

CHAPTER 1

GENERAL GOVERNMENT

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Article I

Council

§ 1-101 Council form of government.

The form of government for the town shall be the council form as provided by S.C. Code § 5-5-10 (1976).

§ 1-102 Composition of council.

The council shall be composed of a mayor and four (4) council members.

§ 1-103 Compensation of mayor and council.

The mayor shall be paid an annual salary of \$100.00. Each member of council shall be paid an annual salary of \$100.00. The mayor and each member of council shall receive payment for actual expenses incurred in the performance of his official duties. No increase in salary shall take effect during the term of the incumbents in which such change is authorized. Any decrease in salary shall take effect immediately if unanimously approved by all members of council.

§ 1-104 Mayor pro tempore.

The town council shall, at the first meeting of the newly constituted council elect one of its members as mayor pro tempore for a term of two (2) years who shall act as mayor during the absence or disability of the mayor or in case of a vacancy in the office of mayor.

§ 1-105 Absence of mayor and mayor pro tempore.

In the absence or inability to act of both the mayor and mayor pro tempore, the duties of mayor shall devolve on and be performed by such member of council as the council may name.

§ 1-106 Emergency powers; curfew.

The mayor shall have the power to declare a state of emergency and impose a curfew pursuant to Chapter 6, Article II of this Code.

Article II

Elections

§ 1-201 Nonpartisan election procedure.

All regular and special elections for mayor and members of council shall be conducted and results shall be determined in accordance with the nonpartisan plurality election method authorized by S.C. Code § 5-15-61 (1977). No political affiliation shall be placed on the ballot for any candidate.

§ 1-202 Method of election.

The mayor and four (4) council members shall be residents of the town and shall be elected from the town at large pursuant to S.C. Code § 5-15-20(1) (1976).

§ 1-203 Reserved.

§ 1-204 Terms of office.

The mayor shall hold office for four (4) years or until a successor shall be duly elected and qualified. Council members shall be elected to serve for staggered four (4) year terms or until their successors shall be duly elected and qualified.

§ 1-205 Election dates.

- (a) Regular elections for mayor and members of council shall be held on the first Tuesday following the first Monday in November of each odd-numbered year.
- (b) In the event of a tie vote for any office, a runoff election shall be held two (2) weeks after the election in which the tie vote occurred pursuant to S.C. Code § 5-15-125 (1988).
- (c) Special elections to fill vacancies shall be held pursuant to S.C. Code § 7-13-190 (1991).

§ 1-206 Notice of elections.

Public notice of a regular or special election shall be given at least sixty (60) days prior to the election, and shall include the location and hours of operation of the polling place, which shall be in the town hall.

§ 1-207 Filing statement of candidacy; filing fees.

(a) Each person offering as a candidate for mayor or member of council shall do so by filing a notice of candidacy with the election commission by noon on the date thirty (30) days prior to the date of the election in substantially the following form:

I hereby file notice that I am a candidate for election on to the office of mayor/council member in the regular/special municipal election to be held on _____, _____. I certify that I am a qualified elector and resident of the municipality in which I seek election.

(b) The filing fee for a candidate for mayor shall be \$50.00.
The filing fee for a candidate for council shall be \$30.00.

§ 1-208 Election commission.

All town elections shall be conducted by a municipal election commission composed of three (3) electors who shall be residents of the town appointed by council for terms of six (6) years. The terms shall be staggered with the term of one member expiring each two years pursuant to S.C. Code § 5-15-90 (1976).

§ 1-209 Taking office.

Newly elected officers shall be qualified to take office forty-eight (48) hours after the closing of the polls for an uncontested election, and may assume office on the Thursday immediately following a final uncontested election. Incumbents shall hold over until contests are finally determined and successors are qualified and take office.

§ 1-210 Oath of office.

