

CODE OF ORDINANCES
County of
CLARENDON, SOUTH CAROLINA
Looseleaf Supplement

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

Ordinance No. 2014-02, enacted September 8, 2014.

See the Code Comparative Table for further information.

Remove Old Pages

xiii—xvi

CD26:9—CD26:22

CD26:31, CD26:32

CD26:35—CD26:58

CD26:63—CD26:74

CCT:11

Insert New Pages

xiii—xvi

Checklist of up-to-date pages
(following Table of Contents)

SH:1(following Checklist of up-to-date
pages)

CD26:9—CD26:22.1

CD26:31, CD26:32

CD26:35—CD26:58.1

CD26:63—CD26:74

CCT:11, CCT:12

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



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**CODE OF ORDINANCES
CLARENDON COUNTY,
SOUTH CAROLINA**

Published in 2014 by Order of the County Council



OFFICIALS OF CLARENDON COUNTY, SOUTH CAROLINA,

AT THE TIME OF THIS RECODIFICATION

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William J. Frierson, Sr., *Vice-Chairperson*
Billy G. Richardson
Andrew C. English, Jr.
Dallas B. Blakely
County Council

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Administrator / County Attorney

Ava M. Rose
Planning Director

Billy Timmons
Engineer

Frances A. Richbourg
Fire Chief

Dorothy M. Levy
Clerk to Council

Amy Pringle
Sheriff's Department

William Taylor
Building Code Officer

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of Clarendon County, South Carolina.

Source materials used in the preparation of the Code were the 1997 Code, as updated by ordinances subsequently adopted through Ord. No. 2013-05, adopted November 18, 2013. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1997 Code as updated by subsequent ordinances which are included herein.

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

Chapter and Section Numbering System

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

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Index

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

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the

publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

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

Acknowledgments

This publication was under the direct supervision of Mr. Jim C. Jenkins, Senior Code Attorney, and Kim Ryder, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Dorothy Levy, Clerk to the Council, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the County readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the County's affairs.

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TABLE OF CONTENTS

	Page
Officials of the County at the Time of this Recodification ..	iii
Current Officials (Reserved)	v
Preface	vii
Adopting Ordinance (Reserved)	
Checklist of Up-to-Date Pages	[1]
Supplement History Table	SH:1

CODE OF ORDINANCES

Chapter

1. General Provisions	CD1:1
2. Administration	CD2:1
Art. I. In General	CD2:5
Art. II. County Council.....	CD2:6
Div. 1. Generally	CD2:6
Div. 2. Rules of Procedure.....	CD2:7
Subdiv. I. In General.....	CD2:7
Subdiv. II. Officers	CD2:7
Subdiv. III. Meetings.....	CD2:8
Subdiv. IV. Ordinances and Resolutions...	CD2:10
Subdiv. V. Special Areas of Study	CD2:14
Art. III. Boards, Commissions and Committees ...	CD2:15
Div. 1. Generally	CD2:15
Div. 2. Aeronautics Commission.....	CD2:16
Div. 3. Archives Advisory Commission	CD2:16
Div. 4. Disabilities and Special Needs Board ..	CD2:17
Div. 5. Commission On Alcohol and Drug Abuse	CD2:20
Div. 6. Recreation Advisory Commission	CD2:22
Div. 7. Safety Committee.....	CD2:24
Div. 8. Planning Commission, Building Board of Adjustment, and Zoning Board of Appeals	CD2:25
Subdiv. I. In General.....	CD2:25
Subdiv. II. County Board of Assessment Ap- peals.....	CD2:25

CLARENDON COUNTY CODE

Chapter	Page
Art. IV. Finance	CD2:27
Art. V. Officers and Employees	CD2:27
Div. 1. Generally	CD2:27
Div. 2. Constable	CD2:28
Art. VI. Elections	CD2:30
3. Reserved.....	CD3:1
4. Animal Control	CD4:1
Art. I. In General	CD4:3
Art. II. Regulations	CD4:4
Art. III. Enforcement and Penalties.....	CD4:5
5. Reserved.....	CD5:1
6. Economic Development	CD6:1
Art. I. In General	CD6:3
Art. II. Industrial/Business Parks.....	CD6:4
Div. 1. Generally	CD6:4
Div. 2. Clarendon-Anderson Industrial/Busi- ness Park	CD6:4
Div. 3. Clarendon-Sumter Industrial/Business Park	CD6:6
Art. III. Development Board	CD6:7
7. Reserved.....	CD7:1
8. Emergency Services	CD8:1
Art. I. In General	CD8:3
Art. II. Hospital Board.....	CD8:3
Art. III. 911 Emergency Telephone System.....	CD8:3
9. Reserved.....	CD9:1
10. Fire Prevention and Protection.....	CD10:1
Art. I. In General	CD10:3
Art. II. County Fire Protection Area	CD10:3
Art. III. Fire Advisory Board.....	CD10:4
11. Reserved	CD11:1
12. Human Relations.....	CD12:1
Art. I. In General	CD12:3
Art. II. Discrimination	CD12:3
Div. 1. Generally	CD12:3
Div. 2. Fair Housing.....	CD12:3
13. Reserved	CD13:1

TABLE OF CONTENTS—Cont'd.

Chapter	Page
14. Libraries	CD14:1
15. Reserved	CD15:1
16. Offenses and Miscellaneous Provisions	CD16:1
Art. I. In General	CD16:3
Art. II. Noise	CD16:4
Art. III. Intoxicating Substances	CD16:7
Div. 1. Generally	CD16:7
Div. 2. Synthetic Cannabinoids	CD16:8
Div. 3. Synthetic Cathinones	CD16:12
17. Reserved	CD17:1
18. Roads and Bridges	CD19:1
Art. I. In General	CD19:3
Art. II. Private Driveways	CD19:3
19. Reserved	CD19:1
20. Solid Waste Management	CD20:1
Art. I. In General	CD20:3
Art. II. Collection and Disposal	CD20:5
Art. III. Litter Control	CD20:9
21. Reserved	CD21:1
22. Taxation	CD22:1
Art. I. In General	CD22:3
Art. II. Collection of Delinquent Property Taxes ..	CD22:3
Art. III. Sales and Use Tax	CD22:10
Div. 1. Generally	CD22:10
Div. 2. Capital Improvements for School Dis-	
tricts	CD22:11
Art. IV. Local Accommodation Tax	CD22:14
Art. V. Hospitality Tax	CD22:14
23. Reserved	CD23:1
24. Traffic and Motor Vehicles	CD24:1
Art. I. In General	CD24:3
Art. II. Uniform Service Charge for Motor Vehicle	
Users	CD24:4
25. Reserved	CD25:1
26. Utilities	CD26:1
Art. I. In General	CD26:7
Art. II. Water and Sewer Department	CD26:7

CLARENDON COUNTY CODE

Chapter	Page
Art. III. Water Utility Service.....	CD26:8
Art. IV. Requirements for Water Service	CD26:11
Art. V. Cross Connection; Backflow Prevention....	CD26:22
Art. VI. Sewer Utility Service.....	CD26:30
Art. VII. General Sewer Use Requirements	CD26:38
Art. VIII. Pretreatment of Wastewater.....	CD26:43
Art. IX. Wastewater Discharge Permit Application	CD26:45
Art. X. Wastewater Discharge Permit Issuance Pro- cess.....	CD26:48
Art. XI. Reporting Requirements.....	CD26:53
Art. XII. Operations and Control; Compliance Mon- itoring	CD26:59
Art. XIII. Confidentiality and Publication.....	CD26:62
Art. XIV. Administrative Enforcement Remedies..	CD26:63
Art. XV. Judicial Enforcement Remedies.....	CD26:66
Art. XVI. Supplemental Enforcement Action	CD26:68
Art. XVII. Affirmative Defenses To Discharge Vio- lations	CD26:69
Art. XVIII. Rates, Charges, and Miscellaneous Pro- visions	CD26:71
Art. XIX. Drought Response.....	CD26:80
Code Comparative Table—1997 Code.....	CCT:1
Code Comparative Table—Ordinances.....	CCT:3
State Law Reference Table	SLT:1
Code Index	CDi:1

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

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

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

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
Title page	OC	CD2:19, CD2:20	OC
iii	OC	CD2:21, CD2:22	OC
vii, viii	OC	CD2:23, CD2:24	OC
ix	OC	CD2:25, CD2:26	OC
xiii, xiv	1	CD2:27, CD2:28	OC
xv, xvi	1	CD2:29, CD2:30	OC
SH:1	1	CD2:31	OC
CD1:1	OC	CD3:1	OC
CD1:3, CD1:4	OC	CD4:1	OC
CD1:5, CD1:6	OC	CD4:3, CD4:4	OC
CD1:7, CD1:8	OC	CD4:5, CD4:6	OC
CD1:9, CD1:10	OC	CD5:1	OC
CD2:1, CD2:2	OC	CD6:3, CD6:4	OC
CD2:3, CD2:4	OC	CD6:5, CD6:6	OC
CD2:5, CD2:6	OC	CD6:7, CD6:8	OC
CD2:7, CD2:8	OC	CD6:9	OC
CD2:9, CD2:10	OC	CD7:1	OC
CD2:11, CD2:12	OC	CD8:1	OC
CD2:13, CD2:14	OC	CD8:3, CD8:4	OC
CD2:15, CD2:16	OC	CD8:5	OC
CD2:17, CD2:18	OC	CD9:1	OC

[1]

CLARENDON COUNTY CODE

Page No.	Supp. No.	Page No.	Supp. No.
CD10:1	OC	CD22:13, CD22:14	OC
CD10:3, CD10:4	OC	CD22:15, CD22:16	OC
CD10:5	OC	CD22:17	OC
CD11:1	OC	CD23:1	OC
CD12:1	OC	CD24:1	OC
CD12:3, CD12:4	OC	CD24:3, CD24:4	OC
CD12:5, CD12:6	OC	CD24:5, CD24:6	OC
CD12:7, CD12:8	OC	CD25:1	OC
CD12:9, CD12:10	OC	CD26:1, CD26:2	OC
CD13:1	OC	CD26:3, CD26:4	OC
CD14:1	OC	CD26:5, CD26:6	OC
CD14:3, CD14:4	OC	CD26:7, CD26:8	OC
CD14:5	OC	CD26:9, CD26:10	1
CD15:1	OC	CD26:11, CD26:12	1
CD16:1, CD16:2	OC	CD26:13, CD26:14	1
CD16:3, CD16:4	OC	CD26:15, CD26:16	1
CD16:5, CD16:6	OC	CD26:17, CD26:18	1
CD16:7, CD16:8	OC	CD26:19, CD26:20	1
CD16:9, CD16:10	OC	CD26:21, CD26:22	1
CD16:11, CD16:12	OC	CD26:22.1	1
CD16:13, CD16:14	OC	CD26:23, CD26:24	OC
CD17:1	OC	CD26:25, CD26:26	OC
CD18:1	OC	CD26:27, CD26:28	OC
CD18:3, CD18:4	OC	CD26:29, CD26:30	OC
CD19:1	OC	CD26:31, CD26:32	1
CD20:1	OC	CD26:33, CD26:34	OC
CD20:3, CD20:4	OC	CD26:35, CD26:36	1
CD20:5, CD20:6	OC	CD26:37, CD26:38	1
CD20:7, CD20:8	OC	CD26:39, CD26:40	1
CD20:9, CD20:10	OC	CD26:41, CD26:42	1
CD20:11	OC	CD26:43, CD26:44	1
CD21:1	OC	CD26:45, CD26:46	1
CD22:1, CD22:2	OC	CD26:47, CD26:48	1
CD22:3, CD22:4	OC	CD26:49, CD26:50	1
CD22:5, CD22:6	OC	CD26:51, CD26:52	1
CD22:7, CD22:8	OC	CD26:53, CD26:54	1
CD22:9, CD22:10	OC	CD26:55, CD26:56	1
CD22:11, CD22:12	OC	CD26:57, CD26:58	1

CHECKLIST OF UP-TO-DATE PAGES

Page No.	Supp. No.	Page No.	Supp. No.
CD26:58.1	1	CDi:29, CDi:30	OC
CD26:59, CD26:60	OC	CDi:31, CDi:32	OC
CD26:61, CD26:62	OC	CDi:33, CDi:34	OC
CD26:63, CD26:64	1	CDi:35, CDi:36	OC
CD26:65, CD26:66	1	CDi:37, CDi:38	OC
CD26:67, CD26:68	1	CDi:39, CDi:40	OC
CD26:69, CD26:70	1	CDi:41, CDi:42	OC
CD26:71, CD26:72	1	CDi:43, CDi:44	OC
CD26:73, CD26:74	1	CDi:45, CDi:46	OC
CD26:75, CD26:76	OC	CDi:47, CDi:48	OC
CD26:77, CD26:78	OC	CDi:49, CDi:50	OC
CD26:79, CD26:80	OC	CDi:51, CDi:52	OC
CD26:81, CD26:82	OC	CDi:53, CDi:54	OC
CD26:83, CD26:84	OC	CDi:55, CDi:56	OC
CD26:85, CD26:86	OC	CDi:57, CDi:58	OC
CD26:87, CD26:88	OC	CDi:59, CDi:60	OC
CD26:89	OC	CDi:61, CDi:62	OC
CCT:1, CCT:2	OC	CDi:63, CDi:64	OC
CCT:3, CCT:4	OC	CDi:65, CDi:66	OC
CCT:5, CCT:6	OC	CDi:67	OC
CCT:7, CCT:8	OC		
CCT:9, CCT:10	OC		
CCT:11, CCT:12	1		
SLT:1, SLT:2	OC		
CDi:1, CDi:2	OC		
CDi:3, CDi:4	OC		
CDi:5, CDi:6	OC		
CDi:7, CDi:8	OC		
CDi:9, CDi:10	OC		
CDi:11, CDi:12	OC		
CDi:13, CDi:14	OC		
CDi:15, CDi:16	OC		
CDi:17, CDi:18	OC		
CDi:19, CDi:20	OC		
CDi:21, CDi:22	OC		
CDi:23, CDi:24	OC		
CDi:25, CDi:26	OC		
CDi:27, CDi:28	OC		

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
2014-01	7- 1-2014	Omitted	1
2014-02	9- 8-2014	Included	1
2014-03	11-10-2014	Omitted	1
2014-05	12- 8-2014	Omitted	1

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Effect of repeal or expiration of ordinances.
- Sec. 1-4. Provisions considered continuations of existing ordinances.
- Sec. 1-5. Catchlines, history notes, and references.
- Sec. 1-6. Severability of parts of Code.
- Sec. 1-7. General penalty; continuing violations.
- Sec. 1-8. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-9. Supplementation of Code.
- Sec. 1-10. Certain ordinances and resolutions not affected by Code.
- Sec. 1-11. Rates, charges, and fees established.

***State law references**—Powers of counties, S.C. Code 1976, § 4-9-25; designation of powers under alternative forms of county government, S.C. Code 1976, § 4-9-30.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Clarendon County, South Carolina" and may be so cited. Such ordinances may also be cited as the "Clarendon County Code."

(Code 1997, § 1-1)

State law reference—Codification of county ordinances, S.C. Code 1976, § 4-9-120.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the county, the following definitions and rules of construction shall be observed unless inconsistent with the manifest intent of the council or the text clearly requires otherwise:

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than other, more general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling. In the construction of this Code and of all ordinances of the county, all things and places therein referred to shall, unless a contrary intention appears, be construed to mean things and places situated in the county or employed by or appertaining to the county. Nothing in this Code is intended to repeal or otherwise affect the validity of ordinances unintentionally omitted or not addressed by the Code.

Administrator; county administrator. The term "administrator" or "county administrator" means the county administrator of Clarendon County, South Carolina.

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

Clerk. The term "clerk" means the clerk of the county council.

Code. Reference to "this Code" or "the Code" means the "Code of Ordinances, Clarendon County, South Carolina," as designated in section 1-1.

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

State law reference—Computation of time, S.C. Rules of Civ. Pro., Rule 6(a).

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows, except that in appropriate cases the terms "or" and "and" are interchangeable:

- (1) "And" indicates that all the connected terms, conditions, provisions or events apply.
- (2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Council; county council. The term "council" or "county council" means the county council for Clarendon County, South Carolina.

County. The term "county" means the County of Clarendon in the State of South Carolina.

County limits. The term "county limits" means the legal boundaries of Clarendon County.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. Terms importing the masculine gender include the feminine and neuter.

State law reference—Similar provisions, S.C. Code 1976, § 2-7-30.

Joint authority. All terms giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper; proprietor. The terms "keeper" and "proprietor" mean, and include, persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

Month. The term "month" means a calendar month.

Nontechnical and technical terms. Terms and phrases shall be construed according to the common and approved usage of the language, but technical terms 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. Terms used in the singular shall include the plural, and terms used in the plural shall include the singular number.

State law reference—Similar provision, S.C. Code 1976, § 2-7-30.

Oath, swear, sworn. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officer, official board, commission. Whenever reference is made to any officer or official board or commission, the reference means such officer or official of Clarendon County.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The term "person" includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property. The terms "personal property" include every species of property except real property, as defined in this section.

State law reference—Similar definition, S.C. Code 1976, § 15-1-40.

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

Property. The term "property" includes real and personal property.

State law reference—Similar provision, S.C. Code 1976, § 15-1-50.

Real property, real estate. The terms "real property" and "real estate" include lands, tenements and hereditaments.

State law reference—Similar provision, S.C. Code 1976, § 15-1-30.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

Shall, may. The term "shall" is mandatory; the term "may" is permissive.

Sidewalk. The term "sidewalk" means any portion of a street or road between the curblines, or the lateral lines of the roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The terms "signature" and "subscription" include a mark when the person cannot write, when such mark is witnessed by a longhand signature.

State. The terms "the state" or "this state" shall be construed to mean the State of South Carolina.

Statute and ordinance references. References to statutes such as S.C. Code 1976, § 4-9-10 or to ordinances such as Ordinance No. 95-08 refer to the statute or ordinance, as amended, or to the successor ordinance or statute unless otherwise indicated. References to the regulation of state agencies such as R1-1 mean and refer to the particular state regulation as amended.

Street, road. The terms "street" and "road" include avenues, boulevards, highways, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the county, and mean the entire width thereof between opposed abutting property lines; including a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the county council.

Tenant, occupant. The term "tenant" or "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Terms used in the past or present tense include the future as well as the past and present.

State law reference—Similar provision, S.C. Code 1976, § 2-7-30.

Week. The term "week" means seven days.

Written, in writing. The term "written" or "in writing" includes printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.
(Code 1997, § 1-2)

Sec. 1-3. Effect of repeal or expiration of ordinances.

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

(b) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.
(Code 1997, § 1-3)

Sec. 1-4. Provisions considered continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those previously adopted by the council, shall be considered as continuations thereof and not as new enactments.
(Code 1997, § 1-4)

Sec. 1-5. Catchlines, history notes, and references.

(a) The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor 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 reenacted.

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

(Code 1997, § 1-5)

Sec. 1-6. Severability of parts of Code.

It is hereby declared to be the intention of the county council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by judgment or decree of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1997, § 1-6)

Sec. 1-7. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the county any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or any such ordinance, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both such fine and imprisonment.

(b) Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

(Code 1997, § 1-7)

State law references—Authority to provide penalties for ordinance violations not in excess of jurisdiction of magistrates' courts, S.C. Code 1976, § 4-9-30(14); jurisdiction of magistrates' courts, S.C. Code 1976, § 22-3-550.

Sec. 1-8. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the county council.

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

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Clarendon County, South Carolina, is hereby amended by adding a section, to be numbered _____, which section reads as follows: _____" The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be. (Code 1997, § 1-8)

Sec. 1-9. Supplementation of Code.

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

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

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

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.
- (Code 1997, § 1-9)

Sec. 1-10. Certain ordinances and resolutions not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following ordinances or resolutions, which are not included in this Code:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.
- (2) Any appropriation ordinance or resolution providing for the levy of taxes or for an annual budget.
- (3) Any ordinance or resolution granting any franchise, permit or other right.
- (4) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument.
- (5) Any ordinance or resolution authorizing or otherwise relating to any public improvement project or work.
- (6) Any temporary or special ordinance or resolution or ordinance or resolution of limited interest or transitory nature or emergency ordinances.
- (7) Any ordinance or resolution creating or changing the boundaries of any special purpose or public service district.
- (8) Any ordinance or resolution adopting a schedule for the retention and disposition of county records.
- (9) Any resolution abandoning any street, highway, easement or right-of-way.
- (10) Any ordinance or resolution regarding a comprehensive plan, land use, zoning or subdivisions.
- (11) Any ordinance setting fees for service of process, marriage certificates and other county services.

- (12) Any ordinance or resolution establishing and/or prescribing employment, benefits, salaries, and/or personnel policies and procedures for any county officer or county employee.
- (13) Any ordinance or resolution creating or changing the boundaries of county council districts.
- (14) Any ordinance or resolution of agreement with another political subdivision.

All such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length.

(Code 1997, § 1-10)

Sec. 1-11. Rates, charges, and fees established.

(a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the county council, from time to time. Any rates, charges, or fees established by the county pursuant to the regulations or requirements established herein may be changed from time to time by the county council, and such changes shall both be considered an amendment to this Code.

(b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the county council, from time to time, and the amount of such rate, charge, or fee is not expressed in this Code in any dollar amount, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the county council by ordinance, resolution or motion.

Chapter 2

ADMINISTRATION*

Article I. In General

- Sec. 2-1. Fees for county tax maps; marriage licenses and service of process.
- Sec. 2-2. Signs designating crime watch areas; authorization.
- Sec. 2-3. Participation in Santee-Lynches regional jail system terminated.
- Sec. 2-4. Election and terms of county auditor and treasurer.
- Sec. 2-5. Council vested in authority to make decisions for county fire department.
- Secs. 2-6—2-28. Reserved.

Article II. County Council

Division 1. Generally

- Sec. 2-29. Continuance of composition; district lines and boundaries.
- Sec. 2-30. Electoral district based upon the 2010 Census.
- Secs. 2-31—2-48. Reserved.

Division 2. Rules of Procedure

Subdivision I. In General

- Sec. 2-49. Amendments.
- Secs. 2-50—2-71. Reserved.

Subdivision II. Officers

- Sec. 2-72. Election of officers generally.
- Sec. 2-73. Chairperson.
- Sec. 2-74. Vice-chairperson.
- Sec. 2-75. Clerk.
- Secs. 2-76—2-93. Reserved.

Subdivision III. Meetings

- Sec. 2-94. Regular and special; notice; quorum.
- Sec. 2-95. Open to the public; exceptions.
- Sec. 2-96. Conduct.
- Secs. 2-97—2-120. Reserved.

***State law reference**—County government generally, S.C. Code 1976, § 4-9-10 et seq.

CLARENDON COUNTY CODE

Subdivision IV. Ordinances and Resolutions

- Sec. 2-121. To be approved as to form.
- Sec. 2-122. Required to be in writing.
- Sec. 2-123. Reading.
- Sec. 2-124. Introduction and required readings.
- Sec. 2-125. Election and appointments to boards and commissions.
- Sec. 2-126. Annual appropriations ordinance.
- Sec. 2-127. Effective date.
- Sec. 2-128. Printing.
- Sec. 2-129. Recall of ordinances or resolutions.
- Secs. 2-130—2-156. Reserved.

Subdivision V. Special Areas of Study

- Sec. 2-157. Councilmembers to be appointed to.
- Sec. 2-158. Listing of specialized areas of study.
- Secs. 2-159—2-184. Reserved.

Article III. Boards, Commissions and Committees

Division 1. Generally

- Secs. 2-185—2-206. Reserved.

Division 2. Aeronautics Commission

- Sec. 2-207. Composition; appointment; terms; vacancies; compensation; chairperson.
- Sec. 2-208. Additional members; initial terms; present members to continue.
- Secs. 2-209—2-239. Reserved.

Division 3. Archives Advisory Commission

- Sec. 2-240. Creation; title.
- Sec. 2-241. Composition; appointment; terms.
- Sec. 2-242. Duties and operational guidelines.
- Sec. 2-243. Advisory capacity.
- Secs. 2-244—2-264. Reserved.

Division 4. Disabilities and Special Needs Board

- Sec. 2-265. Creation.
- Sec. 2-266. Purpose.
- Sec. 2-267. Membership.
- Sec. 2-268. Duties.

ADMINISTRATION

- Sec. 2-269. Meetings and requirements.
- Sec. 2-270. Insurance.
- Secs. 2-271—2-288. Reserved.

Division 5. Commission on Alcohol and Drug Abuse

- Sec. 2-289. Establishment.
- Sec. 2-290. Membership and appointment.
- Sec. 2-291. Removal.
- Sec. 2-292. Members qualifications.
- Sec. 2-293. Meetings and officers.
- Sec. 2-294. Responsibilities and duties.
- Sec. 2-295. Input of citizens in combating substance abuse.
- Secs. 2-296—2-323. Reserved.

Division 6. Recreation Advisory Commission

- Sec. 2-324. Creation.
- Sec. 2-325. Membership and appointment.
- Sec. 2-326. Duration of appointment.
- Sec. 2-327. Duties.
- Sec. 2-328. Coordination of plans and recommendations.
- Sec. 2-329. Commission to serve in advisory capacity only.
- Secs. 2-330—2-346. Reserved.

Division 7. Safety Committee

- Sec. 2-347. Established.
- Secs. 2-348—2-367. Reserved.

Division 8. Planning Commission, Building Board of Adjustment, and Zoning Board of Appeals

Subdivision I. In General

- Secs. 2-368—2-392. Reserved.

Subdivision II. County Board of Assessment Appeals

- Sec. 2-393. Purpose; authority.
- Sec. 2-394. Composition.
- Sec. 2-395. Appointment.
- Sec. 2-396. Annual meeting.
- Sec. 2-397. Hearing meetings.
- Sec. 2-398. Appeals.
- Secs. 2-399—2-424. Reserved.

CLARENDON COUNTY CODE

Article IV. Finance

Sec. 2-425. Procurement and contract procedures.
Secs. 2-426—2-448. Reserved.

Article V. Officers and Employees

Division 1. Generally

Sec. 2-449. Employee handbook incorporated by reference.
Secs. 2-450—2-466. Reserved.

Division 2. Constable

Sec. 2-467. Appointment.
Secs. 2-468—2-487. Reserved.

Article VI. Elections

Sec. 2-488. Established.

ARTICLE I. IN GENERAL**Sec. 2-1. Fees for county tax maps; marriage licenses and service of process.**

(a) This section supersedes all prior ordinances governing the price of county maps sold through the assessor's office.

(b) The price of county maps will be as follows:

- (1) Tax maps, aerial photographs and soil maps shall be sold for amounts as determined from time to time by the county council.
- (2) Other county maps, such as county highway maps and city highway maps, as well as plats, copies and decals shall be sold for amounts as determined from time to time by the county council.

(c) The fees to be charged for marriage licenses and service of process by the sheriff shall be set from time to time and a schedule of such fees is on file and available in the county offices.

(Code 1997, § 2-1; Ord. No. 7-81, § 1, 4-13-1981; Ord. No. 13-83, § 1, 8-8-1983; Ord. No. 15-88, § 1, 7-19-1988; Ord. No. 21-88, §§ 1, 2, 7-26-1988)

Sec. 2-2. Signs designating crime watch areas; authorization.

(a) Signs on the rights-of-way of the roads in this county indicating crime watch areas are hereby authorized, provided that the signs are constructed and maintained in accordance with regulations of the state department of highways and public transportation.

(b) The placement of such signs shall be pursuant to application and approved by the department of highways and public transportation. Such application shall provide all data as would be required by the department of highways and public transportation.

(Code 1997, § 2-2; Ord. No. 2-83, §§ 1, 2, 1-10-1983)

State law reference—Signs designating a crime watch area, S.C. Code 1976, § 57-3-110(11).

Sec. 2-3. Participation in Santee-Lynches regional jail system terminated.

The county hereby terminates participation in and all associated obligations thereof to the Santee-Lynches regional jail system and renders null and void all actions of council creating the regional jail commission and the county's membership in such commission.

(Code 1997, § 2-3; Ord. No. 1-13-97, § 1, 1-13-1997)

Sec. 2-4. Election and terms of county auditor and treasurer.

The county auditor and treasurer shall be elected for four-year terms. Such election shall be held at the general election immediately preceding the expiration of their terms of office.

(Code 1997, § 2-4; Ord. No. 12-76, 7-19-1976)

State law reference—County treasurer and auditor to be elected, S.C. Code 1976, § 4-9-60.

Sec. 2-5. Council vested in authority to make decisions for county fire department.

The Clarendon County Fire Department (hereinafter called department) is hereby considered a department of Clarendon County Government. The department shall be under the supervision of the county administrator who shall employ the fire chief to manage the day to day operations of the department and provide planning for future growth and improvements as needed.

(Ord. No. 99-00, 1-8-1999)

Secs. 2-6—2-28. Reserved.

ARTICLE II. COUNTY COUNCIL*

DIVISION 1. GENERALLY†

Sec. 2-29. Continuance of composition; district lines and boundaries.

The county council shall continue to consist of five members. One member shall be a resident of and elected by the qualified electors residing in county council district number one; two members shall be residents of and elected by the qualified electors residing in the county council district number two; one member shall be a resident of and elected by the qualified electors residing in county council district number three; and the chairperson shall be elected from the county at large. The members of the county council shall be elected at the general election and shall assume office on the first Tuesday in January. Members shall be elected for a term of four years with terms ending as such terms presently exist.

(Code 1997, § 2-37; Ord. No. 3-82, §§ I—III, 4-12-1982)

***State law reference**—Powers of county government, S.C. Code 1976, § 4-9-30.

†**State law reference**—Election of county councilmembers, S.C. Code 1976, § 4-9-90.

Sec. 2-30. Electoral district based upon the 2010 Census.

The county council, duly assembled, hereby approves and adopts those certain county council electoral districts as described, enumerated and delineated in full detail on the attached redistricting plan known as MAP #1, which is on file in the clerk of the council's office and made a part hereof by reference, to be used as the County Council Electoral Districts for the County of Clarendon, State of South Carolina, for all elections held following the adoption hereof and as may be approved by the United States Department of Justice.

(Ord. No. 2011-08, 10-10-2011)

Secs. 2-31—2-48. Reserved.

DIVISION 2. RULES OF PROCEDURE*

*Subdivision I. In General***Sec. 2-49. Amendments.**

A proposed amendment to this division shall be referred to the appropriate committee and, upon a report by this committee, may be adopted by the council upon an affirmative vote of a majority of its members.

(Code 1997, § 2-61; Ord. of 3-17-1977, § VI)

Secs. 2-50—2-71. Reserved.*Subdivision II. Officers***Sec. 2-72. Election of officers generally.**

The council shall elect a vice-chairperson and such other officers as it may deem necessary for terms as set forth in this subdivision, at the initial meeting of the council in January following each general election.

(Code 1997, § 2-86; Ord. of 3-17-1977, § I)

State law reference—County council to elect officers, S.C. Code 1976, § 4-9-110.

Sec. 2-73. Chairperson.

Any vacancy in the chairpersonship shall be filled in the manner of original election for the unexpired terms in the next general election if the vacancy occurs 180 days or more prior to the next general election. The chairperson shall preside at all regular and special meetings of the council, shall execute, on behalf of the council, all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments or

***State law reference**—County council to determine its own rules of procedure, S.C. Code 1976, § 4-9-110.

documents; establish committees and appoint members of council to the same; and shall have such other duties and perform such other functions as are set forth in this division.

(Code 1997, § 2-87; Ord. of 3-17-1977, § I(A))

Sec. 2-74. Vice-chairperson.

At the initial meeting in January following each general election, the county council shall elect one of its members to serve as vice-chairperson for a two-year term. If the chairperson shall be temporarily absent or unable to serve, the vice-chairperson shall serve as chairperson in his stead.

(Code 1997, § 2-88; Ord. of 3-17-1977, § I(B))

Sec. 2-75. Clerk.

The county council shall appoint a person, not a member of the council, to serve as clerk for an indefinite term. The clerk will record all proceedings of the council; deliver copies of the minutes of each council meeting to all members prior to the next regular council meeting; keep the minutes of all committees meetings when requested by the chairperson of such committee; keep a register of all proposed ordinances and resolutions, assigning them a number and arranging them in order of introduction; render any needed assistance to members of the council in typing and preparation of reports, recommendations, ordinances, resolutions, directives and correspondence; and assist the county administrator in the performance of his duties.

(Code 1997, § 2-89; Ord. of 3-17-1977, § I(C))

State law reference—Similar provisions, S.C. Code 1976, § 4-9-110.

Secs. 2-76—2-93. Reserved.

*Subdivision III. Meetings**

Sec. 2-94. Regular and special; notice; quorum.

The council shall hold its regular meeting for the transaction of official business on the second Monday of each month. Special meetings may be called by the chairperson or majority of the council, but no special meetings shall be held unless all members are notified in writing 24 hours in advance of such meeting. Such special notice shall be posted in a public place within the county, posted on the county website, posted through electronic media outlets, and published once in a newspaper of general circulation, and it shall set the place and time of the meeting. A majority of the members of the council shall constitute a quorum for the transaction of official business.

(Code 1997, § 2-111; Ord. of 3-17-1977, § II(A))

***State law references**—Meetings, S.C. Code 1976, § 4-9-110; open public meetings, S.C. Code 1976, § 30-4-60.

Sec. 2-95. Open to the public; exceptions.

(a) All meetings of the council shall be open to the public. However, the council may have executive sessions upon the public vote of a majority of the council for the following purposes:

- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing;
- (2) Negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim;
- (3) Discussion regarding the development of security personnel or devices;
- (4) Investigative proceedings regarding allegations of criminal misconduct;
- (5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body;
- (6) The Retirement System Investment Commission, if the meeting is in executive session specifically pursuant to S.C. Code 1976, § 9-16-80(A) or 9-16-320(C); and
- (7) Private matters presented by individuals or groups of citizens.

(b) Executive sessions may be held concerning other matters than those enumerated in subsection (a) of this section in keeping with S.C. Code 1976, § 30-4-10 et seq.

(c) The chairperson shall, after a vote to go into executive session, announce the purpose of the session. Any formal action of the council shall be ratified by public vote after the conclusion of the session.

(Code 1997, § 2-112; Ord. of 3-17-1977, § II(B))

State law reference—Executive sessions, S.C. Code 1976, § 30-4-70.

Sec. 2-96. Conduct.

(a) *Prayer*: Every meeting of the council shall be opened with prayer.

(b) *Decorum in speaking.* Every member, when about to speak, shall address himself to "Mr./Ms. Chairman," and, in speaking, shall avoid disrespect to the council and any personalities. He shall confine himself to the question under consideration.

(c) *Members addressing the chair.* The chairperson, when addressed by a member, shall recognize the member by name, using no title but that of "Mr.," "Mrs.," "Miss.," or Ms. The member who shall first be recognized shall be first heard; and if several shall address the chairperson at about the same time, the chairperson shall decide who was first to speak and shall recognize such member.

(d) *Requests to be heard.* Should any person, group or organization request to be heard upon any matter at a regular or special meeting of the council, such person, group or organization should request the clerk of the council or the county administrator to place such matter on the agenda for the meeting at least three days prior to the date set for such meeting. This requirement may be waived by the chairperson in cases of great urgency if the matter is presented in writing and every member of the council is provided with a copy prior to the commencement of the meeting, or as otherwise specified in the agenda.

(e) *Matters not within the council's jurisdiction.* No matter shall be entered on the agenda or heard by the council unless it is within the council's authority or jurisdiction, provided that the council may entertain requests that it make recommendations to other governmental bodies, departments or agencies.

(f) *Recognition of persons.* When any person, including an employee of the council and of the county, are heard by the council as provided in subsection (d) of this section, that person, when he has completed his presentation, shall be seated. No person, other than a member of the council, will be recognized to make any statement on such matter unless requested to do so by the council or by any member of the council through the chairperson.

(Code 1997, § 2-113; Ord. of 3-17-1977, § II(C))

Secs. 2-97—2-120. Reserved.

*Subdivision IV. Ordinances and Resolutions**

Sec. 2-121. To be approved as to form.

Prior to introduction, all ordinances and resolutions shall be submitted to and approved by the county attorney as to form and draftsmanship. As used in this

***State law reference**—Procedure for adoption of ordinances, S.C. Code 1976, § 4-9-120.

section, the term "ordinance" shall be an ordinance having the force of law. Resolutions shall not have the force of law, but shall express the opinion of the council concerning a particular thing or matter.

(Code 1997, § 2-136; Ord. of 3-17-1977, § III(A))

Sec. 2-122. Required to be in writing.

All proposed ordinances and resolutions shall be in writing, either typed or printed, and in a sufficient number of copies for each member of the council to be provided with copies at the time of introduction.

(Code 1997, § 2-137; Ord. of 3-17-1977, § III(B))

Sec. 2-123. Reading.

If all members of the council are furnished with copies of a proposed ordinance or resolution, a verbatim reading shall not be required unless such reading is specifically requested by a member. All ordinances, with the exception of emergency ordinances, as set out in section 2-124(g), shall be read at three meetings of the council on three separate days with an interval of not less than seven days between the second and third readings.

(Code 1997, § 2-138; Ord. of 3-17-1977, § III(C))

Sec. 2-124. Introduction and required readings.

(a) *Introduction.* Any member or committee of the council may introduce an ordinance for a first reading at any regular meeting of the council, and no advance notice of such introduction shall be required.

(b) *Public hearings; notice.* Public hearings, upon giving 15 days' notice of the time and place of such hearing, which shall be published in a newspaper of general circulation in the county, shall be held before final council action to:

- (1) Adopt annual operational and capital budgets;
- (2) Make appropriations, including supplemental appropriations;
- (3) Adopt building, housing, electrical, plumbing, gas and all other regulatory codes involving penalties;
- (4) Adopt zoning and subdivision regulations;
- (5) Levy taxes; and
- (6) Sell, lease or contract to sell or lease real property owned by the county.

(c) *First reading.* At the first reading of an ordinance, no vote shall be taken and no debate or amendment shall be in order. The ordinance shall be referred by the chairperson to an appropriate committee, unless reference shall be dispensed with by a two-thirds majority vote, or unless the proposed ordinance shall have been introduced by a committee.

(d) *Adoption of resolutions.* A resolution does not have the force and effect of law and may be adopted at any regular or special meeting of the council by majority vote of the members of the council. However, unless introduced by an appropriate committee, every resolution must, upon introduction, be referred to an appropriate committee unless reference shall be dispensed with by a two-thirds majority vote. A report of the committee shall ordinarily be made on the next regular or special meeting, and the resolution may be adopted by the council at that meeting, or any subsequent regular or special meeting. Any resolution which is up for adoption may be amended. All amendments must be in writing and germane to the proposed resolution. After all amendments and privileged motions, if any, are dispensed with, the question shall be the adoption of the resolution.

(e) *Second and third readings.* Committee reports on a proposed ordinance shall ordinarily be made at the next consecutive regular meeting following introduction and first reading. Second readings may be deferred until the next consecutive regular meeting of the board following the committee report. At least one day prior to the second reading of an ordinance, complete, typewritten or printed copies of the text of the ordinance and the committee report thereon shall be delivered to every member of the board. After all amendments and privileged motions, if any, are disposed of, the question shall be, shall the ordinance receive second reading. After all amendments and privileged motions, if any, are disposed of, the question shall be the passage of the ordinance.

(f) *Passage or adoption by majority required.* No ordinance, resolution, code or policy shall be passed or adopted unless at least a majority of the members of the council shall have voted for its approval or passage. Similarly, no amendment to an ordinance, resolution, code or policy shall be passed unless at least a majority of the members of the council shall have voted for its approval or passage.

(g) *Emergency ordinances.* In accordance with S.C. Code 1976, § 4-9-130, the council may adopt emergency ordinances. An emergency ordinance shall be effective immediately upon its enactment without regard to any reading, public hearing, public requirements or public notice requirements. Emergency ordinances shall expire automatically as of the 61st day following the date of enactment. Such ordinances, however, must deal with public emergencies affecting life, health, safety or the property of the people. Such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or charge a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of the council present.

(Code 1997, § 2-139; Ord. of 3-17-1977, § III(D))

State law reference—Similar provisions, S.C. Code 1976, § 4-9-130.

Sec. 2-125. Election and appointments to boards and commissions.

(a) *Duties of clerk to council with respect to vacancies.* The clerk shall report to the council at each regularly scheduled meeting concerning all impending vacancies occurring within 90 days from such meeting on county boards and commissions which

the council has the legal responsibility to fill. Elections to fill such vacancies shall be held at a public meeting of the council prior to the expiration of the terms of those boards or commission members whose successors are to be elected. At a public meeting of the council held at least one month prior to any such election, the chairperson will give notice of such election and the date thereof and will announce that at the public meeting of the council next preceding the election meeting, nominations to fill such vacancies will be entertained by the chair. At such time the chairperson shall refer the matter of each impending vacancy to the appropriate committee for its study and report.

(b) *Committee report.* At the public meeting of the council next preceding the meeting at which the election is to be held, the committee to whom the matter was referred under subsection (a) of this section may present to the council its nominations to fill such vacancies, but at least two days prior to such meeting the committee shall furnish to all members of the council, in writing, the names of its nominees and also the names of any incumbent board or commission members whose successors are to be elected. At the same meeting, nominations may be made from the floor by any member of the council, and thereafter no additional nominations may be made.

(c) *Election.* At the meeting at which the election is to be held, the chairperson shall announce the names of all nominees for vacancies to be filled. Should the number of nominees exceed the number of vacancies, the clerk shall call the roll and each member of the council shall cast his vote, either via voice or by written ballot (which shall not be secret) for a number of nominees equal to the number of vacancies to be filled. The vote shall then be tallied, and those nominees receiving a majority of the votes cast shall be elected. If no candidate receives a majority, the balloting shall continue until there is an election.

(d) *Recommendations for appointment.* In cases where the council does not elect but recommends persons for appointment by the governor or otherwise, the same procedure as applied to elections will be followed as to such recommendations. (Code 1997, § 2-140; Ord. of 3-17-1977, § III(E))

State law reference—Appointment of boards, commissions and committees, S.C. Code 1976, § 4-9-170.

Sec. 2-126. Annual appropriations ordinance.

At or prior to the third regular meeting of the council preceding the end of the county's fiscal year, an appropriations ordinance shall be introduced which shall set forth in detail appropriations for all county purposes and activities during the ensuing fiscal year. This appropriations ordinance, as it may be amended, shall be enacted by the council prior to the commencement of such fiscal year. The total of the appropriations under such ordinance shall not exceed the total of anticipated county revenue

from all sources as projected by the county administrator. Such appropriations ordinance shall include a county council, to cover items of expenditures for which no express provision is made elsewhere in the ordinance.

(Code 1997, § 2-141; Ord. of 3-17-1977, § III(F))

Sec. 2-127. Effective date.

The effective date of each ordinance or resolution passed by the council shall be on the day that the ordinance is given third reading of the date the resolution is adopted unless the effective date of such ordinance or resolution is set out in the ordinance or resolution.

(Code 1997, § 2-142; Ord. of 3-17-1977, § III(G))

Sec. 2-128. Printing.

Annually, all ordinances and resolutions of the council passed during the preceding 12 months shall be printed and made available for public distribution through the office of the council by the county administrator. In accordance with S.C. Code 1976, § 4-9-120:

"All proceedings of council shall be recorded and all ordinances adopted by council shall be compiled, indexed, codified, published by title and made available to public inspection at the office of the clerk of council. The clerk of council shall maintain a permanent record of all ordinances adopted and shall furnish a copy of such record to the clerk of court for filing in that office."

(Code 1997, § 2-143; Ord. of 3-17-1977, § III(H))

Sec. 2-129. Recall of ordinances or resolutions.

Any ordinance or resolution which has been referred to a committee may be recalled by an affirmative vote of three members of the board.

(Code 1997, § 2-144; Ord. of 3-17-1977, § V)

Secs. 2-130—2-156. Reserved.

Subdivision V. Special Areas of Study

Sec. 2-157. Councilmembers to be appointed to.

The chairperson of the council shall, within ten days after the first regular meeting of the council in January, appoint members of council to designated areas of study which shall include the jurisdiction of matters as recorded therein. The appointees shall make their reports and recommendation to council at its regularly scheduled meeting.

(Code 1997, § 2-166; Ord. of 3-17-1977, § IV)

Sec. 2-158. Listing of specialized areas of study.

Special areas for study are as follows:

- (1) *Administration and finance.* Property assessment; taxation; appropriations and expenditures; collection, receipt and disbursement of county funds; budgeting and accounting methods and procedures; capital improvements and programming; bonds and indebtedness; purchasing and the establishment and supervision of purchasing procedure; direction and coordination of administrative activities; supervision and regulation of county departments; county governmental organization and structure; personnel policy and procedures affecting the selection, appointment, compensation, qualifications, tenure, seniority, retirement and other matters relating to county officials and employees; and related matters.
- (2) *Public service and county planning.* County planning and zoning; engineering; land use; regulation of buildings (building codes, plumbing and electrical regulations, etc.); drainage and flood control; county roads and state highways, right-of-way protection and acquisition; condemnation; supervision of jail, airport, etc.; transportation facilities and services; parking and traffic control; railroads and railroad facilities and services; parking and traffic control; railroads and railroad facilities, roadside appearance; garbage collection and disposal; subdivision regulations; public utilities; industrial development; and related matters.
- (3) *Justice and public safety.* Legislation and legal matters; law enforcement; county courts; public records; county council rules and regulations; law library and legal publications; public safety; fire protection; judicial administration; and related matters.
- (4) *Committee on education, recreation, health and welfare.* Education; recreation; health; welfare; parks and playgrounds; museums and historic sites; vocational training; rehabilitation; libraries and nonlegal publications; and related matters.

(Code 1997, § 2-167; Ord. of 3-17-1977, § IV)

Secs. 2-159—2-184. Reserved.

ARTICLE III. BOARDS, COMMISSIONS AND COMMITTEES*

DIVISION 1. GENERALLY

Secs. 2-185—2-206. Reserved.

***Editor's note**—The composition of the Clarendon County Development Board and its concomitant duties appear under the Economic Development chapter in the County Code of Ordinances.

State law reference—Appointment of certain boards, commissions and committees, S.C. Code 1976, § 4-9-170.

DIVISION 2. AERONAUTICS COMMISSION

Sec. 2-207. Composition; appointment; terms; vacancies; compensation; chairperson.

The county aeronautics commission shall consist of seven members who are residents of the county, and who shall be appointed by the county council. The terms of the members shall be for five years, and until their successors have been appointed and qualify; provided, however, that their initial terms shall be for five, four, three, two and one years, respectively. Any vacancy shall be filled for the unexpired portion of the term in the same manner as appointments are made for the full term. Members of the commission shall receive no compensation for their services. The commission shall select one of its members as chairperson.

(Code 1997, § 2-221; Ord. No. 5-83, § 1, 6-13-1983)

Sec. 2-208. Additional members; initial terms; present members to continue.

The two additional members of the county aeronautics commission provided for in section 2-207 shall be appointed for initial terms of five years each, and the five present members of the commission shall continue to serve until their current terms expire at which time their successors shall be appointed as provided for by law.

(Code 1997, § 2-222; Ord. No. 5-83, § 2, 6-13-1983)

Secs. 2-209—2-239. Reserved.

DIVISION 3. ARCHIVES ADVISORY COMMISSION

Sec. 2-240. Creation; title.

A commission to be known as the county archives advisory commission is hereby created and shall be referred to in this division as the "archives advisory commission."

(Code 1997, § 2-246; Ord. No. 9-6-96, § 1, 9-6-1996)

Sec. 2-241. Composition; appointment; terms.

The archives advisory commission shall consist of five members, appointed by county council, inclusive of a chairperson, as follows: The term of office for such commission members shall be four years, with staggered terms for the initial appointments made as follows: three members for four-year terms and two members for two-year terms.

(Code 1997, § 2-247; Ord. No. 9-6-96, § 2, 9-6-1996)

Sec. 2-242. Duties and operational guidelines.

The role of the archives advisory commission shall be limited to the duties and operational guidelines set forth in this section, unless further authority is provided by an ordinance hereafter by county council.

- (1) The commission shall study, develop and recommend to the county archivist a plan for the operation of the archives.
- (2) The county administrator or designee shall directly supervise the county archivist.
- (3) The county administrator is authorized, subject to available funding, to contract with a professional archivist consultant on an as needed basis to provide advice and consultation to the commission and county archivist.
- (4) The county council shall retain final authority for approval or disapproval for any and all archives programs, policies and the funding thereof.
- (5) The county archivist shall be a parttime position.
(Code 1997, § 2-248; Ord. No. 9-6-96, § 3, 9-6-1996)

Sec. 2-243. Advisory capacity.

The archives advisory commission shall serve only in an advisory capacity with regard to the county archivist and such commission shall exercise no authority whatsoever, implied and/or otherwise, in matters relating to personnel and operations of the county archives.

(Code 1997, § 2-249; Ord. No. 9-6-96, § 4, 9-6-1996)

Secs. 2-244—2-264. Reserved.

DIVISION 4. DISABILITIES AND SPECIAL NEEDS BOARD*

Sec. 2-265. Creation.

There is hereby created the county disabilities and special needs board with powers, duties, responsibilities and functions as set forth in this division.

(Code 1997, § 2-271; Ord. of 11-7-1991, § 2)

Sec. 2-266. Purpose.

It is the purpose of the county disabilities and special needs board to develop, provide, coordinate, improve and operate community based programs serving persons with mental retardation or other related disabilities with a view toward developing their respective mental, physical and social capacities to their fullest potential.

(Code 1997, § 2-272; Ord. of 11-7-1991, § 3)

***State law reference**—County boards of disabilities and special needs, S.C. Code 1976, § 44-20-375.

Sec. 2-267. Membership.

(a) The disabilities and special needs board shall be composed of 11 (at least five) resident electors. The disabilities and special needs board shall be appointed by county councilmembers. Persons with a demonstrated interest and background in mental retardation and/or human services shall be recommended for appointment.

