereof. In addition, any unauthorized person found in possession of any street sign or traffic control device from the town shall be deemed in violation of this section.

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

a. Whenever the Council shall have determined on the basis of an engineering and traffic investigation that the maximum speed imposed by this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Town Council may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections;

(2) Increases the limit within an urban district, but not to more than fifty-five (55) miles per hour; or

(3) Decreases the limit outside an urban district, but not to less than twenty-five (25) miles per hour.

b. Any alteration of maximum limits on state highways or extensions thereof in the town, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT.

(1976 SC Code §56-5-1540)

c. Any altered limit established, as authorized by this article, shall be effective at all times, when appropriate signs giving notice thereof have been erected.

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

a. No person shall operate a motor vehicle on any street without , in his possession, a valid driver's license issued by this or another state to operate the vehicle, and said vehicle shall have current license tags.

(1976 SC Code §56-1-20, §56-3-110 et seq.)

b. This section shall not apply to persons expressly exempt by state law from the requirement of a driver's license nor shall this section be construed so as to interfere with reciprocity rights under state law as concerns the driver of a vehicle bearing an out-of-state license to driving with an out-of-state driver's license.

(1976 SC Code §56-1-30)

**18.108. RESPONSIBILITY OF VEHICLE OWNER.**

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

**18.109. FIXING TRAFFIC TICKETS UNLAWFUL.**

It shall be unlawful for any official or employee of the town to "fix" any ticket or summons issued by any law enforcement officer for a violation of any traffic ordinance.



## **ARTICLE II. MOVING TRAFFIC**

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

### **18.201. ADOPTION OF STATE LAWS.**

All vehicles shall be operated in accordance and conformity with all current state laws and this Code or amendments thereto, as such laws and amendments relate to the operation of vehicles. Such provisions are adopted by reference and made a part of this chapter as if fully set out herein, except those provisions relating solely to SCDOT and those provisions the penalty for which exceeds a fine of five hundred dollars (\$500.00) or imprisonment for more than thirty (30) days, or both.

### **18.202. MOTOR VEHICLE SPEED LIMITS.**

a. Motor vehicle speed limits on roads and streets within the Town of Rockville shall be as follows:

1. Grace Chapel Lane	13 mph
2. Sea Island Yacht Club Road	20 mph
3. Rockland Road	20 mph
4. Marina Road	20 mph
5. Cherry Point Road	30 mph
6. Maybank Highway (from Marina Road to its end)	35 mph

(Ord. April 23, 1997)

*(Editor's Note. See also §18.223 as to other restrictions.)*

### **18.203. RECKLESS DRIVING.**

Any person who drives a vehicle in such manner as to indicate a willful or wanton disregard for the safety of persons or property, upon conviction, shall be guilty of reckless driving and of a violation of this section.

(1976 SC Code §56-5-2920)

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

a. It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to "cut a corner" purposely.

b. It is the intention of this section to prohibit corner-cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

**18.205. STOP SIGNS.**

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

**18.206. ENTERING INTERSECTION OR MARKED CROSSWALKS.**

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

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

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

**18.208. SAME. UNLAWFUL RIDING.**

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

**18.209. OPERATION ON PLAY STREETS.**

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

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

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

**18.211. DAMAGING PAVED SURFACES PROHIBITED.**

It shall be unlawful for any person to operate, drive, or cause to be driven or operated, over, upon or across the paved streets or any thoroughfare, a vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle that would injure or damage the paved surface of said streets or thoroughfares.

**18.212. SIDEWALKS. PROHIBITIONS.**

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

**18.213. OTHER PROHIBITIONS.**

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

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

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

**18.214. "U" TURNS.**

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

**18.215. STREETS UNDER REPAIR, CLOSED TO TRAVEL.**

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

**18.216. NO-PASSING ZONES.**

The town may determine those portions of any street where overtaking and passing a vehicle proceeding in the same direction or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

*(Editor's Note. In some instances this becomes the responsibility of SCDOT.)*

**18.217. PASSING UNLAWFULLY.**

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

**18.218. ADVERTISING PROHIBITED.**

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

*(Editor's Note. See also §14.710 of this code as to other advertising provisions.)*

**18.219. FOLLOWING TOO CLOSELY.**

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

**18.220. HORN IN QUIET ZONES.**

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

**18.221. DOORS OPENING INTO TRAFFIC.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

**18.222. LOADS TO BE SECURELY CHAINED.**

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

**18.223. SPEED RESTRICTIONS.**

a. No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(1976 SC Code §56-5-1520 et seq.)

b. The speed limit within the town shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the Mayor and Council.