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

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. As mayor (or councilman) of the Town of Pine Ridge, I will equally, fairly, and impartially, to the best of my ability, and skill, exercise the trust reposed in me and will use my best endeavor to preserve

the peace and carry into effect according to law the purposes for which I have been elected. So help me, God.

Article III

Rules of Procedure

§ 1-301 Meetings of council.

(a) Regular meetings of council shall be held at the town hall on the first Tuesday each month at 7:00 p.m., unless some other time is fixed by council.

(b) Special meetings of council may be held on the call of the mayor, or by a majority of members of council upon written notice. Notice of a special meeting shall be posted on the town hall bulletin board at least 24 hours prior to the meeting, and shall be sent to available members of the news media by the town clerk.

(c) Study sessions or work sessions may be held in the same manner as special meetings. Study sessions are informal sessions for discussion of issues, policies, and items for later official action. No vote or decisions shall be made in study sessions.

(d) Executive sessions may be called in accordance with the South Carolina Freedom of Information Act. Attendance at executive sessions shall be limited to members of Council and invitees unanimously approved by Council. No vote or formal action may be taken in executive session. It shall be unlawful for any person to disclose to another person or the public the substance of a matter discussed in executive session.

§ 1-302 Agenda.

(a) Matters to be considered by council at a regular meeting shall be placed on a written agenda prepared by the town clerk not later than noon of the Friday immediately preceding a Thursday meeting or 24 hours prior to a different meeting time set by council. Persons requesting inclusion on the agenda shall state the topic and any request for special equipment prior to the deadline.

(b) The agenda for any public meeting and unapproved minutes for the previous meeting shall be posted by the town clerk on a bulletin board at town hall at least 24 hours prior to the meeting.

(c) Matters not on the agenda may be added and considered upon request of a member of council or the administrator by unanimous consent of Council members.

§ 1-303 Quorum; presiding officer.

(a) A majority of the Council members serving shall constitute a quorum for the transaction of business at any meeting. In the absence of a quorum, members present may adjourn from time to time and seek attendance of absentees. A member disqualified from voting by state law due to a conflict

of interest shall be counted for purposes of a quorum.

(b) The mayor, or in his absence the mayor pro tempore, shall preside at all meetings. In the absence of the mayor and mayor pro tempore, the members present shall elect a presiding member.

§ 1-304 Rules of order.

(a) Except as otherwise required by state law or ordinance, all proceedings of council shall be governed by *Robert's Rules of Order*. Questions of order shall be decided by the mayor without debate, subject to appeal to the council.

(b) The order of business shall be as set forth on the meeting agenda, unless changed by majority consent.

(c) A member of Council may not speak until recognized by the presiding officer. No member may speak on any question more than five minutes or more than twice without leave of Council, except to explain a vote.

(d) Only members of Council may speak on a question. Discussion is not in order unless there is a pending question before the Council.

(e) Remarks ruled out of order by the presiding officer may not be continued.

(f) A person disrupting a meeting shall be requested to leave the meeting. Upon failure to leave, the disrupting person shall be subject to prosecution for violation of §1-315 or disorderly conduct pursuant to § 6-310(6) of this Code.

§ 1-305 Appearance of citizens.

(a) A person placed on the agenda for a regular or special meeting will be recognized to speak for ten minutes, unless time is shortened or extended by the presiding officer.

(b) At public hearings on zoning matters, proponents shall speak first for a maximum of five minutes per person and thirty minutes for all speakers. No person may speak more than once without permission of the presiding officer. Upon conclusion of proponents' presentation, opponents may speak under the same conditions. Thereafter, written comments from proponents, then from opponents, received prior to the hearing will be read in full or in summary by the presiding officer. Then, proponents will have two minutes for rebuttal, followed by two minutes for response by opponents.

(c) At public hearing, other than zoning, each person addressing Council may speak once for a maximum of five minutes, unless shortened or extended by the presiding officer.

§ 1-306 Voting.