(b) The terms of the member shall be for four years until their successors are appointed and qualify, except that the initial members shall serve staggered terms. Vacancies shall be filled for any unexpired terms in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office or missing three consecutive meetings after being given a written statement of reasons and an opportunity to be heard.

(Code 1997, § 2-273; Ord. of 11-7-1991, § 4)

State law reference—Composition of board of disabilities and special needs, S.C. Code 1976, § 44-20-378.

Sec. 2-268. Duties.

The disabilities and special needs board shall:

- (1) Be the administrative, planning, coordinating, evaluative, and reviewing body or services to persons in the county who are mentally retarded or have other related disabilities. The disabilities and special needs board shall be funded in part or in whole by appropriations from the state department of disabilities and special needs.
- (2) Submit an annual plan and projected budget to the state department of disabilities and special needs for approval and consideration of funding.
- (3) Review and evaluate, on at least an annual basis, county mental retardation and related disability services provided pursuant to this division and report its findings and recommendations to the state department of disabilities and special needs and the county council.
- (4) Promote and accept local financial support for the county program from funding sources, such as businesses, individuals, industrial and private foundations, voluntary agencies, governmental and other lawful sources and promote public support from municipal and county sources.
- (5) Employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out mental retardation or related disability service programs, which shall meet those specifications prescribed by the state department of disabilities and special needs.
- (6) Plan, arrange and implement working agreements and contracts with other human service agencies, both public and private, and with educational and judicial agencies.

- (7) Provide the state department of mental retardation and the county council such records, reports and access to its sponsoring services as the state department of disabilities and special needs and the county council may require, and submit its sponsoring services and facilities to licensing requirements of the state department of disabilities and special needs or the licensing requirements of other state or local agencies having such legal authority.
 - (8) Buy, sell, mortgage, pledge, encumber, lease, rent and contract with respect to real and personal property, and borrow money, provided the obligation to repay such money is payable out of any revenues of the county disabilities and special needs board, and shall not obligate the full faith, credit and tax power of the county.
 - (9) Provide a public forum to which individuals or groups may present any concerns or appeal a dispute or disagreement with a provided agency or service.
- (Code 1997, § 2-274; Ord. of 11-7-1991, § 5)

Sec. 2-269. Meetings and requirements.

The disabilities and special needs board shall open all regular meetings to the general public. No fewer than four meetings per year shall be held. Special meetings may be called, with reasonable notice given to other members. The disabilities and special needs board will establish its own bylaws. On an annual basis, it will elect a chairperson, vice-chairperson, a secretary and a treasurer.

(Code 1997, § 2-275; Ord. of 11-7-1991, § 6)

Sec. 2-270. Insurance.

The disabilities and special needs board will maintain, at all times, workers compensation insurance in the amount of \$1,000,000.00 covering all employees and board members. The premiums for this coverage shall be the responsibility of the board. The county shall be listed as an insured under the policy of liability insurance. The board shall furnish a copy of the current insurance policies to the county council and will keep current copies of the policies on file at all times.

(Code 1997, § 2-276; Ord. of 11-7-1991, § 6)

Secs. 2-271—2-288. Reserved.

DIVISION 5. COMMISSION ON ALCOHOL AND DRUG ABUSE*

Sec. 2-289. Establishment.

There is hereby established the Clarendon County Commission on Alcohol and Drug Abuse, the designated single county authority for alcohol and drug abuse programming funded by excise tax pursuant to S.C. Code 1976, §§ 61-12-10, 61-12-20, 6-27-40(B), and 12-33-245(B), (C) , as amended.

(Code 1997, § 2-301; Ord. No. 3-79, § 1, 5-3-1979; Ord. No. 2006-16, § 1, 1-8-2007)

Sec. 2-290. Membership and appointment.

The commission shall be composed of nine members to be appointed by county council. Each appointment shall be for four years except that for the initial appointment, three members shall be appointed for three years, three members for two years, and three members shall be appointed for one year. If a vacancy occurs, the county council shall fill the vacancy by appointment for the unexpired term.

(Code 1997, § 2-302; Ord. No. 3-79, § 2, 5-3-1979; Ord. No. 2006-16, § 2, 1-8-2007)

Sec. 2-291. Removal.

Any commission member may be removed and replaced for cause by a majority of county council or by not attending at least 50 percent of the commission meetings within any calendar year.

(Code 1997, § 2-303; Ord. No. 3-79, § 3, 5-3-1979; Ord. No. 2006-16, § 3, 1-8-2007)

Sec. 2-292. Members qualifications.

All members shall serve without compensation and shall be residents of the county. The members shall be selected by county council to represent a cross section of the community.

(Code 1997, § 2-304; Ord. No. 3-79, § 4, 5-3-1979; Ord. No. 2006-16, § 41, 1-8-2007)

Sec. 2-293. Meetings and officers.

The commission shall meet within 30 days of their appointment for the selection of officers. The commission shall adopt bylaws for the conduct of its business not inconsistent with this division.

(Code 1997, § 2-305; Ord. No. 3-79, § 5, 5-3-1979; Ord. No. 2006-16, § 5, 1-8-2007)

***State law reference**—South Carolina Commission on Alcohol and Drug Abuse, S.C. Code 1976, § 44-49-10 et seq.

Sec. 2-294. Responsibilities and duties.

The Clarendon County Commission on Alcohol and Drug Abuse shall be authorized:

- (1) To develop and submit to county council for approval a comprehensive county alcohol and drug abuse plan which is:
 - a. In accordance with South Carolina Act 301 of 1973 and
 - b. Consistent with the South Carolina State Plan on Alcohol and Drug Abuse as required by P.L. 91-616 as amended and 92-255 as amended; and
 - c. Inclusive of all alcohol and drug abuse programs operating in the county, to include the identification and accounting of all funds utilized for the implementation and execution of these programs.
- (2) To submit an approved operating budget to county council for approval each fiscal year beginning July 1 and ending June 30 for purposes of carrying out the comprehensive county alcohol and drug abuse plan.
- (3) To receive and expend gifts, bequest, and devices which may be used to further the efforts of alcohol and drug abuse programs.
- (4) To receive and expend contributions and appropriations from public and private and corporate sources, foundations, and state and federal programs to carry out the programs outlined in the comprehensive county alcohol and drug abuse plan.
- (5) As the county authority for alcohol and drug abuse programming to cooperate with the state department of alcohol and other drug abuse in the implementation of the State Plan on Alcohol and Other Drug Abuse.
- (6) To employ an executive director who shall perform such duties as required to carry out the approved Comprehensive County Alcohol and Other Drug Abuse Plan. Such other personnel as may be required may be employed by the director. Designate compensation to be paid to the director and other personnel.
- (7) All city, county and private agencies with programs directed toward solving the alcohol and drug abuse problem, shall cooperate and coordinate their efforts through the CCCADA. Programs established hereunder shall be periodically reviewed to determine their effectiveness and results.
- (8) Review and make recommendations concerning the application of any agency for alcohol and other drug abuse program funds to be utilized in the county and to ensure such program is consistent with the Comprehensive County Alcohol and Other Drug Abuse Plan.
- (9) Provide the county council an annual report, which will report on both programmatic and fiscal activities for the preceding fiscal year.

(10) Establish and efficient set of management and fiscal controls and as soon after the close of the fiscal year as practical and in accordance with section 14-3712 of South Carolina Act 283 of 1975 provide for an audit being incorporated into the annual report of the commission, and a copy filed with county council.
 (Code 1997, § 2-306; Ord. No. 3-79, § 6, 5-3-1979; Ord. No. 2006-16, § 6, 1-8-2007)

Sec. 2-295. Input of citizens in combating substance abuse.

In accordance with Act 301, local citizens should have input and participate in the formation and implementation of plans to combat substance abuse.
 (Code 1997, § 2-307; Ord. No. 3-79, § 7, 5-3-1979; Ord. No. 2006-16, § 71, 1-8-2007)

Secs. 2-296—2-323. Reserved.

DIVISION 6. RECREATION ADVISORY COMMISSION

Sec. 2-324. Creation.

A commission to be known as the "Clarendon County Recreation Advisory Commission," hereinafter "advisory commission," is hereby created.
 (Code 1997, § 2-311; Ord. No. 8-25B(1997), § 1, 8-25-1997)

Sec. 2-325. Membership and appointment.

The advisory commission shall consist of up to 11 members, eight of which are appointed by county council as follows: Two from district one, four from district two and two from district three. Four additional members may be appointed by the councils of the incorporated areas (one from each town) if the towns provide funding in an amount to be agreed upon annually to the county to offset certain expenses of the recreation program. The appointments from the incorporated areas are contingent on annual funding. County council shall appoint one member of the commission to serve as chairperson for a period not to exceed three years. A quorum of the advisory commission shall be a majority of the active membership of the commission.
 (Code 1997, § 2-312; Ord. No. 8-25B(1997), § 2, 8-25-1997)

Sec. 2-326. Duration of appointment.

Appointments shall be for three years and no member may serve more than two consecutive terms (six years).
 (Code 1997, § 2-313; Ord. No. 8-25B(1997), § 3, 8-25-1997)

Sec. 2-327. Duties.

- (a) The advisory commission shall be limited to the following duties, unless amended by ordinance hereafter by the county council:
 - (1) To evaluate the county's present recreation facilities and programs and determine the need for improvements to existing facilities, the development of new facilities and the development of new or enhanced programs for all age groups;

- (2) To study, develop and recommend to the county recreation director a plan for recreational programs in various parts of the county, including recommendations for contractual programs with municipal bodies and other organizations;
- (3) To study and recommend to the county recreation director methods of maximizing the use of existing recreation facilities;
- (4) To make recommendations to the director with regards to classes in arts and crafts, social recreation, and new or enhanced programs for all age groups;
- (5) To make recommendations regarding park and playground acquisition and development;
- (6) At least annually, set forth any and all findings and recommendations in written form to the recreation director. The recreation director shall review the same, comment as may be appropriate and submit the advisory commission's recommendations with the director's comments to the county administrator for study and subsequent submission to county council during the annual budget process.

(b) The county council shall have final authority for approval or disapproval of any and all recreational programs, policies and funding.

(Code 1997, § 2-314; Ord. No. 8-25B(1997), § 4, 8-25-1997)

Sec. 2-328. Coordination of plans and recommendations.

The recreation director is authorized to coordinate the plans and recommendations, submitted by the advisory commission to the recreation director and approved by the county council, with other political subdivisions and municipalities through the county.

(Code 1997, § 2-315; Ord. No. 8-25B(1997), § 5, 8-25-1997)

Sec. 2-329. Commission to serve in advisory capacity only.

The advisory commission shall serve only in an advisory capacity with regard to the county recreation director and said commission shall exercise no authority, whatsoever, implied and/or otherwise, in matters relating to personnel and operations of the county recreation department.

(Code 1997, § 2-316; Ord. No. 8-25B(1997), § 6, 8-25-1997)

Secs. 2-330—2-346. Reserved.

DIVISION 7. SAFETY COMMITTEE

Sec. 2-347. Established.

The county council resolves that a county safety committee, known as the Clarendon County Safety Committee, shall be established under the following guidelines:

- (1) The safety committee shall be under the direct authority of the county administrator.
- (2) The safety committee shall consist of seven members.
- (3) Capable committee members shall be drawn from positions within the applicable departments as follows:
 - a. Chairperson, county controller/risk manager.
 - b. Member, sheriff's department.
 - c. Member, public works.
 - d. Member, corrections department.
 - e. Member, fire department.
 - f. Two members at large.(Each member shall have a vote on committee decisions.)
- (4) The acts and decisions of the committee shall be coordinated with the appropriate responsible department head to the greatest extent practical and shall routinely go before the county administrator for action, review, and comment in the form of minutes.
- (5) The safety committee shall be charged continuously with the responsibilities of:
 - a. Developing and revising the safety program of the county.
 - b. Evaluating and approving all requested changes to the safety program, and updating program as new regulations evolve.
 - c. Promoting safety and training programs among all employees.
 - d. Promoting departmental self-inspection and periodic inspection by members of the committee.
 - e. Promoting compliance with local, state and federal regulations.
 - f. Reviewing accidents and recommending action, training, and if necessary, disciplinary measures in specific instances, up to and including recommending discharge of an employee.
 - g. Reviewing and investigating historical trends and reporting unsafe conditions referred to the committee by the risk manager, and requesting action be taken by appropriate authorities in each instance.

h. Developing recommendations for incentives which will aid in motivating employees to prevent injury and think of safety regularly.
(Ord. No. 2005-02, 5-9-2005)

Secs. 2-348—2-367. Reserved.

DIVISION 8. PLANNING COMMISSION, BUILDING BOARD OF
ADJUSTMENT, AND ZONING BOARD OF APPEALS*

Subdivision I. In General

Secs. 2-368—2-392. Reserved.

Subdivision II. County Board of Assessment Appeals

Sec. 2-393. Purpose; authority.

The South Carolina Revenue Procedures Act provides that county board of assessment appeals or county board means the board of assessment appeals which considers appeals of property tax assessments issued by the property tax assessor for the county and which also hears appeals of refund claims of property as determined by the majority of the county assessor, county auditor, and county treasurer S.C. Code 1976, § 12-60-30(7) and the Clarendon County Council does hereby establish and constitute the Clarendon County Board of Assessment Appeals according to the terms and conditions as set out in this subdivision.

(Ord. No. 2013-05, intro. ¶, 11-18-2013)

Sec. 2-394. Composition.

The board shall be composed of five members.
(Ord. No. 2013-05, § I, 11-18-2013)

***Editor's note**—Copies of the Clarendon County, SC Unified Development Code, as adopted by the county council through Ordinance No. 2011-08 on September 12, 2011 and amended thereafter, and the Clarendon County, SC Comprehensive Plan, as adopted by the county council through Ordinance No. 2008-12 on January 12, 2009 and amended thereafter, are available for public examination on file in the clerk of the council's office and on the county website. The planning commission, building board of adjustment, and the zoning board of appeals were all enacted under the Clarendon County, SC Unified Development Code, and appear within that ordinance.

Sec. 2-395. Appointment.

(a) Each member of county council shall appoint one member to the board. Board members shall reside in the council district from which they are appointed, with the council chair appointing a member at large.

(b) Members shall have staggered two-year terms. Terms of all members shall commence on July 1 of the year of their initial appointment and shall end on June 30 of the second year after appointment. Members may be reappointed for an additional two-year term at the discretion of the appointing councilmember.

- (1) As determined by council, three members' initial terms shall be for two years, and two members' shall be for one year with a succeeding term of two years. Subsequent appointments after the first three years will be for two years.
- (2) All members shall serve at the pleasure of council and can be removed at any time during a member's term by a majority vote of council.
- (3) Any member appointed during an unexpired term, shall serve the remainder of the unexpired term.

(Ord. No. 2013-05, § II, 11-18-2013)

Sec. 2-396. Annual meeting.

The board shall meet in July of each year for the purposes of electing a chair and vice-chair, and orientation of new members to the board's functions and practices. This meeting will be called by the sitting chair at a time convenient for all board members.

(Ord. No. 2013-05, § III, 11-18-2013)

Sec. 2-397. Hearing meetings.

Hearing meetings shall be scheduled and conducted in accordance with S.C. Code 1976, § 12-60-2530 of the SC Revenue Procedures Act.

- (1) The clerk to council shall serve as clerk to the board of assessment appeals.
- (2) The clerk shall take and prepare minutes of each board of assessment appeals meeting.
- (3) Should a party to a hearing request a verbatim record, costs for recording and preparation of same shall be borne by the party making the request.
- (4) Testimony and evidence presented to the board of assessment appeals shall be given under oath. Oaths shall be administered by the chair or the chair may direct administration by the clerk.
- (5) It shall be the responsibility of the board of assessment appeals to ensure compliance by all parties to an assessment appeal with the provisions of S.C.

Code 1976, §§ 12-60-2510 through 12-60-2560 of the SC Revenue Procedures Act. Particular attention is to be given the provisions of section 12-60-2530 "County Board of Assessment Appeals".
(Ord. No. 2013-05, § IV, 11-18-2013)

Sec. 2-398. Appeals.

Appeals of rulings by the board of assessment appeals shall be made in accordance with S.C. Code 1976, § 12-60-2540, and not to county council.
(Ord. No. 2013-05, § V, 11-18-2013)

Secs. 2-399—2-424. Reserved.

ARTICLE IV. FINANCE*

Sec. 2-425. Procurement and contract procedures.

The procurement and contract procedures of the county are not printed in this Code but are hereby adopted by reference and incorporated herein as if fully set out, and are on file and available for public examination in the county offices.
(Code 1997, § 2-341; Ord. No. 2011-07, 10-10-2011; Ord. No. 2012-04, 1-4-2013)

State law references—Centralized purchasing system, S.C. Code 1976, § 4-9-160; county required to develop and adopt procurement rules, S.C. Code 1976, § 11-35-50.

Secs. 2-426—2-448. Reserved.

ARTICLE V. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-449. Employee handbook incorporated by reference.

The Clarendon County Employee Guidelines, as approved by the county council on February of 2013 and amended by the county council from time to time, are hereby adopted by reference and incorporated herein to the same extent and effect as though it were fully set forth. The Clarendon County Employee Guidelines, includes but is not limited to the employee evaluation program and the drug/alcohol screening procedures.

Secs. 2-450—2-466. Reserved.

***State law reference**—County fiscal years, adoption of budgets, supplemental appropriations, etc., S.C. Code 1976, § 4-9-140.

DIVISION 2. CONSTABLE

Sec. 2-467. Appointment.

(a) The county council may from time to time appoint and commission such persons as county constables as might be recommended for such appointment by the administrator of said county as may be necessary for the proper security, general welfare, and convenience of the county.

(b) Each such county constable shall serve at the pleasure of county council. The commission of each county constable shall terminate immediately upon the adoption of a resolution to such effect by county council, upon a county constable ceasing to be an employee of the county, or upon the occurrence of such other event of termination as a particular county constable's commission may specify, whichever event might first occur.

(c) The county administrator shall prepare and present to any person appointed as a county constable by county council a commission evidencing such appointment upon that appointee meeting all the requirements of this division, any and all special requirements of county council that might be specified therefor in the resolution appointing that county constable, and any and all other requirements, if any, reasonably imposed by the county administrator.

(d) At a minimum, a county constable shall, prior to appointment and at all times thereafter, be 21 years of age, a qualified elector of the county, possess a valid state driver's license, demonstrate to the satisfaction of the county that such person has the requisite physical and mental health and professional and moral qualifications for such position, shall take the required oath of office, and present any bond required by law, ordinance, or requirement of the county administrator. In addition, each county constable shall on request, at reasonable times and at reasonable intervals, whether prior to, during his term of office, or both, consent to and permit testing for the presence of drugs or alcohol.

(e) Upon receipt of a commission, county constables shall during the term of office hold, enjoy and be vested with all powers and duties conferred by law on constables, including, but not limited to, those powers and duties authorized by S.C. Code 1976, § 4-9-145, subject to such limitations and directions not inconsistent therewith imposed by the county council or the county administrator.

(f) County constables shall perform their duties on both public and private property within the county.

(g) County constables shall at all times follow and comply with all rules and regulations as from time to time may be imposed by the county sheriff for his deputies, as might be modified by the sheriff taking into consideration the duties of a particular

county constable, concerning the operation of motor vehicles, the handling of prisoners, procedures for arrest, possession and use of firearms and other weapons, restraining devices, blue lights and other equipment.

(h) County constables shall at all times comply with and obey each and every rule, regulation and requirement as might from time to time be made by the county administrator or such county official with whom said county constable is assigned to work. Where a county official is given day-to-day supervision over the activities of a particular county constable, that county official may make rules and regulations and set requirements for the activities of said county constable so long as such rules, regulations and requirements are not inconsistent with the rules, regulations and requirements of the county council, the county administrator, the sheriff, or any applicable law, ordinance or governmental regulation.

(i) County constables shall not carry or use in their duties any firearm or other weapon not of a type approved by the sheriff. Constables shall not carry firearms or other weapons except when in performance of their assigned duties for the county or coming or going thereto unless specifically authorized to do so in writing by the sheriff or the county administrator.

(j) In addition to such duties specified in a particular county constable's commission, county constables shall perform such other duties as constables as the county administrator or the sheriff might, in writing, direct where necessary for the proper security, general welfare and conveniences of the county.

(k) Where reference is made in this division or any resolution authorizing a commission issued hereunder to the county administrator, the sheriff, or other public official of the county, such reference shall include the duly authorized deputy or designee of such official.

(l) County constables shall obtain and maintain all professional training required by the laws of the state for police officers and such further training as from time to time mandated by the county administrator, the sheriff, and any other county official who might be their immediate supervisor.

(m) The county administrator may suspend the commission of any county constable at any time where the county administrator, in his sole discretion, feels such suspension would be in the best interest of the county or the public. By way of illustration, and not of limitation, the county administrator may suspend the commission of any county constable who fails to complete or maintain any required training, who has been charged with or convicted of any crime, other than a minor traffic offense, who has violated any applicable rule, or regulation of the county, the county administrator, the sheriff, the immediate supervisor of said county constable, or the department to which said county constable is assigned to work, who lacks or fails to demonstrate the physical or mental ability to carry out the duties as a county constable, who is charged or convicted of malfeasance in office, or who fails to comply

with any provision of this article or the terms of the commission of that particular county constable or who fails to meet any other requirements set by law, ordinance or applicable governmental regulation for constables. Any such suspension shall remain in effect until and unless rescinded by the county administrator or county council. Any such suspension by the county administrator may be appealed by the affected county constable to county council and the decision of county council concerning such suspension shall supersede any prior decision of the county administrator concerning that suspension.

(n) Any badges, identification cards, weapons, uniforms, vehicles or other equipment issued to a county constable by the county shall remain the property of the county, shall only be used in connection with that county constable's duties as a county constable, and shall be surrendered in good condition to the county upon the termination or suspension of that constable's commission or upon demand of the county administrator, whichever might first occur.

(o) Any official, department head, board, commission or agency of the county by whom said constable is employed or is assigned to work may make such additional rules, regulations and requirements for the performance of said county constable's duties so long as such rules, regulations and requirements are not inconsistent with any applicable federal, state or local law, ordinance, or governmental regulation, this division, the terms of a particular county constable's commission or the resolution of the county providing for such commission, nor the rules, regulations, and requirements of the county administrator or sheriff made applicable to county constables.

(p) The county administrator may appoint one or more constables with supervisory authority over one or more other county constables and may specify titles and ranks for county constables commensurate with their duties and any supervisory responsibilities of that constable. Such ranks and titles shall be held at the pleasure of the county administrator and may be revoked, changed or amended from time to time as the county administrator, in his sole discretion, deems to be in the best interest of the county. County constables shall comply with all lawful orders of any superior county constable appointed over them.

(Ord. No. 2004-03, 6-14-2004)

Secs. 2-468—2-487. Reserved.

ARTICLE VI. ELECTIONS

Sec. 2-488. Established.

S.C. Code 1976, § 5-15-145 provides for the transfer of the powers, duties, and responsibilities for conducting municipal elections from the municipal election commissions to county election commissions upon the adoption of appropriate ordinances by those municipalities desiring to effect such transfer; and the Town of Summerton,

South Carolina, adopted an ordinance dated November 24, 2009, pursuant to S.C. Code 1976, § 5-15-145 which transferred all authority for conducting municipal elections within its jurisdiction to the county voter registration and election commission. Said ordinance is incorporated herein by reference; and the county is desirous of allowing the county voter registration and election commission to conduct municipal elections within the jurisdiction of the Town of Summerton, South Carolina, pursuant to S.C. Code 1976, § 5-15-145. All authority for the conducting of municipal elections in the Town of Summerton, South Carolina, is transferred to and accepted by the county, and that this authority will be carried out by the county voter registration and election commission pursuant to the following terms and conditions:

- (1) The county voter registration and election commission shall advertise municipal elections, prepare and distribute ballots, and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the Town of Summerton.
- (2) Immediately upon the closing of the polls at any municipal election in the Town of Summerton, the county voter registration and elections commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such an election together with the number of votes cast for each candidate for mayor and councilperson, canvas the vote, and publicly display the unofficial results.
- (3) The county voter registration and election commission shall thereafter certify the results of the elections and transmit the certified results to the town council of Summerton or an appointed authority representing the town government as soon as practical following the certification.
- (4) The county voter registration and election commission shall accept candidate filing and filing fees, including, but not limited to notice of candidacy, candidacy pledges, decide protests and certify the results of municipal elections.
- (5) The county voter registration and election commission shall utilize an automated election system and computer counting with the counting publicly conducted.
- (6) The Town of Summerton shall be responsible for the costs of each election.
- (7) The staff of the Town of Summerton shall provide to the county voter registration and election commission all information requested and available for use in the election process.

(Ord. No. 2009-20, 2-8-2010)

State law reference—Transfer of authority to conduct municipal elections to county elections commission, S.C. Code 1976, § 5-15-145.

Chapter 3

RESERVED

Chapter 4

ANIMAL CONTROL*

Article I. In General

- Sec. 4-1. General provisions.
- Sec. 4-2. Definitions.
- Sec. 4-3. Animal control department.
- Secs. 4-4—4-24. Reserved.

Article II. Regulations

- Sec. 4-25. Running at large—Generally.
- Sec. 4-26. Same—Impoundment of animals found.
- Sec. 4-27. Vicious animal restraint.
- Sec. 4-28. Hunting exception.
- Secs. 4-29—4-59. Reserved.

Article III. Enforcement and Penalties

- Sec. 4-60. Enforcement.
- Sec. 4-61. Penalty.
- Sec. 4-62. Animal control fees.
- Sec. 4-63. Accounting.

***State law references**—Authority to provide for public health, safety, police protection and sanitation, S.C. Code 1976, § 4-9-30(5); authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-20.

ARTICLE I. IN GENERAL**Sec. 4-1. General provisions.**

The short title of this chapter is the "Clarendon County Animal Control Ordinance." (Ord. No. 2010-07, § I, 6-14-2010)

Sec. 4-2. Definitions.

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

Animal means a carnivorous domestic mammal, excluding livestock and cats.

Animal control facility means premises that the county council designates to impound, care for, board, adopt, sterilize, or euthanize animals.

Animal control officer means a county employee responsible for enforcing this chapter.

Hunting means the act of searching, running for sport or finding to kill or catch game for food or sport.

Physical control means control by voice command, leash or physical contact by the owner or keeper of an animal.

Public nuisance means a detriment to the public health, safety, or welfare, as determined by an animal control officer.

Running at large means an animal that is off the premises of the owner or keeper and not under the physical control of the owner or keeper.

Under restraint means an animal that is on the premises of its owner or keeper or accompanied by its owner or keeper and under the physical control of the owner or keeper.

Vicious animal means a carnivorous domestic mammal, excluding livestock and cats with an abnormal inclination to attack a person or other animal without provocation.

(Ord. No. 2010-07, § II, 6-14-2010)

Sec. 4-3. Animal control department.

(a) The county administrator is empowered and authorized to establish an animal control department within the county. Said department will consist of animal control officers, staff and facilities which shall be equipped as needed to perform the duties to which they have been assigned. All animal control staff and facilities shall be under the control of the county administrator. All animal control officers employed shall be under the control of the county council.

(b) All employees of the county, who are assigned within the animal control department including, but not limited to, animal control officers and staff, shall be bestowed the powers given to them by this chapter, any other ordinance enacted by the county, past or future, and any state or federal law.

(Ord. No. 2010-07, § III, 6-14-2010)

Secs. 4-4—4-24. Reserved.

ARTICLE II. REGULATIONS

Sec. 4-25. Running at large—Generally.

It shall be unlawful for any animal owner or other person with custody and control of an animal to allow such animal to run at large off of property owned, rented or controlled by him or her so as to constitute a nuisance to the person or property of another.

(Ord. No. 2010-07, § IV, 6-14-2010)

Sec. 4-26. Same—Impoundment of animals found.

(a) All animal control officers shall pick up and impound any animal running at large. The animal control officer shall notify the owner of any impounded animal, when such owner can be determined, by standard U.S. mail at the owner's last known address as provided for in the tax records of the county or in the records of the state department of motor vehicles.

(b) After any animal, which cannot be positively identified, has been impounded for at least five days and is unclaimed by its owner, may be disposed of by the animal control facility's personnel in a humane way or such animals may be turned over to any organization established for the purpose of caring for animals.

(c) If an animal has been positively identified and its owner notified by standard U.S. mail, the owner must notify the animal control officer within 14 days of the date of mailing of the notification that he will pick up his animal. If the owner does not pick up his animal within this time period, the animal may be disposed of.

(d) Before any animal is released from the animal control facility, the facility's personnel must be satisfied that the animal is currently inoculated against rabies or will be inoculated against rabies within seven days from the date of release and the owner or keeper must pay a quarantine fee, an additional fee per day for every day the pet has been quarantined and an administrative fee. The fees shall be in amounts as established by the county council, from time to time. To satisfy the animal control facility's personnel, the animal's owner must provide a current certificate of inoculation within the time period prescribed herein.

(Ord. No. 2010-07, § V, 6-14-2010)

Sec. 4-27. Vicious animal restraint.

It shall be unlawful for any owner of a vicious animal or other person with custody and control of any vicious animal to not keep his vicious pet under restraint by a fence, chain or other means so that the vicious pet cannot reach persons not on land owned, leased or controlled by him or her.

(Ord. No. 2010-07, § VI, 6-14-2010)

Sec. 4-28. Hunting exception.

Any animal engaged in the act of hunting, while accompanied by an owner or other person with custody and control of the animal, shall be exempt from the provisions of this article.

(Ord. No. 2010-07, § VII, 6-14-2010)

Secs. 4-29—4-59. Reserved.**ARTICLE III. ENFORCEMENT AND PENALTIES****Sec. 4-60. Enforcement.**

(a) An animal control officer shall enforce this chapter in the county's:

- (1) Unincorporated areas; and
- (2) Municipalities to which the county has contracted to provide animal control services.

(b) A person, who has reason to believe that another person violated this chapter, is entitled to apply to a magistrate with jurisdiction for the issuance of a warrant, courtesy summons or ordinance summons.

(c) An animal control officer may obtain a search warrant if a magistrate finds probable cause.

(d) A person entitled or obligated to enforce this chapter is entitled to euthanize an animal that places the safety of a person or other animal in imminent danger.

(e) A person shall not interfere with an animal control officer who is enforcing this chapter.

(Ord. No. 2010-07, § VIII, 6-14-2010)

Sec. 4-61. Penalty.

A person who violates this chapter is guilty of a misdemeanor punishable by:

- (1) A fine of \$200.00 or less; or
- (2) Imprisonment for 30 days or less.

(Ord. No. 2010-07, § IX, 6-14-2010)

Sec. 4-62. Animal control fees.

All animal control fees shall be deposited into the general fund of the county.
(Ord. No. 2010-07, § X, 6-14-2010)

Sec. 4-63. Accounting.

The county administrator shall account for all animal control fees collected and deposited to the county council through its normal accounting process.
(Ord. No. 2010-07, § XI, 6-14-2010)

Chapter 5

RESERVED

Chapter 6

ECONOMIC DEVELOPMENT*

Article I. In General

- Sec. 6-1. Slum and blighted area defined.
Secs. 6-2—6-20. Reserved.

Article II. Industrial/Business Parks

Division 1. Generally

- Secs. 6-21—6-43. Reserved.

Division 2. Clarendon-Anderson Industrial/Business Park

- Sec. 6-44. Formation; agreement.
Sec. 6-45. Tax credits allowed to business enterprises.
Sec. 6-46. Payment of user fees in lieu of ad valorem taxes.
Sec. 6-47. Administration, development, promotion and operation; responsibility.
Sec. 6-48. Conflicts of laws or ordinances.
Sec. 6-49. Jurisdiction for arrests; fire, sewer, water and EMS services.
Sec. 6-50. Termination of agreement.
Sec. 6-51. Distribution of fee portion received for park premises located in Anderson County.
Sec. 6-52. Distribution of fees received for park premises located in Clarendon County.
Secs. 6-53—6-77. Reserved.

Division 3. Clarendon-Sumter Industrial/Business Park

- Sec. 6-78. Enlargement of boundaries according to revised form of agreement.
Sec. 6-79. Approval of revised exhibit A.
Sec. 6-80. Authority of park agreement revision.
Sec. 6-81. Terms, conditions and provisions of Ordinance No. 10-9-1995 saved from repeal.
Secs. 6-82—6-105. Reserved.

Article III. Development Board

- Sec. 6-106. Creation; composition; membership.
Sec. 6-107. Election of officers; bylaws; employment of staff; compensation.

***State law reference**—South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

CLARENDON COUNTY CODE

- Sec. 6-108. Purpose and duties.
- Sec. 6-109. Cooperation with other towns and organizations.
- Sec. 6-110. Funding; reports; dealings in real estate.
- Sec. 6-111. Insurance coverage.

ARTICLE I. IN GENERAL**Sec. 6-1. Slum and blighted area defined.**

In accordance with state law, a "slum and blighted area" means any improved or vacant area within identified boundaries located within the territorial limits of the local government where:

- (1) The area consists of improved industrial or commercial, and residential buildings or improvements, which because of a combination of five or more of the following factors (one of the factors must be subsections (1)f or (1)j of this section), are detrimental to the public safety, health, morals, or welfare, within the area:
 - a. Age of buildings (defined as at least 50 years old).
 - b. Dilapidation so as not to be suitable as a residence or place of business.
 - c. Obsolescence.
 - d. Deterioration.
 - e. Illegal use of individual structure.
 - f. Presence of structures below locally adopted code standards (defined as 25 percent of structures within the designated area.)
 - g. Excessive vacancies.
 - h. Overcrowding of structures and community facilities.
 - i. Lack of ventilation, light or sanitary facilities.
 - j. Deterioration of public facilities.
 - k. Excessive land coverage.
 - l. Deleterious land use or layout.
 - m. Depreciation of physical maintenance.
 - n. Lack of community planning.
- (2) If vacant, the sound growth is impaired by:
 - a. A combination of two or more of the following factors:
 1. Obsolete platting of the vacant land;
 2. Diversity of ownership of such land;
 3. Tax and special assessment delinquencies on such land;
 4. Deterioration or site improvements in neighboring areas adjacent to the vacant land; or
 - b. The area qualified as a slum and blighted area immediately prior to becoming vacant.

(Ord. No. 2004-07, 7-12-2004)

Secs. 6-2—6-20. Reserved.

ARTICLE II. INDUSTRIAL/BUSINESS PARKS

DIVISION 1. GENERALLY

Secs. 6-21—6-43. Reserved.

DIVISION 2. CLARENDON-ANDERSON INDUSTRIAL/BUSINESS PARK*

Sec. 6-44. Formation; agreement.

The county is hereby authorized to execute and deliver a written agreement to develop jointly an industrial and business park (the park) with Anderson County. The park is to be located both within the boundaries of Clarendon County and Anderson County. The form of the joint industrial park agreement (the agreement) is attached hereto by reference, and all terms of the agreement are incorporated in this section. The form, terms and provisions of the agreement presented and filed with the clerk of the county council are hereby approved, and all of the terms, provisions and conditions of the agreement are hereby incorporated in this section by reference as if the agreement were set out in this division in its entirety. The chairperson of the county council and the administrator of the county are hereby authorized, empowered and directed to execute, acknowledge and deliver the agreement in the name and on behalf of the county. The agreement is to be in substantially its present form and is hereby approved, or with such minor changes therein as shall be approved by the officials of the county executing the agreement, their execution to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of agreement as it presently exists.

(Code 1997, § 42-56; Ord. No. 7-18-94, § I, 7-18-1994)

Sec. 6-45. Tax credits allowed to business enterprises.

The maximum tax credits allowable under state law will apply to any business enterprise locating in the park.

(Code 1997, § 42-57; Ord. No. 7-18-94, § II, 7-18-1994)

Sec. 6-46. Payment of user fees in lieu of ad valorem taxes.

Any business enterprise locating in the park shall pay a fee in lieu of ad valorem taxes, as provided for in the agreement, article VIII, section 13 of the state constitution and state law. The user fee paid in lieu of ad valorem taxes shall be paid

***Editor's note**—The park agreement is on file and available in the county offices.

State law reference—Authority of counties to jointly develop industrial or business parks, S.C. Code 1976, § 4-1-170.

to the county treasurer for the county in which the premises is located. That portion of the fees from the park premises located in Anderson County and allocated pursuant to the agreement to Clarendon County shall be paid by the Anderson County treasurer to the Clarendon County treasurer quarterly for distribution. Such distribution shall be made in accordance with the agreement. That portion of the fees from the park premises located in Clarendon County and allocated pursuant to the agreement to Anderson County shall be paid by the Clarendon County treasurer to the Anderson County treasurer quarterly for distribution. Such distribution shall be made in accordance with the agreement. Payments shall be made by a business or industrial enterprise on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate and at the same times as for late tax payment. Any late payment beyond such date will accrue interest at the rate of statutory judgment interest. The counties, acting by and through the county tax collector for the county where the premises is located, shall maintain all liens and rights to foreclose upon liens provided for counties in the collections of ad valorem taxes.

(Code 1997, § 42-58; Ord. No. 7-18-94, § III, 7-18-1994; Ord. of 5-9-1995, § III)

Sec. 6-47. Administration, development, promotion and operation; responsibility.

The administration, development, promotion and operation of the park shall be the responsibility of the county in which each premises of the park is located; provided, however, that to the extent any park premises is owned by a private developer, the developer shall be responsible for development expenses as contained in the agreement.

(Code 1997, § 42-59; Ord. No. 7-18-94, § IV, 7-18-1994)

Sec. 6-48. Conflicts of laws or ordinances.

In order to avoid any conflict of laws or ordinances between the counties, the Anderson County ordinances will be the reference for such regulations or laws in connection with the park premises located within Anderson County, and the Clarendon County ordinances will be the reference for such regulations or laws in connection with the park premises located within Clarendon County. Nothing in this section shall be taken to supersede any state or federal law or regulation. The county in which the premises is located is specifically authorized to adopt restrictive covenants and land use requirements for the park at that county's sole discretion.

(Code 1997, § 42-60; Ord. No. 7-18-94, § V, 7-18-1994)

Sec. 6-49. Jurisdiction for arrests; fire, sewer, water and EMS services.

The sheriff's department for the county within which the park premises is located will have initial jurisdiction to make arrests and to exercise all authority and power

within the boundaries of the park premises located within each county. Fire, sewer, water and EMS services will be provided by the service district within whose jurisdiction the park premises are located.

(Code 1997, § 42-61; Ord. No. 7-18-94, § VI, 7-18-1994)

Sec. 6-50. Termination of agreement.

The agreement may not be terminated except by concurrent ordinances of the Anderson county council and Clarendon county council. In any event, this division shall terminate 20 years from the date of its execution by both parties.

(Code 1997, § 42-62; Ord. No. 7-18-94, § VIII, 7-18-1994)

Sec. 6-51. Distribution of fee portion received for park premises located in Anderson County.

Clarendon County hereby designates the following distribution of that portion of the fee in lieu of ad valorem taxes received by Clarendon County pursuant to the agreement for park premises located in Anderson County: 100 percent.

(Code 1997, § 42-63; Ord. No. 7-18-94, § IX, 7-18-1994)

Sec. 6-52. Distribution of fees received for park premises located in Clarendon County.

The county hereby designates that the distribution of the fee in lieu of ad valorem taxes pursuant to the agreement received by the county for park premises located in Clarendon County be paid to each of the taxing entities in the county which levy an ad valorem property tax in any of the areas comprising the Clarendon Park in the same percentage as is equal to that taxing entity's percentage of the millage rate being levied in the then current tax year for property tax purposes, provided that the county may, from time to time, by ordinance, amend the distribution of the fee in lieu of tax payments to all taxing entities. A portion of the fee in lieu of ad valorem taxes which the county receives pursuant to the agreement for park premises may be, from time to time and by ordinance of the county council or its successor, designated for the payment of special source revenue bonds.

(Code 1997, § 42-64; Ord. No. 7-18-94, § X, 7-18-1994)

Secs. 6-53—6-77. Reserved.

DIVISION 3. CLARENDON-SUMTER INDUSTRIAL/BUSINESS PARK*

Sec. 6-78. Enlargement of boundaries according to revised form of agreement.

The boundaries of the multicounty industrial/business park formed, owned, and operated by and between Clarendon County and Sumter County are hereby enlarged,

***Editor's note**—The park agreement is on file and available in the county offices.

as reflected on the revised exhibit A to the written agreement by and between Clarendon County and Sumter County relating to the operation of the park, which revised exhibit A is attached hereto by reference. Further, that agreement is hereby revised by the substitution of the revised exhibit A, dated as of the date of the third and final reading of the Sumter County ordinance effecting this particular enlargement to the park, which Sumter County ordinance has already been enacted, in place of the exhibit A, which is currently appended to the written park agreement.

(Code 1997, § 42-86; Ord. No. 12-11-95, § I, 12-11-1995; Ord. No. 3-11-96, § I, 3-11-1996)

Sec. 6-79. Approval of revised exhibit A.

The revised exhibit A to the written park agreement, as incorporated in this division by reference, is hereby approved.

(Code 1997, § 42-87; Ord. No. 12-11-95, § II, 12-11-1995; Ord. No. 3-11-96, § II, 3-11-1996)

Sec. 6-80. Authority of park agreement revision.

The chairperson of the county council and the administrator of the county are hereby authorized, empowered and directed to, upon the third and final reading and execution of this division and in conjunction with Sumter County, revise the written park agreement between the two counties by substituting that revised exhibit A which is dated as noted in section 6-78, and which is attached to this division by reference, for the exhibit A which is currently attached to the written park agreement.

(Code 1997, § 42-88; Ord. No. 12-11-95, § III, 12-11-1995; Ord. No. 3-11-96, § III, 3-11-1996)

Sec. 6-81. Terms, conditions and provisions of Ordinance No. 10-9-1995 saved from repeal.

All other terms, conditions and provisions of Ordinance No. 10-9-1995 giving rise to this multicounty industrial/business park and the park agreement authorized thereby, both as amended by Clarendon County Ordinance No. 12-11-95, not expressly affected or revised by this division, remain in full force and effect.

(Code 1997, § 42-89; Ord. No. 12-11-95, § IV, 12-11-1995; Ord. No. 3-11-96, § IV, 3-11-1996)

Secs. 6-82—6-105. Reserved.

ARTICLE III. DEVELOPMENT BOARD

Sec. 6-106. Creation; composition; membership.

(a) There is hereby created the county development board which shall be composed of 11 members, appointed by the county council. Of the 11 members, nine members shall be regular members, of whose number two members shall reside in district 1,

two members in district 3, and five members in district 2. The remaining two members shall be at-large members appointed without regard to geographic location of residence within the county.

(b) Expiration of terms of office will coincide with the end of the calendar year. All members shall remain on the development board until their successors have been appointed, except that all members serve at the pleasure of the county council and may be removed by action of the county council.

(c) Development board seats shall be numbered and terms of service staggered. Terms of service for regular members shall be three years. At-large members shall be appointed at the discretion of the council upon recommendation by the board chairperson or chairperson-elect to a term of one year coinciding with the year of service as chairperson of the person recommending such appointment.

(d) The appointment of members will be terminated by the member failing to attend three successive meetings of the county development board without due cause, upon notice being given to him and upon recommendation of the county development board. Vacancies in the membership of the development board shall be filled for the unexpired terms as provided for in the original appointment.

(Code 1997, § 42-121; Ord. No. 16-77, § 1, 5-19-1977; Ord. No. 4-81, § 1, 4-13-1981; Ord. of 6-7-1993, § 1)

Sec. 6-107. Election of officers; bylaws; employment of staff; compensation.

The development board shall elect such officers as it deems necessary, adopt bylaws and policies for its operation, employ a director and staff who shall receive such salaries as may be established by the development board. The members of the development board shall serve without compensation, but shall be allowed such per diem and mileage as provided by law for boards, commissions and committees.

(Code 1997, § 42-122; Ord. No. 16-77, § 2, 5-19-1977)

Sec. 6-108. Purpose and duties.

The purpose of the development board shall be to advance the general welfare of all of the people of the county. The development board shall give consideration to the discovery, conservation and advertisement of the natural and physical resources of the county. It shall promote and encourage industrial development, commercial enterprise, private business and the production of agricultural products most suited to the soils and climate of the county. It shall give special attention to the advertisement of agricultural products and assist in discovering markets, uses and providing facilities for the sale of these products. It shall assist in ensuring stabilization in employment so as to increase the opportunities and employment of the citizens of the county and to devise ways and means to raise the living standards of all of the people of the county. The development board shall encourage the coming into the county of visitors and tourists, and shall advertise the natural advantages and attractions of the county

and the hospitality and courtesy of its people to the end that many may become permanent residents, and the people of the county may enjoy their just share of tourist trade. The development board shall make recommendations to the legislative delegation and the county council to aid in accomplishing the purposes of this article.

(Code 1997, § 42-123; Ord. No. 16-77, § 3, 5-19-1977)

Sec. 6-109. Cooperation with other towns and organizations.

For the purpose of carrying out the provisions of this article, the development board may cooperate with the state development board, all towns, chambers of commerce, business leagues, civic clubs and other similar organizations in the county, and all other agencies and organizations within and without the county which the board desires to cooperate with in the furtherance of the development and advertisement of the county.

(Code 1997, § 42-124; Ord. No. 16-77, § 4, 5-19-1977)

Sec. 6-110. Funding; reports; dealings in real estate.

The development board shall be funded annually by the county council; may accept gifts and grants of money from either private or public sources to be used in carrying out its function; shall make such reports of expenditures and progress as the county council may require, or as the development board deems appropriate; and may purchase, own, sell, lease, mortgage or otherwise deal in real estate for developmental purposes in the county's name.

(Code 1997, § 42-125; Ord. No. 16-77, § 5, 5-19-1977)

Sec. 6-111. Insurance coverage.

The county development board shall be afforded insurance coverage under the county's tort insurance policy and shall be indemnified by the county for acts undertaken in its performance of the provisions of this article.

(Code 1997, § 42-126; Ord. No. 16-77, § 6, 5-19-1977)

Chapter 7

RESERVED

Chapter 8

EMERGENCY SERVICES*

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Hospital Board

Sec. 8-19. Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council.

Secs. 8-20—8-41. Reserved.

Article III. 911 Emergency Telephone System

Sec. 8-42. Intent of article.

Sec. 8-43. General requirements.

Sec. 8-44. E 911 service fee; billing and collection.

Sec. 8-45. Accounting and management.

Sec. 8-46. Addressing and road names.

Sec. 8-47. Penalty for violation of article.

***State law references**—Authority to provide fire protection and ambulance services, S.C. Code 1976, § 4-21-10; county responsibilities for emergency operations, S.C. Code 1976, § 25-1-450(2); local emergency preparedness standards, S.C. Code Reg. 58-1.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. HOSPITAL BOARD

Sec. 8-19. Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council.

The county council does hereby convey to the county memorial hospital board the power, authority, control, supervision, jurisdiction and liability of the emergency medical services and ambulances of the county.

(Code 1997, § 10-32; Ord. No. 4-90, § 1, 4-23-1990)

Secs. 8-20—8-41. Reserved.

ARTICLE III. 911 EMERGENCY TELEPHONE SYSTEM*

Sec. 8-42. Intent of article.

(a) It is the desire of the county council to shorten the time and to simplify the method required for a resident of the county to request and to receive emergency aid.

(b) It is the further intent of the county council to improve upon the county emergency number 911 telephone system throughout the legally bounded areas of the county, as provided by S.C. Code 1976, §§ 23-47-10 through 23-47-80.

(c) It is the further intent of the county council to provide funding by which to allow operation, maintenance and enhancements of E 911 by levying a monthly charge upon each local exchange access facility subscribed by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the E 911 service and/or system of the county.

(Code 1997, § 10-66; Ord. of 3-14-1994, § 1)

Sec. 8-43. General requirements.

(a) The county 911 system will be the enhanced system type and shall fully comply with all specified requirements of the S.C. Code 1976, § 23-47-10 et seq.

***State law reference**—Authority to impose and collect 911 system fees and surcharges, S.C. Code 1976, § 23-47-10 et seq.

(b) The county office of E 911 will be charged with the responsibility of maintaining the data base, managing the county E 911 system, providing guidance, support and assistance, as needed, to the municipalities, the sheriff's office, the county emergency medical service, the county fire department and other public safety agencies, as may be appropriate.

(c) An emergency telephone system fund shall be established in an interest bearing account by the county treasurer's office. The requirements and limitations in S.C. Code 1976, §§ 23-47-10—23-47-80 shall apply.
(Code 1997, § 10-67; Ord. of 3-14-1994, § 2)

Sec. 8-44. E 911 service fee; billing and collection.

(a) The E 911 service fee shall include charges as may be required by the service suppliers and agreed upon by the county and such charges for support, planning, operation and current or future enhancements as required by the county and outlined in S.C. Code 1976, §§ 23-47-10—23-47-80.

(b) The rate of the E 911 service fee charge shall be at a value rate or fraction thereof in an amount established by the county council from time to time, not to exceed the limitations provided under S.C. Code 1976, § 23-47-50. Such E 911 service fee rate shall include funding for only such expenses and costs as are authorized under provisions of S.C. Code 1976, § 23-47-40(A), (B) and (D), as may be approved by the county council, attendant to the normal adoption of the county's ordinary and capital budgets. Such budget shall clearly delineate the estimated E 911 service fee, by budget account and line item/object.

(c) The E 911 service fee shall be uniform and not vary according to the type of local exchange access.

(d) Coin-operated telephones are toll free for 911 calls, but certain locations, such as detention centers or institutions may be denied access to 911 at the discretion of the responsible director and the E 911 coordinator. Other coin-operated telephones, where it can be clearly justified as not being in the public interest to continue or have access to 911, may also be denied such access.

(e) The service supplier shall remit to the county E 911 service fee collections within 45 calendar days following the end of the month of collection of such funds and, upon receipt of a monthly bill from the service supplier, the county will remit payment.