*(Editor's Note. See also §18.202 of this code as to speed limitations.)*

**18.224. LOWER SPEEDS REQUIRED.**

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

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

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

**18.226. SPECIAL HAZARDS.**

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

**18.227. RACING OR DRAG RACING PROHIBITED.**

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

**18.228. AUTHORIZED EMERGENCY VEHICLES.**

a. The speed limitations set forth herein shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet.

b. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

**18.229. SCHOOL ZONES.**

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

**18.230. FAILURE TO DIM LIGHTS.**

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

**18.231. SHIFTING LANES WITHOUT SAFETY PRECAUTION.**

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

**18.232. UNATTENDED VEHICLES.**

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

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

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

(1976 SC Code §56-5-2930)

**18.234. ACCIDENTS. ASSISTANCE REQUIRED.**

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

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

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

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

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

a. It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.

b. No person riding a motorcycle shall attach the same or himself to any moving vehicle upon any street.

**18.237. BICYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.**

a. It shall be unlawful for any person to operate a bicycle in a reckless or dangerous manner.

b. No person riding a bicycle shall attach the same or himself to any moving vehicle upon any street.

**18.238. SAME. LIGHTS REQUIRED.**

Every bicycle operated at night shall be equipped with a lamp on the front exhibiting a white light visible from a distance of five hundred (500) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear except that a red reflector meeting the requirements of this section may be used in lieu of a red light.

**18.239. SAME. PENALTY.**

The penalty for a violation of §18.237 and §18.238 shall be confiscation of said bike until a fine which may be imposed by the Magistrate's Court is paid.

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

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

**18.301. PARKING. AUTHORIZED.**

a. In addition to the other provisions of this article relative to parking, the Town Council may designate areas or spaces on town streets where the parking of vehicles is permitted, prohibited or limited to a specific time or otherwise restricted.

b. When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day, except Sundays and public holidays.

c. When signs are erected giving notice that parking is limited to a certain period of time, no person shall park a vehicle for longer than the period and between the hours so designated, except on Sundays and public holidays.

**18.302. SEA ISLAND YACHT CLUB ROAD.**

The Mayor and Council of the Town of Rockville hereby reserves the right to prohibit and control parking on the Sea Island Yacht Club Road from Maybank Highway to the Sea Island Yacht Club Hall and on Grace Chapel Road from Maybank Highway to the town limits of the Town Of Rockville for safety purposes and, in particular, to allow reasonable access of emergency vehicles over and across Sea Island yacht Club Road and Grace Chapel Road in conjunction with events open to the public, including, but not limited to, the Rockville Regatta.

(Ord. June 16, 2003)

**18.303. PARKING. MANNER.**

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



**18.304. PARKING TICKETS AUTHORIZED.**

a. The town may post signs and devices relating to the limitations upon parking at particular places. Penalties shall be imposed by placing a ticket upon any offending vehicle.

b. The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.

c. Failure to pay such amount within the prescribed time, however, shall subject the owner thereof to be summoned to Magistrate's Court and punished within its discretion.

**18.305. BLOCKING STREETS AND ALLEYS. EXCEPTION.**

a. No person shall stop, stand or park any vehicle upon a street or an alley in such a manner or under such conditions as to obstruct the well-traveled portion of the roadway.

b. No person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic.

c. A driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of lawful authority.

**18.306. LOADING ZONES.**

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

**18.307. HAZARDOUS OR CONGESTED PLACES.**

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

**18.308. SCHOOL ZONES.**

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

**18.309. HANDICAPPED PERSONS. PARKING. PENALTY.**

a. It shall be unlawful to park at or in a space specifically designated for handicapped persons without proper authorization to do so.

b. A person violating the provisions of this subparagraph, upon conviction, is guilty of a misdemeanor and must be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days for each offense.