(a) All actions of council shall be by majority vote of members present

and qualified to vote. Each member, including the mayor, shall have one vote. No proxy or absentee vote may be cast.

(b) The mayor and each member of council shall vote on every question by signifying "yes" or "no" except when required to refrain from voting by state law.

(c) A roll call vote may be required by any member of council.

(d) The vote on every question shall be recorded in the minutes by the clerk.

(e) A member may have a position or reasons for voting for or against a measure recorded in the minutes by presenting the reasons in writing to council at the next regular meeting.

§ 1-307 Motions.

(a) A motion may be made orally or in writing; however, a motion shall be reduced to writing at the request of any member of council.

(b) A motion to reconsider must be made by a member who voted with the majority, and it must be made at the same or next succeeding meeting.

§ 1-308 Minutes.

The town clerk shall keep minutes of all public meetings of the council as permanent public records. At each regular council meeting the minutes of the previous meetings shall be presented for approval. Unless a reading of minutes is requested by a member of Council, minutes distributed to each member prior to a meeting shall be approved or corrected and approved without a reading. Minutes shall not be considered the official record of a meeting until approved by the council by vote at a public meeting. Minutes of executive sessions will not be taken.

§ 1-309 Standing committees.

The mayor shall at the beginning of each fiscal year appoint or reappoint members to the following standing committees of council, to serve at the pleasure of the mayor:

(1) Finance Committee. The Finance Committee shall be responsible for assisting in preparation and administration of a balanced budget, planning for and recommending methods to meet financial needs of the town, monitoring revenues and expenditures, making financial reports to Council when requested, and such other fiscal duties as may be assigned by Council.

(2) Public Safety Committee. The Public Safety Committee shall be responsible for proper conduct of the police department, civil defense procedures, emergency safety procedures, and coordination of emergency

services. The chairperson of this committee shall be Police Commissioner with duties as assigned by Council.

(3) Public Utilities and Health Committee. The Public Utilities and Health Committee shall be responsible for supervision and operation of the town water and sewer systems pursuant to rules and regulations promulgated by Town Council, which is the Commission of Public Works. The Committee shall provide for enforcement of standard code inspections and qualifications of plumbers and electricians. The Committee shall be responsible for planning, recommendations to Council, and enforcement of sanitation and health regulations and ordinances.

(4) Property and Recreation Committee. The Property and Recreation Committee shall be responsible for care, protection, maintenance, and insuring of public structures, grounds and parking areas of the town. The Committee shall have administrative responsibility over repairs, maintenance, excavation, planting and cutting of trees in all public streets, and public property in the town. The Committee shall make recommendations to Town Council for programs of street improvement, beautification, and recreation.

All standing committees shall study and report on such matters as may be referred to the committees by Council from time to time. Reports of standing committees shall be called for at council meetings in the order listed above.

§ 1-310 Special committees.

Council may create a committee, with members appointed by the mayor, to assist council or to hold a public hearing at any time upon a matter pending before it.

§ 1-311 Meetings and reports of committees.

- (a) All meetings of committees shall be held in compliance with the Freedom of Information Act.
- (b) Committee reports may be in writing. Reports involving expenditure of money shall include the amount to be expended, or an estimate thereof, and the proposed sources of funding.
- (c) All minutes and reports of committees shall be maintained by the town clerk as public records.

§ 1-312 Town administrator to attend.

The town administrator shall attend all meetings of council unless excused. He shall keep council advised of the status of matters pending for council consideration, make recommendations, present ordinances and

resolutions for council action, and participate in the discussion of any matter involving the welfare of the town.

§ 1-313 Town attorney to attend.

The town attorney shall attend meetings of council when requested to do so. He may act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and legal documents presented to council, and give opinions upon questions of procedure, form and law to any member of council.

§ 1-314 Town clerk to attend.

The town clerk shall attend all meetings of council. The clerk shall give notices of meetings, prepare and post the agenda, record votes of council, keep minutes of council meetings, and perform such other duties as may be assigned.