(f) An audit and budget reconciliation shall be conducted annually. The audit shall comply with the requirements of the S.C. Code 1976, § 23-47-50(E).
(Code 1997, § 10-68; Ord. of 3-14-1994, § 3)

Sec. 8-45. Accounting and management.

(a) As provided in S.C. Code 1976, § 23-47-50(C), the county is responsible for the collection of delinquent accounts having access to the E 911 system. The E 911 coordinator shall cause procedures to be established with the service supplier for the identification of such accounts, and the service supplier shall forward such information to the appropriate authority for collection procedures.

(b) The E 911 coordinator is responsible within the county for the administration of this article and S.C. Code 1976, §§ 23-47-10—23-47-80.
(Code 1997, §10-69; Ord. of 3-14-1994, § 4)

Sec. 8-46. Addressing and road names.

All road naming activity shall be coordinated with the county office of E 911. Public safety is of the highest priority, and road names contribute significantly to the efficiency of the emergency response system.
(Code 1997, § 10-70; Ord. of 3-14-1994, § 5)

Sec. 8-47. Penalty for violation of article.

Any person who shall violate any provision of this article, including the provisions of S.C. Code 1976, § 23-47-10 et seq., shall be deemed to be guilty of a misdemeanor and, upon conviction of such offense, shall be punished in accordance with section 1-7.
(Code 1997, § 10-71; Ord. of 3-14-1994, § 6)

Chapter 9

RESERVED

Chapter 10

FIRE PREVENTION AND PROTECTION*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. County Fire Protection Area

Sec. 10-19. Findings of fact.

Sec. 10-20. Creation and establishment as a special tax district.

Sec. 10-21. Transfer of the Summerton Fire Department to county special tax district.

Secs. 10-22—10-45. Reserved.

Article III. Fire Advisory Board

Sec. 10-46. Levy of ad valorem taxes for operation and maintenance.

Sec. 10-47. Issuance of general obligation bonds.

***State law references**—Fire protection services in counties, S.C. Code 1976, § 4-19-10 et seq.; authority of county to provide fire protection services, ambulance services and medical clinic facilities through use of county employees and equipment or by contract with municipalities or private agencies, S.C. Code 1976, § 4-21-10.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. COUNTY FIRE PROTECTION AREA

Sec. 10-19. Findings of fact.

Pursuant to S.C. Code 1976, §§ 4-9-30 and 4-19-10, the county council is empowered to create and establish a special tax district within the county in order to provide the residents and freeholders who reside in and own property located within the area of such district with rural fire protection services. S.C. Code 1976, § 4-9-30 empowers the council to tax the area located within the special tax district at a rate related to the nature and level of governmental services provided. S.C. Code 1976, § 4-19-10 also empowers the county to effect the levy and collection of ad valorem taxes without limit as to rate or amount upon all taxable property in a fire protection service area where fire protection services will be furnished for debt service on bonds and for operation and maintenance of the fire protection system.

(Code 1997, § 14-31; Ord. of 4-24-1980, § I)

Sec. 10-20. Creation and establishment as a special tax district.

(a) There is hereby created and established a special tax district within Clarendon County, to be known as Clarendon County Fire Protection Service Area, which shall include and be comprised of the territory in Clarendon County embraced within the following description:

All of the unincorporated area of Clarendon County, South Carolina, which constitutes the entire area of the county, including the area located within the incorporated municipalities of the Towns of Turbeville, Summerton and Paxville and excluding the area located within the incorporated municipality of the City of Manning.

(b) The county fire protection service area is created and established for the purpose and function of providing rural fire protection services therein, and the council is hereby authorized to exercise all powers and to perform all duties necessary to the proper rendering of rural fire protection services which include the appropriation of funds for the functioning and operation of the county fire protection service area and the issuance of bonds for capital expenditures therefor, which funds will be derived from the levy and collection of an ad valorem tax upon all taxable property located within the county fire protection service area.

(Code 1997, § 14-32; Ord. of 4-24-1980, § II(2.02); Ord. No. 2009-07, § 2.01, 4-13-2009)

Sec. 10-21. Transfer of the Summerton Fire Department to county special tax district.

The county council herein approves the transfer of the Summerton Fire Department to Clarendon County and authorizes the inclusion of the incorporated area of the Town of Summerton into the Clarendon County Fire Protection Service Area as a special tax district.

(Ord. No. 2007-04, 6-11-2007)

Secs. 10-22—10-45. Reserved.**ARTICLE III. FIRE ADVISORY BOARD*****Sec. 10-46. Levy of ad valorem taxes for operation and maintenance.**

(a) In order to provide for the operation and maintenance of the county fire protection service area, there shall be levied annually by the county auditor and collected by the county treasurer an ad valorem tax on all taxable property located within the county fire protection service area in an amount as determined by the council to be necessary for such operation and maintenance for the ensuing fiscal year.

(b) All moneys collected by the county treasurer pursuant to the authorization contained in subsection (a) of this section shall be deposited in a separate and distinct fund and used solely for the purpose of operating and maintaining the county fire protection service area in order to provide rural fire protection services therein.

(Code 1997, § 14-68; Ord. of 4-24-1980, § III(3.02))

Sec. 10-47. Issuance of general obligation bonds.

For the purpose of providing facilities for the county fire protection service area which may include the purchasing of appropriate sites, the construction thereon of fire stations and the purchasing of firefighting equipment and facilities therefor for the county fire protection service area, the council shall issue from time to time, without an election, general obligation bonds of the county for the county fire protection service area, either as a single issue or from time to time as several separate issues, to the extent as approved at public hearing. Such bonds shall have such date, such maturities and shall be in such form and be sold in such amounts as the council shall hereafter by ordinance determine. The principal of and interest on such bonds shall be payable from an ad valorem tax levied on all taxable property located within the county fire protection service area sufficient to pay the principal of and interest on

***Editor's note**—Sections 14-66 and 14-67 were repealed by Ord. No. 99-17, adopted 1-10-2000, which abolished the Fire Advisory Board. Sections 14-68 and 14-69 were saved from repeal by Ord. No. 2009-07, adopted 4-13-2009.

such bonds as they respectively mature, and to create such sinking fund as may be necessary therefor as set forth in the ordinance providing for the issuance of such bonds.

(Code 1997, § 14-69; Ord. of 4-24-1980, § IV(4.01))

Chapter 11

RESERVED

Chapter 12

HUMAN RELATIONS

Article I. In General

Secs. 12-1—12-18. Reserved.

Article II. Discrimination

Division 1. Generally

Secs. 12-19—12-39. Reserved.

Division 2. Fair Housing

- Sec. 12-40. Policy.
- Sec. 12-41. Definitions.
- Sec. 12-42. Purpose of division; construction; effect.
- Sec. 12-43. Reporting of grievances to state human affairs commission.
- Sec. 12-44. Realtors encouraged by county to provide for nondiscrimination.
- Sec. 12-45. Unlawful housing practices.
- Sec. 12-46. Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility.
- Sec. 12-47. Discrimination in relation to residential real estate-related transactions.
- Sec. 12-48. Blockbusting.
- Sec. 12-49. Exemptions from division.
- Sec. 12-50. Enforcement of division.
- Sec. 12-51. Procedures for conciliation.
- Sec. 12-52. Actions of fair housing officer.
- Sec. 12-53. Conspiracy to violate division.

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. DISCRIMINATION

DIVISION 1. GENERALLY

Secs. 12-19—12-39. Reserved.

DIVISION 2. FAIR HOUSING*

Sec. 12-40. Policy.

It is the policy of the county (unincorporated area) that no person shall be discriminated against in the sale or rental of housing on the basis of race, color, religion, sex, age, familial status, creed, disability or national origin.
(Code 1997, § 22-51; Ord. No. 11-16A-94, § II, 11-16-1994)

Sec. 12-41. Definitions.

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

Conciliation agreement means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainants and respondents and witnessed by a duly authorized enforcing agent who will also be so designated by the county (unincorporated areas).

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

County fair housing officer means the clerk to the council shall be the designated county representative who shall forward all complaints to the state human affairs commission.

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

***State law reference**—Fair Housing Law, S.C. Code 1976, § 31-21-10 et seq.

Housing accommodations includes improved and unimproved property and means a building, structure, lot, or part thereof, which is used or occupied as a home or residence of one or more individuals.

Real estate broker or real estate salesperson means an individual who, on behalf of others for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estates, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.

Real estate operator means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, incorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county, or any of its agencies, or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

Real property means buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, mobile homes and hereditament, or any interest in the above.

(Code 1997, § 22-52; Ord. No. 11-16A-94, § III, 11-16-1994)

Sec. 12-42. Purpose of division; construction; effect.

- (a) The general purposes of this division are to:
 - (1) Provide for execution within the county (unincorporated area) of policies embodied in Title VIII of the Federal Civil Rights Act of 1968, as amended.
 - (2) Safeguard all individuals within the county (unincorporated areas) from discrimination in housing opportunities because of race, color, religion, sex, age, familial status, creed, disability or national origin; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the county (unincorporated areas) against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; to further the interests, rights and privileges of individuals within the county (unincorporated areas).

(b) Nothing contained in this division shall be deemed to repeal any other law of this county (unincorporated areas) relating to discrimination because of race, color, religion, sex, age, familial status, creed, disability or national origin.

(Code 1997, § 22-53; Ord. No. 11-16A-94, § IV, 11-16-1994)

Sec. 12-43. Reporting of grievances to state human affairs commission.

Any and all grievances concerning discrimination in the provision of housing within the unincorporated area of the county shall be reported to the state human affairs commission.

(Code 1997, § 22-54; Res. of 3-14-1994, § 1)

Sec. 12-44. Realtors encouraged by county to provide for nondiscrimination.

The county encourages all local realtors, homeowners and contractors to provide for nondiscrimination in the provision of housing within the unincorporated area of the county.

(Code 1997, § 22-55; Res. of 3-14-1994, §§ 1, 2)

Sec. 12-45. Unlawful housing practices.

It is unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesperson or any individual employed by or acting on behalf of any of these:

- (1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his race, color, religion, sex, age, familial status, creed, disability or national origin;
- (2) To discriminate against an individual because of his race, color, religion, sex, age, familial status, creed, disability or national origin in terms, conditions or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;
- (3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his race, color, religion, sex, age, familial status, creed, disability or national origin;
- (4) To refuse to negotiate for the sale, rent or lease of real property to an individual because of his race, color, religion, sex, age, familial status, creed, disability or national origin;
- (5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his race, color, religion, sex, age, familial status, creed, disability or national origin;

- (6) To print, publish, circulate, post or mail, or cause to be printed, published, circulated, posted or mailed, an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease real property, which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to race, color, religion, sex, age, familial status, creed, disability or national origin, or an intent to make such a limitation, specification or discrimination;
- (7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of the real property or in connection therewith because of race, color, religion, sex, age, familial status, creed, disability or national origin;
- (8) To otherwise deny to or withhold real property from an individual because of race, color, religion, sex, age, familial status, creed, disability or national origin;
- (9) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin;
- (10) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c. Any person associated with that buyer or renter;
- (11) To discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a handicap of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - c. Any person associated with that person.

(Code 1997, § 22-56; Ord. No. 11-16A-94, § V, 11-16-1994)

Sec. 12-46. Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility.

It is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organiza-

tion, or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of the access, membership, or participation on account of race, color, religion, sex, handicap, familial status, or national origin.

Sec. 12-47. Discrimination in relation to residential real estate-related transactions.

(a) It is unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of the transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) As used in this section, the term "residential real estate-related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Sec. 12-48. Blockbusting.

It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesperson, a financial institution, and an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

- (1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, sex, age, familial status, creed, disability or national origin of the owners or occupants in the block, neighborhood or areas in which the real property is located; or
- (2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1997, § 22-57; Ord. No. 11-16A-94, § VI, 11-16-1994)

Sec. 12-49. Exemptions from division.

(a) Nothing in this division applies to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(b) Nothing in this division applies to any single-family house sold or rented by an owner when:

- (1) The private individual owner does not own more than three single-family houses at any one time;
- (2) In the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption granted by this subsection applies only with respect to one sale within a 24-month period; and
- (3) A bona fide private individual owner does not own an interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or a right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time.

(c) The sale or rental of a single-family house is excepted from the application of subsection (b) of this section only if the house is sold or rented:

- (1) Without the use in any manner of the sales or rental facilities or the sales or rental services of a real estate broker, agent, or salesman, or of the facilities or services of a person in the business of selling or renting dwellings, or of an employee or agent of a broker, agent, salesman, or person; and
- (2) Without publication, posting or mailing, after notice, of an advertisement or written notice in violation of this chapter. Nothing in this subsection prohibits the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer this title.

(d) Nothing in this division prohibits a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to those persons, unless membership in the religion is restricted because of race, color, or national origin. Nothing in this division prohibits a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members. (Code 1997, § 22-58; Ord. No. 11-16A-94, § VII, 11-16-1994)

Sec. 12-50. Enforcement of division.

(a) The county may sue in a civil action for appropriate remedies to enforce the provisions of this division, including temporary restraining orders and mandatory and prohibitory injunctions.

(b) In addition to appropriate civil and/or equitable remedies for enforcement of this division, a violation of this division shall constitute a misdemeanor, punishable as provided by law. Each day of noncompliance with the provisions of this division constitutes a separate and distinct violation.

(c) Any violator of this division may be prosecuted in the county recorder's court and, upon a finding of guilt, the violator may be punished in accordance with section 1-7.

(Code 1997, § 22-59; Ord. No. 11-16A-94, § VIII, 11-16-1994)

Sec. 12-51. Procedures for conciliation.

(a) The county shall designate an agent to investigate, make determinations of probable cause and seek to conciliate apparent violations of this division. Conciliation efforts may be initiated by any person said to be subject to discrimination.

(b) The county shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent acting on behalf of the county decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process.

(Code 1997, § 22-60; Ord. No. 11-16A-94, § IX, 11-16-1994)

Sec. 12-52. Actions of fair housing officer.

This division authorizes a duly appointed fair housing officer. The fair housing officer shall forward all complaints of the county to the state human affairs commission.

(Code 1997, § 22-61; Ord. No. 11-16A-94, § X, 11-16-1994)

Sec. 12-53. Conspiracy to violate division.

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

- (1) Retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this division, or because he has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceedings or hearings under this division;

- (2) Aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this division;
- (3) Obstruct or prevent a person from complying with the provisions of this division or any order issued thereunder; or
- (4) Resist, prevent, impede or interfere with the enforcing agent, housing board, or any of its members or representatives in the lawful performance of duty under this division.

(b) This division shall be effective as provided by law; provided, however, that it shall cease to be effective upon receipt by the county of written notification from the United States Department of Housing and Urban Development (HUD) that HUD will not recognize this division, including any amendments thereto, to be substantially equivalent to the provisions of the Civil Rights Act of 1968 so as to require HUD to refer housing discrimination complaints to the county in accordance with federal law and regulations.

(Code 1997, § 22-62; Ord. No. 11-16A-94, § XI, 11-16-1994)

Chapter 13

RESERVED

Chapter 14

LIBRARIES*

- Sec. 14-1. Library system established; management by board of trustees; membership; officers; meetings.
- Sec. 14-2. Library board—Powers and duties.
- Sec. 14-3. Same—Additional powers and duties.
- Sec. 14-4. Applicability of state law to county system.
- Sec. 14-5. Funding of county system.
- Sec. 14-6. Assets and property of county library.

***State law reference**—County public library systems, S.C. Code 1976, § 4-9-35.

Sec. 14-1. Library system established; management by board of trustees; membership; officers; meetings.

(a) Pursuant to S.C. Code 1976, § 4-9-35, there is hereby established the county library system.

(b) The county public library shall be controlled and managed by a board of trustees consisting of not fewer than seven, nor more than 11 (at the discretion of the council), members appointed by the county council for terms of four years and until successors are appointed and qualify. Except for those members initially appointed, one-half of such appointees, less one, shall be appointed for terms of two years only. Previous service on a county library board prior to the enactment of this section establishing the board shall not limit service on the board. Vacancies shall be filled in the manner of the original appointment for the unexpired term. To the extent feasible, members shall be appointed from all geographical areas of the county.

(c) The board shall annually elect a chairperson, vice-chairperson, secretary, treasurer and such officers as it deems necessary. The board shall meet not less than four times each year and at other times as called by the chairperson, or upon written request by a majority of the members.

(Code 1997, § 26-1; Ord. of 5-3-1979, § 1)

Sec. 14-2. Library board—Powers and duties.

The board as provided for in section 14-1 shall be authorized to exercise powers as to the policies of the county library which shall not be inconsistent with the general policies established by the county council, and pursuant to that authority shall be empowered to:

- (1) Employ a chief librarian whose qualifications and credentials shall meet the certification requirements of the state library board, and who shall be responsible to the county library board for the administration of the program and the selection of library staff members required to carry out the functions of the library system;
- (2) Purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of the county public library system; provided, however, that any such conveyance, lease or purchase of real property shall be made by the county council;
- (3) Acquire books and other library materials and provide for the use of such books and materials throughout the county;
- (4) Accept donations of real property, services, books and other items suitable for use in the library system;
- (5) Designate or mark equipment, rooms and buildings, and other library facilities to commemorate and identify gifts and donations made to the library system;

- (6) Cooperate or enter into contracts or agreements with any public or private agency, the result of which is improved services or the receipt of financial aid in carrying out the functions of the library system; provided, however, that all such contracts and agreements requiring future funding by county council shall be subject to approval by the county council;
 - (7) Enter into contracts or agreements with other counties to operate regional or joint libraries and related facilities; provided, however, that such contracts and agreements shall be subject to approval by the county council;
 - (8) Receive and expend grants, appropriations, gifts and donations from any private or public source for the operation, expansion or improvement of the library system; and
 - (9) Take any actions deemed necessary and proper by the board to establish, equip, operate and maintain an effective library system within limits of approved appropriations of the county council.
- (Code 1997, § 26-2; Ord. of 5-3-1979, § 2)

Sec. 14-3. Same—Additional powers and duties.

In addition to the powers and duties prescribed in section 14-1, the board shall:

- (1) Provide and make available to the residents of the county books and library materials. In the fulfillment of this function the library board shall establish a headquarters library and may establish branches and subdivisions thereof in appropriate geographical areas of the county within the limits of available funds. The library board may operate one or more bookmobiles over routes determined by the library board.
 - (2) Adopt regulations necessary to ensure effective operation, maintenance and security of the property of the library system; provided, however, that such regulations shall not be in conflict with policies or regulations established by the county council.
 - (3) Annually, at a time designated by the county council, submit to the council a budget for the ensuing fiscal year, adequate to fund the operation and programs of the library system. Such budget shall list all funds which the library board anticipates will be available for the operation of the library system. All funds appropriated, earned, granted or donated to the library system, or any of its parts, shall be used exclusively for library purposes. All financial procedures relating to the library system, including audits, shall conform to the procedures established by the county council.
 - (4) Annually file a detailed report of its operations and expenditures for the previous fiscal year with the county council.
- (Code 1997, § 26-3; Ord. of 5-3-1979, § 3)

Sec. 14-4. Applicability of state law to county system.

All state laws and regulations relating to county public library systems shall apply to the library systems created pursuant to section 14-1. All employees of a county public library shall be subject to the provisions of S.C. Code 1976, § 4-9-30(7). (Code 1997, § 26-4; Ord. of 5-3-1979, § 4)

Sec. 14-5. Funding of county system.

The county public library system shall be funded by annual appropriations by the county council including millage, if any, levied specifically for the county public library system, plus aid provided by the state and federal governments and other sources. If the county council levies a tax specifically for the support of the county public library system, such tax shall apply to all persons and corporations subject to school taxes. (Code 1997, § 26-5; Ord. of 5-3-1979, § 5)

Sec. 14-6. Assets and property of county library.

All assets and property, both real and personal, owned by any county library prior to the creation of a library system under this chapter shall be transferred to the county by the person or entity owning the title thereto; provided, however, that all such assets and property shall be used exclusively for library purposes. (Code 1997, § 26-6; Ord. of 5-3-1979, § 6)

Chapter 15

RESERVED

Chapter 16

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

- Sec. 16-1. Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds.
- Sec. 16-2. Hourly rates and fees for appointed private counsels.
- Sec. 16-3. Submission of voucher by counsel.
- Sec. 16-4. Funding of public defender's office, county prosecutor and solicitor's office.
- Secs. 16-5—16-26. Reserved.

Article II. Noise

- Sec. 16-27. Noise level control.
- Sec. 16-28. Noise control standards; definitions; penalties.
- Secs. 16-29—16-59. Reserved.

Article III. Intoxicating Substances

Division 1. Generally

- Sec. 16-60. Sale of alcohol on county-owned or county-leased property.
- Secs. 16-61—16-78. Reserved.

Division 2. Synthetic Cannabinoids

- Sec. 16-79. Purpose and intent.
- Sec. 16-80. Consumption or sale declared public nuisance.
- Sec. 16-81. Definitions.
- Sec. 16-82. Illegal sale or distribution.
- Sec. 16-83. Illegal sale of imitation or fake synthetic cannabinoids.
- Sec. 16-84. Illegal possession and use.
- Sec. 16-85. Confiscation and destruction.
- Sec. 16-86. Penalty.
- Sec. 16-87. Provisions are cumulative.
- Secs. 16-88—16-117. Reserved.

Division 3. Synthetic Cathinones

- Sec. 16-118. Purpose and intent.
- Sec. 16-119. Definitions.

***State law reference**—Crimes and offenses, S.C. Code 1976, title 16.

CLARENDON COUNTY CODE

- Sec. 16-120. Illegal sale for ingestion/consumption.
- Sec. 16-121. Illegal possession for ingestion/consumption.
- Sec. 16-122. Labeling does not exempt from enforcement.
- Sec. 16-123. Confiscation and destruction.
- Sec. 16-124. Penalty.
- Sec. 16-125. Provisions are cumulative.

ARTICLE I. IN GENERAL**Sec. 16-1. Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds.**

All magistrates for the county shall assess a fee as set from time to time by the county council out of every traffic ticket and criminal fine where the defendant is found guilty, pled guilty or forfeited a bond in their courts. Such sum shall be forwarded to the county treasurer and deposited in a special fund to be used by the county council for legal appropriations for the public defender's office, county prosecutor's office, solicitor's office and payment to private counsels who have been appointed to represent indigent defendants in the court of general sessions.

(Code 1997, § 30-1; Ord. No. 5-18-92, § 2(a), 5-18-1992)

Sec. 16-2. Hourly rates and fees for appointed private counsels.

(a) When private counsel is appointed pursuant to S.C. Code 1976, § 17-3-50, he must be paid a reasonable fee to be determined on the basis of \$40.00 an hour for time spent out of court and \$60.00 an hour for time spent in court. The same hourly rates apply in post-conviction proceedings. Compensation may not exceed \$3,500.00 in a case in which one or more felonies is charged and \$1,000.00 in a case in which only misdemeanors are charged. Compensation must be paid from funds available to the Office of Indigent Defense for the defense of indigents represented by court-appointed, private counsel. The same basis must be employed to determine the value of services provided by the office of the public defender for purposes of S.C. Code 1976, § 17-3-40.

(b) Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed \$500.00 as the court considers appropriate.

(c) Payment in excess of the hourly rates and limits in subsection (a) or (b) of this section is authorized only if the court certifies, in a written order with specific findings of fact, that payment in excess of the rates is necessary to provide compensation adequate to ensure effective assistance of counsel and payment in excess of the limit is appropriate because the services provided were reasonably and necessarily incurred.

(d) Nothing in this section shall be construed to alter the provisions of S.C. Code 1976, § 17-3-10 concerning those defendants who are entitled to legal representation. (Code 1997, § 30-2; Ord. No. 5-18-92, § 2(b), 5-18-1992)

Sec. 16-3. Submission of voucher by counsel.

Private, appointed counsel shall submit a voucher to the Office of Indigent Defense setting forth all details of the appointment for purposes of remuneration pursuant to S.C. Code 1976, § 17-3-50 and reimbursement of expenses pursuant to S.C. Code 1976, § 17-3-80, and the public defender shall do likewise pursuant to S.C. Code 1976, § 17-3-80. It is the duty of the Office of Indigent Defense to present the voucher to the trial judge for approval and to transmit the same to the comptroller general for payment to the appropriate party.

(Code 1997, § 30-3; Ord. No. 5-18-92, § 2(c), 5-18-1992)

Sec. 16-4. Funding of public defender's office, county prosecutor and solicitor's office.

The county council, in its discretion, shall use all or any portion of such fund, along with any other funding that they deem appropriate, for the annual funding of the public defender's office, the county prosecutor and the solicitor's office.

(Code 1997, § 30-5; Ord. No. 5-18-92, § 2(e), 5-18-1992)

Secs. 16-5—16-26. Reserved.**ARTICLE II. NOISE****Sec. 16-27. Noise level control.**

(a) *Radios, mechanical, musical instruments.* It shall be unlawful for any person to play any radio, phonograph, or musical instrument in such a manner or with such volume, particularly between 10:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort, or response of persons in any dwelling, hotel or other type of residence.

(b) *Operating so as to constitute a public nuisance.* It shall be unlawful for any person to operate, cause or permit to be operated, any instrument of sound producing or sound amplifying device so loud as to unreasonably disturb persons in the vicinity thereof, or in such a manner as renders the same as a public nuisance.

(Ord. No. 99-02, 1-11-1999)

Sec. 16-28. Noise control standards; definitions; penalties.

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

Decibel (dB) is a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

Excessive noise means any noise prohibited by subsection (b) of this section.

Residential areas means areas of the county containing single-family and multi-family dwellings, including houses, apartments, condominium projects, mobile homes, and mobile home parks.

Sound level (noise level) in decibels (dB) is the sound measured with the "A" weighting and slow responses by a sound level meter; except for impulsive or rapidly varying sounds, the fast response shall be used. Traffic, aircraft, and other background sounds shall be considered in taking noise measurements, when such background sound interferes with the primary noise being measured.

Sound level meter is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels that conforms to American National Standards Institute (ANSI) Standard S1.4-1971 "Specifications for Sound Level Meters", or the latest revision.

Supplementary definitions of technical terms. Definitions of technical terms not defined herein shall be obtained from American Standard Acoustical Terminology S 1-1-1971 or the most recent revision thereof.

(b) *Prohibited acts.* It shall be unlawful for any person, business, partnership, corporation or company to willfully create excessive noise within any unincorporated area of the county as provided for in this section. Sound levels from a facility or property shall not exceed the maximum limits established in table 1, as measured from the nearest property line at the specified locations:

Table 1

<i>Location Receiving the Noise</i>	<i>Hours of the Day</i>	<i>Maximum Sound Level in A-Weighted Decibels</i>
In a residential area	6:00 a.m. to 10:00 p.m.	70 dBA
	10:00 p.m. to 6:00 a.m.	65 dBA
In a nonresidential area	6:00 a.m. to 10:00 p.m.	75 dBA
	10:00 p.m. to 6:00 a.m.	70 dBA

(c) *Exemptions.* The following are exempt from action pursuant to this section:

- (1) Noises arising from normal lawn or farm activities, including the use of agricultural equipment or lawn equipment.
- (2) Noises from construction or demolition activities occurring between 6:00 a.m. and 10:00 p.m. The term "construction activity" means any site preparation, assembly, erection, repair, alteration, or similar activity and any associated equipment testing.
- (3) Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.
- (4) Noises resulting from emergency work.

- (5) Noises resulting from devices used solely for the purpose of warning, protecting, or alerting the public, of the existence of an emergency situation.
- (6) Noises generated by any aircraft or generated in connection with the operation of any airport.
- (7) No prohibition contained in this section shall apply to any public performance, gathering, or parade, or to any public performance, gathering, or activity conducted, sponsored, or co-sponsored by the county or county school districts One, Two or Three.

(d) *Variance conditions.* Any person or business that owns or operates any noise source may apply to the county administrator or his designee for a variance from one or more of the provisions of this article. However, all variances shall apply to a parcel of real property and not any person or business that owns or operates any noise source and applies for the variance. A parcel of real property shall be allowed not more than four variances per calendar year (January 1 through December 31.)

- (1) Applicants requesting a variance permit shall supply the following information to the county to include, but not be limited to:
 - a. The nature and location of the noise source for which such application is made;
 - b. The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his client, or the public if the permit of variance is not granted;
 - c. The level of noise that will occur during the period of the variance;
 - d. The section or sections of this article for which the permit of variance shall apply.
- (2) Applicants requesting a variance permit shall also present adequate proof to the county that:
 - a. Noise levels occurring during the period of the variance will not constitute a danger to the public's health, safety and welfare; and
 - b. Compliance with the ordinance would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- (3) Failure to supply the information required by the county may be cause for rejection of the application.
- (4) A copy of the variance permit must be kept on file in the office of the county administrator or another office designated by him for public inspection.
- (5) The county may reject the application for variance if the property to which the variance applies has exceeded the total number of variances allowed within the current calendar year.

- (6) The county may charge a variance permit fee to cover expenses resulting from the processing of the variance permit application.
- (7) Each variance permit shall be valid for a continuous period of 48 hours. However, the county may limit the variance permit to a continuous period of less than 48 hours if the county deems it necessary to do so. Any person or business holding a variance permit and requesting an extension of time shall apply for a new variance permit under the provisions of this section.
- (8) The county may limit the time of day the variance permit is allowed.
- (9) A variance may be revoked by the county if there is:
 - a. Violation of one or more conditions of the variance;
 - b. Material misrepresentation of fact in the variance application; or
 - c. Material change in any of the circumstances relied on by the county in granting the variance.
- (10) All issued variance permits must be posted in a visible location on the property to which the variance permit is issued at all times during the validity of the variance permit.

(e) *Violations.* Any person who violates these provisions shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than \$100.00 nor more than \$500.00 or be imprisoned for a period not exceeding 30 days, or both. If the violation is of a continuing nature, each occurrence shall constitute an additional, separate, and distinct offense.

(f) *Enforcement.* The county sheriff's office, in cooperation with county government, shall enforce the provisions of this article in the unincorporated areas of the county. This article may be enforced within the incorporated areas of any municipality upon written agreement between the county and municipality.

(Ord. No. 2011-09, 10-10-2011)

Secs. 16-29—16-59. Reserved.

ARTICLE III. INTOXICATING SUBSTANCES

DIVISION 1. GENERALLY

Sec. 16-60. Sale of alcohol on county-owned or county-leased property.

- (a) The county owns and/or leases and maintains numerous properties throughout the county.
- (b) Some of these properties are leased and/or used by the public for after-hours events and non-county-sponsored events.

(c) The county wishes to establish a policy regarding the sale of alcohol on county-owned or county-leased property.

(d) The county hereby establishes its policy that the sale of alcohol shall be prohibited on any county-owned or county-leased property.
(Ord. No. 2008-08, 9-8-2008)

Secs. 16-61—16-78. Reserved.

DIVISION 2. SYNTHETIC CANNABINOIDS

Sec. 16-79. Purpose and intent.

(a) The use or consumption of THC-like synthetic cannabinoids has significantly increased throughout the United States.

(b) Synthetic cannabinoids are being abused for their psychoactive properties.

(c) Synthetic cannabinoids, alone or spiked on plant material, are not intended for human consumption, have not been approved for human consumption by the Federal Drug Administration (FDA), and have the potential to be extremely harmful due to their method of manufacture and high pharmacological potency.

(d) There is little information regarding the pharmacology, toxicology, and safety of these substances in humans and the full danger of these drugs has not yet been determined.

(e) The county council has the power and duty to provide for the general health, safety, and welfare of the county's citizenry and to exercise police powers as granted to municipalities.

(Ord. No. 2011-11, intro ¶, 11-14-2011)

Sec. 16-80. Consumption or sale declared public nuisance.

The county council hereby declares the use, consumption, possession, sale, or distribution of synthetic cannabinoids to be a public nuisance and bans said use, consumption, possession, sale, or distribution as set forth herein.

(Ord. No. 2011-11, § 1, 11-14-2011)

Sec. 16-81. Definitions.

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

Synthetic cannabinoid means a material that is not listed as a controlled substance in Schedule through V, is not an FDA-approved drug, and contains any quantity of the substances listed in subsections (1) through (10) of this section, including their salts,

isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible in the specific chemical designation:

- (1) *Naphthoylindoles* means any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-2201, WIN 55-212;
- (2) *Naphthylmethylinindoles* means any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH-175, JWH-184;
- (3) *Naphthoylpyrroles* means any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH-307;
- (4) *Naphthylmethylinindenes* means any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH-176;
- (5) *Phenylacetylindoles* means any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to, SR-18, RCS-8, JWH-203, JWH-250, JWH-251;
- (6) *Cyclohexylphenols* means any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to, CP 47,497 (and homologues), cannabicyclohexanol;

- (7) *Benzoylindoles* means any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to, AM-694, Pravadoline (WIN 48,098), RCS-4, AM-697;
- (8) *2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone*. (WIN 55,212-2);
- (9) *9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol 7370*. (HU-210, HU-211); or
- (10) *Adamantoylindoles* means any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

Synthetic cannabinoids may also be known, for example, as K2, Spice, Pep, Zohai, Yucatan Fire, Genie, Acapulco Spices, Serenity Now, Spice Gold, Shokotsu, Afghan Incense, Baked, Black Magic, Buzz, Cherry Charm, Fire Bird, Fire N Ice, Pulse, Solitude, Voodoo, or Mr. Smiley.

(Ord. No. 2011-11, § 2, 11-14-2011)

Sec. 16-82. Illegal sale or distribution.

(a) It is unlawful for any person to sell, distribute, deliver, trade, barter, or give away any product or substance containing synthetic cannabinoids within the unincorporated areas of the county.

(b) It is unlawful for any person to offer for sale, distribution, delivery, trade, or barter any product or substance containing synthetic cannabinoids within the unincorporated areas of the county.

(c) It is unlawful for any person to advertise or display any product or substance containing synthetic cannabinoids within the unincorporated areas of the county.

(d) It is unlawful for any person to claim or represent that a product or substance is a synthetic cannabinoid within the unincorporated areas of the county.

(Ord. No. 2011-11, § 3, 11-14-2011)

Sec. 16-83. Illegal sale of imitation or fake synthetic cannabinoids.

(a) It is unlawful for any person to sell, distribute, deliver, trade, barter, or give away any product or substance that is not a synthetic cannabinoid with the expressed or implied representation that the substance is a synthetic cannabinoid within the unincorporated areas of the county. In any prosecution for said sale, distribution, delivery, trade, barter, or give away, it is not a defense that the accused believed the substance or product to actually be a synthetic cannabinoid.

(b) It is unlawful for any person to offer for sale, distribution, delivery, trade, barter, or give away any product or substance that is not a synthetic cannabinoid with the expressed or implied representation that the substance is a synthetic cannabinoid within the unincorporated areas of the county. In any prosecution for said sale, distribution, delivery, trade, barter, or give away, it is not a defense that the accused believed the substance or product to actually be a synthetic cannabinoid.

(Ord. No. 2011-11, § 4, 11-14-2011)

Sec. 16-84. Illegal possession and use.

It is unlawful for any person to possess or use any product or substance containing synthetic cannabinoids within the unincorporated areas of the county.

(Ord. No. 2011-11, § 5, 11-14-2011)

Sec. 16-85. Confiscation and destruction.

If any product or substance containing a synthetic cannabinoid is found in the possession of any person within the unincorporated areas of the county, said product or substance shall be confiscated by law enforcement as evidence of violation of this article. The confiscated product or substance shall be destroyed by law enforcement after an adjudication of guilt.

(Ord. No. 2011-11, § 6, 11-14-2011)

Sec. 16-86. Penalty.

A violation of this section shall be a misdemeanor and punishable within the jurisdictional limits of the county magistrate's court.

(Ord. No. 2011-11, § 7, 11-14-2011)

Sec. 16-87. Provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the county to enforce any provisions of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

(Ord. No. 2011-11, § 10, 11-14-2011)

Secs. 16-88—16-117. Reserved.

DIVISION 3. SYNTHETIC CATHINONES

Sec. 16-118. Purpose and intent.

(a) The use or ingestion/consumption of synthetic cathinones not intended for human consumption has significantly increased throughout the United States.

(b) Synthetic cathinones are being diverted for their psychoactive properties.

(c) There are significant reports of ingestion/consumption of synthetic cathinones causing serious injury or death.

(d) The United States Drug Enforcement Administration (DEA) has used its emergency scheduling authority to temporarily control mephedrone, methylenedioxypropylamphetamine (MDPV), and methylone, three synthetic stimulants found in synthetic cathinones, finding said action necessary to protect the public from the imminent hazard posed by ingestion of these substances.

(e) The county council has the power and duty to provided for the general health, safety, and welfare of the county's citizenry and to exercise police powers as granted to municipalities.

(f) The county council hereby declares ingestion/consumption of synthetic cathinones, possession for ingestion/consumption of synthetic cathinones, and sale or distribution for ingestion/consumption of cathinones to be a public nuisance and bans said use, consumption, possession, sale, or distribution as set forth herein.

(Ord. No. 2011-12, intro ¶, 11-14-2011)

Sec. 16-119. Definitions.

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

Ingestion/consumption means the process of taking synthetic cathinones into the mouth or body by eating, drinking, smoking, snorting, or injection.

Synthetic cathinones means a material, excluding bupropion, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:

- (1) By substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
- (2) By substitution at the 3-position with an alkyl substituent;
- (3) By substitution at the nitrogen atom with alkyl or dialkyl groups, benzyl or methoxybenzyl groups; or

- (4) By inclusion of the nitrogen atom in a cyclic structure.

Synthetic cathinones may also be known, for example, as bath salts, ivory wave, vanilla sky, mephedrone, methedrone, methylenedioxypropylone, MDPV, flephedrone, butylone, ks, drone, white girl bath powder, lady zest, loco-motion, eight ballz, zoom 2, molly's plant food, zany plant food.

(Ord. No. 2011-12, § 1, 11-14-2011)

Sec. 16-120. Illegal sale for ingestion/consumption.

(a) It is unlawful for any person to sell, distribute, deliver, trade, barter, or give away any synthetic cathinones for ingestion or consumption within the unincorporated areas of the county.

(b) It is unlawful for any person to offer for sale, distribution, delivery, trade or barter any synthetic cathinones for ingestion or consumption within the unincorporated areas of the county.

(c) It is unlawful for any person to advertise or display any synthetic cathinones for ingestion or consumption within the unincorporated areas of the county.

(d) It is unlawful for any person to claim or represent that a product or substance is a synthetic cathinones for ingestion or consumption within the unincorporated areas of the county.

(Ord. No. 2011-12, § 2, 11-14-2011)

Sec. 16-121. Illegal possession for ingestion/consumption illegal.

It is unlawful for any person to possess any synthetic cathinones for ingestion or consumption within the unincorporated areas of the county.

(Ord. No. 2011-12, § 3, 11-14-2011)

Sec. 16-122. Labeling does not exempt from enforcement.

Where evidence establishes synthetic cathinones are being marketed, sold, distributed, delivered, traded, bartered, or used for ingestion or consumption, product labels or instructions to the contrary ("not for human consumption" or identifying a lawful use) do not exempt a person from enforcement pursuant to this article.

(Ord. No. 2011-12, § 4, 11-14-2011)

Sec. 16-123. Confiscation and destruction.

If any synthetic cathinones for ingestion or consumption is found in the possession of any person within the unincorporated areas of the county, said synthetic cathinones shall be confiscated by law enforcement as evidence of violation of this article. The confiscated product or substance shall be destroyed by law enforcement after an

adjudication of guilt. Synthetic cathinone labels or instructions to the contrary ("not for human consumption") or identifying a lawful use do not exempt synthetic cathinones from confiscation and destruction.

(Ord. No. 2011-12, § 5, 11-14-2011)

Sec. 16-124. Penalty.

A violation of this article shall be a misdemeanor and punishable within the jurisdictional limits of the county magistrate's court.

(Ord. No. 2011-12, § 6, 11-14-2011)

Sec. 16-125. Provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the county to enforce any provisions of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

(Ord. No. 2011-12, § 9, 11-14-2011)

Chapter 17

RESERVED

Chapter 18

ROADS AND BRIDGES*

Article I. In General

Sec. 18-1. Naming of roads.

Secs. 18-2—18-20. Reserved.

Article II. Private Driveways

Sec. 18-21. Findings of council.

Sec. 18-22. Policies and actions of council.

Sec. 18-23. Previous policies.

***State law reference**—County roads, bridges and ferries generally, S.C. Code 1976, § 57-17-10 et seq.

ARTICLE I. IN GENERAL**Sec. 18-1. Naming of roads.**

(a) The roads of the county outside of municipal boundaries shall be named by the county council.

(b) Such names may be changed or added to only by the approval of the county council.

(Code 1997, § 46-1; Ord. No. 3-80, §§ 1, 2, 6-26-1980)

Secs. 18-2—18-20. Reserved.**ARTICLE II. PRIVATE DRIVEWAYS****Sec. 18-21. Findings of council.**

(a) The county council has found that in matters of law, as specifically noted in the case of *Tanner v. Alex Chapman, et al.*, and contested before the state court of common pleas, legal precedent exists to require the county to enter onto private property and conduct work under certain circumstances.

(b) The council has received input from the public and from other intra-governmental parties and has determined the needs of the citizens of the county and the action necessary to meet these needs.

(Code 1997, § 46-36; Ord. No. 5-21-91, § I, 5-21-1991; Ord. No. 2002-08, 12-9-2002)

Sec. 18-22. Policies and actions of council.

(a) No work of any kind will be done on any road not recognized as being part of the county road system; nor will any work be done on private roads or driveways except under the following conditions:

- (1) Affidavits are received from public organizations that:
 - a. One or more disabled individuals are entitled to services from said organization and these individuals reside along said right-of-way; and that
 - b. Organization is unable to provide services unless said right-of-way is improved by the county.
- (2) All landowners of said right-of-way must sign an easement that he understands the nature of the easement prior to the provision of public services.

(b) The county public works department will be the department responsible for implementing the policy set forth in this document.

(c) The public works department will provide one driveway per private home from the public county road right-of-way to the private property.

(d) The access, which includes the driveway, will be planned and constructed by the public works department under the direction of the public works director.

(e) No county work of any manner will be done on the private property nor on the private portion of the driveway unless in accordance with subsection (a) of this section. The public portion of the driveway is for access from the public road to the private property only.

(f) Any additional access, such as a second driveway, from the public right-of-way to the private property will be at the total cost of the adjacent landowner, and the request for such work must be expressed by the landowner in writing to the county administrator. The public works director and county administrator will determine the fee to provide additional access ways on a case-by-case basis. The fees charged may vary depending on the specific situation and drainage, culvert and manpower needs to complete the project. The fee will be dependent on the prevalent costs at that time, and the landowner requesting the driveway must pay for the service in advance. The fee will be sufficient to reimburse the costs of the project including all labor, equipment use and materials.

(g) At no time will private citizens be allowed to accomplish any work on county maintained rights-of-way. Once the roads are accepted into the system and the driveway access complete, the county public works department will maintain them in an adequate manner to prevent damage through erosion or other natural causes, to the best of their manpower capacity.

(Code 1997, § 46-37; Ord. No. 5-21-91, § II, 5-21-1991; Ord. No. 2002-08, 12-9-2002)

Sec. 18-23. Previous policies.

(a) This article supersedes all previous policies, resolutions or ordinances regarding the private driveway and public right-of-way interface.

(b) In the case of previous policies which required the landowner to purchase materials for the construction of the culverts or driveways, no rebates will be given. Those actions were taken pursuant to existing policy guidelines in existence at that time.

(Code 1997, § 46-38; Ord. No. 5-21-91, § III, 5-21-1991)

Chapter 19

RESERVED

Chapter 20

SOLID WASTE MANAGEMENT*

Article I. In General

- Sec. 20-1. Findings.
- Sec. 20-2. Definitions.
- Sec. 20-3. Penalty for violation of chapter.
- Sec. 20-4. Adoption of solid waste management plan.
- Secs. 20-5—20-26. Reserved.

Article II. Collection and Disposal

- Sec. 20-27. Disposal of garbage.
- Sec. 20-28. The green box system.
- Sec. 20-29. Collection and transportation equipment requirements.
- Sec. 20-30. Fees.
- Sec. 20-31. Restrictions on and prohibitions of certain items.
- Sec. 20-32. Enforcement of article.
- Sec. 20-33. Variances.
- Secs. 20-34—20-54. Reserved.

Article III. Litter Control

- Sec. 20-55. Title.
- Sec. 20-56. Authority and purpose.
- Sec. 20-57. Litter—State violations.
- Sec. 20-58. Same—County violations.

***State law references**—Garbage collection and disposal by counties, S.C. Code 1976, § 44-55-1010 et seq.; solid waste collection and disposal by counties, S.C. Code 1976, § 44-55-1210 et seq.

ARTICLE I. IN GENERAL**Sec. 20-1. Findings.**

(a) The county has found that the health and welfare of its citizens has been, is, or could be endangered by the improper collection, transportation and disposal of garbage, refuse and rubbish.

(b) It is declared to be the public policy to control the collection and disposal of all solid waste within the county, and to protect the public health and well-being of its citizens.

(c) The provisions of this chapter have been found necessary for the protection of the public health, welfare and safety of the citizens of the county.

(d) The provisions of this chapter are hereby adopted pursuant to the authority granted by S.C. Code 1976, §§ 44-55-1010—44-55-1230.

(e) The enforcement provisions of this chapter shall not apply to the incorporated portions of the county unless a municipality enters into an agreement with the county for the provisions in this chapter to be enforced with the municipality.

(Code 1997, § 50-1; Ord. of 12-15-1989, § I)

Sec. 20-2. Definitions.

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

Collector means any person, firm, partnership, association, corporation or other entity approved by the county health department to collect and transport solid waste within the county, to include any governmental unit or agency collecting and transporting solid waste.

Garbage means putrescible animal and vegetable waste to be disposed at the county's sanitary landfill.

Health authority means representatives of the county health department and the state department of health and environmental control.

Landfill means a method of disposing of solid waste on land without creating pollution, nuisance or hazards to the public health and safety.

Premises means a definite portion of real estate, including land with its appurtenances, a building or part of a building.

Private industry means any operation or organization involved in a manufacturing activity as it relates to making wares by hand or by machine.

Refuse means nonputrescible solid waste, consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, wood, glass, bedding,

crockery, household appliances and litter of any other kind. It does not include trees larger than six inches in diameter, as measured one foot above ground level to be disposed at the county's inert debris landfill.

Scavenge means uncontrolled picking from discarded solid waste materials.

Sludge means any material, provided it does not contain any hazardous waste, from a waste treatment facility, water supply plant, air pollution control facility or other discarded materials, including solids, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial, mining or agricultural operations and/or from community activities.

Solid waste means garbage, refuse, litter, rubbish or any other waste resulting from industrial, commercial, agricultural or residential activity, not disposable by means of a sewage system operated in accordance with the state regulations.

Types of haulers means as follows:

- (1) *Homeowner* means one who utilizes the landfill for his own use to dispose of household solid waste hauled by automobile or small truck (one-half ton) in small quantities, exempt from landfill charges.
 - (2) *Private hauler* means collectors which haul mixed household, residential, business, industrial and/or commercial solid waste.
- (Code 1997, § 50-2; Ord. of 12-15-1989, § II)

Sec. 20-3. Penalty for violation of chapter.

As provided for by state law, any person who shall violate, disobey, omit or neglect to comply with any of the rules and regulations of this chapter, enacted by the county council shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7. Each day a violation occurs, it shall be considered a separate offense. In addition to such penalties, the county or its duly appointed representatives may apply to the court of competent jurisdiction to obtain injunctive relief to restrain any person, governmental unit or agency from any act which is prohibited by any provisions of this chapter.

(Code 1997, § 50-3; Ord. of 12-15-1989, § IX)

Sec. 20-4. Adoption of solid waste management plan.

The document entitled, Clarendon County Solid Waste Management Plan, is officially approved and adopted as the Clarendon County Solid Waste Management Plan.

(Ord. No. 2010-10, 9-13-2010)

Secs. 20-5—20-26. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL**Sec. 20-27. Disposal of garbage.**

(a) *Approved storage containers required.* No owner, occupant, tenant or lessee of any public or private premises shall permit the accumulation upon his premises of any garbage or any rubbish that has been in contact with, or soiled by animal or vegetable waste, except in containers of a type approved by the health department as being sanitary. Plastic bags or metal trash cans are examples of approved type of storage containers.

(b) *Storage of rubbish or debris prohibited; exception.* No person shall permit the accumulation of rubbish or debris on any land developed or undeveloped or in, under or outside any building occupied or unoccupied that will provide a harborage or breeding place for mosquitoes, vermin or rats. No person shall accumulate, or permit the accumulation of, any lumber, boxes, barrels, bottles, cans, bricks, stones, containers, old appliances or similar objects and/or materials that do or may afford harborage for rats. Certain useful objects, such as firewood and building material, may be stored on a premises, provided they are stored in a manner which will not create a public health nuisance as defined by R61-46 and as promulgated pursuant to S.C. Code 1976, § 44-1-140.

(c) *Dumping; use of landfills.* It shall be unlawful for any person to throw, dump, or cause to be dumped, any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or any form of solid waste anywhere in the unincorporated area of the county except as may be permitted by county regulations, or at the county owned and operated landfills without the express approval of the county council under such terms and conditions as may be set forth from time to time by the county council upon concurrence and approval from the state department of health and environmental control.

(d) *Dumping on private property of certain materials.* The provisions of subsection (c) of this section do not apply to the dumping on private property, with the owner's permission, sand, dirt, broken bricks, blocks, broken pavement or other suitable material which would not create a nuisance or health hazard, provided the property on which such material is dumped meets DHEC requirements.

(e) *Littering from vehicles; responsibility of driver.* It shall be unlawful to dump or throw any refuse, garbage, or articles from any motor vehicle upon the roads, highways, right-of-ways or any public or private property. When litter is thrown from a vehicle, the driver will be held responsible for other occupants who discard the litter from the vehicle.