*(Editor's Note. Section 56-3-1950 of the 1976 South Carolina Code of Laws defines "handicapped.")*

*Section 56-3-1960 of the 1976 South Carolina Code of Laws authorizes a handicapped person to park in any metered or timed parking place without a fine, as long as the vehicle displays a current handicapped license plate.*

*Section §56-3-1965 of the 1976 South Carolina Code of Laws authorizes municipalities to designate parking spaces for handicapped persons. **§56-3-1970 requires a penalty of two hundred dollars (\$200.00) as set forth in said section for each offense.** §56-3-1971 authorizes "All law enforcement officers..." to issue "a uniform parking violations ticket..." to vehicles violating designated spaces for handicapped persons.)*

**18.310. SAFETY HAZARDS.**

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

**18.311. VISION OBSTRUCTION OF TRAFFIC UNLAWFUL.**

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

**18.312. DISABLED VEHICLES.**

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

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

*(Editor's Note. See Article V, this chapter, for Abandoned Vehicles.)*

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

a. To provide for the emergency access of fire department apparatus and rescue operations, fire lanes may be designated adjacent to buildings. The fire lanes may be designated by the use of no-parking signs, yellow curbing and/or pavement markings.

b. Any person who stops, stands or parks a vehicle in a designated fire lane, within the corporate limits of the town, shall be deemed to be in violation of this section.

c. Any violation of this article shall be deemed a misdemeanor, punishable by the Magistrate's Court.

(1976 SC Code §5-7-30)

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

a. Except at the direction of lawful authority, no person shall stop, stand or park a vehicle, whether occupied or not:

(1) on a sidewalk;

(2) within an intersection;

(3) on a crosswalk;

(4) at any place where official traffic-control devices prohibit stopping, standing or parking.

b. Except to momentarily pick up or discharge passengers, no person shall stop, stand or park a vehicle, whether occupied or not:

(1) in a traveled portion of the street or highway;

(2) in front of a public or private driveway;

(3) within fifteen (15) feet of a fire hydrant;

(4) at any place where official traffic-control devices prohibit stopping, standing or parking.

c. Any person who stops, stands or parks a vehicle in a prohibited area within the corporate limits of the town shall be deemed to be in violation of this article.

(1976 SC Code §5-7-30, §56-5-2530)

**ARTICLE IV. FUNERALS**

*Editor's Note. See also §14.901.c, this code as to funerals.*

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

a. No driver of a vehicle shall drive between vehicles comprising a funeral while in motion and when such vehicles are conspicuously identified as required herein.

b. This provision shall not apply at intersections where traffic is controlled by traffic signals or lawful authorities.

**18.402. IDENTIFICATION.**

A funeral procession of vehicles may be identified as such by a display on the outside of each vehicle.

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

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

## ARTICLE V. ABANDONED VEHICLES

*Editor's Note. This article provides for the control of abandoned vehicles on public and private property under certain circumstances, as utilized by other municipalities. (See also §18.312, this chapter, for disabled vehicles.)*

### **18.501. INOPERABLE VEHICLES.**

For the purposes of this article, the following words and phrases shall have the following meanings:

Abandoned Vehicle shall mean any vehicle parked for forty-eight (48) hours in excess of the time allowed for such parking by any provision of this chapter.

Junk Automobile shall mean any automobile with such present value that it would not be economical to repair or store it.

Unoperational automobile shall mean an automobile incapable of moving under its own power without repair.

### **18.502. UNLICENSED. SALVAGE, REPAIR ON PRIVATE PROPERTY.**

a. It shall be unlawful for the owner of any property in the town to permit a vehicle not having a current motor vehicle license and upon which property taxes have not been paid to be brought upon or remain upon his property unless it is in a completely enclosed building. This provision, however, shall not apply to a licensed car dealer, new or used, upon property operated for his business.

b. No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, or for the purpose of storage or repair, unless said vehicle has a current vehicle license and unless said vehicle is covered or sheltered in such a fashion as to adequately prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes, other insects, rats or other vermin.

**18.503. IMPOUNDMENT. DISPOSITION. EXPENSES. FORFEITURE.**

a. If any such vehicle is found parked in violation of this code, or abandoned on the streets of the town, the owner, or person in whose name such vehicle is registered, shall be given immediate personal notice, if he is a resident of the town. If he is a nonresident, he shall be given notice by Certified Mail, Return Receipt Requested, if his address can be ascertained.

b. If the address of such owner cannot be ascertained, the Town Clerk shall advertise that such vehicle has been abandoned and impounded, giving an accurate description thereof. He shall include the name of the person licensed to operate it, the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within thirty (30) days. Such notice shall be published once a week for two (2) consecutive weeks in any newspaper published in the town. If such vehicle is not reclaimed after such advertisement, the same shall be sold for cash at public auction to the highest bidder at such place as may be designated therefor.

c. The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of such sale, and the balance, if any, deposited with the Town Clerk, subject to the claim of the owner which shall be filed and proved within twelve (12) months thereafter.

d. If no such claim is filed and proven within that time, such proceeds shall be forfeited to the town.