(f) *Abandonment of vehicles.* It shall be unlawful for any person to abandon any vehicle on any public highway, roadway or right-of-way in the county.
(Code 1997, § 50-36; Ord. of 12-15-1989, § III)

Sec. 20-28. The green box system.

(a) *For household refuse.* The small six cubic yard collection boxes placed throughout the county are for household refuse only. It shall be unlawful to place at the site or in any container any commercial, agricultural or industrial solid waste. Refuse including, but not limited to, furniture, appliances, mattresses or bedding, building material, bricks, rocks, cement, stumps, limbs and automobile parts or tires shall not be placed in any container, nor shall such material be placed on the ground adjacent to a solid waste receptacle.

(b) *Spilling.* It shall be unlawful for any person using any green box of any size capacity to spill or cause to drop any item of household garbage or any other item around the side of said container without picking up these materials and placing them in the box. If the box is filled to its capacity, citizens must seek a box which has not been filled to deposit any item that is permitted therein, or wait until one is available before depositing the waste.

(c) *Deposit of dead animals.* It shall be unlawful to deposit dead animals of any description in any county green box of any size or description.

(d) *Overloading or overfilling.* A green box shall not be overloaded or overfilled beyond its capacity.

(e) *Flammable or dangerous materials.* No burning or combustible item, flammable solution or explosives shall be placed in or around a green box, nor shall anyone deposit in a green box any dangerous material or substance such as poisons, acids, caustics or infected materials.

(f) *Placing of refuse or garbage by commercial collectors; posting of signs, posters or ads.* No commercial garbage collector is permitted to place refuse and/or garbage collected by him in any container specified as a green box. No political posters or other commercial sign or advertisement shall be placed permanently or temporarily on any collection receptacle.

(g) *Damaging of boxes.* No one shall dent, hammer, or otherwise damage a green box, nor shall anyone set on fire, deliberately or unintentionally, such a box.

(h) *Deposit of waste from other county.* It shall be unlawful for any collector or individual to use the county landfill or green box system for the depositing of refuse, solid waste or garbage which has been transported from another county.

(i) *Scavenging.* It shall be unlawful for any person to search, probe or scavenge any collection container or green box or to conduct such activity at the county landfill.

(j) *Prohibited items required to be hauled to landfill.* Items which are not permitted in roadside containers must be hauled to the landfill.

(Code 1997, § 50-37; Ord. of 12-15-1989, § IV)

Sec. 20-29. Collection and transportation equipment requirements.

(a) *Sanitation of vehicles; leakage or blowing of refuse.* All vehicles used in the collection and transportation of solid waste within the county shall be kept in a sanitary manner, and shall be so constructed as to prevent leakage and/or blowing of refuse in transit.

(b) *Enclosure of vehicle body; covering of waste.* The body of the vehicle transporting solid waste, refuse or garbage to the collection boxes or landfill shall be wholly enclosed, or shall, at all times while in transit, be kept covered with an adequate cover provided with eyelets and ropes for tying down which shall prevent blowing or spillage of material while en route. All vehicles must be covered as described in this subsection, except those carrying such heavy material which cannot blow off with wind movement. Loose material weighted down with heavy objects to prevent blowing is not acceptable and thus shall be an unlawful transport, unless covered.

(c) *Cleaning of roadway spills required.* Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or cause an injury or would otherwise endanger travel upon a public roadway, shall immediately cause the roadway to be cleaned of such objects.

(d) *Vehicles to meet standards of county health department; responsibility for corrections.* All refuse vehicles shall meet the standards imposed by requirement of the county health department, and the correction of any deficiency shall be the responsibility of the collector.

(e) *Refuse from tree cutting; responsibility of homeowner.* Removing of refuse from commercial tree cutting and trees over six inches in diameter shall be the responsibility of the homeowner who shall haul such refuse to the landfill for proper deposit.

(f) *Approval of disposal methods required.* Collectors shall dispose of all solid waste in a manner and at such locations as approved by the state department of health and environmental control.

(Code 1997, § 50-38; Ord. of 12-15-1989, § V)

Sec. 20-30. Fees.

(a) *Dumping.* Dumping fees shall be charged for any business, industry, private hauler, publicly or privately owned utilities, public entities or contracted hauler of refuse, garbage or debris, and the schedule of such charges is on file and available in the county offices.

(b) *Items to be charged.* The following shall be charged for at the rates set out in the most recent fee schedule:

- (1) Garbage;
- (2) Tires or rubber products (private citizens exempt);

- (3) Wire;
 - (4) Drums (metal, wooden, plastic or cardboard with contents material);
 - (5) Sludge. Temporary acceptance of sludge conditioned upon DHEC approval and EPA regulations, subject to final approval by the county council on a case-by-case basis; and
 - (6) White goods (private citizens exempt).
- (Code 1997, § 50-39; Ord. of 12-15-1989, § VI)

Sec. 20-31. Restrictions on and prohibitions of certain items.

(a) *Tires.* The county shall have the right to limit the quantity and frequency of tires brought to the landfill due to weather and ground conditions.

(b) *Concrete products.* Concrete products, whether reinforced or not reinforced, shall not be considered a special handling item. In no case shall concrete products be placed in the inert landfill which exceed the size of five feet by five feet by one foot.

(c) *Hazardous material.* Hazardous material shall be regulated as follows:

- (1) No hazardous waste shall be accepted at any landfill owned or operated by the county.
- (2) Haulers must first consult with the foreman, or his designee, as to where the material is to be placed. The foreman will fill out a billing form, noting the company name, date, material, quantity and other such information which may be necessary. The driver will sign this form which will be turned in to the landfill department by the landfill foreman. The landfill department, after making adequate records, shall send a billing list to the administrator's office who shall bill the company monthly for the fees. The company shall remit their payment to the county within ten days. The county shall refuse to accept future deposits if the company is over 20 days delinquent in payment.

(d) *Applicability of charges.* All municipalities, towns or villages, whether incorporated or unincorporated, any state or federal agency or department or organization, whether a political subdivision or quasipolitical subdivision, shall be subject to such charges. A private hauling company contracting with the county for collection of the county's garbage and refuse shall not be subject to the charges; however, any private collection of materials which they may pick up will be subject to the fees.

(e) *Logging and weighing of refuse.* All refuse (general) accepted and deposited in the sanitary landfill shall be logged and weighed in at the scales before being dumped.

(f) *Locking of landfill; keys.* The county landfills must be locked during all closed hours. Keys will be held only by certified county employees. No keys will be issued to any other individual, company or governmental entity.

(Code 1997, § 50-40; Ord. No. 9-77, § 1, 3-17-1977; Ord. No. 5-80, § 1, 10-9-1980; Ord. No. 10-82, § 1, 11-8-1982; Ord. of 12-15-1989, § VI; Ord. of 2-19-1990, § 1)

Sec. 20-32. Enforcement of article.

The landfill department of the county is hereby made the primary enforcing agency for this article and is delegated the powers to perform such enforcement. All law enforcement officers in the county, including the litter officer, sheriff's deputies and highway patrol officers, are called upon and empowered to enforce the provisions of this article.

(Code 1997, § 50-41; Ord. of 12-15-1989, § VII)

Sec. 20-33. Variances.

Any variances to this article must be requested in writing and will be considered upon an individual basis by the county council under the policies which are established by the county council.

(Code 1997, § 50-42; Ord. of 12-15-1989, § VIII)

Secs. 20-34—20-54. Reserved.**ARTICLE III. LITTER CONTROL*****Sec. 20-55. Title.**

This article shall be known as the "Litter Control Ordinance of Clarendon County, South Carolina".

(Ord. No. 2007-05, § 1, 7-9-2007)

Sec. 20-56. Authority and purpose.

(a) The purpose of this article is to ensure high standards and regulations for the control of litter and solid wastes in the county. The goal of this article is to promote the health, safety, quality of life and welfare of the citizens of the county. Activities such as transporting loose materials, dumping on public or private property, disposal and placement of debris in unauthorized locations, and throwing of any nature from the vehicles shall not be tolerated on any public or private property or waters within the unincorporated areas of the county by any person(s) or entity.

(b) This article is adopted pursuant to the provisions of S.C. Code 1976, § 4-9-25, which grants general police powers to counties, and S.C. Code 1976, § 4-9-30, which specifies the powers granted to counties. Deputy sheriffs and county personnel who have been commissioned by the county council as codes enforcement officers or litter control officers within the county in accordance with the provisions of S.C. Code 1976, § 44-67-10 et seq. , the "State Litter Control Act" and all rules and regulations adopted thereunder, as well as all previous ordinances adopted by the county, shall have the

***State law reference**—Litter Control Act of 1978, S.C. Code 1976, § 44-67-10 et seq.

power to enforce said Litter Control Ordinance. All other state laws are incorporated herein by reference as fully as if set forth herein verbatim and as those state laws, rules and regulations may be amended from time to time.

(c) The goal of this article is to complement and build upon the state policies. (Ord. No. 2007-05, § 2, 7-9-2007)

Sec. 20-57. Litter—State violations.

(a) The intention of the county council is that all laws of the state be enforced within the unincorporated areas of the county.

(b) The following is a summary of penalties found in state laws governing litter control, which laws should be actively enforced by county officers charged with enforcing state laws and county ordinances and by judicial officers charged with determining punishment for those who violate the law. This list is not intended to be exclusive, as there may be other laws governing litter presently in the state law or other such laws may be enacted in the future. This summary is not intended to limit any enforcement provisions not mentioned herein.

- (1) S.C. Code 1976, § 16-11-700: Dumping litter on private or public property prohibited; exceptions; responsibility for removal; penalties.

Where the litter is in an amount less than 15 pounds or 27 cubic feet in volume, the fine for a first and second offense is \$200.00 or imprisonment of not more than 30 days. For a third or subsequent offense the fine is \$500.00 or imprisonment of not more than 30 days. In addition to the fine or imprisonment, the court must impose eight hours of litter-gathering labor for a first conviction, 16 hours for a second conviction and 24 hours for a third or subsequent conviction.

Where the litter is in an amount more than 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume, the fine is not less than \$200.00 nor more than \$500.00, plus public service of not more than 100 hours or imprisonment of not more than 90 days. If the amount is over 500 pounds or 100 cubic feet, the fine is not less than \$500.00 or more than \$1,000.00 or imprisonment of not more than one year, or both, plus other penalties as outlined in the statute.

If a person deposits litter in an area or facility not intended for public deposit, the fine is \$1,000.00, plus a minimum of five hours of public service.

- (2) S.C. Code 1976, § 56-5-4100 regulates debris which falls from trucks, trailers and other loaded vehicles.
- (3) S.C. Code 1976, § 56-5-4110 requires vehicles with loads to have such loads securely fastened.

A violation of either section will result in a \$100.00 fine.
(Ord. No. 2007-05, § 3, 7-9-2007)

Sec. 20-58. Same—County violations.

(a) It shall be unlawful in the unincorporated areas of the county for any person to place, throw, drop, deposit, discard or otherwise dispose of any litter, trash or other debris in a grossly negligent manner which will likely result in such debris finding its way upon the public or private properties in such area. The penalty for violation of this section shall be not less than \$100.00 nor more than \$200.00, plus three hours of public service.

(b) It shall be unlawful for any person who procures a building permit for any construction project within the unincorporated areas of the county to commence and continue activity pursuant to such permit without placing and maintaining on the construction site a removable container which is of sufficient size and durability for the storage and disposal of all solid waste and other materials used in construction. The container must be approved for use by the planning director for the county or his designee. The penalty for violation of this section shall be \$200.00 for each day such container is not placed or maintained on the site.
(Ord. No. 2007-05, § 4, 7-9-2007)

Chapter 21

RESERVED

Chapter 22

TAXATION*

Article I. In General

- Sec. 22-1. Decrease taxes on aircraft registered in county.
- Sec. 22-2. Installment payments of real estate ad valorem taxes.
- Secs. 22-3—22-22. Reserved.

Article II. Collection of Delinquent Property Taxes

- Sec. 22-23. Purpose of article.
- Sec. 22-24. Penalty for violation of article.
- Sec. 22-25. Collection procedures.
- Sec. 22-26. Action upon failure to collect; delinquent tax sale.
- Sec. 22-27. Payment by successful bidder; receipt.
- Sec. 22-28. Settlement of tax sale moneys.
- Sec. 22-29. Failure of successful bidder to pay; readvertisement of property.
- Sec. 22-30. Redemption by taxpayer, owner, grantee or creditor.
- Sec. 22-31. Refund to successful purchaser upon real estate being redeemed.
- Sec. 22-32. Redemption period for personal property.
- Sec. 22-33. Notice to owner of record of period of redemption for real estate.
- Sec. 22-34. Issuance of successful purchaser's tax title; costs; disposition of over-ages of sale proceeds.
- Sec. 22-35. Adoption of relevant state law provisions.
- Sec. 22-36. Additional remedies.
- Sec. 22-37. Precedence of certain state law provisions.
- Secs. 22-38—22-62. Reserved.

Article III. Sales and Use Tax

Division 1. Generally

- Secs. 22-63—22-82. Reserved.

Division 2. Capital Improvements for School Districts

- Sec. 22-83. Sales tax.
- Sec. 22-84. Administration and collection.
- Sec. 22-85. Distribution of revenue.
- Sec. 22-86. Debt service.

***State law references**—Authority of county to assess property taxes, S.C. Code 1976, § 4-9-30(5); taxation generally, S.C. Code 1976, title 12.

CLARENDON COUNTY CODE

Sec. 22-87. Data provided.
Secs. 22-88—22-117. Reserved.

Article IV. Local Accommodation Tax

Sec. 22-118. Established.
Secs. 22-119—22-149. Reserved.

Article V. Hospitality Tax

Sec. 22-150. Authority.
Sec. 22-151. Definitions.
Sec. 22-152. Payment of tax.
Sec. 22-153. Permitted uses of funds.
Sec. 22-154. Inspections and audits.
Sec. 22-155. Violations and penalty.

ARTICLE I. IN GENERAL**Sec. 22-1. Decrease taxes on aircraft registered in county.**

The county council does hereby approve the decrease of taxes on aircraft registered in the county from 10.5 percent to four percent.

(Ord. No. 2007-12, 9-10-2007)

Sec. 22-2. Installment payments of real estate ad valorem taxes.

(a) *Authority.* The county is authorized to enact this article pursuant to S.C. Code 1976, § 12-45-75.

(b) *Terms.*

- (1) A taxpayer may elect to prepay his real estate ad valorem taxes in installments by filing an estimate of real property taxes due for the forthcoming tax year, based upon the prior year's taxes; or taxpayer may elect to pay installments upon receipt of the current real estate ad valorem tax billing. In the event the taxpayer makes an election to prepay his real estate taxes in installments, the taxpayer shall file the estimate on a document to be provided by the office of the county treasurer. The taxpayer, who elects to pay installment payments of his current real estate ad valorem tax billing, shall execute a document to be provided by the office of the county treasurer upon receipt of tax billing. Said documents to be provided shall set forth in the form of an agreement all terms relating to the desired installment payments. The county treasurer is authorized to execute said agreement on behalf of the county.
- (2) Nothing in this section shall be deemed a waiver by the taxpayer to make payment under protest, to challenge assessments or to otherwise exercise his rights pertaining to assessments, levy, payment, protest or other challenges as set forth in the state Code of Laws.

(c) *Enforceability.* This article shall be enforced and monitored by the county treasurer or his designee.

(Ord. No. 2010-03, §§ 1—3, 5-10-2010)

Secs. 22-3—22-22. Reserved.**ARTICLE II. COLLECTION OF DELINQUENT PROPERTY TAXES*****Sec. 22-23. Purpose of article.**

The provisions of S.C. Code 1976, § 12-51-40 et seq., provide an additional method and alternate procedure for the collection, handling and distribution of delinquent

***State law reference**—Alternative procedure for collection of property taxes, S.C. Code 1976, § 12-51-40 et seq.

property taxes, penalties and costs due to counties and other political subdivisions of the state. The provisions of such chapter are in addition to, and not to the exclusion of, any methods and procedures now authorized, as provided by law, for collecting, handling and distributing delinquent property taxes, penalties and costs. The provisions of such chapter are not construed to repeal existing property tax laws, but shall be deemed and taken to be an alternative remedy for the prompt enforcement and collection of delinquent property taxes, penalties and costs. By this article, the county council adopts the provisions of such chapter.

(Code 1997, § 58-36; Ord. No. 4-80, § I, 10-9-1980)

Sec. 22-24. Penalty for violation of article.

When the taxes and assessments or any portion of the taxes and assessments charged against any property or person on the duplicate for the current fiscal year are not paid before January 16, or 30 days after the mailing of tax notices, whichever occurs later, the county auditor shall add a penalty of three percent on the county duplicate and the county treasurer shall collect the penalty. If the taxes, assessments, and penalty are not paid before the second day of the next February, an additional penalty of seven percent must be added by the county auditor on the county duplicate and collected by the county treasurer. If the taxes, assessments, and penalties are not paid before the 17th day of the next March, an additional penalty of five percent must be added by the county auditor on the county duplicate and collected by the county treasurer. If the taxes, assessments, and penalties are not paid before March 17, the county treasurer shall issue his tax execution to the officer authorized and directed to collect delinquent taxes, assessments, penalties, and costs for their collection as provided in S.C. Code 1976, tit. 12, ch. 51, as amended, and they must be collected as required by that chapter. The United States postmark is the determining date for mailed payments. If the county treasurer determines by proper evidence that the mailing of a tax payment was improperly postmarked, and this error results in the imposition of a penalty provided in this subsection, then the penalty imposed may be waived by the county treasurer. Neither the treasurer nor the tax collector shall accept partial payments of individual tax receipts.

(Code 1997, § 58-37; Ord. No. 4-80, § II, 10-9-1980)

Sec. 22-25. Collection procedures.

On March 17 next following the year in which the property taxes became due, the treasurer shall add an execution cost of five percent of all property taxes and penalties remaining unpaid and shall issue, in the name of the state, a warrant or execution, in duplicate, against each defaulting taxpayer in his jurisdiction, signed by him in his official capacity, directed to the officer authorized and directed to collect delinquent taxes, penalties and costs, requiring and commanding him to levy such warrant or

execution by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, penalties and costs. The officer to which the warrant is directed shall:

- (1) On or before April 1, next following the year in which the taxes became due, mail via certified mail, return receipt requested, deliver to addressee only notice of delinquent property taxes, penalties and costs to the person at the address shown on the tax receipt or at a more correct address known to such officer. The notice shall specify that if not paid within 160 days, the property will be duly advertised and sold for delinquent property taxes, penalties and costs in the amount of _____ dollars on sales day, and return receipt of this certified mail notice shall be deemed equivalent to levying by distress hereinabove prescribed.
- (2) If the taxes remain unpaid after 30 days from the date of mailing of the delinquent notice, or as soon thereafter as practicable, take exclusive possession of the property necessary to satisfy the payment of the taxes, assessments, penalties, and costs. In the case of real property, exclusive possession is taken by mailing a notice of delinquent property taxes, assessments, penalties, and costs to the defaulting taxpayer and any grantee of record of the property at the address shown on the tax receipt or to an address of which the officer has actual knowledge, by certified mail, return receipt requested-restricted delivery pursuant to the United States Postal Service "Domestic Mail Manual Section S912." If the addressee is an entity instead of an individual, the notice must be mailed to its last known post office address by certified mail, return receipt requested, as described in Section S912. In the case of personal property, exclusive possession is taken by mailing the notice of delinquent property taxes, assessments, penalties, and costs to the person at the address shown on the tax receipt or to an address of which the officer has actual knowledge. All delinquent notices shall specify that if the taxes, assessments, penalties, and costs are not paid before a subsequent sales date, the property must be duly advertised and sold for delinquent property taxes, assessments, penalties, and costs. The return receipt of the certified mail notice is equivalent to levying by distress.
- (3) If the certified mail notice has been returned, take exclusive physical possession of the property against which the taxes, assessments, penalties, and costs were assessed by posting a notice at one or more conspicuous places on the premises, in the case of real estate, reading: "Seized by person officially charged with the collection of delinquent taxes of (name of political subdivision) to be sold for delinquent taxes", the posting of the notice is equivalent to levying by distress, seizing, and taking exclusive possession of it, or by taking exclusive possession of personalty. In the case of personal property, the person officially charged with the collection of delinquent taxes is not required to move the personal property from where situated at the time of seizure and further,

the personal property may not be moved after seized by anyone under penalty of conversion unless delinquent taxes, assessments, penalties, and costs have been paid. Mobile homes are considered to be personal property for the purposes of this section unless the owner gives written notice to the auditor of the mobile home's annexation to the land on which it is situated.

- (4) Advertise the property for sale at public auction. The advertisement must be in a newspaper of general circulation within the county or municipality, if applicable, and must be entitled "Delinquent Tax Sale". It must include the delinquent taxpayer's name and the description of the property, a reference to the county auditor's map-block-parcel number being sufficient for a description of realty. The advertising must be published once a week before the legal sales date for three consecutive weeks for the sale of real property, and two consecutive weeks for the sale of personal property. All expenses of the levy, seizure, and sale must be added and collected as additional costs, and must include, but not be limited to, the expenses of taking possession of real or personal property, advertising, storage, identifying the boundaries of the property, and mailing certified notices. When the real property is divisible, the tax assessor, county treasurer, and county auditor may ascertain that portion of the property that is sufficient to realize a sum upon sale sufficient to satisfy the payment of the taxes, assessments, penalties, and costs. In those cases, the officer may partition the property and furnish a legal description of it.

(Code 1997, § 58-38; Ord. No. 4-80, § III, 10-9-1980)

Sec. 22-26. Action upon failure to collect; delinquent tax sale.

Upon failure of the taxes, penalties and costs being paid in full before 10:00 a.m., on the sales day next following the year in which the taxes became due, the property, duly advertised, shall be sold by the person officially charged with the collection of delinquent taxes at public auction at the front door of the courthouse beginning at 10:00 a.m. for cash payable in full on same date. If the cash defaulting taxpayer has more than one item advertised to be sold, no item shall be sold, provided that the sale of one or more preceding items sold shall bring sufficient funds to cover all of defaulting taxpayer's delinquent taxes, penalties and costs.

(Code 1997, § 58-39; Ord. No. 4-80, § IV, 10-9-1980)

Sec. 22-27. Payment by successful bidder; receipt.

The successful bidder at the delinquent tax sale shall pay legal tender as provided in S.C. Code 1976, § 12-51-50 to the person officially charged with the collection of delinquent taxes in the full amount of the bid on the day of the sale. Upon payment, the person officially charged with the collection of delinquent taxes shall furnish the purchaser a receipt for the purchase money. He must attach a copy of the receipt to the execution with the endorsement of his actions, which must be retained by him. Expenses of the sale must be paid first and the balance of all delinquent tax sale

monies collected must be turned over to the treasurer. Upon receipt of the funds, the treasurer shall mark immediately the public tax records regarding the property sold as follows: Paid by tax sale held on (insert date). All delinquent tax sale moneys collected shall be turned over to the treasurer as now provided by law. Once a tax deed has been issued, the defaulting taxpayer and the owner of record immediately before the end of the redemption period must be notified in writing by the delinquent tax collector of any excess due. The notice must be addressed and mailed in the manner provided in S.C. Code 1976, § 12-51-40(b) for taking exclusive possession of real property. Expenses of providing this notice are considered costs of the sale for purposes of determining the amount, if any, of the excess.

(Code 1997, § 58-40; Ord. No. 4-80, § V, 10-9-1980)

Sec. 22-28. Settlement of tax sale moneys.

Within 30 days after the sale of property, the treasurer shall make full settlement of tax sale moneys to the respective various political subdivisions for which the taxes were levied.

(Code 1997, § 58-41; Ord. No. 4-80, § VI, 10-9-1980)

Sec. 22-29. Failure of successful bidder to pay; readvertisement of property.

In case the successful bidder fails to remit legal tender within the time specified, the person officially charged with the collection of delinquent taxes shall cancel that bid and duly readvertise the same property for sale, in the same manner, on the subsequent legal sales day.

(Code 1997, § 58-42; Ord. No. 4-80, § VII, 10-9-1980)

Sec. 22-30. Redemption by taxpayer, owner, grantee or creditor.

(a) The defaulting taxpayer, any grantee from the owner, or any mortgage or judgement creditor may within 12 months from the date of such delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties and costs, together with interest as provided in subsection (b) of this section on the whole amount of the delinquent tax sale bid.

(b) The lump sum amount of interest due on the whole amount of the delinquent tax sale based on the month during the redemption period the property is redeemed and that rate relates back to the beginning of the redemption period according to the following schedule:

<i>Month of Redemption Period Property Redeemed</i>	<i>Amount of Interest Imposed</i>
First three months	Three percent of the bid amount
Months four, five, and six	Six percent of the bid amount
Months seven, eight, and nine	Nine percent of the bid amount
Last three months	12 percent of the bid amount

However, in every redemption, the amount of interest due must not exceed the amount of the bid on the property submitted on behalf of the forfeited land commission pursuant to S.C. Code 1976, § 12-51-55.

(c) If the defaulting taxpayer, grantee from the owner, or mortgage or judgment creditor fails to redeem the item of real estate sold at the delinquent tax sale within the 12 months provided in subsection (a) of this section, and after the passing of an additional 12 months, the tax deed issued is incontestable on procedural or other grounds.

(Code 1997, § 58-43; Ord. No. 4-80, § VIII, 10-9-1980)

Sec. 22-31. Refund to successful purchaser upon real estate being redeemed.

Upon the real estate being redeemed, the person officially charged with the collection of delinquent taxes shall cancel the sale in the tax sale book and note thereon the amount paid, by whom and when. The successful purchaser at the delinquent tax sale shall promptly be notified by mail to return the tax sale receipt to the person officially charged with the collection of delinquent taxes in order to be expeditiously refunded the purchase price, plus the interest accumulated, as provided in section 22-30.

(Code 1997, § 58-44; Ord. No. 4-80, § IX, 10-9-1980)

Sec. 22-32. Redemption period for personal property.

For personal property, there shall be no redemption period subsequent to the time that such property is struck off to the successful purchaser at the delinquent tax sale. Upon payment therefor by the successful purchaser and delivery of the duplicate warrant (i.e. tax receipt) with the description thereof and notation thereon by the person officially charged with the collection of delinquent taxes "sold to _____ at delinquent tax sale on _____ (date) (person officially charged with the collection of _____" to the successful purchaser of personal property delinquent taxes) shall be considered the successful purchaser's bill of sale and right of possession.

(Code 1997, § 58-45; Ord. No. 4-80, § X, 10-9-1980)

Sec. 22-33. Notice to owner of record of period of redemption for real estate.

Neither more than 45 days, nor less than 20 days prior to the end of the redemption period for real estate sold for taxes, the person officially charged with the collection of delinquent taxes shall mail a notice by "certified mail, return receipt requested-restricted delivery" as provided in S.C. Code 1976, § 12-51-40(b) to the defaulting taxpayer and to a grantee, mortgagee, or lessee of the property of record in the appropriate public records of the county. The notice must be mailed to the owner of record at the best address of such owner available to the person officially charged with the collection of delinquent taxes that the real property described on the notice has been sold for taxes and if not redeemed by paying taxes, assessments, penalties, costs and interest in the amount of _____ dollars on or before _____ (12 months from date of sale) a tax title will be delivered to the successful purchaser at the tax sale; provided, however, under this article, the return of the certified mail "undelivered" shall not be grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record.

(Code 1997, § 58-46; Ord. No. 4-80, § XI, 10-9-1980)

Sec. 22-34. Issuance of successful purchaser's tax title; costs; disposition of overages of sale proceeds.

Upon failure of the defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor, or a lessee of the property to redeem realty within the time period allowed in section 22-33 for redemption, the person officially charged with the collection of delinquent taxes shall, within 30 days or as soon after that as possible, make a tax title to the purchaser or the purchaser's assignee, and delivery of the tax title to the clerk of court shall be considered "putting the purchaser (or assignee) in possession." The tax title shall include, among other things, the name of the defaulting taxpayer, the name of any grantee of record of the property, the date of execution, the date the realty was posted and by whom if such is the case, and the dates each certified notice was mailed to the parties or parties of interest, to whom mailed and whether or not received by the addressee. The successful purchaser (or assignee) shall be responsible in an amount to be set from time to time by the county council for the cost of the tax title, plus any documentary stamps necessary to be affixed and recording fees. The successful purchaser (or assignee) shall pay such amounts to the person officially charged with the collection of delinquent taxes before the delivery of the tax title to the clerk of court, and, upon payment, the person officially charged with the collection of delinquent taxes shall then be responsible for promptly transmitting the tax title to the clerk of court for recording and remitting the recording fee and documentary stamps cost therewith. In case the sale of an item produced an overage in cash above the full amount due in taxes, penalties and costs, such overage must be applied to any outstanding municipal tax liens on the property before being given to the defaulting taxpayer to be claimed or assigned according to law. However, if neither claimed nor assigned within five years of the date of the public

auction tax sale, the overage shall escheat to the general fund of the governing body. Prior to the escheat, due unclaimed overages shall be kept in a separate account and shall be invested so as not to be idle, and the governing body of the political subdivision shall be entitled to the earnings for keeping the overage, such earnings to be settled quarterly. On the escheat date, the overage shall be transferred to the general funds of the governing body.

(Code 1997, § 58-47; Ord. No. 4-80, § XII, 10-9-1980)

Sec. 22-35. Adoption of relevant state law provisions.

The provisions of S.C. Code 1976, §§ 12-49-1110 through 12-49-1290, relating to notice to mortgages of proposed tax sales and of tax sales of properties covered by their respective mortgages, are adopted as a part of this article.

(Code 1997, § 58-48; Ord. No. 4-80, § XIII, 10-9-1980)

Sec. 22-36. Additional remedies.

Election to utilize the remedy provided by S.C. Code 1976, § 12-51-40 et seq., for enforcement of collection and disposition of delinquent taxes, penalties and costs, shall not prevent the county council from also using any remedy or supplementing any provision of S.C. Code 1976, § 12-51-40 et seq., by reliance upon and use of any statute which is not in conflict with the provisions of S.C. Code 1976, § 12-51-40 et seq., including those existing statutes which refer to the sheriff or other designated official as the official charged with the enforcement, collection and distribution of delinquent property taxes, penalties and costs.

(Code 1997, § 58-49; Ord. No. 4-80, § XIV, 10-9-1980)

Sec. 22-37. Precedence of certain state law provisions.

Any question arising because of a difference between the provisions of S.C. Code 1976, § 12-51-40 et seq., and of an existing statute shall be resolved by reference to the provisions of S.C. Code 1976, § 12-51-40 et seq., which shall in such event take precedence.

(Code 1997, § 58-50; Ord. No. 4-80, § XV, 10-9-1980)

Secs. 22-38—22-62. Reserved.

ARTICLE III. SALES AND USE TAX

DIVISION 1. GENERALLY

Secs. 22-63—22-82. Reserved.

DIVISION 2. CAPITAL IMPROVEMENTS FOR SCHOOL DISTRICTS*

Sec. 22-83. Sales tax.

(a) The county council is interested in adding a one percent sales tax to reduce the county school district property tax burden.

(b) Pursuant to House Bill 4544 enacted by the state general assembly, it is hereby ordained as follows: County council imposes a one percent sales and use tax within the county. The proceeds of the tax must be distributed to the three school districts in the county as provided in this article. The boards of trustees of each of the school districts, before the expenditure of the proceeds of the tax authorized by this article, by resolution, must determine the specific purposes for which the proceeds of the tax as distributed must be expended. However, in any case and as finally determined by the governing body, the proceeds only must be applied to:

- (1) Reduce ad valorem property taxes imposed to pay debt service on general obligation bonds; or
- (2) Otherwise defray the cost of capital improvements within each school district.

(c) The tax is imposed for a period of 20 years to begin July 1, 2005, and ending June 30, 2025.

(d) The tax must be imposed beginning upon the first day of the third full month following the filing of the imposition of this article with the state department of revenue.

(e) However, the tax terminates upon the earlier of:

- (1) The final day of the maximum time specified in the ordinance for the imposition; or
- (2) 60 days following the filing with the department of revenue of a certified copy of an ordinance of the governing body terminating the tax.

(Ord. No. 2004-02, 3-30-2004; Ord. No. 2005-05, 6-13-2005)

Sec. 22-84. Administration and collection.

(a) The tax levied pursuant to this article must be administered and collected by the state department of revenue in the same manner that other sales and use taxes are collected. The department may prescribe the amounts that may be added to the sales price because of the tax.

(b) The tax authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of the sales in the county which are subject to the tax imposed by S.C. Code 1976, tit. 12, ch. 36, and the enforcement provisions of

***State law reference**—Education Capital Improvements Sales and Use Tax Act, S.C. Code 1976, § 4-10-410 et seq.

S.C. Code 1976, tit. 12, ch. 54. The gross proceeds of the sale of items subject to a maximum tax in S.C. Code 1976, tit. 12, ch. 36 are exempt from the tax imposed by this article. The tax imposed by this article also applies to tangible personal property subject to the use tax in S.C. Code 1976, tit. 12, ch. 36, art. 13.

(c) Taxpayers required to remit taxes under S.C. Code 1976, tit. 12, ch. 36, art. 13 shall identify the county in which the tangible personal property purchased at retail is stored, used, or consumed in this state.

(d) Utilities is required to report sales in the county in which consumption of the tangible personal property occurs.

(e) A taxpayer subject to the tax imposed by S.C. Code 1976, § 12-36-920 who owns or manages rental units in more than one county shall separately report in his sales tax return the total gross proceeds from business done in each county.

(f) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied under this article in the county, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the special local sales and use tax provided in this section if a verified copy of the contract is filed with the department of revenue within six months after the imposition of the special local sales and use tax.

(g) Notwithstanding the imposition date of the special local sales and use tax authorized pursuant to this article, with respect to services that are regularly billed on a monthly basis, the special local sales and use tax is imposed beginning on the first day of the billing period beginning on or after the imposition date.

(Ord. No. 2004-02, 3-30-2004; Ord. No. 2005-05, 6-13-2005)

Sec. 22-85. Distribution of revenue.

(a) The revenues of the sales and use tax collected under this article must be remitted to the state treasurer and credited to a fund separate and distinct from the general fund of the state. After deducting the amount of refunds made and costs to the state department of revenue of administering the tax, not to exceed one percent of the revenues, the state treasurer shall distribute the revenues monthly to the county treasurer for the benefit of the county school districts in the amounts established in accordance with subsection (b) of this section. The state treasurer may correct misallocation costs or refunds by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocation.

(b) The state treasurer shall distribute proceeds of the tax, less amounts attributable to refunds and administration as provided in subsection (a) of this section, to the county treasurer and thereafter by the county treasurer to the school districts of the

county for the purposes provided in this article. The method of distribution to the individual school districts is to be proportioned to each of the school districts based upon 135 average daily membership.

(c) Except as provided under vice of this article, withdrawals by the school districts of tax proceeds from the county treasurer must be made in the same manner as are funds appropriated to the school districts by the state. Pending these withdrawals, taxes must be deposited in accounts for each school district, separate and distinct from accounts established for any other purpose, and investment earnings derived from monies in such an account must be credited to the account. Each school district shall maintain records that demonstrate that tax proceeds are spent only for the purposes as approved by the governing body and in accordance with this article.

(Ord. No. 2004-02, 3-30-2004; Ord. No. 2005-05, 6-13-2005)

Sec. 22-86. Debt service.

(a) If the governing body elects that all or a portion of the share of the proceeds of the sales and use tax imposed and collected may be applied to the reduction of property taxes imposed in a given fiscal year to pay debt service on general obligation bonds of a school district, the governing body shall notify the county treasurer in writing no later than July 1 of that fiscal year of its election and shall specify in writing the amount of sales and use taxes to be applied to its general obligation bond debt service. The amount specified must not exceed the amount of sales and use tax proceeds held by the county treasurer for the school district as of July 1 of the fiscal year. The election is effective only for and applies only to debt service payments to be made in the 18-month period following that July 1. Elections may be renewed from year to year.

(b) Upon notification by the governing body of its election under this section, the county treasurer shall certify to the county auditor by August 1 of that fiscal year the amount of sales and use taxes then held by the county treasurer for the benefit of the school district and designated by the governing body for application to general obligation bond debt service payments. The county auditor shall reduce the levy of property taxes for the fiscal year required to pay debt service on general obligation bonds of the school district by the amount of sales and use tax revenues certified as held by the county treasurer and designated by the governing body for that purpose. This amount of sales and use taxes thereafter must not be released to the school district but must be held by the county treasurer to pay debt service on general obligation bonds. However, any sales and use taxes held by the county treasurer in excess of the amounts designated by the governing body for payment of debt service on general obligation bonds in the 18 months following July 1 of the fiscal year must be expended as directed by the governing body in accordance with this article. Any investment earnings derived from the sales and use tax must be expended as directed

by the governing body in accordance with this article. With respect to a school district situated in more than one county, the requirements of the debt service section apply with respect to the auditor and treasurer of both counties.

(Ord. No. 2004-02, 3-30-2004; Ord. No. 2005-05, 6-13-2005)

Sec. 22-87. Data provided.

The state department of revenue, the state department of education, and the county auditor shall furnish data to the state treasurer, the county treasurer, and to the governing body for the purpose of calculating distributions and estimating revenues. The information that must be supplied to the governing body upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of S.C. Code 1976, § 12-54-240. A person violating this section is subject to the penalties provided in S.C. Code 1976, §12-54-240.

(Ord. No. 2004-02, 3-30-2004; Ord. No. 2005-05, 6-13-2005)

Secs. 22-88—22-117. Reserved.

ARTICLE IV. LOCAL ACCOMMODATION TAX*

Sec. 22-118. Established.

Pursuant to S.C. Code 1976, § 6-1-500 et seq., as amended, county council amends Ordinance No. 2001-06, which established a local accommodations tax, by increasing it from 1.5 percent to three percent of the gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration as provided in S.C. Code 1976, § 12-36-920(A) and which is imposed on every person engaged or continuing within the unincorporated areas of the county.

(Ord. No. 2001-06, 2001; Ord. No. 2004-06, 6-14-2004)

Secs. 22-119—22-149. Reserved.

ARTICLE V. HOSPITALITY TAX†

Sec. 22-150. Authority.

This article is enacted pursuant to the authority S.C. Code 1976, § 4-9-30 which provides that the county may adopt all ordinances which appear necessary and proper

***State law reference**—Local Accommodations Tax Act, S.C. Code 1976, § 6-1-500 et seq.

†**State law reference**—Local Hospitality Tax Act, S.C. Code 1976, § 6-1-700 et seq.

for the security, general welfare and convenience of the county and for the preservation of the general health, peace and order in the county and S.C. Code 1976, § 6-1-700 et seq. which expressly provides authorization for the imposition of a hospitality tax. (Ord. No. 2007-02, § 1, 4-9-2007)

Sec. 22-151. Definitions.

(a) Local hospitality tax is a tax imposed within the county on the sales of prepared foods and beverages sold in establishments or sales of prepared foods and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine. In addition, the tax shall be imposed for all foods and beverages prepared or modified by convenience stores or grocery stores within the county.

(b) A hospitality tax equal to one percent is hereby imposed on the gross proceeds derived from the sale of prepared foods and beverages sold in establishments located in the county.

(Ord. No. 2007-02, § 2, 4-9-2007)

Sec. 22-152. Payment of tax.

(a) Payment of the local hospitality tax shall be the liability of the consumer of prepared foods and beverages as described in section 22-151. The local hospitality tax shall be paid at the time of the purchase of the prepared foods and beverages and shall be collected by the establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine selling the prepared foods and beverages.

(b) The county shall provide a hospitality tax return, which shall be utilized by the provider of the services to calculate the amount of hospitality taxes collected and due. Payment shall be made to the county and shall be made at the same time as the return is required to be filed as provided below.

(c) The hospitality tax collected by the provider of the services as required herein shall be remitted to the county, as follows:

- (1) Payment of the hospitality tax collected in the first quarter of the calendar year shall be due on April 20 of each calendar year;
- (2) Payment of the hospitality tax collected in the second quarter of the calendar year shall be due on July 20 of each calendar year;
- (3) Payment of the hospitality tax collected in the third quarter of the calendar year shall be due on October 20 of each calendar year;
- (4) Payment of the hospitality tax collected in the fourth quarter of the calendar year shall be due on January 20 of each following calendar year.

(d) An interest-bearing restricted account, kept in a separate fund segregated from the county's general fund and to be known as the "Clarendon County, South Carolina, Local Hospitality Tax Fund" is hereby established. All revenue and interest generated by the local hospitality tax shall be deposited into this account. The hospitality tax fund, shall be maintained by the county treasurer and controlled by the county administrator for the county. The principal and any accrued interest thereon shall be spent only as provided herein.

(e) Deposits into the hospitality tax fund may also include appropriations from the general fund by the county council and voluntary contributions of money and other liquid assets from any source. Once any such funds are so deposited, the funds become dedicated funds and may only be spent as provided herein.

(Ord. No. 2007-02, § 3, 4-9-2007)

Sec. 22-153. Permitted uses of funds.

(a) The county council is hereby authorized to utilize the funds collected from the imposition and collection of the hospitality tax and other funds deposited into the hospitality tax fund. The revenue generated by the hospitality tax must be used exclusively for the following purposes:

- (1) Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
- (2) Tourism-related cultural, recreational, historic facilities, or land acquisition;
- (3) River/beach access and renourishment;
- (4) Highways, roads, streets, bridges and boat ramps providing access to tourist destinations;
- (5) Advertisements and promotions related to tourism development;
- (6) Water and sewer infrastructure to serve tourism-related demand; and
- (7) The operation and maintenance of those items provided in subsections (a)(1) through (6) of this section, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities;
- (8) For all other proper purposes including those set forth herein.

(b) Authorization to utilize any funds from the hospitality tax fund, shall be by ordinance duly adopted by the county council for the county.

(Ord. No. 2007-02, § 4, 4-9-2007)

Sec. 22-154. Inspections and audits.

(a) For the purpose of enforcing the provisions of this article, the code enforcement officer or other authorized agent of the county, is empowered to enter upon the premises of any person or establishment subject to this article to make inspections, examine and audit books and records of such person or establishment.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event that the audit reveals that false information has been filed by the remitter, the costs of the audit shall be added to the correct amount determined to be due in addition to the penalties provided herein. The codes enforcement officer may make systematic inspections of all businesses within the county, to ensure compliance with this article.

(Ord. No. 2007-02, § 5, 4-9-2007)

Sec. 22-155. Violations and penalty.

(a) It shall be a violation of this article to:

- (1) Fail to collect the hospitality tax in connection with the sale of prepared foods and beverages sold in establishments in the county.
- (2) Fail to remit to the county, any hospitality taxes collected pursuant to this article by the 20th day of the following month, as set forth herein.
- (3) Knowingly provide false information on a return submitted to the county, as set forth herein.
- (4) Fail or refuse to provide books and records to an authorized agent of the county, for the purpose of an examination or audit upon 24 hours' written notice as provided herein.

(b) In the event that a hospitality tax is not timely remitted to the county, as provided herein, the person or establishment failing to remit shall also pay a penalty equal to 1.5 percent of the unpaid amount for each month or portion thereof that such taxes remain unpaid.

(c) A person or establishment failing or refusing to timely file a return and make appropriate payment and/or provide books and records as provided herein is guilty of a misdemeanor and subject to punishment according to the general penalties described in section 1-7.

(d) Each day this section is violated constitutes a separate violation.

(Ord. No. 2007-02, § 6, 4-9-2007; Ord. No. 2008-01, §§ (1), (2), 3-10-2008)

Chapter 23

RESERVED

Chapter 24

TRAFFIC AND MOTOR VEHICLES*

Article I. In General

- Sec. 24-1. Abandoned vehicle compound.
- Sec. 24-2. Adoption of state laws.
- Sec. 24-3. Careless driving or riding; penalty for violation of section.
- Secs. 24-4—24-24. Reserved.

Article II. Uniform Service Charge for Motor Vehicle Users

- Sec. 24-25. Findings of fact concerning county road system.
- Sec. 24-26. User fee established on county-registered vehicles; due date of payment.
- Sec. 24-27. Collection; listing of those refusing to pay.
- Sec. 24-28. Disposition of fees.
- Sec. 24-29. Penalties for violation of article.

***State law references**—Powers of local authorities, S.C. Code 1976, § 56-5-710; notice of certain local regulation required, S.C. Code 1976, § 56-5-720; local traffic control devices, S.C. Code 1976, § 56-5-940.

ARTICLE I. IN GENERAL**Sec. 24-1. Abandoned vehicle compound.**

(a) *Area designated; use.* That area located on Keith Street in Manning, being formerly the chain gang camp, is hereby designated as the compound area for the placement of all abandoned vehicles placed in storage by the law enforcement officers for the county and other vehicles towed in by, or at the directions of, law enforcement officers. This facility shall be the compound for other equipment properly placed there by law enforcement officers.

(b) *Name; administration of.* The facility designated in this section shall be known as the county vehicle compound and shall be under the direction and supervision of the county sheriff.

(c) *Storage charges; lien; log.* The county sheriff shall collect as storage charges an amount as set by the county council from time to time, per day, for each vehicle stored in the county vehicle compound. Such storage charges shall constitute a lien on all vehicle and other equipment stored therein. A storage log shall be maintained by the sheriff indicating the date and time of the entry of each vehicle into the compound, and the respective day shall commence with the time in which the vehicle is placed in such compound.

(Code 1997, § 62-1; Ord. No. 8-81, §§ 1—3, 6-8-1981)

Sec. 24-2. Adoption of state laws.

Unless otherwise specifically covered by this article, all of the provisions and requirements of the general law of the state regulating traffic on highways, registration and licensing, and driver's licenses, as contained in S.C. Code 1976, §§ 56-1-10 et seq., 56-3-10 et seq., and 56-5-10 et seq., insofar as such provisions can have application within the county, are hereby adopted and made a part of this article as fully as though set out in this article. All persons within the county shall strictly comply with all of the regulations imposed hereby, when so applicable.

(Ord. No. 2003-06, § I, 7-14-2003)

Sec. 24-3. Careless driving or riding; penalty for violation of section.

(a) It shall be unlawful for any person to drive, or ride in, any vehicle without care and caution and full regard for the safety of persons and property within the county. Any person failing to do so shall be guilty of careless driving or riding.

(b) The driving of any vehicle, when the vehicle or any of its appliances is not in proper or safe condition, shall be prima facie evidence of careless driving or riding.

(c) Whoever violates the provisions of this section shall be subject to punishment in accordance with section 1-7.

(Ord. No. 2003-06, § II, 7-14-2003)

Secs. 24-4—24-24. Reserved.

**ARTICLE II. UNIFORM SERVICE CHARGE FOR MOTOR VEHICLE
USERS**

Sec. 24-25. Findings of fact concerning county road system.

(a) The county presently maintains in excess of 600 miles of dirt and gravel roads within the county. These roads make up the county road system.

(b) The cost of maintenance of the county road system is escalating at an ever accelerating rate, and all funds available must be used to maintain the system in its present condition. There are no funds available to implement improvements to the system.

(c) The state department of highways and public transportation is accepting fewer and fewer county roads into the state highway system.

(d) The annual appropriation of C funds from the state highway department for the conversion of county roads to state roads are becoming smaller each year in proportion to the cost of bringing unimproved county roads up to state standards, and, therefore, fewer and fewer roads within the county are being transferred into the state highway system through the use of C funds.

(e) The state has for many years through the department of highways and public transportation charged motorized vehicular user fees for the use of the state highway system through the provisions of S.C. Code 1976, § 56-3-10 et seq.

(f) The county road system is virtually 100 percent dirt or gravel roads, serving primarily residential areas. The county roads are not conditioned or located for interstate or intercounty traffic. As a result, virtually all the motorized vehicular users of the county roads are motorized vehicles licensed in the county.

(g) County roads are used by pedestrians, bicyclists, equestrians and other nonmotorized vehicular users. However, motorized vehicular traffic constitutes the overwhelming majority of the use of the county road system. Furthermore, motorized vehicular traffic causes practically 100 percent of all the wear and tear on the county road system. Additionally, the county road system must be maintained in a much better condition to accommodate motorized vehicular uses.

(h) The improvement by the county of the county road system bestows a specific benefit on motorized vehicular users not enjoyed by the nonowning members of the general public by reason of the previous subsections of this section.

(i) The use of general tax revenues to construct and maintain the county road system has resulted in the placing on property owners, including nonresidents, nonusers, and nonowners, the entire cost of maintaining county roads through ad valorem property taxes on all taxable property in the county.

(j) It is the expressed intention of the county to provide that the payment for specific governmental services be made as much as possible by those who receive the specific benefits of such services through the charging of appropriate fees.

(k) Counties are specifically mandated "to assess . . . uniform service charges . . . and make appropriations for . . . roads . . ." by S.C. Code 1976, § 4-9-30(5), The Home Rule Act.

(l) The imposition of the user fee will shift the burden of paying for road improvement and related storm drainage costs from ad valorem property taxpayers to those who will benefit specifically from the improvements made. However, basic maintenance of county roads will continue to be funded by both state revenues and ad valorem taxes. In order to implement the legislative intent of the county council, based on the above findings of fact, the following provision of this article are ordained. (Code 1997, § 62-36; Ord. No. 3-8-93, §§ 1—12, 3-8-1993)

Sec. 24-26. User fee established on county-registered vehicles; due date of payment.

Every vehicle required to be registered and licensed in the county by the state department of highways and public transportation shall pay annually to the county treasurer, a county road user fee in an amount set from time to time by the county council on each such vehicle. Such fee shall be due and payable when the taxes are due on such vehicle. However, not included are duly licensed and registered mobile homes and those vehicles which are presently exempt from paying property taxes. (Code 1997, § 62-37; Ord. No. 3-8-93, § 12(A), 3-8-1993)

Sec. 24-27. Collection; listing of those refusing to pay.

The county treasurer shall collect the road user fee in the same manner and method that said treasurer collects the taxes on said vehicles and maintain a listing of those persons who refuse to pay. The treasurer shall provide this listing to the county attorney for enforcement proceedings. (Code 1997, § 62-38; Ord. No. 3-8-93, § 12(B), 3-8-1993)

Sec. 24-28. Disposition of fees.

The proceeds from the collection of such fees shall be administered by the county council, and shall be restricted in the county general fund. The revenue must be used solely and exclusively for the construction and improvement of county roads and related drainage which shall also include the payment of salaries and purchasing of equipment for county roads and related drainage. Each fiscal year the county council will evaluate the source of the revenue and projected expenditures for such service and modify the amounts to be applied against public works expenditures as mentioned in this section. (Code 1997, § 62-39; Ord. No. 3-8-93, § 12(C), 3-8-1993)

Sec. 24-29. Penalties for violation of article.

(a) If an individual does not pay the county road improvement and maintenance fee as set forth from time to time by the county council at the time designated by the county treasurer, the currently required penalty for each day the road maintenance fee is unpaid shall be levied against such individual. Each day which a violation occurs shall be deemed a separate and distinct offense.

(b) The penalty shall apply to each vehicle fee that is unpaid.

(c) If the road user fee and penalties are not paid after the expiration of 60 days from the due date of the user fee, the fees and penalties may be enforced by judgment and attachment or such other means provided for under the laws of the state. Nothing in this section shall be construed as a limit on the time for the bringing of an action to collect such fees and penalties. In addition to the penalties provided in this section, the county may recover reasonable attorney's fees and other expenses of litigation or collection.

(Code 1997, § 62-40; Ord. No. 3-8-93, § 12(D), 3-8-1993)

Chapter 25

RESERVED

Chapter 26

UTILITIES*

Article I. In General

Secs. 26-1—26-18. Reserved.

Article II. Water and Sewer Department

- Sec. 26-19. Ratification.
- Sec. 26-20. Scope of service.
- Sec. 26-21. Employees.
- Sec. 26-22. Legal capacity.
- Sec. 26-23. Financial records.
- Secs. 26-24—26-49. Reserved.

Article III. Water Utility Service

- Sec. 26-50. Definitions.
- Sec. 26-51. Damage, defacing, etc., systems.
- Sec. 26-52. Rights of county to discontinue service for section violations.
- Sec. 26-53. Written approval of county required prior to making any connections.
- Sec. 26-54. Charges due upon discontinuation of service.
- Sec. 26-55. Owner or tenant responsible for unauthorized reconnections; fines imposed upon conviction.
- Sec. 26-56. Operation of system on a fiscal year basis.
- Sec. 26-57. Emergencies.
- Secs. 26-58—26-88. Reserved.

Article IV. Requirements for Water Service

- Sec. 26-89. General requirements for service.
- Sec. 26-90. Service.
- Sec. 26-91. Records and billing.
- Sec. 26-92. Taps.
- Sec. 26-93. Water usage rates.
- Sec. 26-94. Automatic sprinkler system charges.
- Sec. 26-95. Water system extensions.
- Secs. 26-96—26-119. Reserved.

***State law references**—Authority to grant franchises for public utilities, S.C. Code 1976, § 4-9-30; authority of county to operate water and sewer facilities, S.C. Code 1976, § 44-55-1410.

CLARENDON COUNTY CODE

Article V. Cross Connection; Backflow Prevention

- Sec. 26-120. General purpose and department.
- Sec. 26-121. Adoption of cross connection control and backflow prevention regulations.
- Sec. 26-122. Definitions.
- Sec. 26-123. Administration.
- Sec. 26-124. Requirements.
- Sec. 26-125. Hazard, high and low.
- Sec. 26-126. Testing requirements.
- Sec. 26-127. Records.
- Sec. 26-128. Unlawful acts.
- Sec. 26-129. Account categories; defined.
- Secs. 26-130—26-156. Reserved.

Article VI. Sewer Utility Service

- Sec. 26-157. Purpose and policy.
- Sec. 26-158. Administration.
- Sec. 26-159. Abbreviations.
- Sec. 26-160. Definitions.
- Secs. 26-161—26-189. Reserved.

Article VII. General Sewer Use Requirements

- Sec. 26-190. Prohibited discharge standards.
- Sec. 26-191. National categorical pretreatment standards.
- Sec. 26-192. State pretreatment standards.
- Sec. 26-193. Local discharge limits.
- Sec. 26-194. Right of revision.
- Sec. 26-195. Dilution.
- Sec. 26-196. Treatment surcharges.
- Secs. 26-197—26-216. Reserved.

Article VIII. Pretreatment of Wastewater

- Sec. 26-217. Pretreatment facilities.
- Sec. 26-218. Additional pretreatment measures.
- Sec. 26-219. Accidental discharge/slug control plans.
- Sec. 26-220. Hauled wastewater.
- Secs. 26-221—26-249. Reserved.

Article IX. Wastewater Discharge Permit Application

- Sec. 26-250. Wastewater analysis.

UTILITIES

- Sec. 26-251. Wastewater discharge permit requirement.
- Sec. 26-252. Wastewater discharge permitting—Existing connections.
- Sec. 26-253. Same—New connections.
- Sec. 26-254. Wastewater discharge permit application contents.
- Sec. 26-255. Application signatories and certification.
- Sec. 26-256. Wastewater discharge permit decisions.
- Secs. 26-257—26-275. Reserved.

Article X. Wastewater Discharge Permit Issuance Process

- Sec. 26-276. Duration.
- Sec. 26-277. Contents.
- Sec. 26-278. Appeals.
- Sec. 26-279. Modification.
- Sec. 26-280. Transfer.
- Sec. 26-281. Revocation.
- Sec. 26-282. Reissuance.
- Sec. 26-283. Regulation of waste received from other jurisdictions.
- Secs. 26-284—26-314. Reserved.

Article XI. Reporting Requirements

- Sec. 26-315. Baseline monitoring reports.
- Sec. 26-316. Compliance schedule progress reports.
- Sec. 26-317. Reports on compliance with categorical pretreatment standard deadline.
- Sec. 26-318. Periodic compliance reports.
- Sec. 26-319. Reports of changed conditions.
- Sec. 26-320. Reports of potential problems.
- Sec. 26-321. Reports from unpermitted users.
- Sec. 26-322. Notice of violation; repeat sampling and reporting.
- Sec. 26-323. Notification of the discharge of hazardous waste.
- Sec. 26-324. Analytical requirements.
- Sec. 26-325. Sample collection.
- Sec. 26-326. Timing.
- Sec. 26-327. Recordkeeping.
- Secs. 26-328—26-357. Reserved.

Article XII. Operations and Control; Compliance Monitoring

- Sec. 26-358. Operations and control.
- Sec. 26-359. Right of entry; inspection and sampling.
- Sec. 26-360. Search warrants.
- Secs. 26-361—26-378. Reserved.

CLARENDON COUNTY CODE

Article XIII. Confidentiality and Publication

- Sec. 26-379. Confidential information.
- Sec. 26-380. Publication of users in significant noncompliance.
- Secs. 26-381—26-403. Reserved.

Article XIV. Administrative Enforcement Remedies

- Sec. 26-404. Notification of violation.
- Sec. 26-405. Consent orders.
- Sec. 26-406. Show cause hearing.
- Sec. 26-407. Compliance orders.
- Sec. 26-408. Cease and desist orders.
- Sec. 26-409. Administrative fines.
- Sec. 26-410. Emergency suspensions.
- Sec. 26-411. Termination of discharge.
- Secs. 26-412—26-435. Reserved.

Article XV. Judicial Enforcement Remedies

- Sec. 26-436. Injunctive relief.
- Sec. 26-437. Civil penalties.
- Sec. 26-438. Criminal prosecution.
- Sec. 26-439. Remedies nonexclusive.
- Secs. 26-440—26-461. Reserved.

Article XVI. Supplemental Enforcement Action

- Sec. 26-462. Performance bonds.
- Sec. 26-463. Water supply severance.
- Sec. 26-464. Contractor listing.
- Secs. 26-465—26-481. Reserved.

Article XVII. Affirmative Defenses to Discharge Violations

- Sec. 26-482. Upset.
- Sec. 26-483. Prohibited discharge standards.
- Sec. 26-484. Bypass.
- Secs. 26-485—26-506. Reserved.

Article XVIII. Rates, Charges, and Miscellaneous Provisions

- Sec. 26-507. Wastewater treatment rates (Schedule B).
- Sec. 26-508. Pretreatment charges and fees.
- Sec. 26-509. Enforcement response plan.

UTILITIES

- Sec. 26-510. Schedule A; Water tap fees.
- Sec. 26-511. Schedule B; Sewer use rates and fees.
- Sec. 26-512. Appendix A; local discharge limitations (Reserved).
- Sec. 26-513. Appendix B; enforcement response plan per section 26-509.
- Secs. 26-514—26-530. Reserved.

Article XIX. Drought Response

- Sec. 26-531. Declaration of policy, purpose, and intent.
- Sec. 26-532. Definitions.
- Sec. 26-533. Nonessential water use.
- Sec. 26-534. Responses to moderate, severe, and extreme drought alert phases.
- Sec. 26-535. New water service connections.
- Sec. 26-536. Water rates.
- Sec. 26-537. Rationing.
- Sec. 26-538. Fines and penalties.
- Sec. 26-539. Enforcement.
- Sec. 26-540. Variances.

ARTICLE I. IN GENERAL

Secs. 26-1—26-18. Reserved.

ARTICLE II. WATER AND SEWER DEPARTMENT**Sec. 26-19. Ratification.**

This section ratifies and confirms the establishment of the county water and sewer department. The department is established and the purpose of this section is to set forth the scope of services for said department.

(Ord. No. 2010-09, § 1.2, 9-13-2010)

Sec. 26-20. Scope of service.

(a) The department shall apply for grants and loans to build, construct, own, maintain, and operate water and sewer systems within the county except in incorporated areas having water and sewer. The department will also assist in the negotiation of water and sewer contracts with municipalities and other providers as well as conduct the usual operations of a water and sewer service provider.

(b) The department shall enforce all county ordinances sections for water and sewer use rates as required by this Code.

(Ord. No. 2010-09, § 1.3, 9-13-2010)

Sec. 26-21. Employees.

All employees including the designated director of the county water and sewer department will serve at the pleasure of the county administrator. The employees of this department will be subject to the county grievance policy and procedures as established by the county council.

(Ord. No. 2010-09, § 1.4, 9-13-2010)

Sec. 26-22. Legal capacity.

Any contracts or agreements entered into on behalf of the department shall be in the name of the county and shall only be signed by the administrator and/or chairperson of the county council as required by law.

(Ord. No. 2010-09, § 1.5, 9-13-2010)

Sec. 26-23. Financial records.

The county water and sewer department shall provide all financial records of any nature to the county which shall be included in the annual county audit performed by the county auditors.

(Ord. No. 2010-09, § 1.6, 9-13-2010)

Secs. 26-24—26-49. Reserved.

ARTICLE III. WATER UTILITY SERVICE

Sec. 26-50. Definitions.

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

Apartment means any building containing two or more single-family dwelling units and having one water connection for all dwelling units.

Authorized water service provider means any entity authorized by the county council to provide water service under a water service franchise agreement adopted by the county council.

Building means any improved property containing a structure which meets any one of the following classifications: Single-family dwelling; multiple-family dwelling; apartment; condominium; townhouse; business; commercial accommodations; or institution.

Business means any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes, except as defined under "commercial" and "institution."

Commercial means wholesaling, distribution, retailing, storage, food service and similar commercial facilities.

Commercial accommodations means any hotel, motel, lodge, tourist home, efficiency apartments, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a rental unit.

Condominium means one or more buildings containing two or more single-family units owned individually and not provided with access by public streets or roads and having one or separate water connections for all units.

County means the County of Clarendon, its elected officials and appointed authorized representatives.

Cross connection means any connection which joins or makes possible the commingling of water or effluent from two separate systems (i.e., any connection of county water lines with private well water lines or with lines also fed by private well water lines).

Customer or user means any responsible person who makes application to the county for water service.

Development means any physical improvement of real estate under the guidelines and requirements of the codes and ordinances of the county.

Equivalent residential unit (ERU) means equal to that number of single-family dwelling units. For purpose of establishing tap fee and billing cost, the following equivalents shall be used:

(1) Single-family dwelling unit	1.0
(2) Condominium dwelling unit	1.0
(3) Townhouse dwelling unit	1.0
(4) Apartment	1.0
(5) Hotel or motel, per room.....	0.60
(6) Mobile home	1.0
(7) Restaurant, per seat.....	0.25
(8) Business, institutional, or industrial per 6,000 gallons per month usage	1.0
(9) Individual campsite located within a campground	0.4

Impact fee means a fee to help offset future capital costs to provide increased volumes of service as new developments or subdivisions are added to the system and/or required upgrades to meet more stringent regulatory requirements.

Industrial means manufacturing, processing, assembling, fabricating, testing and similar industrial facilities.

Institution means any building used as a hospital, church, school or similar public facility.

Multiple-family dwelling unit means any building containing two or more single-family dwelling units and having individual water connections to each dwelling unit.

Services means the delivery of potable water through an authorized and approved water connection, account recordkeeping, billing and all work associated therewith.

Single-family dwelling unit means any building, house or apartment unit, occupied for living purposes by a single-family and owned or leased by the occupant on a continuing basis for 30 days or more per year.

Townhouse means one or more buildings containing two or more single-family units owned individually and provided with, or adjacent to, public streets or roads and having one water connection for each unit.

Water connection means all materials including valves, pipe, fittings, meter and meter box necessary to convey water from the most convenient water main to the most convenient property line of the customer.

Waterworks system means all property, wells, equipment, pumps, piping, water storage tanks, water connections, records, structures and any other associated appurtenances necessary to provide water service owned and operated by the county. (Ord. No. 2010-09, § 2.1, 9-13-2010; Ord. No. 2014-02, § (3), 9-8-2014)

Sec. 26-51. Damage, defacing, etc., systems.

It shall be unlawful and a violation of this section for any person or persons to damage, deface, alter, change or tamper with any part of the waterworks to include a cross-connection of any type; and upon conviction said person or persons shall be guilty of a misdemeanor and fined in accordance with the penalties for a misdemeanor and shall be liable for full costs incurred.

(Ord. No. 2010-09, § 2.2, 9-13-2010)

Sec. 26-52. Rights of county to discontinue service for section violations.

The county reserves the right to discontinue service immediately, and the water connection removed or severed, if it is found that any provision of this section has been violated.

(Ord. No. 2010-09, § 2.3, 9-13-2010)

Sec. 26-53. Written approval of county required prior to making any connections.

It shall be unlawful and a violation of this section for any person to make any connection to the waterworks system or to reconnect service when it has been discontinued for violation of this section, or any other reason, except where specifically approved in writing by the county with said approval being contingent upon satisfaction of all subsections of this section; and upon conviction, said person or persons, shall be found guilty of a misdemeanor.

(Ord. No. 2010-09, § 2.4, 9-13-2010)

Sec. 26-54. Charges due upon discontinuation of service.

When service has been discontinued for violation of the provision of this section, all charges for service to date become immediately due and payable and service will not be reinstated until payment in full has been made of all charges including bills, cost of repairs, service charges, reconnection fees and penalties.

(Ord. No. 2010-09, § 2.5, 9-13-2010; Ord. No. 2014-02, § (4), 9-8-2014)

Sec. 26-55. Owner or tenant responsible for unauthorized reconnections; fines imposed upon conviction.

Notwithstanding any other provision of the Code contained herein, when a service has been disconnected for nonpayment or for any other purpose and the service has been reconnected without the written approval of the county as specified in this Code, the owner of the property, as recorded on the county clerk's official record on which the unauthorized reconnection has been made, or his tenant, such as the case might be, shall be in violation of this section. Upon conviction, said person or persons shall be found guilty of a misdemeanor and sentenced to not less than 30 days or \$100.00 for the first offense, 30 days or \$250.00 or both for second offense, and 30 days or \$500.00 or both for the third and subsequent offenses.

(Ord. No. 2010-09, § 2.5.1, 9-13-2010)

Sec. 26-56. Operation of system on a fiscal year basis.

The water system of the county shall operate on a fiscal year basis with a beginning date of July 1 and an ending date of June 30; provided, however, that in its first year of operation the operating year may begin as determined by council but shall end at the first June 30th date subsequent to such action.

(Ord. No. 2010-09, § 2.6, 9-13-2010)

Sec. 26-57. Emergencies.

The county, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this article, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including, but not limited to, public notice 15 days prior to final action.

(Ord. No. 2010-09, § 2.7, 9-13-2010)

Secs. 26-58—26-88. Reserved.

ARTICLE IV. REQUIREMENTS FOR WATER SERVICE

Sec. 26-89. General requirements for service.

(a) *Application; payment of fees; deposits.* Each new water customer shall make application to the county for service by completing the standard application of the county for water service and paying the appropriate and required fees.

(b) *Tap fee required for new connections.* For each new water connection, and in addition to conformance with subsection (c) of this section, the person applying for water service shall pay a tap fee according to the schedule set forth in schedule A of this chapter, payment to be made before the water connection is provided by the county.

(c) *Water service and use fees.*

(1) *Tap fees.* The tap fee is a one-time fee charged by the county to provide a tap into the main so that service may be provided at any given location. The tap is assigned and established to provide service to that location only and is for the exclusive use of one service at the location where the tap is installed.

a. The actual fee charged increases according to the size of the tap being installed. For residential use the tap will be sized as requested by the owner or applicant. For institutional, commercial and/or industrial use the size of the tap required is to be determined by the equivalent residential units (ERU) shown on the chart in schedule A. chart I attached hereto.

b. In the case of application for a tap larger than 1½ inches, a line charge or impact fee may be applicable as determined by the water and sewer department and approved by county council.

(2) *Account and service connection fees.* All persons applying for water service, at any location, shall pay a non-refundable connection fee of (see chart). This fee establishes service in the customers name at a specific location and is nontransferable. Service will not begin until this fee is paid.

a. Exception: In the event of the death of an immediate family member or spouse residing in the household, the surviving spouse or family member remaining at the same location with the same service may request that the connection fee be waived and the name (only) of the water use subscriber (customer) be changed.

b. The fees required at the time of the requested service shall be in amounts as established by the county council from time to time.

(d) *Services from existing service on another lot.* No water service shall be furnished to any lot or premises from an existing service on another lot or premises except as herein provided or by special authorization, in writing, of the county water and sewer department.

(e) *Claims or demands against county.* No claims or demands that the customer may have against the county shall be considered as an offset against the payments for service as provided under this article.

(f) *Nontransferability, etc.* Water service as provided by this article is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial or institution; and said service shall not be subleased, assigned, transferred, sold or disposed of to others, in whole or in any part thereof.

(g) *Each connection constitutes a separate account; responsibility of applicant.* Each water connection shall require the payment of fees as required and separate billing for water service and shall constitute a separate account in the waterworks records of the county. The applicant for water service to be provided through that water connection shall be responsible to all sections of this article regardless of ownership of the property being served by that water connection.

(h) *No free service.* No water consumption (monthly usage) shall be furnished or rendered free of charge to any person.

(i) *Returned (NSF) checks.* A charge shall be added to a water account for each returned (NSF) or refused check given on an account. Water service shall be terminated immediately upon dishonor of any check given to the county for payment of a utility account. The amount of the returned check charge shall be as established by the county council from time to time.

(j) *Locating and uncovering meter or backflow device.* The actual cost of locating, uncovering and inspecting any meter box, water meter or backflow device covered by grading or filling shall be added to the charges for water service.
(Ord. No. 2010-09, § 3.1, 9-13-2010); Ord. No. 2014-02, § (5), 9-8-2014)

Sec. 26-90. Service.

(a) *Responsibilities of county.* The county or any other party approved by the county shall provide personnel to operate the system in number and of skill as required by the rules and regulation of the state department of health and environmental control (SCDHEC). The county agrees to provide a regular and uninterrupted supply of water and service but in case the supply of water shall be interrupted or fail by accident, or any cause whatsoever, except gross negligence on the part of the county, the county shall not be liable for such interruption or failure and the county shall not be liable for any damages sustained by the customer by reason thereof.

(b) *All services to be metered.* All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year, or if unavailable, a reasonable estimate.

(c) *Sales to casual users.* The county may sell water to a casual user in containers furnished by the user at the rate of \$6.00 per 1,000 gallons. The user must secure prior written permission from the water and sewer department director. The person, firm, or corporation receiving the water shall pay for the same to the department before the water is secured.

(d) *Construction water.* Construction water will be furnished for each tap fee received at the rate of \$25.00 minimum, 4,000 gallons per minimum, and \$6.00 for each additional 1,000 gallons.

(e) *Right to enter premises.* The county or any other party approved by the county shall have the right to enter the customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations or reading meters. The county or any other party approved by the county shall further have the right to enter the customer's premises for inspections and any other reason for administering reasonable service provided that the customer is notified in advance.

(f) *Detector check meters required for certain installations.* All water connections installed for sprinkler systems or similar business and commercial fire protection devices must be equipped with a detector check meter at the customer's expense.

(g) *Convenience cut-off and cut-on.* Upon payment of a fee, the county will allow any customer a convenience cut-off and cut-on as a protective measure during periods of absence from the premises. Actual cut-off and cut-on must be accomplished by the county or any party approved by the county and does not relieve the customer of any obligation to pay the minimum charges in the rate schedule as set forth in Chart II, Water Usage Rate Schedule. The amount of the cut-off and cut-on fee shall be as established by the county council from time to time.

(h) *Portion installed and maintained by property owner.* For all new installations or services, the service shall be installed from the meter to the point of connection with the building plumbing. This installation, shall be the expense of the property owner or his agent, and be maintained by the property owner or his agent. This service line shall have a minimum depth of 18 inches. Any variations of the above shall be approved in writing by the county.

(i) *Plumbing.* All building plumbing shall conform with the International Plumbing Code, latest revision. It shall become the responsibility of each person requesting a water connection to notify the county and arrange for final inspection of the plumbing while visible and accessible to the inspecting agent of the county before permission to connect is granted.

(j) *License for installation required.* The installation and connection of the building to the water distribution line shall be completed by a person properly licensed to perform such service.

(k) *Inspections; action to be taken on hazardous conditions.* The county may make inspections of existing building plumbing and if any condition is found which, in the opinion of the county, constitutes a health hazard or a potential health hazard to the water supply or operation of the waterworks system, the county shall require

immediate action to be taken by that customer and/or sever the water connection until remedial measures are instituted and the hazard eliminated to the complete satisfaction of the county.

(l) *Hazardous connections.* Under no circumstances shall any part of the waterworks system be connected in any way with any other water source except as specifically approved in writing by the county. Any hazardous connection between the waterworks system and any source of contamination is expressly prohibited.

(m) *Certain precautions to be exercised during improvements, etc.* During any and all improvements, expansions, repairs or fire calls, the county shall exercise all reasonable precautions to protect the quality of the water supply including, but not limited to flushing of mains and chlorination.

(n) *Emergency actions.* In the interest of the public health and safety, the county shall be permitted to take such emergency action as may be deemed necessary in the operation of the waterworks system including, but not limited to, the right to close down any water line or portion of the waterworks system for the purpose of making connections, alterations or repairs.

(o) *Tests.* The county shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the state department of health and environmental control (SCDHEC).

(p) *Renting, leasing, etc.; houses, apartments.* It shall be unlawful for any person to hire, rent, lease or let in any manner or for any purpose any house, apartment building, or tenement of any kind of description within the county whereby more than one family unit or operation is supplied water by or through one meter or water connection unless such person shall apply in his own name for service and become responsible for such water rents.

(q) *Use of water mains without county permission.* It shall be unlawful for any person who has no contract, agreement, license, or permission with or from the county to use water belonging to or furnished by the county, willfully to withdraw or cause to be withdrawn in any manner and appropriate such water from the water mains or pipes of the county or any water mains or pipes connected therewith for his own use or for the use of any other person.

(r) *Unlawful to sell water.* It shall be unlawful for any person, supplied by the county to resell water except as authorized by the county to its (wholesale) franchisees. If such resale exists without the expressed authorization of the county, the county is authorized to disconnect the service from the county's water system.

(s) *Permit required to turn on or off water supply.* It shall be unlawful for any person to turn on or off the supply of water to any premises at and with the curb stop without first having obtained the proper permit to do so from the authorized representatives of the county.

(t) *Breaking meter seal.* If a meter seal or lock has been found broken, the county, in its sole discretion considering all remedies available, may disconnect the service and service will not be reestablished until the reconnection fee is paid to the county.

(u) *Meter repaired at expense of owner.* Meters damaged by accident will be replaced by the county at no expense to the customer. Meters damaged by vandalism, misuse or acts of carelessness by the customer will be replaced by the county at the expense of the customer.

(v) *Operating fire hydrants unlawfully.* Operating fire hydrants, valves or other control instruments and the drawing of water therefrom by unauthorized persons is prohibited. Such action by any person shall be considered a misdemeanor and be punishable in magistrate court at the court's discretion.

(w) *Application for taps concurrent with building permit application.* All water taps shall be applied for concurrently with the applicable building permits. No monthly user charges will be levied until services are put in use.

(Ord. No. 2010-09, § 3.2, 9-13-2010; Ord. No. 2014-02, § (6), 9-8-2014)

Sec. 26-91. Records and billing.

(a) *Water billings.* All meters shall be read monthly, the use charges calculated and the bills mailed on the last work day of each calendar month or as close thereto as practical. The charges shall be payable to the office of the county water and sewer department on or before the 15th of the following month. If said payment is not received by the 15th, a penalty of ten percent of the total amount due will be added to the account balance. If the account balance is not paid by the tenth of the following month, water service shall be discontinued until user has paid the past due balance in full and the required reconnection charge.

(b) *Reconnection charge.* Should service be discontinued due to failure to pay any water usage and/or service and application charges, the water customer shall pay the account balance in full plus a charge to restore the service (twice the charge after hours). Following such payments, the county will restore the service within a period of four working hours of any workday (weekends, holidays, etc., not included). The amount of the cut-off and cut-on fee shall be as established by the county council from time to time.

(c) *County not responsible for non-delivery of bill.* While the county will make every reasonable effort to see that each customer receives his bill, no responsibility will be assumed for non-delivery when same has been mailed at the post office.

(d) *Where charges are payable.* The county administrator may authorize payments for all charges related to the operations of the county water and sewer department to be collected by any department of the county.

(e) *Classification of accounts.* Each account for water service shall be classified for billing purposes at the discretion of the county and according to the definitions contained herein. The customer shall have the right of redress to the county for purposes of reclassification through presentation of sufficient evidence to the county water and sewer department.

(f) *Basis for billing.* Billing will be based upon minimum rates for each meter size as given in Schedule A. Any service discontinued for convenience under section 26-90(g) shall be subject to payment of the minimum monthly rate for the period of absence.

(g) *Records to be kept separate.* The county shall keep separate from other business the records of the water system.

(h) *Budget.* The county council shall prepare an annual budget for the water system based upon the audit and establish such changes as may be necessary to fund said budget in accordance with this article.

(i) *User required to pay tap fee increase, if applicable, when connection not made within 12 months from permit issuance.* In case a water connection is not made to the county's water system within 12 months from the date a permit therefore was first obtained, any tap fee increases during the previous 12 months will be paid by the user before such tap is put into service.

(j) *User charges and surcharges.*

- (1) Monthly service charges levied; billing errors. The county shall levy monthly water user charges based upon actual water consumption recorded by the water meters. Such charges shall be due and payable upon notice and shall be considered delinquent for failure to pay as required by subsection (a) of this section.
- (2) In the event a customer feels that there has been an error in the billing of his account, he must notify the county water and sewer department at least two working days before the account becomes delinquent. In the event that an error has been made, a correction will be made to ensure that said customer services are not disconnected.

(k) *Accidental water loss; adjustment of usage charges.* In the event that a significant amount of water is lost due to broken pipes or other unforeseeable difficulties, the customer being billed for the water may apply to the county water and sewer department for an adjustment of the charges, to eliminate payment of the cost of the wasted water. Any such adjustment will only be considered if the loss is promptly reported and the cause of the problem promptly repaired. The cost of any water lost over a period in excess of ten days will not be adjusted.

(l) *Calculation of adjustment.* To calculate the adjustment, the average monthly usage thru the same meter for the most recent three months billing period will be considered. If this information is either not available or not applicable, a reasonable estimate will be used. The county does not guarantee that adjustment will be made in every case, and under no circumstances will any water user receive more than one adjustment in any 12-month period.

(Ord. No. 2010-09, § 3.3, 9-13-2010; Ord. No. 2014-02, § (7), 9-8-2014)

Sec. 26-92. Taps.

(a) *Payment of fee prior to connection.* No water connection shall be made until the tap fee as required has been paid.

(b) *Standard equipment and materials.* All taps and related water connections shall be accomplished by the county or other party approved by the county using standard equipment and materials.

(c) *Service lines brought only to property line.* The water service line will be brought only to the property line by the county. On single service connections, the county shall install, as close as possible to the property line, a meter, backflow preventer and cut-off valve. Where a developer is putting in a new subdivision, the developer shall run all taps to the property line with cutoff valve, meter yoke, meter box and backflow preventer purchased and installed by the developer to county specifications, as inspected and approved by the county.

(Ord. No. 2010-09, § 3.4, 9-13-2010)

Sec. 26-93. Water usage rates.

Monthly billing for water service shall be based upon water use in accordance with the rate schedule set forth in Schedule A Chart II attached hereto.

- (1) *Minimum monthly charges for water services.* A schedule of minimum monthly charges for water service, based upon meter size and/or equivalent residential units served, shall be as set forth in schedule A, attached hereto.
- (2) *Minimum monthly charges for water services.* A schedule of minimum monthly charges for water service, based upon meter size and/or equivalent residential units served, shall be as set forth in schedule A, attached hereto.
- (3) *Rates for industrial customers.* Notwithstanding the provisions of subsections (1) and (2) of this section, water usage rates and minimum monthly charges for industrial customers may be negotiated by the county water and sewer department; provided, however, that the rates shall not be greater than industrial charges set forth in appendix A to this chapter, or less than the cost of providing the water and servicing the account, to include all direct and indirect costs associated with the account. An agreement shall be drawn up between the county and the industrial customer. Rates shall be subject to the

same average percent adjustments applied to other industrial users after the date of the agreement; provided, however, that the rates may be fixed at the originally negotiated rate for up to one year from the date of the agreement. In the event the provisions of such agreement result in the county's furnishing the service at less than cost, as defined above, during the period the rates are fixed, the agreement shall be renegotiated.

- (4) *Special tap and impact fees in new service areas.* The county department may develop special tap and impact fee rates, to be approved by the county council, for proposed new water service areas when the economic benefit to the water system and its planned development outweighs the economic benefit of using the fee schedules established and set forth in schedule A.
- (5) *Rate schedules for multi-user customers.* The following provisions shall be applicable for multi-user residential and commercial accounts as defined in subsection below:
- a. *Multi-user customers.* Multi-user customers shall include, but shall not necessarily be limited to, the following classes of subscribers for which water use is based, at least in part, upon the number of users connected to the subscriber's system:
 1. Condominium dwelling.
 2. Townhouse dwelling.
 3. Apartment dwelling.
 4. Hotel or motel.
 5. Mobile home park.
 6. Restaurant.
 7. Campground.
 - b. *ERU factor to be established.* An ERU factor shall be assigned to each qualifying multi-use subscriber. The ERU factor shall be calculated based on the ERU assigned under section 26-50, definitions, of this article. For qualifying subscribers for which no ERU is listed in section 26-50, an ERU shall be determined by the system director upon the advice of the system engineer. The ERU factor shall be calculated based on the newly assigned ERU; an ordinance amendment to provide for addition of the new ERU assignment shall be introduced for county council's approval.
 - c. *Rate schedule to be determined by the ERU factor.* The rate schedule for multi-user subscribers shall be determined by calculating the number of ERUs served, hence the tap size required and therefore the minimum monthly charge and rate for water used.

(Ord. No. 2010-09, § 3.5, 9-13-2010)

Sec. 26-94. Automatic sprinkler system charges.

(a) *System defined.* An automated sprinkler system and/or sprinkler system for the purpose of this subsection is a structure which contains sprinkler heads which are attached to any device to which water can be supplied by the county water system for the purpose of fire suppression in the event of an emergency.

(b) *System charges.* The charge for services rendered by the county water system to each automatic sprinkler system shall be at annual rate. The amount of the annual rate shall be as established by the county council from time to time. This charge shall include all sprinkler heads connected to the system to a maximum of 500 heads. The additional charge for sprinkler heads numbering over 500 shall be \$0.25 each. This service includes water consumed in the proper use of said system without additional charge thereafter.

(c) *Payment of charges.* Charges for sprinkler system service shall be due and payable on December 31 of each year. Systems coming on line during the current year will be billed on a prorated quarterly basis.

(d) *Penalties for nonpayment.* Payment shall be considered current during January. After January 31, a ten percent penalty will be added to the bill on the last day of each month thereafter until payment in full is received or until April 30. Effective May 1, the county shall disconnect the water supply line.

(e) *Reconnection following discontinued service.* Following disconnection for nonpayment as set forth in subsection (d) of this section, the county will reconnect the supply only after the account is paid in full. The reconnection charge shall be the cost (time, labor, equipment) plus 15 percent but in no case less than \$250.00.

(f) *Insurance carrier to be notified.* Upon nonpayment of a delinquent account, the county may notify the customer's insurance carrier of the intent to discontinue service for nonpayment. Whenever practical, this will be done in advance of a disconnection in the interest of public safety and protection of property.

(g) *Metered service permitted.* A commercial or industrial account which desires to operate their own meter for fire flow will be permitted to do so. The county shall inspect the installation as to proper piping, etc., and shall require a calibration test on said meter annually and/or as dictated by circumstances. The owner (customer) shall be responsible for all such meters and appurtenances and any water used shall be billed at prevailing rates.

(h) *Cost for metered service.* Customers exercising this option shall pay a minimum charge of \$25.00 per month to offset administrative and billing cost.

(i) *Fire hydrants and sprinkler systems.* The fee for a water connection made exclusively for fire protection through private fire hydrants and sprinkler systems, either or both, shall be made for the actual cost of such taps plus 50 percent. There is hereby established as a standby charge for such connections within the county an

annual fee for each fire hydrant located on private property and a separate annual charge for each fire sprinkler head installed in the building. The amounts of the annual fee and the annual charge shall be as established by the county council from time to time.

(Ord. No. 2010-09, § 3.6, 9-13-2010)

Sec. 26-95. Water system extensions.

(a) *Responsibility.* Construction of water lines in any new development shall be the responsibility of the person responsible for such development as specified by the county unified development code and any other relevant section.

(b) *Conveyance of water lines to county.* Water lines constructed within new development may be conveyed to the county provided all such lines are located within public rights-of-way or upon approved easements of adequate unobstructed widths to provide maintenance vehicle access.

(c) *Plans and specifications.* Any new development proposing to construct water distribution lines or extensions to existing transmission mains to connect directly into the county's water system shall conform its plans and specifications to the requirements of the county engineer. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by any and all local, county and state authorities having jurisdiction.

(d) *Administrative procedures.* The following administrative procedures shall be followed:

- (1) Submit preliminary construction plans to the county engineer in sufficient detail to indicate location, system layout, line sizes, services connections, flows, pressures and point of connection to the county's system.
- (2) Receive preliminary approval from county and other jurisdictional agencies.
- (3) Prepare construction drawings and documents for county approval.
- (4) Secure all other agency approvals of construction drawings and contract documents.
- (5) Upon receipt of all approvals, proceed with construction, notifying the county engineer of constructions schedules.
- (6) Provide the county engineer and its authorized representatives with permission for onsite inspection during construction.
- (7) Furnish to the county engineer a certificate of completion, certificate of testing (hydrostatic and potability), instrument of conveyance, and warranty together with such other legal documents as may be required.

(e) *Construction.* Construction of the proposed water system shall be accomplished by a registered licensed contractor under the laws of the state.

(f) *Certificate of completion.* Upon completion of construction, the engineer employed by the development shall inspect and furnish to the county engineer at no cost to the county his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specifications, and shall provide four copies of "as-constructed" drawings. As-constructed drawings shall be provided in the following forms: two printed copies, one .pdf copy, and one .dwg (AutoCad) file. The .dwg file shall provide layout data on appropriate state plane coordinate system used by the county GIS.

(g) *Warranty.* The owner or his authorized agent shall submit a warranty, which is a legal instrument in which the owner warrants the materials, equipment and construction of the system for 12 months. The owner shall further warrant to the county engineer that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the county harmless in each instance.

(h) *Instrument of conveyance.* When all provisions as stated in this article have been met and approved, the development engineer will prepare and submit to the county engineer an instrument of conveyance conveying the constructed system to the county, at no cost to the county, and the system shall thereafter be owned, operated and maintained by the county as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate department.

(Ord. No. 2010-09, § 3.7, 9-13-2010; Ord. No. 2014-02, §§ (12), (13), 9-8-2014)

Secs. 26-96—26-119. Reserved.

ARTICLE V. CROSS CONNECTION; BACKFLOW PREVENTION

Sec. 26-120. General purpose and department.

- (a) The purpose of the regulations under this article is:
- (1) To protect and maintain the county water supply system so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of its consumers.
 - (2) To adhere to the state Safe Drinking Water Act (S.C. Code 1976, § 44-55-10 et seq.), and the South Carolina Primary Drinking Water Regulations promulgated by the state department of health and environmental control (S.C. Code Reg. 61-58).
 - (3) To facilitate the elimination or control of any existing, unprotected cross-connections between the potable water supply system and any other water systems, sewers or waste lines, or any piping systems or containers containing polluting substances.

- (4) To provide for the establishment and maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of the potable water supply system by cross connection.

(b) Nothing herein shall be construed to conflict with any applicable federal and state laws and regulations or with any other existing ordinances, codes or any amendments thereto.

(Ord. No. 2010-09, § 4.1, 9-13-2010)

Sec. 26-121. Adoption of cross connection control and backflow prevention regulations.

(a) For the protection of the public water supply system against possible contamination arising from problems involving cross connections, the county water supply system is authorized to adopt regulations establishing and maintaining a cross connection control program. Such program shall include, but not be limited to, the survey, inspection, and approval of all existing facilities, the evaluation inspection, and approval of new facilities, requirements for periodic testing of all backflow prevention devices, and the assessment and collection of fees in an amount sufficient to cover the cost of the program.

(b) The cross connection control program shall be in accordance with the regulations promulgated by the state department of health and environmental control, which regulations are adopted by reference and made applicable to the county water supply system and all connections thereto.

(c) The director of the county water supply system is hereby given the primary responsibility for enforcement of the provisions of this Code and for maintaining all records pertaining thereto.

(d) The regulations and provisions of this Code apply to the entire water system of the county, to all water customers of the county, and to all connections with the water supply system of the county, whether located inside or outside of municipal limits, this to include systems of any franchisees which are connected to the county system.

(Ord. No. 2010-09, § 4.2, 9-13-2010)

Sec. 26-122. Definitions.

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

Approved means accepted by the director of the county water supply system or his authorized representative as meeting the required standards or specifications, or as suitable for the proposed use.

Backflow means the undesirable reversal of the flow of water or other liquids, mixtures, gases, or other substances into or towards the distribution piping of a potable supply of water from any source or sources.

Backflow preventer means any device or means approved by DHEC for use in preventing backflow under its prescribed limited conditions and design for use. These

devices consist of: air gap, reduced pressure backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double (or dual) check with intermediate atmospheric vent.

- (1) *Air gap* means a physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system, vessel, vat, tank, etc. This physical separation must be a minimum of twice the diameter of the supply side pipe diameter, but never less than one inch. This method or device is approved for use on high hazard category cross connections.
- (2) *Atmospheric vacuum breaker* means a device which prevents back-siphonage by creating an atmospheric vent in the line when the supply line pressure falls to atmospheric (zero) or below, creating a vacuum or negative pressure. This device is approved for use on low and (intermediate) hazards where only back-siphonage is being addressed.
- (3) *Double check valve assembly* means an assembly of two independently operating spring or weight loaded check valves with tightly closing shut off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. This device is approved for use on low hazard category cross connections.
- (4) *Double (or dual) check valve with intermediate atmospheric vent* means a device having two spring loaded check valves which are separated by an atmospheric vent. This device is only available in small sizes through three-quarters of an inch. It has no test cocks or gate valves, and is usually used for internal protection. This device is approved for low to (intermediate) hazard category cross connections.
- (5) *Hose bibb vacuum breaker* means a device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker. It is normally approved for low hazard category cross connections, back-siphonage only.
- (6) *Pressure vacuum breaker* means a device which is identical to the atmospheric vacuum breaker except that it is equipped with two tightly closing shut-off valves and an internal spring which allows it to be installed under continuous pressure. This device is only approved for use against back-siphonage backflow where low (to intermediate) hazard category exist.
- (7) *Reduced pressure backflow preventer* means an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the check valves. Tightly closing shut-off valves are located on each end of the check valves, and properly located test cocks are positioned for the testing of the check valves and the relief valve.

This device is approved for high hazard category cross connections, and may never be installed in a location or manner which will subject the device to possible flooding or allow the relief valve to become submerged under water.

- (8) *Residential dual check* means a device with two independently operating check valves. This device is not equipped with shut-off valves or test cocks, and is approved for low hazard category cross connections. Residential dual checks are normally employed as a containment device installed at or in the service connection meter box.

Certified tester means any person holding an up-to-date backflow prevention device tester certification card issued by DHEC.

Containment means a method of backflow prevention which requires a backflow preventer at the water service connection entrance (usually immediately downstream of the water meter).

Contaminant means any physical, chemical, biological, or radiological substance or mater in water, impairing the quality of the water.

Cross connection means any actual or potential connection or structural arrangement between a public water supply and any other source or system through which it is possible to introduce into any part of the potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.

DHEC means the state department of health and environmental control, including personnel authorized to act on behalf of the department.

Director means the director of the county water supply system including personnel authorized to act on behalf of the director.

High hazard means an actual or potential threat to the public water supply of a physical or toxic nature to such a degree of intensity that there would be a danger to public health.

Low hazard means that degree of hazard which would not constitute a threat to health, but which may cause an actual or potential threat to the physical properties of the water sufficient to cause a nuisance or be aesthetically objectionable.

Owner means any person who has legal title to, or license to operate or reside on a property upon which a cross connection inspection is to be made or upon which a cross connection is present or suspected of being present.

(Ord. No. 2010-09, § 4.3, 9-13-2010)

Sec. 26-123. Administration.

(a) The county water supply system is authorized to operate a cross connection control program by this article, and in accordance with applicable DHEC laws and regulations.

(b) The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the county water supply system's cross connection control program and DHEC regulations.

(c) The director has the primary responsibility of enforcing the cross connection control program and to maintain all records pertaining thereto.

(d) If the director requires the public water supply to be protected by the containment approach then the owner shall be responsible for water quality beyond the outlet end of the containment device and shall implement a program of internal protection which will address each offending fixture within his facility for the purpose of protecting the health of his employees as well as the safety/potability of his product. (Ord. No. 2010-09, § 4.4, 9-13-2010)

Sec. 26-124. Requirements.

(a) *New construction.*

- (1) The director shall conduct on-site evaluations, inspections, interviews, and inspections, the director shall conduct a survey of all existing nonresidential customers in order to determine which facilities will be required to install protective devices, the type of protective device to be required and the length of time allowed for installation of the required device.
- (2) Any newly installed double check valve assembly or reduced pressure backflow preventer shall be tested by a certified tester prior to any final approval of compliance and the establishment of service.

(b) *Existing premises (facilities.)*

- (1) Utilizing water customer billing records, telephone calls, personal interviews and inspections, the director shall conduct a survey of all existing nonresidential customers in order to determine which facilities will be required to install protective devices, the type of protective device to be required and the length of time allowed for installation of the required device.
- (2) Any newly installed reduced pressure backflow preventer or double check valve assembly required on any existing facility shall be tested by a certified tester upon installation and once annually thereafter. A firm but reasonable time period is to be established by the director for the completion of the required installation and testing of the prescribed device.
- (3) The director shall not allow any existing cross connection to remain unless it is protected by an approved backflow preventer which is commensurate with

the degree of hazard in question. The director has to decide whether the backflow prevention device must be installed at the service connection meter (containment approach), or whether the cross connection in question may be adequately eliminated or protected within the facility at or near its point of origin (internal protection approach).

- (4) Enforceable time schedules shall be implemented by the director for compliance with testing and installation requirements.
 - (5) The owner shall be responsible for meeting all compliance schedules, as well as for all fees, and required device testing.
- (Ord. No. 2010-09, § 4.5, 9-13-2010)

Sec. 26-125. Hazard, high and low.

(a) The county water supply system recognizes the threat to the public water system arising from cross connections. All threats shall be classified by the water system as high or low hazard, and shall require the installation of the appropriate approved backflow prevention device which are consistent with DHEC regulations, and the cross-connection control program.

(b) To determine the nature of existing or potential hazards, the county water system shall initially focus on the high hazard facilities. This includes facilities which offer the potential threat of contamination of a toxic nature (i.e., chemical, bacteriological, or industrial).

(c) The owner shall be responsible for notifying the director of any existing, proposed or modified cross-connection of which the owner has knowledge but which has not been found by the director.

(d) If the director determines at any time that a serious threat to the public health exists from an actual or potential cross connection, the water service may be terminated immediately and remain terminated until the director determines that a serious threat to the public health no longer exists.

(Ord. No. 2010-09, § 4.6, 9-13-2010)

Sec. 26-126. Testing requirements.

(a) As part of the cross connection control program, the director shall require annual testing by a certified tester of all backflow prevention devices. The director may require more frequent testing as he deems necessary based upon the age and condition of the device, where there is a history of test failures, or due to the degree of hazard involved, such additional test are warranted. All testing will be performed at the owner's expense.

(b) The certified tester performing the test shall furnish the owner with a written report of the inspection and testing results. The certified tester shall submit a copy of the test report to the director, and the county water system shall be responsible for maintaining those reports for a period of five years.

(c) Each newly installed device shall be tested by a certified tester after installation, but before use by the owner. Each device shall be tested annually thereafter unless the director determines that more frequent testing is warranted.

(d) Any backflow prevention device which fails during a test must be repaired or replaced at the owner's expense. Upon completion of repairs, the device shall be re-tested at the owner's expense. High hazard cross connections shall not be allowed to continue unprotected due to a malfunctioning backflow prevention device. A compliance date of not more than 30 days after the test date shall be established for successful repair, replacement and testing of the device in question.

(Ord. No. 2010-09, § 4.7, 9-13-2010)

Sec. 26-127. Records.

(a) The director shall initiate and maintain the following records:

- (1) Master files on cross connection surveys and inspections, including the owner's name, address, phone number, and location of the device if present.
- (2) Copies of cross connection device testing reports furnished by the certified tester.
- (3) The most current list of DHEC approved backflow prevention devices.
- (4) A current list of certified testers.

(b) Records shall be open for inspection by the public during normal business hours.

(Ord. No. 2010-09, § 4.8, 9-13-2010)

Sec. 26-128. Unlawful acts.

(a) It shall be unlawful for any person to make any connection to the county's water supply system without approval of the director of the county water supply system. Each day that such unauthorized connection exists prior to obtaining this approval, shall constitute a separate offense and be punishable by a fine of \$250.00 per day, or any fine as may be levied by the magistrate's court.

(b) Any person found to be in violation of any provision of this article or of the regulations establishing a cross connection control program pursuant to this article shall be served with written notice stating the nature of the violation and shall be given a reasonable time limit for the satisfactory correction thereof. The offender

shall, within the period of time stated in such notice, permanently cease all violations. Failure to correct the violation within the time limit specified shall constitute an unlawful act subject to the penalties set forth in subsection (a) of this section.

Sec. 26-129. Account categories; defined.

The customer (user) account categories shall be defined as:

Residential. Homes (single- and two-family), mobile homes or any dwelling where people reside in structures which are physically separate from each other.

Public service/institutional. Public facilities, e.g., government agencies, schools, fire department, parks, fairgrounds. Other service organizations, churches, meeting halls, etc. Any connection larger than 1.5 inches shall not be included in this category.

Commercial. Multifamily dwelling units (apartments, condos, etc.) on a single (master) water meter and small businesses, restaurants and any other customer which represents a non-industrial, nonresidential business enterprise.

Industrial/agricultural. Manufacturing, processing, construction and agricultural customers. With few exceptions, any service connections larger than 1.5 inches will be considered to be classified in this category.

Chart II. Water usage rate schedule

<i>Meter Size (in inches)</i>	<i>Usage</i>	<i>Residential</i>
$\frac{3}{4}$	Unmetered	\$29.50
$\frac{3}{4}$	First 3,000 gal. (min.)	25.75
	All over 3,000 gal. (per 1,000/gal.)	6.25 m
1	First 10,000 gal. (min.)	69.50
	All over 10,000 gal. (per 1,000/gal.)	6.25 m
2	First 15,000 gal. (min.)	100.75
	All over 15,000 gal. (per 1,000/gal.)	6.25 m
3	First 30,000 gal. (min.)	194.50
	All over 30,000 gal. (per 1,000/gal.)	6.25 m
4	First 200,000 gal. (min.)	1,257.00
	All over 200,000 gal. (per 1,000/gal.)	6.25 m

Note: Rates established by USDA/RDA

Chart III. Meter size; meter capacity; operating range

<i>Meter size</i>	<i>Normal operating meter capacity (g.p.m.)</i>	<i>Range (g.p.m.)</i>
3/4"	24	2-30
1"	40	2-50
1 1/2"	80	5-100
2"	128	8-160
3" Turbine	280	5-450
3" Compound	256	4-320
4" Turbine	800	15-1250
4" Compound	400	6-500

(Ord. No. 2010-09, § 4.9, 9-13-2010)

Secs. 26-130—26-156. Reserved.