**18.504. RECORDS TO BE MAINTAINED.**

The Town Clerk shall keep a written record of such vehicle, the name of the registered owner, the license tag and the circumstances under which it was found, impounded, stored and sold, including the amount received at the sale and any amount deducted therefrom.

**ARTICLE VI. PEDESTRIANS**

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

**18.601. OBEDIENCE TO TRAFFIC CONTROL SIGNALS REQUIRED.**

Pedestrians shall strictly comply with the direction of any official traffic control signal, such as stop signs, or other lawful authority.

**18.602. USE OF RIGHT HALF OF CROSSWALKS.**

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

**18.603. WALKING ON STREETS AND ROADWAYS.**

Where sidewalks are not provided, any pedestrian walking along and upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

**18.604. DRIVERS TO EXERCISE DUE CARE WITH REGARD TO PEDESTRIANS.**

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

**ARTICLE VII. PENALTIES****18.701. PENALTY.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)



**CHAPTER 19. FLOOD DAMAGE PREVENTION**

**ARTICLE I. IN GENERAL**

19.101. Flood Damage Prevention. Permit Required.

19.102. Ordinance Not Repealed.

**ARTICLE II. PENALTIES**

19.201. Penalty.

**CHAPTER 19. FLOOD DAMAGE PREVENTION****ARTICLE I. IN GENERAL**

*Editor's Note. In order for the citizens of a municipality to obtain flood insurance, federal guidelines require the municipality or the county in which the municipality is situated to adopt an ordinance regulating construction in a flood plain. Ordinance No. 1245 was adopted by Charleston County on April 1, 2003 and amended on July 19, 2004.*

*The Mayor and Council adopted the provisions of the county ordinance on November 14, 2004 to provide flood insurance for the citizens of Rockville. The county's ordinance provided for the residents of the town and, consequently, the ordinance has not been included in this code. Provisions have been added; however, setting forth permit requirements.*

**19.101. FLOOD DAMAGE PREVENTION. PERMIT REQUIRED.**

a. Subject to the provisions of the Charleston County Flood Damage Prevention and Protection Ordinance, the citizens of the Town of Rockville are hereby authorized, when eligible, to obtain flood insurance, subject to federal and county guidelines.

b. Within the flood plain areas of the Town of Rockville, as shown on maps maintained by the county, any person, firm or corporation shall obtain a permit for construction when desiring to construct a building of any kind within the corporate limits of the Town of Rockville.

c. The Town Clerk is hereby directed to prepare the necessary details pertaining to such permit and the administration thereof.

**19.102. ORDINANCE NOT REPEALED.**

a. The provisions of the Flood Damage Prevention and Protection Ordinance are not repealed.

b. The provisions thereof shall remain in full force and effect as if fully set forth herein verbatim.

**ARTICLE II. PENALTIES****19.201. PENALTY. EXCEPTIONS.**

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

**CHAPTER 20. UNIFIED DEVELOPMENT**

**ARTICLE I. AUTHORITY**

20.101. Unified Development

20.102. Zoning Compliance Officer.

## CHAPTER 20. UNIFIED DEVELOPMENT

### ARTICLE I. AUTHORITY

*Editor's Note. The Unified Development Ordinance for the Town of Rockville was adopted April 17, 2000 and takes the place of what is normally entitled Zoning Ordinance in other municipalities. The ordinance has been amended several times: January 22, 2001; August 19, 2002; October 2002; July 2004 and January 12, 2004. (No day of the month was found for the years 2002 and 2004.)*

*Due to its length, its complexity and the technical information contained therein, the ordinance is unsuitable for inclusion in a Code of Ordinances. It has not, therefore, been included, per se, in this code; however, it has been included by reference in this chapter, and the provisions are not repealed and remain in full force and effect.*

*An unnumbered ordinance adopted July 17, 1997, provided for the appointment of a Zoning Compliance Officer, and that ordinance has been included as a part of this chapter.*

#### **20.101. UNIFIED DEVELOPMENT.**

a. The provisions of the Unified Development Ordinance, adopted April 17, 2002, and as subsequently amended, are not repealed by this code.

b. The provisions thereof shall remain in full force and effect as if fully set forth herein verbatim.

#### **20.102. ZONING COMPLIANCE OFFICER.**

The position of Zoning Compliance Officer is hereby established and the holder of that position is authorized hereby to issue Uniform Ordinance Summonses as set forth in §14.101 of this code.

(Ord. 7-17-97)

*(Editor's Note. For establishment of the Planning Commission, see Chapter 5, Article V of this code.)*

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