ARTICLE VI. SEWER UTILITY SERVICE

Sec. 26-157. Purpose and policy.

This article sets forth uniform requirements for users of the POTW for the CCWSD and enables the department to comply with all applicable state and federal laws, Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) and subsequent amendments, including the Water Quality Act of 1990 (PL 101-596) together with the South Carolina Pollution Control Act and the General Pretreatment Regulations (40 CFR 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (6) To enable the CCWSD to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

This article shall apply to all users of the POTW. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the article established herein.

(Ord. No. 2010-09, § 5.1, 9-13-2010)

Sec. 26-158. Administration.

Except as otherwise provided herein, the department shall administer, implement, and enforce the provisions of this article.

(Ord. No. 2010-09, § 5.2, 9-13-2010)

Sec. 26-159. Abbreviations.

The following abbreviations, when used in this article, shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, oil and grease
gpd	Gallons per day
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
TN	Total nitrogen
TSS	Total suspended solids
USC	United States Code

(Ord. No. 2010-09, § 5.3, 9-13-2010)

Sec. 26-160. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Act or the Act means the Federal Water Pollution Control Act, Public Law 92-500, as now or hereafter amended, also known as the Clean Water Act, as amended, and the Water Quality Act of 1990, Public Law 101-596.

Approval department means the state Department of Health and Environmental Control (DHEC).

Authorized representative of the user means:

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the department.

Biochemical oxygen demand or BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C expressed in terms of concentration (e.g., milligrams per liter) and/or weight (pounds).

Categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405—471.

CCWSD means the Clarendon County Water and Sewer Department.

Compatible pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and

controlled in this department's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

Control department means the approval department, defined hereinabove; or the department of the pretreatment ordinance under the provisions of 40 CFR 403.11.

Department means the Clarendon County Water and Sewer Department, as, the administration of the pre-treatment ordinance under the provisions of 40 CFR 403.11.

Domestic wastes means liquid wastes:

- (1) From non-commercial preparation cooking and handling of food; or
- (2) Containing human excrement and similar matter from the sanitary conveniences of dwelling, commercial buildings, industrial facilities, and institutions.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division director, or other duly authorized official of said agency.

Equalization means a process whereby varying (non-uniform) wastewater discharge flows are balanced off into a uniform wastewater discharge flow.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

Grab sample means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Incompatible pollutant means any pollutant which is not a "compatible pollutant" as defined in this section.

Indirect discharge or discharge means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial wastewater means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes

or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the department's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National categorical pretreatment standard or pretreatment standard. (See *Categorical pretreatment standard or categorical standard.*)

New source means any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.

- (1) The term "new source" applies to the following:
 - a. Any building, structure, facility, or installation which is constructed at a site where no other source is located.
 - b. Any building, structure, facility, or installation which totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
 - d. Construction on a site at which an existing source is located which does not create a new building, structure, facility, or but otherwise alters, replaces, or adds to existing process or production equipment.
- (2) Construction of a new source as defined under this section has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass through means a pollutant which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the department's NPDES permit, (including an increase in the magnitude or duration of a violation).

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or *standard pretreatment standards* means prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or *prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 26-190.

Publicly owned treatment works or *POTW* means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the department or POTWs owned by other entities contracted to receive wastewater flows by the department. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and exclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Significant industrial user means any user subject to categorical pretreatment standards or any user whose flow equals or exceeds:

- (1) 25,000 gallons per day;
- (2) Five percent of the average dry weather hydraulic or organic capacity of the treatment system; or
- (3) Is designated as such by the department on the basis that the industrial user has a reasonable potential for adversely affecting the department's wastewater system operation or for violating any pretreatment requirements or pretreatment standards.

The department may determine, on its own initiative or in response to a petition received from an industrial user, that an industrial user meeting the criteria of subsection (2) or (3) of this definition has no reasonable potential for adversely affecting the department's wastewater system operation or for violating any pretreatment requirements or pretreatment standards and that such industrial user is not a significant industrial user.

Significant noncompliance means an industrial user's violation meets one or more of the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the department determines has caused, along or in combination with other discharges, interference or pass through (including endangering the health of department's personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the department's exercise of its authority under this chapter to halt or prevent such a discharge;
- (5) Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in written notification for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the department determines will adversely affect the operation or implementation of the industrial pretreatment ordinance.

Slug load or slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration occurring during normal operation. Also, could cause a violation of the prohibited discharge standards in section 26-190.

Standard Industrial Classification (SIC) Code means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Stormwater means any flow occurring during or immediately following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent means the person designated by the department to supervise the operation of any POTW owned by the department and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage, or other liquids which are removable by laboratory filtering and is further defined in standard methods.

Unpolluted water means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

User or industrial user means any person who discharges, causes or permits the discharge of wastewater into the department's wastewater treatment system either directly or indirectly through wastewater system of others.

User classification means a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

Wastewater means the liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the department's treatment works.

Wastewater treatment plant or treatment plant means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Wastewater treatment system means any devices, facilities, structures, equipment or works owned or used by the department for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

(Ord. No. 2010-09, § 5.4, 9-13-2010; Ord. No. 2014-02, §§ (14), (16), 9-8-2014)

Secs. 26-161—26-189. Reserved.

ARTICLE VII. GENERAL SEWER USE REQUIREMENTS

Sec. 26-190. Prohibited discharge standards.

(a) *General prohibitions.* No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

- (2) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment.
- (3) Solid or viscous substances in amounts which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues from refining or processing of fuel or lubricating oil, and similar substances.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW's operation.
- (5) Wastewater having a temperature greater than 150°F (60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- (6) Oil and grease concentrations or amounts from industrial, commercial or institutional facilities violating federal pretreatment standards. Wastewater from such a facilities containing floatable fats, wax, grease or oils, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through but in no case in excess of 100 mg/l.
- (7) Pollutants which result in the presence of toxic gases, vapors, fumes or substances in amounts exceeding standards promulgated by the Department of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the department in accordance with section 26-220.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are capable of creating a public nuisance, causing acute worker health and safety problems, creating hazard to life, or may be sufficient to prevent entry into the sewers for maintenance or repair.

- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the department's NPDES permit, or color limits established by the department.
- (11) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate department having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.
- (12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the department.
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Medical wastes, except as specifically authorized by the department in a wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- (17) Fats, oils, or greases of animal, vegetable, mineral oil or petroleum origin in concentrations greater than 100 mg/l.
- (18) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (19) Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

- (20) Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged directly or indirectly through wastewater system owned by others to the department wastewater system must have a pH value in the range of five to nine standard units. Prohibited materials, include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
- (21) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. No. 2010-09, § 6.1, 9-13-2010; Ord. No. 2014-02, § (18), 9-8-2014)

Sec. 26-191. National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405—471 are hereby incorporated by reference and included herein as if fully set out.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the department may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the department shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. No. 2010-09, § 6.2, 9-13-2010)

Sec. 26-192. State pretreatment standards.

State pretreatment standards located at R.61-9.403 (S.C. Code Reg. 61-9.403) are hereby incorporated by reference and included herein as if fully set out. (Ord. No. 2010-09, § 6.3, 9-13-2010)

Sec. 26-193. Local discharge limits.

From time to time, local limits will be established or revised as NPDES permits limits are altered and/or as loadings on the wastewater treatment plant may necessitate. Such limits will be based upon a head works analysis of the wastewater treatment plants with limits revised, if necessary, to protect against pass through or interference with plant operations.

(Ord. No. 2010-09, § 6.4, 9-13-2010)

Sec. 26-194. Right of revision.

The department reserves the right to establish, by ordinance or in wastewater discharge permits, standards or requirements on discharges to the POTW that are more stringent than the categorical pretreatment standards published by the USEPA, the SCDHEC or the general limitation contained herein.

(Ord. No. 2010-09, § 6.5, 9-13-2010)

Sec. 26-195. Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The department may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 2010-09, § 6.6, 9-13-2010)

Sec. 26-196. Treatment surcharges.

(a) *Explanation of surcharges.* Every person discharging industrial wastes into the department's sanitary sewer system shall be rendered a monthly bill as a surcharge for treating all wastes having a biochemical oxygen demand (BOD) in excess of 350 parts per million by weight, a suspended solids content (TSS) exceeding 350 parts per million by weight, a nitrogen (TN) concentration in excess of 35 parts per million by weight, or a fats, oil and grease concentration (FOG) in excess of 100 parts per million by weight. Such surcharge shall be invoked as provided in this section, in addition to the existing sewer service charge. The surcharge shall include the following:

(b) *Treatment costs.* A surcharge shall be made to cover the costs of the treatment of the industrial wastes and shall be arrived at in the following manner:

- (1) The county council shall fix the rate to be charged during the new fiscal year at the beginning of such fiscal year for the weight of biochemical oxygen demand in excess of 350 parts per million, a suspended solids content in excess

of 350 parts per million, a nitrogen concentration in excess of 35 parts per million, or a fats, oil and grease concentration in excess of 100 parts per million which is discharged into the county's sanitary sewers.

- (2) The following shall be used for calculating the surcharge: The total volume of metered water over the billing period, expressed in millions of gallons (MG), multiplied by the average day BOD, TSS, TN, and/or FOG in excess of the allowable concentrations, the conversion factor of 8.34 and the surcharge rate.

(c) *Bills.* The combined surcharge, as set forth in this section, shall be billed and payable monthly. Such bills will be sent through the United States mail notifying all persons of the amount and date due. Failure to receive notice is not an excuse for nonpayment of bills. A person not having paid the bill within 15 days of the date of billing will be delinquent. Notice shall be sent him through the U.S. mail, and if, after five days' notice, as given in this subsection, the bill remains unpaid, the water connection serving the premises will be severed and will not be turned on again until such bill is paid.

(Ord. No. 2010-09, § 6.7, 9-13-2010)

Secs. 26-197—26-216. Reserved.

ARTICLE VIII. PRETREATMENT OF WASTEWATER

Sec. 26-217. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this chapter within the time limitations specified by EPA, the state, or the department, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the department for review, and shall be acceptable to the department before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the department under the provisions of this chapter.

(Ord. No. 2010-09, § 7.1, 9-13-2010)

Sec. 26-218. Additional pretreatment measures.

(a) Whenever deemed necessary the department may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate

sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(b) The department may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the department, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the department and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. No. 2010-09, § 7.2, 9-13-2010)

Sec. 26-219. Accidental discharge/slug control plans.

At least once every two years, the department shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The department may require any user to develop, submit for approval, and implement such a plan. Alternatively, the department may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the department of any accidental or slug discharge, as required by section 26-320; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 2010-09, § 7.3, 9-13-2010; Ord. No. 2014-02, § (19), 9-8-2014)

Sec. 26-220. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the department and at such times as are established by the department. Such waste shall not violate article VII of this chapter or any other requirements established by the department. The department may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The department shall require haulers of industrial waste to obtain wastewater discharge permits. The department may require generators of hauled industrial waste to obtain wastewater discharge permits. The department also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the department. No load may be discharged without prior consent of the department. The department may collect samples of each hauled load to ensure compliance with applicable standards. The department may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(e) This section imparts no requirements for the department to accept any hauled wastewater if deemed by the department to be detrimental to the POTW.
(Ord. No. 2010-09, § 7.4, 9-13-2010; Ord. No. 2014-02, §§ (20), (21), 9-8-2014)

Secs. 26-221—26-249. Reserved.**ARTICLE IX. WASTEWATER DISCHARGE PERMIT APPLICATION****Sec. 26-250. Wastewater analysis.**

When requested by the department, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The department is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. No. 2010-09, § 8.1, 9-13-2010)

Sec. 26-251. Wastewater discharge permit requirement.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the department, except that a significant industrial user that has filed a timely application pursuant to section 26-252 may continue to discharge for the time period specified therein.

(b) The department may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in articles XIV through XVI of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(Ord. No. 2010-09, § 8.2, 9-13-2010; Ord. No. 2014-02, §§ (22), (23), 9-8-2014)

Sec. 26-252. Wastewater discharge permitting—Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this chapter is derived and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the department for a wastewater discharge permit in accordance with section 26-254, and shall not cause or allow discharges to the POTW to continue after 60 days of the effective date of the ordinance from which this chapter is derived except in accordance with a wastewater discharge permit issued by the department.

(Ord. No. 2010-09, § 8.3, 9-13-2010; Ord. No. 2014-02, § (24), 9-8-2014)

Sec. 26-253. Same—New connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 26-254, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(Ord. No. 2010-09, § 8.4, 9-13-2010; Ord. No. 2014-02, § (25), 9-8-2014)

Sec. 26-254. Wastewater discharge permit application contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The department may require all users to submit as part of an application the following information:

- (1) All information required by section 26-315(b);

- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the department to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. No. 2010-09, § 8.5, 9-13-2010; Ord. No. 2014-02, § (26), 9-8-2014)

Sec. 26-255. Application signatories and certification.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Ord. No. 2010-09, § 8.6, 9-13-2010)

Sec. 26-256. Wastewater discharge permit decisions.

The department will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the department will determine whether or not to issue a wastewater discharge permit. The department may deny any application for a wastewater discharge permit.

(Ord. No. 2010-09, § 8.7, 9-13-2010)

Secs. 26-257—26-275. Reserved.**ARTICLE X. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS****Sec. 26-276. Duration.**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the department. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. No. 2010-09, § 9.1, 9-13-2010)

Sec. 26-277. Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the department to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (1) Wastewater discharge permits must contain:
 - a. A statement that indicates the permit duration, which in no event shall exceed five years.
 - b. Wastewater discharge permits are nontransferable without prior notification to the department in accordance with section 26-280.
 - c. Effluent limits based on applicable pretreatment standards.
 - d. Self monitoring, sampling, reporting, notification, and recordkeeping requirements. Including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
 - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- h. Other conditions as deemed appropriate by the department to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(Ord. No. 2010-09, § 9.2, 9-13-2010; Ord. No. 2014-02, § (27), 9-8-2014)

Sec. 26-278. Appeals.

Any person, including the user, may petition the department to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the department fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the circuit court within 90 days.

(Ord. No. 2010-09, § 9.3, 9-13-2010)

Sec. 26-279. Modification.

The department may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the department's POTW, department personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(Ord. No. 2010-09, § 9.4, 9-13-2010)

Sec. 26-280. Transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the department and the department approves the wastewater discharge permit transfer. The notice to the department must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permits void as of the date of facility transfer.
(Ord. No. 2010-09, § 9.5, 9-13-2010)

Sec. 26-281. Revocation.

The department may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the department of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the department of changed conditions pursuant to section 26-319;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permits application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the department timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. No. 2010-09, § 9.6, 9-13-2010; Ord. No. 2014-02, § (28), 9-8-2014)

Sec. 26-282. Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 26-124, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. No. 2010-09, § 9.7, 9-13-2010)

Sec. 26-283. Regulation of waste received from other jurisdictions.

(a) If another governmental subdivision, or user located within another governmental subdivision, contributes wastewater to the POTW, the department shall enter into a multi-jurisdictional agreement with the contributing governmental subdivision.

(b) Prior to entering into an agreement required by subsection (a) of this section, the department shall request the following information from the contributing governmental subdivision:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing governmental agency;
- (2) An inventory of all users located within the contributing governmental subdivision that are discharging to the POTW; and
- (3) Such other information as the department may deem necessary.

(c) A multi-jurisdictional agreement, as required by subsection (a) of this section, shall contain the following conditions:

- (1) A requirement for the contributing governmental subdivision to adopt a sewer use ordinance and comply with the local limits set by the department. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the department's ordinance or local limits;
- (2) A requirement for the contributing governmental subdivision to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing governmental subdivision; which of these activities will be conducted by the department; and which of these activities will be conducted jointly by the contributing governmental subdivision and the department;
- (4) A requirement for the contributing governmental subdivision to provide the department with access to all information that the contributing governmental subdivision obtains as part of its pretreatment activities;

- (5) Limits on the nature, quality, and volume of the contributing governmental subdivision's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing governmental subdivision's discharge;
 - (7) A provision ensuring the department access to the facilities of users located within the contributing governmental subdivision's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the department; and
 - (8) A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.
- (Ord. No. 2010-09, § 9.8, 9-13-2010; Ord. No. 2014-02, § (29), 9-8-2014)

Secs. 26-284—26-314. Reserved.

ARTICLE XI. REPORTING REQUIREMENTS

Sec. 26-315. Baseline monitoring reports.

(a) *General reporting submission.* Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the department a report which contains the information listed in subsection (b) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the department a report which contains the information listed in subsection (b) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) *Required information.* Users described above shall submit the information set forth below:

- (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
- (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the department, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 26-324.
 - c. Sampling must be performed in accordance with procedures set out in section 26-325 of this chapter.
 - (6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 26-316 of this chapter.
 - (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 26-255.
- (Ord. No. 2010-09, § 10.1, 9-13-2010; Ord. No. 2014-02, § (30)—(33), 9-8-2014)

Sec. 26-316. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 26-315(b)(7):

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to,

hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (2) No increment referred to above shall exceed nine months;
 - (3) The user shall submit a progress report to the department no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
 - (4) In no event shall more than nine months elapse between such progress reports to the department.
- (Ord. No. 2010-09, § 10.2, 9-13-2010; Ord. No. 2014-02, § (34), 9-8-2014)

Sec. 26-317. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the department a report containing the information described in section 26-315(b)(4)—(6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 26-255 of this article.

(Ord. No. 2010-09, § 10.3, 9-13-2010; Ord. No. 2014-02, §§ (35), (36), 9-8-2014)

Sec. 26-318. Periodic compliance reports.

(a) All significant industrial users shall, at a frequency determined by the department but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 26-255.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the department, using the procedures prescribed in section 26-325 of this article, the results of this monitoring shall be included in the report.

(Ord. No. 2010-09, § 10.4, 9-13-2010; Ord. No. 2014-02, §§ (36), (37), 9-8-2014)

Sec. 26-319. Reports of changed conditions.

Each user must notify the department of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

- (1) The department may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 26-254.
- (2) The department may issue a wastewater discharge permit under section 26-256 of this article or modify an existing wastewater discharge permit under section 26-279 in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

(Ord. No. 2010-09, § 10.5, 9-13-2010; Ord. No. 2014-02, §§ (39), (40), 9-8-2014)

Sec. 26-320. Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the department of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the department, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
(Ord. No. 2010-09, § 10.6, 9-13-2010)

Sec. 26-321. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the department as the department may require.
(Ord. No. 2010-09, § 10.7, 9-13-2010)

Sec. 26-322. Notice of violation; repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the department within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the department within 30 days after becoming aware of the violation. The user is not required to resample if the department monitors at the user's facility at least once a month, or if the department samples between the users initial sampling and when the user receives the results of this sampling.
(Ord. No. 2010-09, § 10.8, 9-13-2010)

Sec. 26-323. Notification of the discharge of hazardous waste.

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 26-319. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 26-315, 26-317, and 26-318.

(b) Dischargers are exempt from the requirements of subsection (a) of this section, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of no acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes

as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the department, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. 2010-09, § 10.9, 9-13-2010; Ord. No. 2014-02, §§ (41), (42), 9-8-2014)

Sec. 26-324. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. No. 2010-09, § 10.10, 9-13-2010)

Sec. 26-325. Sample collection.

(a) Except as indicated in subsection (b) of this section, the user must collect wastewater samples using flow-proportional composite collection techniques. In the event flow proportional sampling is infeasible, the department may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(Ord. No. 2010-09, § 10.11, 9-13-2010)

Sec. 26-326. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. No. 2010-09, § 10.12, 9-13-2010)

Sec. 26-327. Recordkeeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place,

method, and time of sampling, and the name of the person taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the department, or where the user has been specifically notified of a longer retention period by the department.

(Ord. No. 2010-09, § 10.13, 9-13-2010)

Secs. 26-328—26-357. Reserved.

ARTICLE XII. OPERATIONS AND CONTROL; COMPLIANCE MONITORING

Sec. 26-358. Operations and control.

(a) The department and duly authorized representatives of the county shall be permitted to enter upon all properties for the purpose of inspecting and copying records, inspection of premises and processes, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The county shall notify, if available, the person or a representative of the person prior to entering the premises.

(b) In the event of imminent danger to the public health and safety, the department and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to, the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations, or repairs. During such event department will make every effort to minimize inconvenience and return the service to full operation as quickly as possible.

(c) All tests and analyses of sewage to which reference is made in this article shall be made in accordance with the latest amendments to 40 CFR 136 "Guidelines Establishing Test Procedures for the Clean Water Act" as promulgated by the U.S. environmental Protection Agency. Such tests and analyses shall be determined at the control manhole provided for in Section S. 12.401.3(J), or at the point of discharge of any sewage at the site of their origin on the premises of any person discharging such sewage into the sewers.

(d) The volume of flow used in computing wastewater system user charges and surcharges shall be based upon:

- (1) Metered water consumption as shown in the records of meter reading maintained by the county water and sewer department or other water department;
- or

- (2) Any means determined acceptable by the county.

Customer may install sewer meter at their own expense to measure flow. In the event that a person discharging wastewater into the sanitary sewer system produces evidence satisfactory to the department that greater than ten percent of his water does not reach the county sanitary sewer, the user may apply to the department for a reduced percentage of total water consumption to be used in computing sewer charges.

(e) Where the person discharging wastewater into the sanitary sewers of the county procures any part, or all of, his water supply from sources other than one recognized and accepted by the department, all or part of which is discharged into the sanitary sewer, the person discharging said wastewater shall install and maintain, at his expense, water meters of a type approved by the department for the purpose of determining the proper volume of flow to be charged. The department has a right to read such private meters.

(f) All sewer taps shall conform to the requirements of the department in location, size, type, materials and method used and shall be accomplished only by a licensed plumber authorized by the department. It shall become the responsibility of each person requesting connection to the public sewer to notify the department and arrange for final inspection of the connection before placing in use.

(g) Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewage system through the sewer connection of that person and shall be held accountable for all expenses incurred by the county or other property owners as a result of the abuse.

(h) Any person desiring connection to be made with the sewerage system shall make application on the appropriate form to the department stating the name of the owner of the property, the location of the lot, and kind of connection desired. Every such application shall be signed by the person making the application and shall be accompanied by the appropriate connection fee. Fees shall be those as periodically adopted by the county council by means of amendments to schedule B of this chapter.

(i) Upon ten days written notice the department reserves the right to prevent or discontinue sewer connection by any person until such time as the requirements of this article have been fulfilled to the satisfaction of the department. When deemed necessary by the department may discontinue or prevent sewer connection without notices to the person.

(j) It shall be unlawful for any person to reconnect a sewer when the same has been cut off for non-compliance with the requirements of this chapter, or any other reason, until specifically approved in writing by the department. Said approval shall be contingent upon satisfaction of all requirements of this chapter including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.

(k) It shall be unlawful for any person to make or undertake to make or cause to be made, any connection to the sewerage system without first having made application, paid fee and received approval.

(l) In no event shall any person be allowed to discharge or cause to be discharged any domestic sewage or industrial wastewater, whether or not treatment has been provided, to the ground surface, stream, watercourse, ditch, lake, other body of surface water, storm sewers, or storm drains.

(m) All relevant and pertinent OSHA requirements pertaining to the connection to and/or use of the sewer systems in all respects shall be observed and compliance is required.

(n) Any person responsible for malicious damage to wastewater treatment works and/or appurtenances will be prosecuted by the county water and sewer department in a court of proper jurisdiction. The penalty upon conviction shall be no less than \$500.00 nor more than \$1,000.00 and/or 30 days in jail for each such offense upon conviction.

(Ord. No. 2010-09, § 11.1, 9-13-2010)

Sec. 26-359. Right of entry; inspection and sampling.

The department shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the department ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the department will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The department shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The department may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the department and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (5) Unreasonable delays in allowing the department access to the user's premises shall be a violation of this chapter.
- (Ord. No. 2010-09, § 11.2, 9-13-2010)

Sec. 26-360. Search warrants.

If the department has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the department designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the department may seek issuance of a search warrant from any court of proper jurisdiction in the county.

(Ord. No. 2010-09, § 11.3, 9-13-2010)

Secs. 26-361—26-378. Reserved.

ARTICLE XIII. CONFIDENTIALITY AND PUBLICATION

Sec. 26-379. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the department's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the department, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment ordinance, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 2010-09, § 12, 9-13-2010)

Sec. 26-380. Publication of users in significant noncompliance.

The department shall publish annually, in the largest daily newspaper published in the department's jurisdiction, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" is defined in section 26-160. (Ord. No. 2010-09, § 13, 9-13-2010); Ord. No. 2014-02, § (43), 9-8-2014

Secs. 26-381—26-403. Reserved.**ARTICLE XIV. ADMINISTRATIVE ENFORCEMENT REMEDIES****Sec. 26-404. Notification of violation.**

When the department finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the department may serve upon that user a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the department. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the department to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. No. 2010-09, § 14.1, 9-13-2010)

Sec. 26-405. Consent orders.

The department may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 10.4 and 10.5 of this chapter. and shall be judicially enforceable. (Ord. No. 2010-09, § 14.2, 9-13-2010)

Sec. 26-406. Show cause hearing.

The department may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the department and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the

meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. No. 2010-09, § 14.3, 9-13-2010)

Sec. 26-407. Compliance orders.

When the department finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the department may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 2010-09, § 14.4, 9-13-2010)

Sec. 26-408. Cease and desist orders.

When the department finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the department may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. 2010-09, § 14.5, 9-13-2010)

Sec. 26-409. Administrative fines.

(a) When the department finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the department may fine such user

in an amount not to exceed \$2,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 1½ percent of the unpaid balance, and interest shall accrue thereafter at a rate of 1½ percent per month. A lien against the user's property may be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the department to reconsider the fine along with full payment of the fine amount within 15 days of being notified of the fine. Where a request has merit, the department may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The department may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Ord. No. 2010-09, § 14.6, 9-13-2010)

Sec. 26-410. Emergency suspensions.

The department may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The department may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate that discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the department may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The department may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the department that the period of endangerment has passed, unless the termination proceedings in section 26-411 of this chapter are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the department prior to the date of any show cause or termination hearing under sections 26-406 or 26-411 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. No. 2010-09, § 14.7, 9-13-2010; Ord. No. 2014-02, §§ (44), (45) 9-8-2014)

Sec. 26-411. Termination of discharge.

In addition to the provisions in section 26-281 of this chapter, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in article VII of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 26-406 of this chapter why the proposed action should not be taken. Exercise of this option by the department shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 2010-09, § 14.8, 9-13-2010; Ord. No. 2014-02, §§ (46)—(48), 9-8-2014)

Secs. 26-412—26-435. Reserved.

ARTICLE XV. JUDICIAL ENFORCEMENT REMEDIES

Sec. 26-436. Injunctive relief.

When the department finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the department may petition the circuit court through the department's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter. on activities of the user. The department may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. 2010-09, § 15.1, 9-13-2010)

Sec. 26-437. Civil penalties.

(a) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the department for a maximum civil penalty of \$2,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The department may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the department.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
(Ord. No. 2010-09, § 15.2, 9-13-2010)

Sec. 26-438. Criminal prosecution.

(a) A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$500.00 nor more than \$1,000.00 per violation, per day, or imprisonment for not more than 30 days, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least not more than \$1,000.00 or be subject to imprisonment for not more than 30 days, or both. In all cases, the user will be required to pay full restitution for any and all property damage caused by their action. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be subject to the civil or criminal provisions contained in S.C. Code 1976, §§ 48-1-320, 48-1-330.

(Ord. No. 2010-09, § 15.3, 9-13-2010)

Sec. 26-439. Remedies nonexclusive.

The remedies provided for in this chapter are not exclusive. The department may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the department's enforcement response plan. However, the department may take other action against any user when the circumstances warrant. Further, the department is empowered to take more than one enforcement action against any noncompliant user. (Ord. No. 2010-09, § 15.4, 9-13-2010)

Secs. 26-440—26-461. Reserved.**ARTICLE XVI. SUPPLEMENTAL ENFORCEMENT ACTION****Sec. 26-462. Performance bonds.**

The department may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the department, in a sum not to exceed a value determined by the department to be necessary to achieve consistent compliance. (Ord. No. 2010-09, § 16.1, 9-13-2010)

Sec. 26-463. Water supply severance.

Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. No. 2010-09, § 16.2, 9-13-2010)

Sec. 26-464. Contractor listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the department. Existing contracts for the sale of goods or services to the department held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the department. (Ord. No. 2010-09, § 16.3, 9-13-2010)

Secs. 26-465—26-481. Reserved.

ARTICLE XVII. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**Sec. 26-482. Upset.**

(a) For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c), of this section, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the department within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method

of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. No. 2010-09, § 17.1, 9-13-2010)

Sec. 26-483. Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 26-190(a) of this chapter or the specific prohibitions in section 26-190(b) of this chapter. If it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the department was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. 2010-09, § 17.2, 9-13-2010; Ord. No. 2014-02, § (49), 9-8-2014)

Sec. 26-484. Bypass.

- (a) For the purposes of this section:

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.

(c) If a user knows in advance of the need for a bypass, it shall submit prior notice to the department, at least ten days before the date of the bypass, if possible. A user shall submit oral notice to the department of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a

description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Bypass is prohibited, and the department may take an enforcement action against a user for a bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The user submitted notices as required under subsection (c) of this section.

The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three conditions listed in subsection (d) of this section.

(Ord. No. 2010-09, § 17.3, 9-13-2010)

Secs. 26-485—26-506. Reserved.

ARTICLE XVIII. RATES, CHARGES, AND MISCELLANEOUS PROVISIONS

Sec. 26-507. Wastewater treatment rates (Schedule B).

Wastewater rates shall be as detailed in the rates attachment to the county sewer use ordinance.

(Ord. No. 2010-09, § 18, 9-13-2010)

Sec. 26-508. Pretreatment charges and fees.

The department may adopt reasonable fees for reimbursement of costs of setting up and operating the department's pretreatment ordinance which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the department may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the department.

(Ord. No. 2010-09, § 19.1, 9-13-2010)

Sec. 26-509. Enforcement response plan.

The enforcement response plan attached hereto as appendix B, and all revisions are hereby made a part of this wastewater pretreatment ordinance.

(Ord. No. 2010-09, § 19.3, 9-13-2010)

Sec. 26-510. Schedule A; Water tap fees.

<i>Meter Size (in inches)</i>	<i>Tap Fee</i>
3/4	\$1,200.00
1	2,000.00
1 1/2	4,000.00
2	6,000.00
4	9,000.00
6	15,000.00
8 and larger	Actual cost plus 2,000.00
Irrigation meter: A fee of \$500.00 shall be charged only when an existing meter service is present. If an existing meter service is not present, then a standard service tap fee shall be charged as out-lined in Schedule A.	
3/4" pre-tapped service. A pre-tapped service is a service that has been previously installed, but never tied to a structure. In this instance, the service tap fee for a 3/4" pre-tapped service shall be \$800.00	

(Ord. No. 2010-09, sch. A, 9-13-2010; Ord. No. 2014-02, § (1), 9-8-2014)

Sec. 26-511. Schedule B; Sewer use rates and fees.

I. *Residential (domestic), public service/institutional and commercial sewer rates.*

First 3,000 gal.:

Residential \$35.00.

Pub.Ser./Ind. \$35.00.

Commercial \$35.00.

UTILITIES

§ 26-511

Over 3,000 gal: (All categories shown above.)

II. *Industrial sewer rates.*

TBD

III. *Tap fees.*

4" Tap (all categories): \$2,500.00 (based on one ERU).

All commercial/industrial tap fees based on multiples of an ERU of 400 GPD.

IV. *Other sewer fees.*

Step tank annual inspection fee: \$50.00.

Step tank pump out fee: cost plus 20 percent.

Seal break: \$60.00.

V. *Impact fees.*

As established by county council.

VI. *Sewer service deposits and fees.*

Home owners repair agreement: \$4.17/mo. or \$50.00/yr.

Temporary cutoff fee: \$25.00 (for owner/renter repairs).

(Ord. No. 2010-09, sch. B, 9-13-2010)

Sec. 26-512. Appendix A; local discharge limitations (Reserved).

Sec. 26-513. Appendix B; enforcement response plan per section 26-509.

CCWSD PAGE B-1. ENFORCEMENT RESPONSE PLAN

<i>Noncompliance</i>	<i>Nature of Violation</i>	<i>Enforcement Responses</i>	<i>Personnel</i>
<i>A. Unauthorized Discharges (No Permit)</i>			
Unpermitted discharge	IU unaware of requirement; no harm to POTW environment	Phone call; OV with application form	PC
	IU unaware of requirement; harm to POTW	AO with fine Civil action	PC S
	Failure to apply continues after notice by the POTW	Civil action Criminal investigation Terminate service	S S S
Non permitted discharge	IU has not submitted application within ten days of due date	Phone call; NOV	PC
<i>B. Discharge Permit Violation</i>			
Exceedence of local or Federal Standards (permit limit)	Isolated, not significant	Phone call; NOV	I, PC
	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	PC
	Isolated, harm to POTV or environment	Show cause order Civil action	PC, S S
	Recurring, no harm to POTW environment	AO with fine	PC
	Recurring; significant (harm)	AO with fine Show cause order Civil action Terminate service	PC PC, S S S

CCWSD PAGE B-2. ENFORCEMENT RESPONSE PLAN

<i>Noncompliance</i>	<i>Nature of Violation</i>	<i>Enforcement Responses</i>	<i>Personnel</i>
<i>C. Monitoring and Reporting Violation</i>			
Reporting Violation	Report is improperly signed or certified	Phone call or NOV	PC
	Report is improperly signed or certified after notice of POTW	AO Show cause order	PC S
	Isolated, not significant (e.g., five days late)	Phone call; NOV	I, PC
	Significant (e.g., report >30 days late)	AO to submit w/fine per additional day	PC
	Reports are always late or no reports at all	AO with fine Show cause order Civil action	PC PC, S S
	Failure to report spill or changed discharge (no harm)	NOV	PC
	Failure to report spill or changed discharge (results in harm)	AO with fine Civil action	PC S
	Repeated failure to report spills	Show cause order Terminate service	PC, S S
Failure to Monitor Correctly	Failure to monitor all pollutants as required by permit	NOV or AO	PC
	Recurring failure to monitor	AO with fine Civil action	PC S

<i>Noncompliance</i>	<i>Nature of Violation</i>	<i>Enforcement Responses</i>	<i>Personnel</i>
Improper Sampling	Evident of intent	Criminal investigation Terminate service	S S

CCWSD PAGE B-3. ENFORCEMENT RESPONSE PLAN

Failure to install monitoring equipment	Delay of < 30 days	NOV	PC
	Delay of > 30 days	AO to install with line for each additional day	PC
Compliance Schedules (in permit)	Recurring violation of AO	Civil action Criminal investigation Terminate service	PC S S
	Missed milestone < 30 days, or will not affect final milestone	NOV or AO with fine	PC
Compliance Schedules (in permit)	Missed milestone >30 days, or will affect final milestone (good cause for delay)	AO with fine	PC
	Missed milestone >30 days, or will affect final milestone (no good cause for delay)	Show case order Civil action Terminate service	PC, S S S
	Recurring violation or violation of schedule in AO	Civil action Criminal investigation Terminate service	S S S

<i>D. Other Permit Violations</i>		
<i>Noncompliance</i>	<i>Nature of Violation</i>	<i>Enforcement Responses</i>
Wastestreams are diluted in lieu of treatment	Initial violations Recurring	AO with fine Show cause order Terminate service
Failure to mitigate non-compliance or halt production	Does not result in harm Does result in harm	NOV AO with fine Civil action
Failure to properly operate and maintain pre-treatment facility	See No. 2 above	
		PC PC, S S PC PC S

CCWSD PAGE B-4. ENFORCEMENT RESPONSE PLAN

<i>Noncompliance</i>	<i>Nature of Violation</i>	<i>Enforcement Responses</i>	<i>Personnel</i>
<i>E. Violations Detected During Site Visits</i>			
Entry Denial	Entry denial or consent withdrawn, copies of records denied	Obtain warrant and return to IO	I
Illegal Discharge	No harm to POTW or environment Discharges cause harm or evidence of intent/negligence Recurring, violation of AO	AO with fine Civil action Criminal investigation Terminate service	PC S S S

<i>Noncompliance</i>	<i>Nature of Violation</i>	<i>Enforcement Responses</i>	<i>Personnel</i>
Improper Sampling	Unintentional sampling at incorrect location	NOV	I, PC
	Unintentional using incorrect sample type	NOV	I, PC
	Unintentional using incorrect sampling techniques	NOV	I, PC
	Repeated failure to report spills	Show cause order Terminate service	PC, S S
Inadequate recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
	Recurring Inspection finds additional files	AO with fine NOV	PC I, PC
Failure to Report	Recurring	AO with fine	PC

CCWSD PAGE B-5. ENFORCEMENT RESPONSE PLAN

<i>F. Time Frames for Responses</i>	
1	All violations will be identified and documented within five days of receiving compliance information.
2	Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action will occur within 15 days of violation detection.
3	Follow up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
4	Violations which threaten health, property or environment quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
5	All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.

CCWSD PAGE B-6. ENFORCEMENT RESPONSE PLAN

<i>G. Description of Terms</i>	
AO	Administrative Order
Civil Litigation	Civil litigation against the industrial user seeing equitable relief monetary penalties and actual damages
Criminal Prosecution	Pursuing punitive measures against and individual and/or organization through a court of law
Fine	Monetary penalty assess by the department
I	Inspector
IU	Industrial user
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance
NO	Notice of violation
PC	Pretreatment coordinator
S	Superintendent
SV	Significant violation
Show Cause	Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective action and compliance schedules.

(Ord. No. 2010-09, app. B, 9-13-2010)

Secs. 26-514—26-530. Reserved.

ARTICLE XIX. DROUGHT RESPONSE

Sec. 26-531. Declaration of policy, purpose, and intent.

(a) This article is hereby declared necessary for the preservation of the public health, safety, and welfare and shall take effect upon its adoption by the county.

(b) Whenever, in the judgment of the county council, it becomes necessary to conserve water in the service area due to drought, the county is authorized to issue a proclamation that existing drought conditions prevent fulfillment of the usual water use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs become endangered.

(c) Immediately upon the issuance of such a proclamation, regulations and restrictions set forth under this article shall become effective and remain in effect until the water shortage is terminated and the proclamation rescinded.

(d) Water uses regulated or prohibited under this article are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender to penalties as outlined in this Code.

(e) The provisions of this article shall apply to customers within the jurisdiction of the county water and sewer service area.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-532. Definitions.

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

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.

Commercial and industrial water use means water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Conservation means reduction in water use to prevent depletion or waste of the resource.

Customer means any person, company, or organization using water supplied by the county.

Domestic water use means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry, or institution.

Drought alert phases.

- (1) *Extreme drought* means when the Palmer Index reaches or falls below 4.00 and extreme drought conditions are verified by best available information.
- (2) *Moderate drought* means when the Palmer Index reaches the 1.50 to 2.99 range, moderate drought conditions have been verified by the best available information, and conditions indicate this situation is expected to persist.
- (3) *Severe drought* means when the Palmer Index reaches the 3.00 to 3.99 range and severe drought conditions have been verified by the best available information.

Drought response committee means a committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for actions to the state department of health and environmental control, state department of natural resources and/or the governor.

Essential water use means water used specifically for firefighting, maintaining in-stream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

Even-numbered address means street addresses, box numbers, or rural route numbers ending in 0, 2, 4, 6, 8, or letters A through M, and locations without addresses.

Institutional water use means water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Landscape water use means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Odd-numbered address means street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N through Z.

Palmer Index means a measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

Water shortage means lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-533. Nonessential water use.

Nonessential water use categories may be curtailed during severe or extreme drought. Some examples of non-essential water use are as follows:

- (1) *Residential and institutional.*
 - a. Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas.
 - b. Washing down buildings or structures for purposes other than immediate fire protection.
 - c. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - d. Washing any motor bike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere.
 - e. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
 - f. Filling or maintaining public or private swimming pools.
 - g. Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under this article.
- (2) *Commercial and industrial.*
 - a. Serving water routinely in restaurants.
 - b. Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.
 - c. Irrigating golf courses and any portion of its grounds, except as otherwise provided under this article.
 - d. Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting.
 - e. Serving customers who have been given a ten-day notice to repair one or more leaks and have failed to comply.
 - f. Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-534. Responses to moderate, severe, and extreme drought alert phases.

Levels of drought, as set forth in the South Carolina Drought Response Act of 1985 are moderate, severe, and extreme. Proclamations issued by the county shall coordinate an appropriate response to the level of drought which exists. Proclamations setting forth responses to the various drought alert phases shall be made by the county and are to be based upon drought monitoring data, recommendations, declarations, and/or notifications supplied by the regional drought response committee of the state department of natural resources.

- (1) *Moderate drought alert phase.* If conditions indicate that a moderate drought condition is present and is expected to persist, the natural resources department shall activate the drought information center and notify municipal and county governments in the affected drought areas by certified mail. The department will also issue press releases concerning the drought conditions to the news media.
 - a. *Goal.*
 1. A 15 percent voluntary water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
 2. A 30 percent voluntary water use reduction for residential customers.
 - b. *General responses.*
 1. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of non-essential water uses.
 2. Institute an increased water supply system maintenance effort to identify and correct water leaks.
 3. Encourage customers of the county to comply with the listed voluntary water use restrictions in all categories while moderate drought conditions exist.
 - c. *Water use restrictions.*
 1. *Agriculture, irrigation and livestock.* Implement conservation techniques, explore different water saving methods, and alternative sources.
 2. *Commercial, industrial and institutional.* Reduce aesthetic, domestic, landscaping and water based recreational activities such as swimming pools, water slides, and other water related activities.
 3. *Residential.*
 - (i) Reduce water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day;

- (ii) Reduce domestic landscaping and water based recreational activities such as swimming pools, water slides, and other water related activities.
- (2) *Severe drought alert phase.* A drought of this severity usually requires an official declaration and implementation of mandatory water use restrictions by the state department of natural resources. In such cases, the department will notify municipal and county governments in the affected drought areas by certified mail, and issue press releases concerning the drought conditions to the news media.
 - a. *Goal.*
 - 1. A 15 percent water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
 - 2. A 30 percent water use reduction for residential customers.
 - b. *General responses.*
 - 1. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
 - 2. Require customers of the county to comply with the listed water use restrictions in all categories while severe drought conditions exist.
 - c. *Water use restrictions.*
 - 1. *Agricultural, irrigation, and livestock.*
 - (i) Implement conservation techniques, explore different water saving methods, and use alternative sources.
 - (ii) Restrict irrigation use from 7:00 p.m. to 7:00 a.m. and prohibit water runoff.
 - 2. *Commercial, industrial, and institutional.*
 - (i) Prohibit aesthetic water use.
 - (ii) Reduce domestic water use to minimum levels necessary for maintaining health and safety.
 - (iii) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other water related activities.
 - (iv) Use low volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.
 - (v) Restrict landscape watering on Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

3. *Residential.*
 - (i) Restrict water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day.
 - (ii) Prohibit landscape watering.
- (3) *Extreme drought alert phase.* The state department of natural resources will notify municipal and county governments in the affected drought areas by certified mail, and issue press releases concerning the drought conditions to the news media.
- a. *Goals.*
 1. A 50 percent water use reduction for agricultural, commercial, industrial, institutional, and electric power generation purposes.
 2. A 50 percent water use reduction for residential customers.
 - b. *General responses.*
 1. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
 2. Require customers of the county to comply with the listed water use restrictions in all categories while extreme drought conditions exist.
 - c. *Water use restrictions.*
 1. *Agricultural, irrigation, and livestock.*
 - (i) Implement conservation techniques, explore different water saving methods, and use alternative sources.
 - (ii) Prohibit irrigation use.
 2. *Commercial, industrial, and institutional.*
 - (i) Prohibit aesthetic water use.
 - (ii) Reduce domestic water use to minimum levels necessary for maintaining health and safety.
 - (iii) Prohibit water based recreational activities.
 - (iv) Prohibit landscape watering.
 3. *Institutional.*
 - (i) Prohibit aesthetic water use.
 - (ii) Reduce domestic water use to minimum levels necessary for maintaining health and safety.
 - (iii) Prohibit water based recreational activities to new facilities that require filling such as swimming pools, water slides, and other water-related activities.

- (iv) Use low volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.
 - (v) Restrict landscape watering on Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.
4. *Residential.*
- (i) Restrict water use to 55 gallons per person per day, and a maximum of 220 gallons per household per day;
 - (iii) Prohibit water based recreational activities to new facilities that require filling such as swimming pools, water slides, and other water-related activities;
 - (iv) Reduce domestic water use to minimum levels necessary to maintain health and safety;
 - (v) Use low volume hand held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance;
 - (vi) Restrict landscape watering on Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-535. New water service connections.

Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after the date of this article, shall include conditions relating to water shortages. No application for new, additional, further expanded or an increase in size of water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed unless such actions are in compliance with provisions of this article.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-536. Water rates.

In the event of an extreme drought-related water shortage, the county is hereby authorized to monitor water use and limit households to 50 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of \$1.00 per gallon. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of \$100.00 per 1,000 gallons of water used if the county deems that adequate conservation measures have not been implemented.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-537. Rationing.

In the event that a drought threatens the preservation of public health and safety, the county is hereby authorized to ration water.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-538. Fines and penalties.

Except as otherwise stated herein, violators of any provision of this article. shall be penalized.

<i>Violation</i>	<i>Classification</i>	<i>Penalty</i>
First offense	Infraction	\$ 50.00
Second offense	Infraction	75.00
Third and subsequent offense within the same drought period	Misdemeanor	100.00

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law. After issuing one warning by certified mail, the county may disconnect the water service of any person or customer whenever it is determined that such person has failed to comply with the provisions of this article. A reconnection charge, hereby established at \$25.00, and any other costs incurred by the county in discontinuing service will be charged to customer. In addition, suitable assurances must be given to the county that the same action shall not be repeated during the drought or water shortage.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-539. Enforcement.

Law officers of the county sheriff's department, in addition to the duties imposed by law, shall diligently enforce the provisions of this article. Management employees of the county, planning and public works commission and fire departments have the duty and are hereby authorized to enforce the provisions of this article and shall have the power and authority to issue written notices to appear when violations of this article occur during any declared moderate, severe, or extreme drought or water shortage.

(Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

Sec. 26-540. Variances.

Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within 24 hours of the declaration of water use curtailment/reduction

and shall apply for a variance from curtailment. Persons requesting exemption from the provisions of this article shall file a petition for variance with the county within ten days after such curtailment becomes effective.

- (1) When the drought ordinance has been invoked by the county, all petitions for variance shall be reviewed by the county. Petitions shall contain the following:
 - a. Name and address of petitioner.
 - b. Purpose of water use.
 - c. Specific provision from which the petitioner is requesting relief.
 - d. Detailed statement as to how the curtailment and declaration adversely affect the petitioner.
 - e. Description of the relief desired.
 - f. Period of time for which the variance is sought.
 - g. Economic value of water use.
 - h. Damage or harm to the petitioner or others if petitioner complies with this article.
 - i. Restrictions with which the petitioner is expected to comply and the compliance date.
 - j. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance.
 - k. Other pertinent information.
- (2) In order for a variance to be granted, the petitioner must show one or more of the following conditions:
 - a. Compliance with this article cannot be accomplished technically during the duration of the water shortage.
 - b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

The county may, in writing, grant temporary variances for existing water uses otherwise prohibited under this article if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The county council shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the county council. No such variance shall be retroactive or otherwise justify any violation of this article occurring prior to the issuance of the variance.

- (3) Variances granted by the county shall be subject to the following conditions, unless waived or modified by the county:
- a. Variances granted shall include a timetable for compliance.
 - b. Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.
- (Ord. No. 2009-17, 10-12-2009; Ord. No. 2010-09, 9-13-2010)

CODE COMPARATIVE TABLE

1997 CODE

This table gives the location within this Code of those sections of the as updated by ordinances subsequently adopted through Ord. No. 2013-05, adopted November 18, 2013, which are included herein. Sections of the 1997 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1997 Code Section	Section this Code	1997 Code Section	Section this Code
1-1	1-1	2-222	2-208
1-2	1-2	2-246	2-240
1-3	1-3	2-247	2-241
1-4	1-4	2-248	2-242
1-5	1-5	2-249	2-243
1-6	1-6	2-271	2-265
1-7	1-7	2-272	2-266
1-8	1-8	2-273	2-267
1-9	1-9	2-274	2-268
1-10	1-10	2-275	2-269
2-1	2-1	2-276	2-270
2-2	2-2	2-301	2-289
2-3	2-3	2-302	2-290
2-4	2-4	2-303	2-291
2-37	2-29	2-304	2-292
2-61	2-49	2-305	2-293
2-86	2-72	2-306	2-294
2-87	2-73	2-307	2-295
2-88	2-74	2-311	2-324
2-89	2-75	2-312	2-325
2-111	2-94	2-313	2-326
2-112	2-95	2-314	2-327
2-113	2-96	2-315	2-328
2-136	2-121	2-316	2-329
2-137	2-122	2-341	2-425
2-138	2-123	10-32	8-19
2-139	2-124	10-66	8-42
2-140	2-125	10-67	8-43
2-141	2-126	10-68	8-44
2-142	2-127	10-69	8-45
2-143	2-128	10-70	8-46
2-144	2-129	10-71	8-47
2-166	2-157	14-31	10-19
2-167	2-158	14-32	10-20
2-221	2-207	14-68	10-46

CLARENDON COUNTY CODE

1997 Code Section	Section this Code	1997 Code Section	Section this Code
14-69	10-47	50-36	20-27
22-51	12-40	50-37	20-28
22-52	12-41	50-38	20-29
22-53	12-42	50-39	20-30
22-54	12-43	50-40	20-31
22-55	12-44	50-41	20-32
22-56	12-45	50-42	20-33
22-57	12-48	58-36	22-23
22-58	12-49	58-37	22-24
22-59	12-50	58-38	22-25
22-60	12-51	58-39	22-26
22-61	12-52	58-40	22-27
22-62	12-53	58-41	22-28
26-1	14-1	58-42	22-29
26-2	14-2	58-43	22-30
26-3	14-3	58-44	22-31
26-4	14-4	58-45	22-32
26-5	14-5	58-46	22-33
26-6	14-6	58-47	22-34
30-1	16-1	58-48	22-35
30-2	16-2	58-49	22-36
30-3	16-3	58-50	22-37
30-5	16-4	62-1	24-1
42-56	6-44	62-36	24-25
42-57	6-45	62-37	24-26
42-58	6-46	62-38	24-27
42-59	6-47	62-39	24-28
42-60	6-48	62-40	24-29
42-61	6-49		
42-62	6-50		
42-63	6-51		
42-64	6-52		
42-86	6-78		
42-87	6-79		
42-88	6-80		
42-89	6-81		
42-121	6-106		
42-122	6-107		
42-123	6-108		
42-124	6-109		
42-125	6-110		
42-126	6-111		
46-1	18-1		
46-36	18-21		
46-37	18-22		
46-38	18-23		
50-1	20-1		
50-2	20-2		
50-3	20-3		

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Date	Section	Section this Code
12-76	7-19-1976		2-4
9-77	3-17-1977	1	20-31
	3-17-1977 (Ord.)	I	2-72
		I(A)	2-73
		I(B)	2-74
		I(C)	2-75
		II(A)	2-94
		II(B)	2-95
		II(C)	2-96
		III(A)	2-121
		III(B)	2-122
		III(C)	2-123
		III(D)	2-124
		III(E)	2-125
		III(F)	2-126
		III(G)	2-127
		III(H)	2-128
		IV	2-157, 2-158
		V	2-129
		VI	2-49
16-77	5-19-1977	1	6-106
		2	6-107
		3	6-108
		4	6-109
		5	6-110
		6	6-111
3-79	5-3-1979	1	2-289
		2	2-290
		3	2-291
		4	2-292
		5	2-293
		6	2-294
		7	2-295

CLARENDON COUNTY CODE

Ordinance Number	Date	Section	Section this Code
	5-3-1979 (Ord.)	1	14-1
		2	14-2
		3	14-3
		4	14-4
		5	14-5
		6	14-6
	4-24-1980 (Ord.)	I	10-19
		II(2.02)	10-20
		III(3.02)	10-46
		IV(4.01)	10-47
3-80	6-26-1980	1, 2	18-1
4-80	10-9-1980	I	22-23
		II	22-24
		III	22-25
		IV	22-26
		V	22-27
		VI	22-28
		VII	22-29
		VIII	22-30
		IX	22-31
		X	22-32
		XI	22-33
		XII	22-34
		XIII	22-35
		XIV	22-36
		XV	22-37
5-80	10-9-1980	1	20-31
4-81	4-13-1981	1	6-106
7-81	4-13-1981	1	2-1
8-81	6-8-1981	1	24-1
		2	24-1
		3	24-1
3-82	4-12-1982	I	2-29
		II	2-29
		III	2-29
10-82	11-8-1982	1	20-31
2-83	1-10-1983	1	2-2
		2	2-2
5-83	6-13-1983	1	2-207
		2	2-208
13-83	8-8-1983	1	2-1
15-88	7-19-1988	1	2-1

CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
21-88	7-26-1988	1	2-1
		2	2-1
	12-15-1989 (Ord.)	I	20-1
		II	20-2
		III	20-27
		IV	20-28
		V	20-29
		VI	20-30, 20-31
		VII	20-32
		VIII	20-33
		IX	20-3
	2-19-1990 (Ord.)	1	20-31
	4-90	4-23-1990	1
5-21-91	5-21-1991	I	18-21
		II	18-22
		III	18-23
	11-7-1991 (Ord.)	2	2-265
		3	2-266
		4	2-267
		5	2-268
5-18-92	5-18-1992	6	2-269, 2-270
		2(a)	16-1
		2(b)	16-2
		2(c)	16-3
		2(e)	16-4
3-8-93	3-8-1993	1	24-25
		2	24-25
		3	24-25
		4	24-25
		5	24-25
		6	24-25
		7	24-25
		8	24-25
		9	24-25
		10	24-25
		11	24-25
		12	24-25
		12(A)	24-26
		12(B)	24-27
	12(C)	24-28	
12(D)	24-29		
	6-7-1993 (Ord.)	1	6-106

CLARENDON COUNTY CODE

Ordinance Number	Date	Section	Section this Code
	3-14-1994 (Res.)	1	12-43, 12-44
		2	12-44
	3-14-1994 (Ord.)	1	8-42
		2	8-43
		3	8-44
		4	8-45
		5	8-46
		6	8-47
7-18-94	7-18-1994	I	6-44
		II	6-45
		III	6-46
		IV	6-47
		V	6-48
		VI	6-49
		VIII	6-50
		IX	6-51
		X	6-52
11-16A-94	11-16-1994	II	12-40
		III	12-41
		IV	12-42
		V	12-45
		VI	12-48
		VII	12-49
		VIII	12-50
		IX	12-51
		X	12-52
		XI	12-53
	5-9-1995 (Ord.)	III	6-46
12-11-95	12-11-1995	I	6-78
		II	6-79
		III	6-80
		IV	6-81
3-11-96	3-11-1996	I	6-78
		II	6-79
		III	6-80
		IV	6-81
9-6-96	9-6-1996	1	2-240
		2	2-241
		3	2-242
		4	2-243
1-13-97	1-13-1997	1	2-3
8-25B(1997)	8-25-1997	1	2-324

CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		2	2-325
		3	2-326
		4	2-327
		5	2-328
		6	2-329
99-00	1-8-1999		2-5
99-02	1-11-1999		16-27
2001-06	2001		22-118
2002-08	12-9-2002		18-21, 18-22
2003-06	7-14-2003	I	24-2
		II	24-3
2004-02	3-30-2004		22-83—22-87
2004-03	6-14-2004		2-467
2004-06	6-14-2004		22-118
2004-07	7-12-2004		6-1
2005-02	5-9-2005		2-347
2005-05	6-13-2005		22-83—22-87
2006-16	1-8-2007	1	2-289
		2	2-290
		3	2-291
		5	2-293
		6	2-294
		41	2-292
		71	2-295
2007-02	4-9-2007	1	22-150
		2	22-151
		3	22-152
		4	22-153
		5	22-154
		6	22-155
2007-04	6-11-2007		10-21
2007-05	7-9-2007	1	20-55
		2	20-56
		3	20-57
		4	20-58
2007-12	9-10-2007		22-1
2008-01	3-10-2008	(1)	22-155
		(2)	22-155
2008-08	9-8-2008		16-60
2009-07	4-13-2009	2.01	10-20
2009-17	10-12-2009		26-531—26-540
2009-20	2-8-2010		2-488

CLARENDON COUNTY CODE

Ordinance Number	Date	Section	Section this Code
2010-03	5-10-2010	1	22-2
		2	22-2
		3	22-2
2010-07	6-14-2010	I	4-1
		II	4-2
		III	4-3
		IV	4-25
		V	4-26
		VI	4-27
		VII	4-28
		VIII	4-60
		IX	4-61
		X	4-62
		XI	4-63
2010-09	9-13-2010	1.2	26-19
		1.3	26-20
		1.4	26-21
		1.5	26-22
		1.6	26-23
		2.1	26-50
		2.2	26-51
		2.3	26-52
		2.4	26-53
		2.5	26-54
		2.5.1	26-55
		2.6	26-56
		2.7	26-57
		3.1	26-89
		3.2	26-90
		3.3	26-91
		3.4	26-92
		3.5	26-93
		3.6	26-94
		3.7	26-95
4.1	26-120		
4.2	26-121		
4.3	26-122		
4.4	26-123		
4.5	26-124		
4.6	26-125		
4.7	26-126		
4.8	26-127		

CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
		4.9	26-129
		5.1	26-157
		5.2	26-158
		5.4	26-160
		6.1	26-190
		6.2	26-191
		6.3	26-192
		6.4	26-193
		6.5	26-194
		6.6	26-195
		6.7	26-196
		7.1	26-217
		7.2	26-218
		7.3	26-219
		7.4	26-220
		8.1	26-250
		8.2	26-251
		8.3	26-252
		8.4	26-253
		8.5	26-254
		8.6	26-255
		8.7	26-256
		9.1	26-276
		9.2	26-277
		9.3	26-278
		9.4	26-279
		9.5	26-280
		9.6	26-281
		9.7	26-282, 26-283
		10.1	26-315
		10.2	26-316
		10.3	26-317
		10.4	26-318
		10.5	26-319
		10.6	26-320
		10.7	26-321
		10.8	26-322
		10.9	26-323
		10.10	26-324
		10.11	26-325
		10.12	26-326
		10.13	26-327

CLARENDON COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		11.1	26-358
		11.2	26-359
		11.3	26-360
		12	26-379
		13	26-380
		14.1	26-404
		14.2	26-405
		14.3	26-406
		14.4	26-407
		14.5	26-408
		14.6	26-409
		14.7	26-410
		14.8	26-411
		15.1	26-436
		15.2	26-437
		15.3	26-438
		15.4	26-439
		16.1	26-462
		16.2	26-463
		16.3	26-464
		17.1	26-482
		17.2	26-483
		17.3	26-484
		18	26-507
		19.1	26-508
		19.3	26-509
		sch. A	26-510
		sch. B	26-511
		app. B	26-513
			26-531—26-540
2010-10	9-13-2010		20-4
2011-07	10-10-2011		2-425
2011-08	10-10-2011		2-30
2011-09	10-10-2011		16-28
2011-11	11-14-2011	1	16-80
		2	16-81
		3	16-82
		4	16-83
		5	16-84
		6	16-85
		7	16-86
		10	16-87

CODE COMPARATIVE TABLE

Ordinance Number	Date	Section	Section this Code
2011-12	11-14-2011	intro.	16-79
		intro.	16-118
		1	16-119
		2	16-120
		3	16-121
		4	16-122
		5	16-123
		6	16-124
		9	16-125
2012-04	1-4-2013		2-425
2013-05	11-18-2013	intro. ¶	2-393
		I	2-394
		II	2-395
		III	2-396
		IV	2-397
		V	2-398
2014-02	9- 8-2014	(1), (2)	26-510
		(3)	26-50
		(4)	26-54
		(5)	Rpld 26-89(c)(2)c.
		(6)	26-90(g)
		(7)	26-91(d)
		(12)	26-95(b)
		(13)	26-95(f)
		(14)	26-160
		(16)	26-160
		(18)	26-190(b)(8)
		(19)	26-219(3)
		(20)	26-220(a)
		(21)	Added 26-220(e)
		(22)	26-251(a)
		(23)	26-251(c)
		(24)	26-252
		(25)	26-253
		(26)	26-254(2)
		(27)	26-277
		(28)	26-281
		(29)	26-283
		(30—(33)	26-315
		(34)	26-316
		(35), (36)	26-317
		(37), (38)	26-318

CLARENDON COUNTY CODE

Ordinance Number	Date	Section	Section this Code
		(39), (40)	26-319
		(41), (42)	26-323
		(43)	26-380
		(44), (45)	26-410
		(46)—(48)	26-411
		(49)	26-483

STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to South Carolina State Law.

G.S. Section	Section this Code	G.S. Section	Section this Code
2-7-30	1-2	4-10-410 et seq.	Ch. 22, Art. III, Div. 2
4-1-170	Ch. 6, Art. II, Div. 2		
4-9-10 et seq.	Ch. 2 (note)	4-19-10 et seq.	Ch. 10 (note)
4-9-10	1-2	4-19-10	10-19
4-9-25	Ch. 1 (note) 20-56	4-21-10	Ch. 8 (note) Ch. 10 (note)
4-9-30	Ch. 1 (note) Ch. 2, Art. II 10-19 20-56 22-150 Ch. 26	5-15-145 6-1-500 et seq. 6-1-700 et seq.	2-488 Ch. 22, Art. IV 22-118 Ch. 22, Art. V 22-150 2-289
4-9-30(5)	Ch. 4 (note) Ch. 22 (note) 24-25	6-27-40(B) 6-29-310 et seq.	Ch. 6 (note) 2-95 2-95 2-425
4-9-30(7)	14-4	9-16-80(A) 9-16-320(C) 11-35-50	Ch. 22 22-84 22-84 22-24 22-84 2-289 22-84 22-118 22-2
4-9-30(14)	1-7	12-33-245(B), (C) 12-36-920 12-36-920(A) 12-45-75 12-49-1110— 12-49-1290 12-51-40 et seq.	22-84 22-84 22-24 22-84 2-289 22-84 22-118 22-2 22-35 Ch. 22, Art. II 22-23 22-36, 22-37 22-27 22-33 22-27 22-30 22-87 2-393
4-9-35	Ch. 14 (note) 14-1	12-51-40(b) 12-51-50 12-51-55 12-54-240 12-60-30(7) 12-60-2510— 12-60-2560 12-60-2530 12-60-2540 15-1-30	Ch. 22, Art. II 22-35 22-36, 22-37 22-27 22-33 22-27 22-30 22-87 2-393 2-397 2-397 2-398 1-2
4-9-60	2-4		
4-9-90	Ch. 2, Art. II, Div. 1		
4-9-110	Ch. 2, Art. II, Div. 2 Ch. 2, Art. II, Div. 2, Subdiv. III 2-72 2-75		
4-9-120	1-1 Ch. 2, Art. II, Div. 2, Subdiv. IV 2-128 2-124		
4-9-130	2-124		
4-9-140	Ch. 2, Art. IV		
4-9-145	2-467		
4-9-160	2-425		
4-9-170	Ch. 2, Art. III 2-125		

CLARENDON COUNTY CODE

G.S. Section	Section this Code	G.S. Section	Section this Code
15-1-40	1-2	56-5-4100	20-57
15-1-50	1-2	56-5-4110	20-57
tit. 16	Ch. 16 (note)	57-3-110(11)	2-2
16-11-700	20-57	57-17-10 et seq.	Ch. 18 (note)
17-3-10	16-2	61-12-10	2-289
17-3-40	16-2	61-12-20	2-289
17-3-50	16-2, 16-3		
17-3-80	16-3		
22-3-550	1-7		
23-47-10 et seq.	Ch. 8, Art. III		
	8-43		
	8-47		
23-47-10—23-47-80	8-42—8-45		
23-47-40(A), (B)	8-44		
23-47-50(C)	8-45		
23-47-40(D)	8-44		
23-47-50	8-44		
23-47-50(E)	8-44		
25-1-450(2)	Ch. 8 (note)		
30-4-10 et seq.	2-95		
30-4-60	Ch. 2, Art. II, Div. 2, Subdiv. III		
30-4-70	2-95		
31-21-10 et seq.	Ch. 12, Art. II, Div. 2		
44-1-140	20-27		
44-20-375	Ch. 2, Art. III, Div. 4		
44-20-378	2-267		
44-49-10 et seq.	Ch. 2, Art. III, Div. 5		
44-55-10 et seq.	26-120		
44-55-1010 et seq.	Ch. 20 (note)		
44-55-1010—			
44-55-1230	20-1		
44-55-1210 et seq.	Ch. 20 (note)		
44-55-1410	Ch. 26 (note)		
44-67-10 et seq.	Ch. 20, Art. III 20-56		
47-3-20	Ch. 4 (note)		
48-1-320	26-438		
48-1-330	26-438		
56-1-10 et seq.	24-2		
56-3-10 et seq.	24-2 24-25		
56-5-10 et seq.	24-2		
56-5-710	Ch. 24 (note)		
56-5-720	Ch. 24 (note)		
56-5-940	Ch. 24 (note)		

CODE INDEX

	Section
A	
ABANDONMENT	
Certain ordinances and resolutions not affected by Code	1-10
Solid waste management	
Collection and disposal	
Disposal of garbage	
Abandonment of vehicles.....	20-27(f)
Traffic and motor vehicles	
Abandoned vehicle compound.....	24-1
ABUSE OR NEGLECT	
Commission on alcohol and drug abuse	2-289 et seq.
See: COMMISSION ON ALCOHOL AND DRUG ABUSE	
ACCESS	
County council	
Rules of procedure	
Meetings	
Open to the public; exceptions	2-95
Solid waste management	
Collection and disposal	
Restrictions on and prohibitions of certain items	
Locking of landfill; keys	20-31(f)
Utilities	
Compliance monitoring; operations and control	
Right of entry; inspection and sampling	26-359
Requirements for water service	
Service	
Right to enter premises	26-90(e)
ACCIDENTS	
Utilities	
Pretreatment of wastewater	
Accidental discharge/slug control plans	26-219
Requirements for water service	
Records and billing	
Accidental water loss; adjustment of usage changes	26-91(k)
ADMINISTRATION	
Boards, commissions and committees	2-185 et seq.
See: BOARDS, COMMISSIONS AND COMMITTEES	

CLARENDON COUNTY CODE

	Section
ADMINISTRATION (Cont'd.)	
Council vested in authority to make decisions for county fire department.....	2-5
County council	2-29 et seq.
See: COUNTY COUNCIL	
Election and terms of county auditor and treasurer ...	2-4
Elections	
Established	2-488
Fees for county tax maps; marriage licenses and service of process	2-1
Finance	2-425 et seq.
See: FINANCE	
Officers and employees	2-449 et seq.
See: OFFICERS AND EMPLOYEES	
Participation in Santee-Lynches regional jail system terminated	2-3
Signs designating crime watch areas; authorization ...	2-2
ADMINISTRATOR	
Definitions and rules of construction	1-2
ADVERTISING	
Solid waste management	
Collection and disposal	
The green box system	
Placing of refuse or garbage by commercial collectors; posting of signs, posters or ads	20-28(f)
Taxation	
Collection of delinquent property taxes	
Failure of successful bidder to pay; readvertisement of property.....	22-29
AERONAUTICS COMMISSION	
Additional members; initial terms; present members to continue	2-208
Composition; appointment; terms; vacancies; compensation; chairperson.....	2-207
AFFIRMATION. See: OATH, AFFIRMATION, SWEAR OR SWORN	
AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES OF COUNTY	
AGREEMENTS. See: CONTRACTS AND AGREEMENTS	
AIRPORTS AND AIRCRAFT	

CODE INDEX

	Section
AIRPORTS AND AIRCRAFT (Cont'd.)	
Aeronautics commission	
Additional members; initial terms; present members to continue	2-208
Composition; appointment; terms; vacancies; compen- sation; chairperson	2-207
Taxation	
Decrease taxes on aircraft registered in county.....	22-1
ALCOHOLIC BEVERAGES	
Commission on alcohol and drug abuse	2-289 et seq.
See: COMMISSION ON ALCOHOL AND DRUG ABUSE	
Offenses and miscellaneous provisions	
Intoxicating substances	
Sale of alcohol on county-owned or county-leased property	16-60
AMBULANCES	
Hospital board	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambu- lances conveyed to by council	8-19
AMENDMENTS	
Amendments to Code; effect of new ordinances; amen- datory language	1-8
County council	
Rules of procedure	2-49
ANIMAL CONTROL	
Animal control department	4-3
Definitions	4-2
Enforcement and penalties	
Accounting	4-63
Animal control fees.....	4-62
Enforcement	4-60
Penalty.....	4-61
General provisions	4-1
Regulations	
Hunting exception	4-28
Running at large	
Generally.....	4-25
Impoundment of animals found.....	4-26
Vicious animal restraint.....	4-27

CLARENDON COUNTY CODE

	Section
ANIMAL CONTROL (Cont'd.)	
Solid waste management	
Collection and disposal	
The green box system	
Dead animals, deposit of	20-28(c)
ANIMAL CONTROL DEPARTMENT	
Animal control	4-3
APPEALS	
Boards, commissions and committees	2-368 et seq.
See: BOARDS, COMMISSIONS AND COMMITTEES	
County board of assessment appeals	2-393 et seq.
See: COUNTY BOARD OF ASSESSMENT APPEALS	
Utilities	
Wastewater discharge permit issuance process	26-278
APPOINTMENTS AND REMOVALS	
Aeronautics commission	
Composition; appointment; terms; vacancies; compensation; chairperson	2-207
Archives advisory commission	
Composition; appointment; terms	2-241
Commission on alcohol and drug abuse	
Membership and appointment	2-290
Removal	2-291
Constable	2-467
County board of assessment appeals	2-395
County council	
Rules of procedure	
Ordinances and resolutions	
Election and appointments to boards and commissions	2-125
Special areas of study	
Councilmembers to be appointed to	2-157
Offenses and miscellaneous provisions	
Hourly rates and fees for appointed private counsels	16-2
Recreation advisory commission	
Duration of appointment	2-326
Membership and appointment	2-325
APPROPRIATIONS	
Certain ordinances and resolutions not affected by Code	1-10

CODE INDEX

	Section
APPROPRIATIONS (Cont'd.)	
County council	
Rules of procedure	
Ordinances and resolutions	
Annual appropriations ordinance	2-126
ARCHIVES ADVISORY COMMISSION	
Advisory capacity.....	2-243
Composition; appointment; terms	2-241
Creation; title	2-240
Duties and operational guidelines.....	2-242
ARREST	
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and	
EMS services	6-49
ASSESSMENTS	
County board of assessment appeals	2-393 et seq.
See: COUNTY BOARD OF ASSESSMENT APPEALS	
ASSIGN OR TRANSFER	
Fire prevention and protection	
County fire protection area	
Transfer of the Summerton Fire Department to	
county special tax district.....	10-21
Utilities	
Requirements for water service	
General requirements for service	
Nontransferability, etc.	26-89(f)
Wastewater discharge permit issuance process	26-280
ATTORNEYS	
Offenses and miscellaneous provisions	
Hourly rates and fees for appointed private counsels	16-2
Submission of voucher by counsel.....	16-3
AUDITOR	
Administration	
Election and terms of county auditor and treasurer.	2-4
AUDITS	
Administration	
Election and terms of county auditor and treasurer.	2-4

CLARENDON COUNTY CODE

	Section
AUDITS (Cont'd.)	
Taxation	
Hospitality tax	
Inspections and audits	22-154
B	
BEER. See: ALCOHOLIC BEVERAGES	
BINS, CONTAINERS AND OTHER RECEPTACLES	
Solid waste management	
Collection and disposal	
Disposal of garbage	
Approved storage containers required	20-27(a)
The green box system	20-28
BIRDS. See: ANIMAL CONTROL	
BLOCKS, LOTS AND PARCELS	
Utilities	
Requirements for water service	
Generall requirements for service	
Services from existing service on another lot.....	26-89(d)
BOARDS, COMMISSIONS AND COMMITTEES	
Aeronautics commission	2-207 et seq.
See: AERONAUTICS COMMISSION	
Archives advisory commission.....	2-240 et seq.
See: ARCHIVES ADVISORY COMMISSION	
Commission on alcohol and drug abuse	2-289 et seq.
See: COMMISSION ON ALCOHOL AND DRUG ABUSE	
County council	
Rules of procedure	
Ordinances and resolutions	
Election and appointments to boards and com- missions.....	2-125
Special areas of study	
Listing of specialized areas of study	
Committee on education, recreation, health and welfare	2-158(4)
Definitions and rules of construction	1-2
Development board	6-106 et seq.
See: DEVELOPMENT BOARD	
Disabilities and special needs board	2-265 et seq.
See: DISABILITIES AND SPECIAL NEEDS BOARD	

CODE INDEX

	Section
BOARDS, COMMISSIONS AND COMMITTEES (Cont'd.)	
Fair housing	
Reporting of grievances to state human affairs commission	12-43
Fire advisory board	
Issuance of general obligation bonds	10-47
Levy of ad valorem taxes for operation and maintenance	10-46
Hospital board	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council	8-19
Libraries	
Established, library system; management by board of trustees; membership; officers; meetings	14-1
Planning commission, building board of adjustment, and zoning board of appeals	
County board of assessment appeals	2-393 et seq.
Recreation advisory commission	2-324 et seq.
See: RECREATION ADVISORY COMMISSION	
Safety committee	2-347 et seq.
See: SAFETY COMMITTEE	
BONDS, SURETY OR PERFORMANCE	
Definitions and rules of construction	1-2
Utilities	
Supplemental enforcement action.....	26-462
BOUNDARIES	
Certain ordinances and resolutions not affected by Code	1-10
County council	
Continuance of composition; district lines and boundaries	2-29
Economic development	
Industrial/business parks	
Clarendon-Sumter industrial/business park	
Enlargement of boundaries according to revised form of agreement	6-78
BRIDGES. See: ROADS AND BRIDGES	
BROKERS OR DEALERS	
Development board	
Funding; reports; dealings in real estate.....	6-110

CLARENDON COUNTY CODE

	Section
BROKERS OR DEALERS (Cont'd.)	
Fair housing	
Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility	12-46
BRUSH, GRASS AND WEEDS	
Solid waste management	
Collection and disposal	
The green box system	20-28
BUDGET	
Certain ordinances and resolutions not affected by Code	1-10
Utilities	
Requirements for water service	
Records and billing	26-91(h)
BUILDINGS AND BUILDING REGULATIONS	
Boards, commissions and committees	2-368 et seq.
See: BOARDS, COMMISSIONS AND COMMITTEES	
Utilities	
Requirements for water service	
Service	
Application for taps concurrent with building permit application	26-90(w)
BUSINESSES AND BUSINESS REGULATIONS	
Development board	
Cooperation with other towns and organizations.....	6-109
Economic development	6-44 et seq.
See: ECONOMIC DEVELOPMENT	
Solid waste management	
Collection and disposal	
The green box system	
Placing of refuse or garbage by commercial collectors; posting of signs, posters or ads	20-28(f)
Utilities	
Drought response	
Nonessential water use	
Commercial and industrial	26-533(2)

CODE INDEX

	Section
C	
CATS. See: ANIMAL CONTROL	
CERTIFICATES, CERTIFICATION	
Certain ordinances and resolutions not affected by Code	1-10
Utilities	
Application, wastewater discharge permit	
Signatories and certification, application	26-255
Requirements for water service	
Water system extensions	
Certificate of completion	26-95(f)
CHARGES, FEES AND RATES	
Administration	
Fees for county tax maps; marriage licenses and service of process	2-1
Animal control	
Enforcement and penalties	
Animal control fees	4-62
Certain ordinances and resolutions not affected by Code	1-10
Economic development	6-46 et seq.
See: ECONOMIC DEVELOPMENT	
Emergency services	
911 emergency telephone system	
E 911 service fee; billing and collection	8-44
Offenses and miscellaneous provisions	
Hourly rates and fees for appointed private counsels	16-2
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds	16-1
Rates, charges, and fees established	1-11
Solid waste management	
Collection and disposal	
Fees	20-30
Restrictions on and prohibitions of certain items	
Applicability of charges.....	20-31(d)
Traffic and motor vehicles	24-1 et seq.
See: TRAFFIC AND MOTOR VEHICLES	
Utilities.....	26-54 et seq.
See: UTILITIES	
CITATIONS. See: WRITS, WARRANTS AND OTHER LEGAL PROCESSES	

CLARENDON COUNTY CODE

	Section
CLARENDON, COUNTY OF. See: COUNTY	
CLASSES, CLASSIFICATION	
Utilities	
Requirements for water service	
Records and billing	
Classification of accounts	26-91(e)
CLERK	
County council	
Rules of procedure	
Officers.....	2-75
Ordinances and resolutions	
Election and appointments to boards and commissions	
Duties of clerk to council with respect to vacancies.....	2-125(a)
Definitions and rules of construction	1-2
CLERK OF THE COUNTY COUNCIL. See: CLERK	
CODE OF ORDINANCES*	
Amendments to Code; effect of new ordinances; amendatory language	1-8
Catchlines, history notes, and references	1-5
Certain ordinances and resolutions not affected by Code	1-10
Definitions and rules of construction	1-2
Designation and citation of Code	1-1
Effect of repeal or expiration of ordinances	1-3
General penalty; continuing violations	1-7
Provisions considered continuations of existing ordinances	1-4
Rates, charges, and fees established.....	1-11
Severability of parts of Code.....	1-6
Supplementation of Code	1-9
CODES	
Amendments to Code; effect of new ordinances; amendatory language	1-8

***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

CODE INDEX

	Section
CODES (Cont'd.)	
Certain ordinances and resolutions not affected by Code	1-10
Definitions and rules of construction	1-2
Designation and citation of Code	1-1
Severability of parts of Code.....	1-6
Supplementation of Code	1-9
COMMISSION ON ALCOHOL AND DRUG ABUSE	
Establishment.....	2-289
Input of citizens in combating substance abuse	2-295
Meetings and officers	2-293
Members qualifications	2-292
Membership and appointment	2-290
Removal	2-291
Responsibilities and duties.....	2-294
COMMISSIONS. See: BOARDS, COMMISSIONS AND COMMITTEES	
COMMITTEES. See: BOARDS, COMMISSIONS AND COMMITTEES	
COMPENSATION, SALARIES, ETC.	
Aeronautics commission	
Composition; appointment; terms; vacancies; compensation; chairperson	2-207
Certain ordinances and resolutions not affected by Code	1-10
Development board	
Election of officers; bylaws; employment of staff; compensation	6-107
COMPLAINTS	
Fair housing	
Reporting of grievances to state human affairs commission	12-43
COMPUTATION OF TIME	
Definitions and rules of construction	1-2
CONDUCT	
County council	
Rules of procedure	
Meetings.....	2-96

CLARENDON COUNTY CODE

	Section
CONFIDENTIALITY AND PRIVACY	
Utilities	
Confidentiality and publication	
Information, confidential	26-379
Publication of users in significant noncompliance .	26-380
CONFINE OR RESTRAIN	
Animal control	
Regulations	
Vicious animal restraint	4-27
CONFLICTS	
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Conflicts of laws or ordinances	6-48
CONJUNCTIONS	
Definitions and rules of construction	1-2
CONSTABLE	
Appointment.....	2-467
CONSTRUCTION	
Utilities.....	26-90 et seq.
See: UTILITIES	
CONSUME, HARBOR OR POSSESS	
Offenses and miscellaneous provisions	16-84 et seq.
See: OFFENSES AND MISCELLANEOUS PROVI- SIONS	
CONTRACTORS	
Utilities	
Supplemental enforcement action	
Contractor listing	26-464
CONTRACTS AND AGREEMENTS	
Certain ordinances and resolutions not affected by Code	1-10
Economic development	6-44 et seq.
See: ECONOMIC DEVELOPMENT	
Finance	
Procurement and contract procedures	2-425
CONTROLLED SUBSTANCES	
Commission on alcohol and drug abuse	2-289 et seq.
See: COMMISSION ON ALCOHOL AND DRUG ABUSE	

CODE INDEX

	Section
CONTROLLED SUBSTANCES (Cont'd.)	
Offenses and miscellaneous provisions	16-79 et seq.
See: OFFENSES AND MISCELLANEOUS PROVI- SIONS	
COUNCIL. See: COUNTY COUNCIL	
COUNTY	
Definitions and rules of construction	1-2
COUNTY ADMINISTRATOR. See: ADMINISTRATOR	
COUNTY AUDITOR. See: AUDITOR	
COUNTY BOARD OF ASSESSMENT APPEALS	
Annual meeting	2-396
Appeals	2-398
Appointment.....	2-395
Composition	2-394
Hearing meetings	2-397
Purpose; authority	2-393
COUNTY COUNCIL	
Administration	
Council vested in authority to make decisions for county fire department	2-5
Continuance of composition; district lines and bound- aries	2-29
Definitions and rules of construction	1-2
Elections	
Electoral district based upon the 2010 Census	2-30
Rules of procedure	
Officers	
Election of officers generally	2-72
Ordinances and resolutions	
Election and appointments to boards and com- missions.....	2-125
Electoral district based upon the 2010 Census	2-30
Hospital board	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambu- lances conveyed to by council	8-19
Roads and bridges	
Private driveways	
Findings of council	18-21
Policies and actions of council.....	18-22

CLARENDON COUNTY CODE

	Section
COUNTY COUNCIL (Cont'd.)	
Rules of procedure	
Amendments.....	2-49
Meetings	
Conduct.....	2-96
Decorum in speaking	2-96(b)
Matters not within the council's jurisdiction	2-96(e)
Members addressing the chair.....	2-96(c)
Prayer	2-96(a)
Recognition of persons.....	2-96(f)
Requests to be heard.....	2-96(d)
Open to the public; exceptions	2-95
Regular and special; notice; quorum.....	2-94
Officers	
Chairperson	2-73
Clerk	2-75
Election of officers generally	2-72
Vice-chairperson	2-74
Officers and employees	
Officers. See within this subheading that subject	
Ordinances and resolutions	
Election and appointments to boards and commissions	
Duties of clerk to council with respect to vacancies.....	2-125(a)
Ordinances and resolutions	
Annual appropriations ordinance.....	2-126
Effective date.....	2-127
Election and appointments to boards and commissions.....	2-125
Committee report.....	2-125(b)
Duties of clerk to council with respect to vacancies	2-125(a)
Election	2-125(c)
Recommendations for appointment.....	2-125(d)
Introduction and required readings	2-124
Adoption of resolutions	2-124(d)
Emergency ordinances.....	2-124(g)
First reading.....	2-124(c)
Introduction.....	2-124(a)
Passage or adoption by majority required.....	2-124(f)
Public hearings; notice	2-124(b)
Second and third readings.....	2-124(e)

CODE INDEX

	Section
COUNTY COUNCIL (Cont'd.)	
Printing.....	2-128
Reading.....	2-123
Recall of ordinances or resolutions	2-129
Required to be in writing.....	2-122
To be approved as to form.....	2-121
Special areas of study	
Councilmembers to be appointed to.....	2-157
Listing of specialized areas of study	2-158
Administration and finance	2-158(1)
Committee on education, recreation, health and welfare	2-158(4)
Justice and public safety.....	2-158(3)
Public service and county planning.....	2-158(2)
COUNTY LIMITS	
Definitions and rules of construction	1-2
COUNTY PROSECUTOR	
Offenses and miscellaneous provisions	
Funding of public defender's office, county prosecutor and solicitor's office.....	16-4
COUNTY SOLICITOR. See: SOLICITOR	
COURTS	
County council	
Rules of procedure	
Special areas of study	
Listing of specialized areas of study	
Justice and public safety	2-158(3)
Offenses and miscellaneous provisions	
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds	16-1
Utilities.....	26-436 et seq.
See: UTILITIES	
CREDITS, REBATES AND REFUNDS	
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Tax credits allowed to business enterprises	6-45
Taxation	
Collection of delinquent property taxes	
Refund to successful purchaser upon real estate being redeemed	22-31

CLARENDON COUNTY CODE

D

Section

DAMAGE, DEFACEMENT, DESTRUCTION OR INJURY

Offenses and miscellaneous provisions

Intoxicating substances

Synthetic cannabinoids

Confiscation and destruction 16-85

Synthetic cathinones

Confiscation and destruction 16-123

Solid waste management

Collection and disposal

The green box system

Damaging of boxes 20-28(g)

Utilities

Water utility service

Damage, defacing, etc., systems 26-51

DANGEROUS OR VICIOUS ANIMALS

Animal control

Regulations

Vicious animal restraint 4-27

DEBRIS

Solid waste management

Collection and disposal

Disposal of garbage

Storage of rubbish or debris prohibited; exception 20-27(b)

DECISIONS, FINDINGS AND REVIEWS

Administration

Council vested in authority to make decisions for county fire department 2-5

Fire prevention and protection

County fire protection area

Findings of fact 10-19

Roads and bridges

Private driveways

Findings of council 18-21

Solid waste management 20-1

Traffic and motor vehicles

Uniform service charge for motor vehicle users

Findings of fact concerning county road system.... 24-25

CODE INDEX

	Section
DECISIONS, FINDINGS AND REVIEWS (Cont'd.)	
Utilities	
Application, wastewater discharge permit	
Decisions, wastewater discharge permit	26-256
DEEDS. See: TITLES AND DEEDS	
DEFACEMENT. See: DAMAGE, DEFACEMENT, DESTRUCTION OR INJURY	
DELEGATION OF AUTHORITY	
Definitions and rules of construction	1-2
DEPARTMENTS AND OTHER AGENCIES OF COUNTY	
Administration	
Council vested in authority to make decisions for county fire department	2-5
Animal control	
Animal control department.....	4-3
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equipment	
Vehicles to meet standards of county health department; responsibility for corrections.....	20-29(d)
Utilities	
Cross connection; backflow prevention	
General purpose and department.....	26-120
Water and sewer department.....	26-19 et seq.
See: WATER AND SEWER DEPARTMENT	
DESIGNATE, DESIGNATION	
Administration	
Signs designating crime watch areas; authorization.	2-2
Designation and citation of Code	1-1
Traffic and motor vehicles	
Abandoned vehicle compound	
Area designated; use	24-1(a)
DESTRUCTION. See: DAMAGE, DEFACEMENT, DESTRUCTION OR INJURY	
DEVELOPMENT. See: PLANNING AND DEVELOPMENT	
DEVELOPMENT BOARD	
Cooperation with other towns and organizations	6-109

CLARENDON COUNTY CODE

	Section
DEVELOPMENT BOARD (Cont'd.)	
Creation; composition; membership	6-106
Election of officers; bylaws; employment of staff; compensation	6-107
Funding; reports; dealings in real estate	6-110
Insurance coverage	6-111
Purpose and duties	6-108
DISABILITIES AND SPECIAL NEEDS BOARD	
Creation	2-265
Duties	2-268
Insurance	2-270
Meetings and requirements	2-269
Membership	2-267
Purpose	2-266
DISABLED OR HANDICAPPED PERSONS	
Disabilities and special needs board	2-265 et seq.
See: DISABILITIES AND SPECIAL NEEDS BOARD	
DISCRIMINATION	
Human relations	12-19 et seq.
See: HUMAN RELATIONS	
DISTRICTS	
Certain ordinances and resolutions not affected by Code	1-10
County council	
Continuance of composition; district lines and boundaries	2-29
Electoral district based upon the 2010 Census	2-30
Fire prevention and protection	
County fire protection area	
Creation and establishment as a special tax district	10-20
Transfer of the Summerton Fire Department to county special tax district	10-21
Taxation	22-83 et seq.
See: TAXATION	
DOGS. See: ANIMAL CONTROL	
DRIVEWAYS	
Roads and bridges	18-21 et seq.
See: ROADS AND BRIDGES	
DRUGS. See: CONTROLLED SUBSTANCES	

CODE INDEX

	Section
E	
EASEMENTS	
Certain ordinances and resolutions not affected by Code	1-10
ECONOMIC DEVELOPMENT	
Development board	6-106 et seq.
See: DEVELOPMENT BOARD	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Administration, development, promotion and operation; responsibility	6-47
Charges, fees and rates	
Distribution of fee portion received for park premises located in Anderson County	6-51
Park premises located in Clarendon County, distribution of fees received for	6-52
Payment of user fees in lieu of ad valorem taxes	6-46
Conflicts of laws or ordinances	6-48
Distribution of fee portion received for park premises located in Anderson County	6-51
Formation; agreement	6-44
Jurisdiction for arrests; fire, sewer, water and EMS services	6-49
Park premises located in Clarendon County, distribution of fees received for	6-52
Payment of user fees in lieu of ad valorem taxes ..	6-46
Tax credits allowed to business enterprises	6-45
Termination of agreement	6-50
Clarendon-Sumter industrial/business park	
Approval of revised exhibit A	6-79
Authority of park agreement revision	6-80
Enlargement of boundaries according to revised form of agreement	6-78
Terms, conditions and provisions of Ordinance No. 10-9-1995 saved from repeal	6-81
Contracts and agreements	
Clarendon-Anderson industrial/business park	
Formation; agreement	6-44
Termination of agreement	6-50
Clarendon-Sumter industrial/business park	
Authority of park agreement revision	6-80

CLARENDON COUNTY CODE

	Section
ECONOMIC DEVELOPMENT (Cont'd.)	
Enlargement of boundaries according to revised form of agreement	6-78
Slum and blighted area defined.....	6-1
EDUCATION AND TRAINING	
County council	
Rules of procedure	
Special areas of study	
Listing of specialized areas of study	
Committee on education, recreation, health and welfare.....	2-158(4)
ELECTIONS	
Administration	
Election and terms of county auditor and treasurer .	2-4
Provisions re	
Established	2-488
County council	2-30 et seq.
See: COUNTY COUNCIL	
Development board	
Election of officers; bylaws; employment of staff; compensation	6-107
EMERGENCIES	
Certain ordinances and resolutions not affected by Code	1-10
County council	
Rules of procedure	
Ordinances and resolutions	
Introduction and required readings	
Emergency ordinances	2-124(g)
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and EMS services	6-49
Emergency services	8-1 et seq.
See: EMERGENCY SERVICES	
Utilities.....	26-57 et seq.
See: UTILITIES	
EMERGENCY SERVICES	
911 emergency telephone system	
Accounting and management	8-45

CODE INDEX

	Section
EMERGENCY SERVICES (Cont'd.)	
Addressing and road names	8-46
E 911 service fee; billing and collection.....	8-44
General requirements.....	8-43
Intent of article	8-42
Penalty for violation of article	8-47
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and	
EMS services	6-49
Hospital board	8-19 et seq.
See: HOSPITAL BOARD	
EMERGENCY VEHICLES	
Hospital board	
Power, authority, control, supervision, jurisdiction	
and liability for emergency services and ambu-	
lances conveyed to by council	8-19
EMPLOYEES. See: OFFICERS AND EMPLOYEES	
ENCLOSURES. See: FENCES, HEDGES, WALLS AND	
OTHER ENCLOSURES	
EQUIPMENT AND MACHINERY	
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equip-	
ment.....	20-29
Utilities	
Requirements for water service	
Taps	
Standard equipment and materials.....	26-92(b)
EXAMINATIONS AND TESTS	
Utilities	
Cross connection; backflow prevention	
Testing requirements	26-126
Requirements for water service	
Service	26-90(o)
F	
FAIR HOUSING	
Actions of fair housing officer.....	12-52

CLARENDON COUNTY CODE

	Section
FAIR HOUSING (Cont'd.)	
Blockbusting.....	12-48
Conspiracy to violate division	12-53
Definitions	12-41
Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility	12-46
Enforcement of division.....	12-50
Exemptions from division	12-49
Policy.....	12-40
Procedures for conciliation	12-51
Purpose of division; construction; effect.....	12-42
Real property, real estate	
Discrimination in relation to membership or participation in multiple listing service, real estate brokers' organization, or related service, organization, or facility.....	12-46
Realtors encouraged by county to provide for nondiscrimination.....	12-44
Residential real estate-related transactions, discrimination in relation to.....	12-47
Realtors encouraged by county to provide for nondiscrimination	12-44
Reporting of grievances to state human affairs commission.....	12-43
Residential real estate-related transactions, discrimination in relation to	12-47
Unlawful housing practices	12-45
FAIR HOUSING OFFICER	
Fair housing	
Actions of fair housing officer	12-52
FENCES, HEDGES, WALLS AND OTHER ENCLOSURES	
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equipment	
Enclosure of vehicle body; covering of waste	20-29(b)
FINANCE	
Administration	
Election and terms of county auditor and treasurer.	2-4

CODE INDEX

	Section
FINANCE (Cont'd.)	
Animal control	
Enforcement and penalties	
Accounting	4-63
Certain ordinances and resolutions not affected by Code	1-10
County council	
Rules of procedure	
Special areas of study	
Listing of specialized areas of study	
Administration and finance	2-158(1)
Development board	
Funding; reports; dealings in real estate	6-110
Emergency services	
911 emergency telephone system	
Accounting and management	8-45
E 911 service fee; billing and collection	8-44
Libraries	
Funding of county system	14-5
Offenses and miscellaneous provisions	
Funding of public defender's office, county prosecutor and solicitor's office	16-4
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds	16-1
Procurement and contract procedures	2-425
Taxation	22-1 et seq.
See: TAXATION	
Utilities	26-91 et seq.
See: UTILITIES	
Water and sewer department	
Financial records	26-23
FINES, FORFEITURES AND OTHER PENALTIES	
Animal control	4-60 et seq.
See: ANIMAL CONTROL	
Emergency services	
911 emergency telephone system	
Penalty for violation of article	8-47
General penalty; continuing violations	1-7
Noise	
Control standards, noise; definitions; penalties	16-28

CLARENDON COUNTY CODE

	Section
FINES, FORFEITURES AND OTHER PENALTIES	
(Cont'd.)	
Offenses and miscellaneous provisions	16-1 et seq.
See: OFFENSES AND MISCELLANEOUS PROVI- SIONS	
Solid waste management	
Penalty for violation of chapter.....	20-3
Taxation	
Collection of delinquent property taxes	
Penalty for violation of article.....	22-24
Hospitality tax	
Violations and penalty	22-155
Traffic and motor vehicles	
Careless driving or riding; penalty for violation of section.....	24-3
Uniform service charge for motor vehicle users	
Penalties for violation of article.....	24-29
Utilities.....	26-54 et seq.
See: UTILITIES	
FIRE ADVISORY BOARD	
Issuance of general obligation bonds.....	10-47
Levy of ad valorem taxes for operation and mainte- nance.....	10-46
FIRE DEPARTMENT	
Administration	
Council vested in authority to make decisions for county fire department	2-5
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and EMS services	6-49
Fire prevention and protection	
County fire protection area	
Transfer of the Summerton Fire Department to county special tax district.....	10-21
FIRE PREVENTION AND PROTECTION	
Administration	
Council vested in authority to make decisions for county fire department	2-5
County fire protection area	
Creation and establishment as a special tax district	10-20

CODE INDEX

	Section
FIRE PREVENTION AND PROTECTION (Cont'd.)	
Findings of fact.....	10-19
Transfer of the Summerton Fire Department to county special tax district.....	10-21
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and EMS services	6-49
Fire advisory board	10-46 et seq.
See: FIRE ADVISORY BOARD	
Solid waste management	
Collection and disposal	
The green box system	
Flammable or dangerous materials.....	20-28(e)
Utilities	
Requirements for water service	
Automatic sprinkler system charges	
Fire hydrants and sprinkler systems.....	26-94(i)
Service	
Operating fire hydrants unlawfully.....	26-90(v)
FISHING, HUNTING OR TRAPPING	
Animal control	
Regulations	
Hunting exception.....	4-28
FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES	
FOWL. See: ANIMAL CONTROL	
FRANCHISES	
Certain ordinances and resolutions not affected by Code	1-10
G	
GARBAGE AND TRASH	
Litter control	20-55 et seq.
See: LITTER CONTROL	
Solid waste management	20-1 et seq.
See: SOLID WASTE MANAGEMENT	
GENDER	
Definitions and rules of construction	1-2

CLARENDON COUNTY CODE

	Section
GENERALLY	
Definitions and rules of construction	1-2
GOODS OR SERVICES	
Administration	
Fees for county tax maps; marriage licenses and service of process	2-1
Certain ordinances and resolutions not affected by Code	1-10
County council	
Rules of procedure	
Special areas of study	
Listing of specialized areas of study	
Public service and county planning	2-158(2)
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and EMS services	6-49
Emergency services	8-1 et seq.
See: EMERGENCY SERVICES	
Fair housing	
Discrimination in relation to membership or partici- pation in multiple listing service, real estate brokers' organization, or related service, organi- zation, or facility	12-46
Taxation	
Sales and use tax	
Capital improvements for school districts	
Debt service	22-86
Traffic and motor vehicles	24-25 et seq.
See: TRAFFIC AND MOTOR VEHICLES	
Utilities	26-50 et seq.
See: UTILITIES	
Water and sewer department	
Scope of service	26-20
GRASS. See: BRUSH, GRASS AND WEEDS	

H

HANDICAPPED PERSONS. See: DISABLED OR HAND-
ICAPPED PERSONS

CODE INDEX

	Section
HAZARDS, HAZARDOUS	
Solid waste management	
Collection and disposal	
Restrictions on and prohibitions of certain items	
Hazardous material	20-31(c)
Utilities.....	26-90 et seq.
See: UTILITIES	
 HEALTH AND SANITATION	
County council	
Rules of procedure	
Special areas of study	
Listing of specialized areas of study	
Committee on education, recreation, health and welfare.....	2-158(4)
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equip- ment	
Sanitation of vehicles; leakage or blowing of refuse.....	20-29(a)
Vehicles to meet standards of county health de- partment; responsibility for corrections.....	20-29(d)
 HEALTH DEPARTMENT	
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equip- ment	
Vehicles to meet standards of county health de- partment; responsibility for corrections.....	20-29(d)
 HEARINGS	
County board of assessment appeals	
Hearing meetings.....	2-397
County council	
Rules of procedure	
Meetings	
Conduct	
Requests to be heard	2-96(d)
Ordinances and resolutions	
Introduction and required readings	
Public hearings; notice	2-124(b)

CLARENDON COUNTY CODE

	Section
HEARINGS (Cont'd.)	
Utilities	
Administrative enforcement remedies	
Show cause hearing.....	26-406
HEDGES. See: FENCES, HEDGES, WALLS AND OTHER ENCLOSURES	
HIGHWAYS	
Certain ordinances and resolutions not affected by Code	1-10
HOSPITAL BOARD	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council.....	8-19
HOSPITALS	
Hospital board	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council	8-19
HOTELS AND MOTELS	
Taxation	22-150 et seq.
See: TAXATION	
HOURS	
Offenses and miscellaneous provisions	
Hourly rates and fees for appointed private counsels	16-2
HOUSING	
Fair housing.....	12-40 et seq.
See: FAIR HOUSING	
Utilities	
Requirements for water service	
Service	
Renting, leasing, etc.; houses, apartments	26-90(p)
HUMAN RELATIONS	
Discrimination	
Fair housing	12-40 et seq.
HUNTING. See: FISHING, HUNTING OR TRAPPING	

I

IMPOUNDMENT	
Animal control	

CODE INDEX

	Section
IMPOUNDMENT (Cont'd.)	
Regulations	
Running at large	
Generally	4-25
Impoundment of animals found	4-26
IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS	
INDUSTRY, INDUSTRIAL	
Economic development	6-44 et seq.
See: ECONOMIC DEVELOPMENT	
Utilities	
Drought response	
Nonessential water use	
Commercial and industrial	26-533(2)
Requirements for water service	
Rates, water usage	
Industrial customers, rates for	26-93(3)
INJUNCTIONS. See: SUITS, ACTIONS AND OTHER LEGAL PROCEEDINGS	
INJURY. See: DAMAGE, DEFACEMENT, DESTRUCTION OR INJURY	
INSPECTIONS	
Taxation	
Hospitality tax	
Inspections and audits	22-154
Utilities	
Compliance monitoring; operations and control	
Right of entry; inspection and sampling	26-359
Requirements for water service	
Service	
Inspections; action to be taken on hazardous conditions.....	26-90(k)
INSURANCE	
Development board	
Insurance coverage	6-111
Disabilities and special needs board	2-270
Utilities	
Requirements for water service	
Automatic sprinkler system charges	
Insurance carrier to be notified.....	26-94(f)

CLARENDON COUNTY CODE

	Section
INTOXICATING BEVERAGES. See: ALCOHOLIC BEVERAGES	
ISSUANCE OF BONDS	
Certain ordinances and resolutions not affected by Code	1-10
Fire advisory board	
Issuance of general obligation bonds	10-47
J	
JAILS	
Administration	
Participation in Santee-Lynches regional jail system terminated.....	2-3
JOINT AUTHORITY	
Definitions and rules of construction	1-2
K	
KEEPER; PROPRIETOR	
Definitions and rules of construction	1-2
L	
LABELS AND TAGS	
Offenses and miscellaneous provisions	
Intoxicating substances	
Synthetic cathinones	
Labeling does not exempt from enforcement	16-122
LANDS, LAND USE	
Certain ordinances and resolutions not affected by Code	1-10
LEASE OR RENT	
Certain ordinances and resolutions not affected by Code	1-10
Offenses and miscellaneous provisions	
Intoxicating substances	
Sale of alcohol on county-owned or county-leased property	16-60
Utilities	
Requirements for water service	
Service	
Renting, leasing, etc.; houses, apartments	26-90(p)

CODE INDEX

	Section
LEGAL PROCEEDINGS. See: SUITS, ACTIONS AND OTHER LEGAL PROCEEDINGS	
LEGAL PROCESSES. See: WRITS, WARRANTS AND OTHER LEGAL PROCESSES	
LEVY, LEVYING	
Certain ordinances and resolutions not affected by Code	1-10
Fire advisory board	
Levy of ad valorem taxes for operation and maintenance	10-46
LIABILITY	
Hospital board	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council	8-19
LIBRARIES	
Applicability of state law to county system	14-4
Assets and property of county library	14-6
Established, library system; management by board of trustees; membership; officers; meetings.....	14-1
Funding of county system	14-5
Library board	14-2 et seq.
See: LIBRARY BOARD	
LIBRARY BOARD	
Additional powers and duties.....	14-3
Powers and duties.....	14-2
LICENSES AND PERMITS	
Administration	
Fees for county tax maps; marriage licenses and service of process	2-1
Certain ordinances and resolutions not affected by Code	1-10
Utilities.....	26-90 et seq.
See: UTILITIES	
LIENS	
Traffic and motor vehicles	
Abandoned vehicle compound	
Storage charges; lien; log.....	24-1(c)
LIQUOR. See: ALCOHOLIC BEVERAGES	

CLARENDON COUNTY CODE

	Section
LITTER CONTROL	
Authority and purpose	20-56
Litter	
County violations	20-58
State violations.....	20-57
Solid waste management	
Collection and disposal	
Disposal of garbage	
Littering from vehicles; responsibility of driver..	20-27(e)
Title	20-55
LOADING, UNLOADING	
Solid waste management	
Collection and disposal	
The green box system	
Overloading or overfilling.....	20-28(d)
LOCATIONS	
Utilities	
Requirements for water service	
General requirements for service	
Locating and uncovering meter or back/low de- vice.....	26-89(j)
LOTS. See: BLOCKS, LOTS AND PARCELS	
M	
MAINTENANCE	
Fire advisory board	
Levy of ad valorem taxes for operation and mainte- nance	10-46
Utilities	
Requirements for water service	
Service	
Portion installed and maintained by property owner	26-90(h)
MAPS. See: SURVEYS, MAPS AND PLATS	
MEASURES. See: WEIGHTS AND MEASURES	
MEDICAL SERVICES	
Economic development	
Industrial/business parks	

CODE INDEX

	Section
MEDICAL SERVICES (Cont'd.)	
Clarendon-Anderson industrial/business park Jurisdiction for arrests; fire, sewer, water and EMS services	6-49
MEETINGS	
Commission on alcohol and drug abuse Meetings and officers	2-293
County board of assessment appeals Annual meeting	2-396
Hearing meetings	2-397
County council	2-94 et seq.
See: COUNTY COUNCIL	
Disabilities and special needs board Meetings and requirements	2-269
Libraries Established, library system; management by board of trustees; membership; officers; meetings	14-1
MEMBERS, MEMBERSHIP	
Aeronautics commission Additional members; initial terms; present members to continue	2-208
Commission on alcohol and drug abuse Members qualifications	2-292
Membership and appointment	2-290
County council Rules of procedure Special areas of study Councilmembers to be appointed to	2-157
Development board Creation; composition; membership	6-106
Disabilities and special needs board	2-267
Fair housing Discrimination in relation to membership or partici- pation in multiple listing service, real estate brokers' organization, or related service, organi- zation, or facility	12-46
Libraries Established, library system; management by board of trustees; membership; officers; meetings	14-1
Recreation advisory commission Membership and appointment	2-325

CLARENDON COUNTY CODE

	Section
MONTH	
Definitions and rules of construction	1-2
MOTELS. See: HOTELS AND MOTELS	
MOTOR VEHICLES. See: TRAFFIC AND MOTOR VEHICLES	
N	
NAMING, NAMES	
Emergency services	
911 emergency telephone system	
Addressing and road names	8-46
Roads and bridges	
Naming of roads	18-1
NOISE	
Control standards, noise; definitions; penalties	16-28
Definitions.....	16-28(a)
Enforcement	16-28(f)
Exemptions.....	16-28(c)
Prohibited acts	16-28(b)
Variance conditions.....	16-28(d)
Violations	16-28(e)
Noise level control.....	16-27
Operating so as to constitute a public nuisance	16-27(b)
Radios, mechanical, musical instruments	16-27(a)
NONTECHNICAL AND TECHNICAL TERMS	
Definitions and rules of construction	1-2
NOTICE, NOTIFICATION	
County council	
Rules of procedure	
Meetings	
Regular and special; notice; quorum	2-94
Ordinances and resolutions	
Introduction and required readings	
Public hearings; notice	2-124(b)
Taxation	
Collection of delinquent property taxes	
Notice to owner of record of period of redemption	
for real estate	22-33
Utilities.....	26-94 et seq.
See: UTILITIES	

CODE INDEX

	Section
NUISANCES	
Noise	
Noise level control	
Operating so as to constitute a public nuisance....	16-27(b)
Offenses and miscellaneous provisions	
Intoxicating substances	
Synthetic cannabinoids	
Consumption or sale declared public nuisance...	16-80
NUMBER, NUMBERING	
Definitions and rules of construction	1-2
O	
OATH, AFFIRMATION, SWEAR OR SWORN	
Definitions and rules of construction	1-2
OFFENSES AND MISCELLANEOUS PROVISIONS	
Fines, forfeitures and other penalties	
Intoxicating substances	
Synthetic cannabinoids	16-86
Synthetic cathinones	16-124
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds	16-1
Funding of public defender's office, county prosecutor and solicitor's office	16-4
Hourly rates and fees for appointed private counsels..	16-2
Intoxicating substances	
Consume, harbor or possess	
Synthetic cannabinoids	
Illegal possession and use	16-84
Synthetic cathinones	
Illegal possession for ingestion/consumption	16-121
Illegal sale for ingestion/consumption.....	16-120
Sale of alcohol on county-owned or county-leased property.....	16-60
Sales	
Sale of alcohol on county-owned or county-leased property	16-60
Synthetic cannabinoids	
Illegal sale of imitation or fake synthetic can- nabinoids	16-83
Illegal sale or distribution	16-82
Synthetic cathinones	
Illegal sale for ingestion/consumption.....	16-120

CLARENDON COUNTY CODE

	Section
OFFENSES AND MISCELLANEOUS PROVISIONS	
(Cont'd.)	
Synthetic cannabinoids	
Confiscation and destruction	16-85
Consumption or sale declared public nuisance	16-80
Definitions	16-81
Illegal possession and use	16-84
Illegal sale of imitation or fake synthetic can- nabinoids.....	16-83
Illegal sale or distribution.....	16-82
Penalty	16-86
Provisions are cumulative.....	16-87
Purpose and intent.....	16-79
Synthetic cathinones	
Confiscation and destruction	16-123
Definitions	16-119
Illegal possession for ingestion/consumption.....	16-121
Illegal sale for ingestion/consumption	16-120
Labeling does not exempt from enforcement.....	16-122
Penalty	16-124
Provisions are cumulative.....	16-125
Purpose and intent.....	16-118
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds.....	16-1
Noise	16-27 et seq.
See: NOISE	
Submission of voucher by counsel	16-3
OFFICERS AND EMPLOYEES	
Administration	
Election and terms of county auditor and treasurer .	2-4
Certain ordinances and resolutions not affected by Code	1-10
Commission on alcohol and drug abuse	
Meetings and officers	2-293
Constable.....	2-467 et seq.
See: CONSTABLE	
County council	2-72 et seq.
See: COUNTY COUNCIL	
Definitions and rules of construction	1-2
Development board	
Election of officers; bylaws; employment of staff; compensation	6-107

CODE INDEX

	Section
OFFICERS AND EMPLOYEES (Cont'd.)	
Employee handbook incorporated by reference	2-449
Fair housing	
Actions of fair housing officer	12-52
Libraries	
Established, library system; management by board of trustees; membership; officers; meetings	14-1
Offenses and miscellaneous provisions	
Funding of public defender's office, county prosecutor and solicitor's office	16-4
Water and sewer department	26-21
OFFICIAL BOARD, COMMISSION. See: BOARDS, COM- MISSIONS AND COMMITTEES	
ORDERS. See: WRITS, WARRANTS AND OTHER LE- GAL PROCESSES	
ORDINANCES, RESOLUTIONS, ETC.	
Amendments to Code; effect of new ordinances; amen- datory language	1-8
Certain ordinances and resolutions not affected by Code	1-10
County council	2-121 et seq.
See: COUNTY COUNCIL	
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Conflicts of laws or ordinances	6-48
Clarendon-Sumter industrial/business park	
Terms, conditions and provisions of Ordinance No. 10-9-1995 saved from repeal	6-81
Effect of repeal or expiration of ordinances	1-3
Provisions considered continuations of existing ordi- nances	1-4
OWNER	
Definitions and rules of construction	1-2

P

PARKS AND RECREATION	
County council	
Rules of procedure	
Special areas of study	

CLARENDON COUNTY CODE

	Section
PARKS AND RECREATION (Cont'd.)	
Listing of specialized areas of study	
Committee on education, recreation, health and welfare.....	2-158(4)
Recreation advisory commission	2-324 et seq.
See: RECREATION ADVISORY COMMISSION	
PAVING OR SURFACING	
Solid waste management	
Collection and disposal	
Restrictions on and prohibitions of certain items	
Concrete products.....	20-31(b)
PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES	
PERMITS. See: LICENSES AND PERMITS	
PERMITTED USES	
Taxation	
Hospitality tax	
Permitted uses of funds.....	22-153
PERSON	
Definitions and rules of construction	1-2
PERSONAL PROPERTY	
Definitions and rules of construction	1-2
Taxation	
Collection of delinquent property taxes	
Personal property, redemption period for	22-32
PERSONNEL	
Certain ordinances and resolutions not affected by Code	1-10
PLANNING AND DEVELOPMENT	
Boards, commissions and committees	2-368 et seq.
See: BOARDS, COMMISSIONS AND COMMITTEES	
Certain ordinances and resolutions not affected by Code	1-10
County council	
Rules of procedure	
Special areas of study	
Listing of specialized areas of study	
Public service and county planning	2-158(2)

CODE INDEX

	Section
PLANNING AND DEVELOPMENT (Cont'd.)	
Development board	6-106 et seq.
See: DEVELOPMENT BOARD	
Recreation advisory commission	
Coordination of plans and recommendations	2-328
Solid waste management	
Adoption of solid waste management plan.....	20-4
Utilities.....	26-95 et seq.
See: UTILITIES	
PLATS. See: SURVEYS, MAPS AND PLATS	
PLUMBING	
Utilities	
Requirements for water service	
Service	26-90(i)
POLICIES AND PROCEDURES	
Certain ordinances and resolutions not affected by	
Code	1-10
County council	2-49 et seq.
See: COUNTY COUNCIL	
Fair housing	
Policy	12-40
Procedures for conciliation.....	12-51
Finance	
Procurement and contract procedures	2-425
Roads and bridges	
Private driveways	
Policies and actions of council.....	18-22
Previous policies.....	18-23
Taxation	
Collection of delinquent property taxes	
Collection procedures.....	22-25
Utilities.....	26-95 et seq.
See: UTILITIES	
POSTED, POSTING	
Solid waste management	
Collection and disposal	
The green box system	
Placing of refuse or garbage by commercial col- lectors; posting of signs, posters or ads	20-28(f)

CLARENDON COUNTY CODE

	Section
POWERS, DUTIES AND RESPONSIBILITIES	
Archives advisory commission	
Duties and operational guidelines	2-242
Commission on alcohol and drug abuse	2-294
County council	
Rules of procedure	
Ordinances and resolutions	
Election and appointments to boards and commissions	
Duties of clerk to council with respect to vacancies.....	2-125(a)
Development board	
Purpose and duties	6-108
Disabilities and special needs board	2-268
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Administration, development, promotion and operation; responsibility.....	6-47
Hospital board	
Power, authority, control, supervision, jurisdiction and liability for emergency services and ambulances conveyed to by council	8-19
Library board	
Additional powers and duties	14-3
Powers and duties	14-2
Recreation advisory commission	2-327
Solid waste management	20-27 et seq.
See: SOLID WASTE MANAGEMENT	
Utilities.....	26-55 et seq.
See: UTILITIES	
PRECEDING, FOLLOWING	
Definitions and rules of construction	1-2
PRIVATE PROPERTY	
Solid waste management	
Collection and disposal	
Disposal of garbage	
Private property, dumping on of certain materials	20-27(d)
PROPERTY	
Definitions and rules of construction	1-2

CODE INDEX

	Section
PROPERTY (Cont'd.)	
Libraries	
Assets and property of county library.....	14-6
Offenses and miscellaneous provisions	
Intoxicating substances	
Sale of alcohol on county-owned or county-leased property	16-60
Solid waste management	
Collection and disposal	
Disposal of garbage	
Private property, dumping on of certain materi- als	20-27(d)
Taxation	22-2 et seq.
See: TAXATION	
Utilities	
Requirements for water service	
Service	
Portion installed and maintained by property owner	26-90(h)
Taps	
Service lines brought only to property line	26-92(c)
PROSECUTION	
Offenses and miscellaneous provisions	
Funding of public defender's office, county prosecutor and solicitor's office.....	16-4
Utilities	
Judicial enforcement remedies	
Criminal prosecution	26-438
PUBLIC DEFENDER	
Offenses and miscellaneous provisions	
Funding of public defender's office, county prosecutor and solicitor's office.....	16-4
PUBLIC PEACE AND ORDER	
Constable	
Appointment	2-467
Noise	16-27 et seq.
See: NOISE	
PUBLIC PLACES. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	

CLARENDON COUNTY CODE

	Section
PUBLIC WORKS AND IMPROVEMENTS	
Certain ordinances and resolutions not affected by Code	1-10
Taxation	22-83 et seq.
See: TAXATION	
Utilities	
Requirements for water service Service	
Certain precautions to be exercised during im- provements, etc.....	26-90(m)
PUBLICATIONS	
Officers and employees	
Employee handbook incorporated by reference	2-449
Utilities	
Confidentiality and publication	
Information, confidential	26-379
Publication of users in significant noncompliance .	26-380
PURCHASES, PURCHASING	
Taxation	
Collection of delinquent property taxes	
Issuance of successful purchaser's tax title; costs; disposition of overages of sale proceeds	22-34
Refund to successful purchaser upon real estate being redeemed	22-31
R	
RADIOS, STEREOs, ETC.	
Noise	
Noise level control	
Radios, mechanical, musical instruments	16-27(a)
REAL PROPERTY, REAL ESTATE	
Definitions and rules of construction	1-2
Development board	
Funding; reports; dealings in real estate.....	6-110
Fair housing.....	12-44 et seq.
See: FAIR HOUSING	
Taxation	22-2 et seq.
See: TAXATION	
RECORDS AND REPORTS	
Archives advisory commission.....	2-240 et seq.
See: ARCHIVES ADVISORY COMMISSION	

CODE INDEX

	Section
RECORDS AND REPORTS (Cont'd.)	
Certain ordinances and resolutions not affected by Code	1-10
County council	
Rules of procedure	
Ordinances and resolutions	
Election and appointments to boards and commissions	
Committee report	2-125(b)
Development board	
Funding; reports; dealings in real estate	6-110
Fair housing	
Reporting of grievances to state human affairs commission	12-43
Solid waste management	
Collection and disposal	
Restrictions on and prohibitions of certain items	
Logging and weighing of refuse	20-31(e)
Taxation	
Collection of delinquent property taxes	
Notice to owner of record of period of redemption for real estate	22-33
Payment by successful bidder; receipt	22-27
Traffic and motor vehicles	
Abandoned vehicle compound	
Storage charges; lien; log	24-1(c)
Utilities	26-92 et seq.
See: UTILITIES	
Water and sewer department	
Financial records	26-23
RECREATION. See: PARKS AND RECREATION	
RECREATION ADVISORY COMMISSION	
Commission to serve in advisory capacity only	2-329
Coordination of plans and recommendations	2-328
Creation	2-324
Duration of appointment	2-326
Duties	2-327
Membership and appointment	2-325
REGISTER, REGISTRATION	
Taxation	
Decrease taxes on aircraft registered in county	22-1

CLARENDON COUNTY CODE

	Section
REGISTER, REGISTRATION (Cont'd.)	
Traffic and motor vehicles	
Uniform service charge for motor vehicle users	
User fee established on county-registered vehicles; due date of payment.....	24-26
RENOVATIONS, REPAIRS OR RESTORATIONS	
Utilities	
Requirements for water service	
Service	
Meter repaired at expense of owner.....	26-90(u)
RENT. See: LEASE OR RENT	
REPORTS. See: RECORDS AND REPORTS	
RESEARCH AND STUDIES	
County council.....	2-157 et seq.
See: COUNTY COUNCIL	
RESIDENCE, RESIDENTIAL	
Fair housing	
Residential real estate-related transactions, discrim- ination in relation to.....	12-47
Utilities	
Drought response	
Nonessential water use	
Residential and institutional.....	26-533(1)
RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.	
RIGHT-OF-WAY	
Certain ordinances and resolutions not affected by Code.....	1-10
RIGHTS	
Certain ordinances and resolutions not affected by Code.....	1-10
Utilities.....	26-52 et seq.
See: UTILITIES	
ROADS AND BRIDGES	
Certain ordinances and resolutions not affected by Code.....	1-10
Definitions and rules of construction.....	1-2

CODE INDEX

	Section
ROADS AND BRIDGES (Cont'd.)	
Emergency services	
911 emergency telephone system	
Addressing and road names	8-46
Naming of roads	18-1
Private driveways	
Findings of council	18-21
Policies and actions of council	18-22
Previous policies	18-23
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equip- ment	
Cleaning of roadway spills required	20-29(c)
Traffic and motor vehicles	
Uniform service charge for motor vehicle users	
Findings of fact concerning county road system....	24-25
ROADWAY	
Definitions and rules of construction	1-2
RUBBISH. See: SOLID WASTE MANAGEMENT	
RULES AND REGULATIONS	
Animal control	4-25 et seq.
See: ANIMAL CONTROL	
County council	2-49 et seq.
See: COUNTY COUNCIL	
Definitions and rules of construction	1-2
Utilities	
Cross connection; backflow prevention	
Adoption of cross connection control and backflow prevention regulations	26-121
Wastewater discharge permit issuance process	
Regulation of waste received from other jurisdic- tions	26-283

S

SAFETY AND WELFARE

County council	
Rules of procedure	
Special areas of study	

CLARENDON COUNTY CODE

	Section
SAFETY AND WELFARE (Cont'd.)	
Listing of specialized areas of study	
Committee on education, recreation, health and welfare.....	2-158(4)
Justice and public safety	2-158(3)
Safety committee	
Established.....	2-347
SAFETY COMMITTEE	
Established	2-347
SALES	
Offenses and miscellaneous provisions	16-60 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Taxation	22-26 et seq.
See: TAXATION	
Utilities	
Requirements for water service	
Service	
Sales to casual users.....	26-90(c)
Unlawful to sell water.....	26-90(r)
SANITATION. See: HEALTH AND SANITATION	
SCHEDULES, TABLES AND GRAPHS	
Certain ordinances and resolutions not affected by Code	1-10
Utilities.....	26-93 et seq.
See: UTILITIES	
SCHOOLS	
Taxation	22-83 et seq.
See: TAXATION	
SEARCH, SEIZURE OR SURRENDER	
Utilities	
Compliance monitoring; operations and control	
Search warrants	26-360
SEWERS AND SEWAGE DISPOSAL	
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and EMS services	6-49

CODE INDEX

	Section
SEWERS AND SEWAGE DISPOSAL (Cont'd.)	
Utilities.....	26-157 et seq.
See: UTILITIES	
Water and sewer department.....	26-19 et seq.
See: WATER AND SEWER DEPARTMENT	
SHALL, MAY	
Definitions and rules of construction	1-2
SHRUBS. See: TREES, SHRUBS AND PLANTS	
SIDEWALKS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
SIGNATURE, SUBSCRIPTION	
Definitions and rules of construction	1-2
SIGNS	
Administration	
Signs designating crime watch areas; authorization.	2-2
Solid waste management	
Collection and disposal	
The green box system	
Placing of refuse or garbage by commercial collectors; posting of signs, posters or ads	20-28(f)
SOLICITOR	
Offenses and miscellaneous provisions	
Funding of public defender's office, county prosecutor and solicitor's office.....	16-4
SOLID WASTE MANAGEMENT	
Adoption of solid waste management plan	20-4
Collection and disposal	
Disposal of garbage.....	20-27
Abandonment of vehicles	20-27(f)
Approved storage containers required	20-27(a)
Dumping; use of landfills	20-27(c)
Littering from vehicles; responsibility of driver	20-27(e)
Private property, dumping on of certain materials	20-27(d)
Storage of rubbish or debris prohibited; exception.	20-27(b)
Enforcement of article	20-32
Fees	20-30
Dumping	20-30(a)
Items to be charged.....	20-30(b)

CLARENDON COUNTY CODE

	Section
SOLID WASTE MANAGEMENT (Cont'd.)	
Powers, duties and responsibilities	
Disposal of garbage	
Littering from vehicles; responsibility of driver..	20-27(e)
Requirements, collection and transportation equip- ment	
Refuse from tree cutting; responsibility of home- owner	20-29(e)
Vehicles to meet standards of county health de- partment; responsibility for corrections.....	20-29(d)
Requirements, collection and transportation equip- ment	20-29
Approval of disposal methods required.....	20-29(f)
Cleaning of roadway spills required	20-29(c)
Enclosure of vehicle body; covering of waste.....	20-29(b)
Refuse from tree cutting; responsibility of home- owner	20-29(e)
Sanitation of vehicles; leakage or blowing of refuse	20-29(a)
Traffic and motor vehicles	
Enclosure of vehicle body; covering of waste	20-29(b)
Sanitation of vehicles; leakage or blowing of refuse.....	20-29(a)
Vehicles to meet standards of county health de- partment; responsibility for corrections.....	20-29(d)
Vehicles to meet standards of county health depart- ment; responsibility for corrections	20-29(d)
Restrictions on and prohibitions of certain items ...	20-31
Applicability of charges	20-31(d)
Concrete products	20-31(b)
Hazardous material.....	20-31(c)
Locking of landfill; keys.....	20-31(f)
Logging and weighing of refuse	20-31(e)
Tires.....	20-31(a)
Supplies and materials	
Disposal of garbage	
Private property, dumping on of certain materi- als	20-27(d)
Restrictions on and prohibitions of certain items	
Hazardous material	20-31(c)
The green box system	
Flammable or dangerous materials.....	20-28(e)
The green box system.....	20-28
Damaging of boxes	20-28(g)

CODE INDEX

	Section
SOLID WASTE MANAGEMENT (Cont'd.)	
Dead animals, deposit of.....	20-28(c)
Deposit of waste from other county	20-28(h)
Flammable or dangerous materials	20-28(e)
For household refuse	20-28(a)
Overloading or overfilling	20-28(d)
Placing of refuse or garbage by commercial collectors; posting of signs, posters or ads	20-28(f)
Prohibited items required to be hauled to landfill.	20-28(j)
Scavenging.....	20-28(i)
Spilling	20-28(b)
Traffic and motor vehicles	
Disposal of garbage	
Abandonment of vehicles.....	20-27(f)
Littering from vehicles; responsibility of driver..	20-27(e)
Requirements, collection and transportation equipment. See within this subheading that subject	
Variances	20-33
Definitions	20-2
Findings	20-1
Litter control	20-55 et seq.
See: LITTER CONTROL	
Penalty for violation of chapter	20-3
SOUND AMPLIFYING DEVICES	
Noise	
Noise level control	
Radios, mechanical, musical instruments	16-27(a)
SOUTH CAROLINA, STATE OF. See: STATE	
STANDARDS AND SPECIFICATIONS	
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equipment	
Vehicles to meet standards of county health department; responsibility for corrections.....	20-29(d)
Utilities.....	26-95 et seq.
See: UTILITIES	
STATE	
Definitions and rules of construction	1-2
STATUTE AND ORDINANCE REFERENCES	
Definitions and rules of construction	1-2

CLARENDON COUNTY CODE

	Section
STEREOS. See: RADIOS, STEREOS, ETC.	
STORAGE	
Solid waste management	
Collection and disposal	
Disposal of garbage	
Approved storage containers required	20-27(a)
Storage of rubbish or debris prohibited; exception	20-27(b)
Traffic and motor vehicles	
Abandoned vehicle compound	
Storage charges; lien; log.....	24-1(c)
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Animal control	
Regulations	
Running at large	
Generally	4-25
Impoundment of animals found	4-26
Certain ordinances and resolutions not affected by	
Code	1-10
Definitions and rules of construction	1-2
SUBDIVISIONS	
Certain ordinances and resolutions not affected by	
Code	1-10
SUBPOENAS. See: WRITS, WARRANTS AND OTHER LEGAL PROCESSES	
SUITS, ACTIONS AND OTHER LEGAL PROCEEDINGS	
Utilities	
Judicial enforcement remedies	
Injunctive relief.....	26-436
SUMMONS. See: WRITS, WARRANTS AND OTHER LEGAL PROCESSES	
SUPPLIES AND MATERIALS	
Solid waste management	20-27 et seq.
See: SOLID WASTE MANAGEMENT	
Utilities	
Requirements for water service	
Taps	
Standard equipment and materials.....	26-92(b)

CODE INDEX

	Section
SURVEYS, MAPS AND PLATS	
Administration	
Fees for county tax maps; marriage licenses and service of process	2-1
SWEAR OR SWORN. See: OATH, AFFIRMATION, SWEAR OR SWORN	

T

TAXATION	
Administration	
Fees for county tax maps; marriage licenses and service of process	2-1
Certain ordinances and resolutions not affected by Code	1-10
Collection of delinquent property taxes	
Action upon failure to collect; delinquent tax sale ...	22-26
Additional remedies	22-36
Adoption of relevant state law provisions	22-35
Collection procedures	22-25
Failure of successful bidder to pay; readvertisement of property.....	22-29
Issuance of successful purchaser's tax title; costs; disposition of overages of sale proceeds.....	22-34
Notice to owner of record of period of redemption for real estate	22-33
Payment by successful bidder; receipt	22-27
Penalty for violation of article	22-24
Personal property, redemption period for.....	22-32
Precedence of certain state law provisions.....	22-37
Purpose of article	22-23
Redemption by taxpayer, owner, grantee or creditor.	22-30
Refund to successful purchaser upon real estate being redeemed.....	22-31
Sales	
Action upon failure to collect; delinquent tax sale .	22-26
Issuance of successful purchaser's tax title; costs; disposition of overages of sale proceeds	22-34
Settlement of tax sale moneys	22-28
Settlement of tax sale moneys	22-28
Decrease taxes on aircraft registered in county	22-1
Economic development	
Industrial/business parks	

CLARENDON COUNTY CODE

	Section
TAXATION (Cont'd.)	
Clarendon-Anderson industrial/business park	
Payment of user fees in lieu of ad valorem taxes	6-46
Tax credits allowed to business enterprises	6-45
Fire advisory board	
Levy of ad valorem taxes for operation and maintenance	10-46
Fire prevention and protection	
County fire protection area	
Creation and establishment as a special tax district	10-20
Transfer of the Summerton Fire Department to county special tax district	10-21
Hospitality tax	
Authority	22-150
Definitions	22-151
Inspections and audits	22-154
Payment of tax	22-152
Permitted uses of funds	22-153
Violations and penalty	22-155
Installment payments of real estate ad valorem taxes	22-2
Authority	22-2(a)
Enforceability	22-2(c)
Terms	22-2(b)
Local accommodation tax	
Established	22-118
Property	
Collection of delinquent property taxes. See herein that subject	
Installment payments of real estate ad valorem taxes	22-2
Real property, real estate	
Collection of delinquent property taxes	
Notice to owner of record of period of redemption for real estate	22-33
Refund to successful purchaser upon real estate being redeemed	22-31
Installment payments of real estate ad valorem taxes	22-2
Sales and use tax	
Capital improvements for school districts	
Administration and collection	22-84
Data provided	22-87
Debt service	22-86
Distribution of revenue	22-85
Sales tax	22-83

CODE INDEX

	Section
TELECOMMUNICATIONS	
Emergency services	8-42 et seq.
See: EMERGENCY SERVICES	
TEMPORARY BUILDINGS, STRUCTURES OR USES	
Certain ordinances and resolutions not affected by Code	1-10
TENANT, OCCUPANT	
Definitions and rules of construction	1-2
TENSE	
Definitions and rules of construction	1-2
TITLES AND DEEDS	
Certain ordinances and resolutions not affected by Code	1-10
Taxation	
Collection of delinquent property taxes	
Issuance of successful purchaser's tax title; costs; disposition of overages of sale proceeds	22-34
TRAFFIC AND MOTOR VEHICLES	
Abandoned vehicle compound	24-1
Area designated; use	24-1(a)
Name; administration of	24-1(b)
Storage charges; lien; log	24-1(c)
Adoption of state laws.....	24-2
Careless driving or riding; penalty for violation of section	24-3
Charges, fees and rates	
Abandoned vehicle compound	
Storage charges; lien; log.....	24-1(c)
Uniform service charge for motor vehicle users. See herein that subject	
Offenses and miscellaneous provisions	
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds	16-1
Solid waste management	20-27 et seq.
See: SOLID WASTE MANAGEMENT	
Uniform service charge for motor vehicle users	
Collection; listing of those refusing to pay	24-27
Disposition of fees	24-28
Findings of fact concerning county road system	24-25
Penalties for violation of article	24-29

CLARENDON COUNTY CODE

	Section
TRAFFIC AND MOTOR VEHICLES (Cont'd.)	
User fee established on county-registered vehicles; due date of payment	24-26
TRANSPORT, TRANSPORTATION	
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equip- ment.....	20-29
TRASH. See: GARBAGE AND TRASH	
TREASURER	
Administration	
Election and terms of county auditor and treasurer .	2-4
TREES, SHRUBS AND PLANTS	
Solid waste management	
Collection and disposal	
Requirements, collection and transportation equip- ment	
Refuse from tree cutting; responsibility of home- owner	20-29(e)

U

UNLOADING. See: LOADING, UNLOADING	
UTILITIES	
Administrative enforcement remedies	
Administrative fines.....	26-409
Cease and desist orders	26-408
Compliance orders	26-407
Consent orders	26-405
Emergency suspensions	26-410
Notification of violation.....	26-404
Show cause hearing	26-406
Termination of discharge.....	26-411
Writs, warrants and other legal processes	
Cease and desist orders.....	26-408
Compliance orders	26-407
Consent orders.....	26-405
Affirmative defenses to discharge violations	
Bypass.....	26-484
Prohibited discharge standards.....	26-483
Upset	26-482

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Application, wastewater discharge permit	
Analysis, wastewater	26-250
Contents, wastewater discharge permit application .	26-254
Decisions, wastewater discharge permit.....	26-256
Requirement, wastewater discharge permit	26-251
Signatories and certification, application.....	26-255
Wastewater discharge permitting	
Existing connections.....	26-252
New connections.....	26-253
Charges, fees and rates	
Drought response	
Water rates	26-536
General sewer use requirements	
Treatment surcharges	26-196
Rates, charges, and miscellaneous provisions. See herein that subject	
Requirements for water service. See herein that subject	
Water utility service	
Charges due upon discontinuation of service	26-54
Compliance monitoring; operations and control	
Operations and control	26-358
Right of entry; inspection and sampling.....	26-359
Search warrants	26-360
Confidentiality and publication	
Information, confidential.....	26-379
Publication of users in significant noncompliance....	26-380
Construction	
Cross connection; backflow prevention	
Requirements	
New construction	26-124(a)
Requirements for water service	
Service	
Construction water	26-90(d)
Water system extensions	26-95(e)
Cross connection; backflow prevention	
Account categories; defined.....	26-129
Administration	26-123
Adoption of cross connection control and backflow prevention regulations.....	26-121
Definitions.....	26-122
General purpose and department.....	26-120

CLARENDON COUNTY CODE

	Section
UTILITIES (Cont'd.)	
Hazard, high and low	26-125
Records.....	26-127
Requirements	26-124
Existing premises (facilities).....	26-124(b)
New construction.....	26-124(a)
Testing requirements	26-126
Unlawful acts.....	26-128
Drought response	
Declaration of policy, purpose, and intent.....	26-531
Definitions.....	26-532
Enforcement	26-539
Fines and penalties	26-538
New water service connections	26-535
Nonessential water use.....	26-533
Commercial and industrial.....	26-533(2)
Residential and institutional	26-533(1)
Rationing	26-537
Responses to moderate, severe, and extreme drought	
alert phases	26-534
Extreme drought alert phase	26-534(3)
General responses	26-534(3)b
Goals.....	26-534(3)a
Water use restrictions	26-534(3)c
Moderate drought alert phase.....	26-534(1)
General responses	26-534(1)b
Goal.....	26-534(1)a
Water use restrictions	26-534(1)c
Severe drought alert phase	26-534(2)
General responses	26-534(2)b
Goal.....	26-534(2)a
Water use restrictions	26-534(2)c
Water supply and distribution	
Extreme drought alert phase	
Water use restrictions.....	26-534(3)c
Moderate drought alert phase	
Water use restrictions.....	26-534(1)c
Severe drought alert phase	
Water use restrictions.....	26-534(2)c
Variances	26-540
Water rates.....	26-536
Water supply and distribution	
New water service connections.....	26-535

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Nonessential water use	26-533
Responses to moderate, severe, and extreme drought alert phases. See within this subheading that subject	
Water rates	26-536
Emergencies	
Administrative enforcement remedies	
Emergency suspensions.....	26-410
Requirements for water service	
Service	
Emergency actions.....	26-90(n)
Water utility service.....	26-57
Finance	
General sewer use requirements	
Treatment surcharges	
Bills.....	26-196(c)
Treatment costs	26-196(b)
Requirements for water service	
Records and billing	26-91
Fines, forfeitures and other penalties	
Administrative enforcement remedies	
Administrative fines	26-409
Drought response	
Fines and penalties	26-538
Judicial enforcement remedies	
Civil penalties.....	26-437
Requirements for water service	
Automatic sprinkler system charges	
Penalties for nonpayment.....	26-94(d)
Water utility service	
Owner or tenant responsible for unauthorized recon- nections; fines imposed upon conviction.....	26-55
General sewer use requirements	
Dilution	26-195
Local discharge limits	26-193
National categorical pretreatment standards	26-191
Prohibited discharge standards.....	26-190
General prohibitions.....	26-190(a)
Specific prohibitions	26-190(b)
Right of revision	26-194
Standards and specifications	
National categorical pretreatment standards.....	26-191

CLARENDON COUNTY CODE

	Section
UTILITIES (Cont'd.)	
Prohibited discharge standards	26-190
State pretreatment standards	26-192
State pretreatment standards	26-192
Treatment surcharges	26-196
Bills	26-196(c)
Explanation of surcharge.....	26-196(a)
Treatment costs.....	26-196(b)
Goods or services. See also herein specific subjects	
Drought response	
New water service connections.....	26-535
Hazards, hazardous	
Cross connection; backflow prevention	
Hazard, high and low	26-125
Reporting requirements	
Discharge of hazardous waste, notification of the..	26-323
Requirements for water service	
Service	
Hazardous connections	26-90(l)
Inspections; action to be taken on hazardous conditions.....	26-90(k)
Judicial enforcement remedies	
Civil penalties	26-437
Criminal prosecution.....	26-438
Injunctive relief	26-436
Remedies nonexclusive	26-439
Notice, notification	
Administrative enforcement remedies	
Notification of violation	26-404
Reporting requirements	
Discharge of hazardous waste, notification of the..	26-323
Notice of violation; repeat sampling and reporting	26-322
Requirements for water service	
Automatic sprinkler system charges	
Insurance carrier to be notified.....	26-94(f)
Planning and development	
Pretreatment of wastewater	
Accidental discharge/slug control plans	26-219
Rates, charges, and miscellaneous provisions	
Appendix B; enforcement response plan per section	
26-509.....	26-513
Enforcement response plan	26-509

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Requirements for water service	
Water system extensions	
Plans and specifications	26-95(c)
Policies and procedures	
Drought response	
Declaration of policy, purpose, and intent	26-531
Requirements for water service	
Water system extensions	
Administrative procedures.....	26-95(d)
Sewer utility service	
Purpose and policy.....	26-157
Powers, duties and responsibilities	
Requirements for water service. See herein that subject	
Water utility service	
Owner or tenant responsible for unauthorized reconnections; fines imposed upon conviction.....	26-55
Pretreatment of wastewater	
Accidental discharge/slug control plans.....	26-219
Additional pretreatment measures	26-218
Hauled wastewater.....	26-220
Pretreatment facilities.....	26-217
Rates, charges, and miscellaneous provisions	
Appendix A; local discharge limitations (Reserved) ..	26-512
Appendix B; enforcement response plan per section 26-509	26-513
Enforcement response plan.....	26-509
Pretreatment charges and fees	26-508
Schedule A; Water tap fees	26-510
Schedule B; Sewer use rates and fees.....	26-511
Schedules, tables and graphs	
Schedule A; Water tap fees.....	26-510
Schedule B; Sewer use rates and fees	26-511
Wastewater treatment rates (Schedule B).....	26-507
Wastewater treatment rates (Schedule B)	26-507
Records and reports	
Cross connection; backflow prevention.....	26-127
Reporting requirements. See herein that subject	
Requirements for water service	
Records and billing	26-91
Reporting requirements	
Analytical requirements.....	26-324

CLARENDON COUNTY CODE

	Section
UTILITIES (Cont'd.)	
Baseline monitoring reports	26-315
Changed conditions, reports of.....	26-319
Compliance schedule progress reports	26-316
Discharge of hazardous waste, notification of the	26-323
Notice of violation; repeat sampling and reporting ..	26-322
Periodic compliance reports	26-318
Potential problems, reports of.....	26-320
Recordkeeping	26-327
Reports on compliance with categorical pretreatment standard deadline.....	26-317
Sample collection	26-325
Timing.....	26-326
Unpermitted users, reports from.....	26-321
Requirements for water service	
Automatic sprinkler system charges	26-94
Cost for metered service	26-94(h)
Defined, system.....	26-94(a)
Fire hydrants and sprinkler systems	26-94(i)
Insurance carrier to be notified	26-94(f)
Metered service permitted	26-94(g)
Payment of charges	26-94(c)
Penalties for nonpayment	26-94(d)
Reconnection following discontinued service	26-94(e)
System charges	26-94(b)
Charges, fees and rates	
Automatic sprinkler system charges.....	26-94
Generally, requirements for service. See within this subheading that subject	
Rates, water usage.....	26-93
Records and billing. See within this subheading that subject	
Taps	
Payment of fee prior to connection.....	26-92(a)
General requirements for service	26-89
Application; payment of fees; deposits.....	26-89(a)
Charges, fees and rates	
Application; payment of fees; deposits	26-89(a)
Tap fee required for new connections	26-89(b)
Water service and use fees.....	26-89(c)
Claims or demands against county.....	26-89(e)
Each connection constitutes a separate account; responsibility of applicant.....	26-89(g)

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Locating and uncovering meter or back/low device	26-89(j)
No free service	26-89(h)
Nontransferability, etc.....	26-89(f)
Returned (NSF) checks	26-89(i)
Services from existing service on another lot	26-89(d)
Tap fee required for new connections.....	26-89(b)
Water service and use fees	26-89(c)
Licenses and permits	
Records and billing	
Tap fee increase, if applicable, when connection not made within 12 months from permit issuance, user required to pay	26-91(i)
Service. See within this subheading that subject	
Powers, duties and responsibilities	
General requirements for service	
Each connection constitutes a separate account; responsibility of applicant	26-89(g)
Records and billing	
County not responsible for non-delivery of bill...	26-91(c)
Service	
Responsibilities of county	26-90(a)
Water system extensions	26-95(a)
Rates, water usage	
Industrial customers, rates for	26-93(3)
Minimum monthly charges for water services.....	26-93(1), 26- 93(2)
Rate schedules for multi-user customers	26-93(5)
ERU factor to be established.....	26-93(5)b
Multi-user customers	26-93(5)a
Rate schedule to be determined by the ERU factor	26-93(5)c
Special tap and impact fees in new service areas..	26-93(4)
Records and billing.....	
Accidental water loss; adjustment of usage changes	26-91(k)
Basis for billing.....	26-91(f)
Budget	26-91(h)
Calculation of adjustment	26-91(l)
Charges, fees and rates	
Reconnection charge	26-91(b)
Tap fee increase, if applicable, when connection not made within 12 months from permit issuance, user required to pay	26-91(i)

CLARENDON COUNTY CODE

	Section
UTILITIES (Cont'd.)	
User charges and surcharges	26-91(j)
Where charges are payable	26-91(d)
Classification of accounts	26-91(e)
County not responsible for non-delivery of bill	26-91(c)
Reconnection charge	26-91(b)
Records to be kept separate.....	26-91(g)
Tap fee increase, if applicable, when connection not made within 12 months from permit issuance, user required to pay	26-91(i)
User charges and surcharges	26-91(j)
Water billings	26-91(a)
Where charges are payable	26-91(d)
Service	26-90
All services to be metered	26-90(b)
Application for taps concurrent with building per- mit application	26-90(w)
Breaking meter seal	26-90(t)
Certain precautions to be exercised during improve- ments, etc.	26-90(m)
Construction water	26-90(d)
Convenience cut-off and cut-on.....	26-90(g)
Detector check meters required for certain instal- lations.....	26-90(f)
Emergency actions	26-90(n)
Hazardous connections.....	26-90(l)
Inspections; action to be taken on hazardous con- ditions.....	26-90(k)
License for installation required.....	26-90(j)
Licenses and permits	
Application for taps concurrent with building permit application	26-90(w)
License for installation required	26-90(j)
Permit required to turn on or off water supply ..	26-90(s)
Meter repaired at expense of owner	26-90(u)
Operating fire hydrants unlawfully	26-90(v)
Permit required to turn on or off water supply.....	26-90(s)
Plumbing	26-90(i)
Portion installed and maintained by property owner	26-90(h)
Renting, leasing, etc.; houses, apartments	26-90(p)
Responsibilities of county	26-90(a)
Right to enter premises.....	26-90(e)
Sales to casual users	26-90(c)

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Tests.....	26-90(o)
Unlawful to sell water	26-90(r)
Use of water mains without county permission	26-90(q)
Taps.....	26-92
Payment of fee prior to connection	26-92(a)
Service lines brought only to property line.....	26-92(c)
Standard equipment and materials	26-92(b)
Water system extensions.....	26-95
Administrative procedures	26-95(d)
Certificate of completion.....	26-95(f)
Construction.....	26-95(e)
Conveyance of water lines to county.....	26-95(b)
Instrument of conveyance	26-95(h)
Plans and specifications	26-95(c)
Responsibility	26-95(a)
Warranty	26-95(g)
Rights	
General sewer use requirements	
Right of revision	26-194
Requirements for water service	
Service	
Right to enter premises	26-90(e)
Water utility service	
Rights of county to discontinue service for section violations.....	26-52
Schedules, tables and graphs	
Rates, charges, and miscellaneous provisions. See herein that subject	
Reporting requirements	
Compliance schedule progress reports.....	26-316
Requirements for water service	
Rates, water usage	
Rate schedules for multi-user customers.....	26-93(5)
Sewer utility service	
Abbreviations	26-159
Administration	26-158
Definitions.....	26-160
Purpose and policy	26-157
Sewers and sewage disposal	
General sewer use requirements. See herein that subject	

CLARENDON COUNTY CODE

	Section
UTILITIES (Cont'd.)	
Rates, charges, and miscellaneous provisions	
Schedule B; Sewer use rates and fees	26-511
Sewer utility service. See herein that subject	
Standards and specifications	
Affirmative defenses to discharge violations	
Prohibited discharge standards	26-483
General sewer use requirements. See herein that subject	
Reporting requirements	
Reports on compliance with categorical pretreatment standard deadline.....	26-317
Requirements for water service	
Water system extensions	
Plans and specifications	26-95(c)
Supplemental enforcement action	
Contractor listing.....	26-464
Performance bonds	26-462
Water supply severance	26-463
Wastewater discharge permit issuance process	
Appeals.....	26-278
Contents	26-277
Duration	26-276
Modification.....	26-279
Regulation of waste received from other jurisdictions	26-283
Reissuance	26-282
Revocation.....	26-281
Transfer.....	26-280
Water and sewer department.....	26-19 et seq.
See: WATER AND SEWER DEPARTMENT	
Water supply and distribution	
Drought response. See herein that subject	
Rates, charges, and miscellaneous provisions	
Schedule A; Water tap fees.....	26-510
Requirements for water service. See herein that subject	
Supplemental enforcement action	
Water supply severance.....	26-463
Water utility service	
Charges due upon discontinuation of service.....	26-54
Damage, defacing, etc., systems	26-51
Definitions.....	26-50
Emergencies	26-57

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Operation of system on a fiscal year basis	26-56
Owner or tenant responsible for unauthorized recon- nections; fines imposed upon conviction	26-55
Rights of county to discontinue service for section violations	26-52
Written approval of county required prior to making any connections	26-53
Writs, warrants and other legal processes	
Administrative enforcement remedies. See herein that subject	
Compliance monitoring; operations and control	
Search warrants	26-360

V

VACANT, VACANCY

Aeronautics commission	
Composition; appointment; terms; vacancies; compen- sation; chairperson	2-207
County council	
Rules of procedure	
Ordinances and resolutions	
Election and appointments to boards and com- missions	
Duties of clerk to council with respect to vacan- cies.....	2-125(a)

VARIANCES

Noise	
Control, noise; definitions; penalties	
Variance conditions	16-28(d)
Solid waste management	
Collection and disposal	20-33
Utilities	
Drought response	26-540

VEHICLES. See: TRAFFIC AND MOTOR VEHICLES

W

WALLS. See: FENCES, HEDGES, WALLS AND OTHER ENCLOSURES

WARRANTS. See: WRITS, WARRANTS AND OTHER LEGAL PROCESSES

CLARENDON COUNTY CODE

	Section
WATER AND SEWER DEPARTMENT	
Employees	26-21
Financial records	26-23
Legal capacity	26-22
Ratification	26-19
Scope of service	26-20
WATER SUPPLY AND DISTRIBUTION	
Economic development	
Industrial/business parks	
Clarendon-Anderson industrial/business park	
Jurisdiction for arrests; fire, sewer, water and	
EMS services	
	6-49
Utilities	26-89 et seq.
See: UTILITIES	
Water and sewer department	26-19 et seq.
See: WATER AND SEWER DEPARTMENT	
WEEDS. See: BRUSH, GRASS AND WEEDS	
WEEK	
Definitions and rules of construction	1-2
WEIGHTS AND MEASURES	
Noise	
Noise level control	16-27
Solid waste management	
Collection and disposal	
Restrictions on and prohibitions of certain items	
Logging and weighing of refuse	
	20-31(e)
Utilities	
General sewer use requirements	
Dilution	26-195
Local discharge limits	26-193
Water and sewer department	
Legal capacity	26-22
WINE. See: ALCOHOLIC BEVERAGES	
WRITS, WARRANTS AND OTHER LEGAL PROCESSES	
Administration	
Fees for county tax maps; marriage licenses and	
service of process	2-1
Certain ordinances and resolutions not affected by	
Code	1-10

CODE INDEX

	Section
WRITS, WARRANTS AND OTHER LEGAL PROCESSES (Cont'd.)	
Offenses and miscellaneous provisions	
Magistrates to assess fees from traffic tickets and criminal fines; disposition of funds	16-1
Utilities.....	26-360 et seq.
See: UTILITIES	
WRITTEN, IN WRITING	
Definitions and rules of construction	1-2
Y	
YEAR	
Definitions and rules of construction	1-2
Z	
ZONING	
Boards, commissions and committees	2-368 et seq.
See: BOARDS, COMMISSIONS AND COMMIT- TEES	
Certain ordinances and resolutions not affected by Code.....	1-10