§ 1-315 Disruption of meetings unlawful.

It shall be unlawful for any person to disrupt, interrupt, or interfere with the proceedings of council, a committee of council, a town board or commission, municipal court, or any other official body while it is in session.

Article IV

Ordinances

§ 1-401 Ordinances required.

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

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

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

§ 1-402 Form of ordinances.

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

- (1) A number;
- (2) A title briefly describing the contents;
- (3) Findings, reasons or basis for the ordinance, if desired and when appropriate;
- (4) An enacting clause as follows: "Be it ordained by the Town Council of Pine Ridge, South Carolina,";
- (5) Citation of any ordinance repealed;
- (6) The provisions of the ordinance including section numbers;
- (7) The effective date of the ordinance, dates of first and second readings; and

- (8) Space for the signatures of the mayor or, in the absence of the mayor, the presiding member of council and the official attesting notice of adoption.

§ 1-403 Emergency ordinances.

Emergency ordinances shall be adopted in accordance with the provisions of S.C. Code §5-7-250(d) (1976), and §1-406(c) of this Code.

§ 1-404 Ordinances relating to streets.

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

§ 1-405 Introduction of ordinances.

An ordinance may be proposed by any member of council. A proposed ordinance shall be referred to the town attorney, when appropriate, for approval as to form, and he shall render assistance in the preparation of ordinances when requested to do so. After an ordinance is in proper form and the required notices have been given, the town clerk shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when it appears on an agenda for a public meeting of council and its title is read.

§ 1-406 Enactment of ordinances.

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

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

(c) Emergency ordinances may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance

may not levy taxes, relate to a franchise or a service rate and shall expire automatically on the sixty-first day following enactment.

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

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

(f) Upon final adoption by vote of council, an ordinance shall be signed by the mayor, or presiding member in the absence of the mayor, and attested by the clerk. The town clerk shall file the original in a book especially prepared for that purpose as a permanent record.

§ 1-407 Introduction of resolutions.

A voice motion of a member of council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the clerk in the council minutes.

§ 1-408 Adoption of resolutions.

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

§ 1-409 Codification of ordinances.

All ordinances relating to administration, health, safety, vehicles, streets (except franchises and encroachments), traffic, crimes and offenses, utilities, town court, and any other ordinances or portions of ordinances as required by council shall be codified annually in this Code of Ordinances. Standard codes, technical regulations, business license ordinances and zoning ordinances may be cited in the code by reference and copies thereof shall be made available by the clerk for distribution or for purchase at a reasonable price.

Article V

Administration

§ 1-501 Administrator.

The town council shall appoint a town administrator who shall hold office at the pleasure of council.

§ 1-502 Duties of administrator.

The duties of the administrator shall be set forth in a job description, which shall include:

- (1) Generally administer employees, departments and services of the town under guidelines established by the mayor;
- (2) Assist committees of council;
- (3) Implement policies and assignments of council or the mayor;
- (4) Report to council on the status of finances, services and projects of the town;
- (5) Make recommendations to council on any matters related to town functions;
- (6) Attend all meetings of council; and
- (7) Perform other duties assigned by council or the mayor.

§ 1-503 Town clerk.

There shall be appointed by the town council an officer who shall have responsibilities of town clerk. The clerk may be given additional responsibilities as treasurer and/or administrator.

§ 1-504 Duties of clerk.

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

§ 1-505 Bond.

The council may require coverage of the administrator and the clerk/treasurer by a fidelity bond in such amount as council deems adequate. The costs of such bond shall be paid by the town.

§ 1-506 Town attorney.

The council shall appoint a town attorney who shall hold office at the pleasure of council. The compensation of the town attorney shall be set by council.

§ 1-507 Duties of Town attorney.

The town attorney shall attend meetings of council when requested by council. He may act as parliamentarian, draft and propose ordinances, resolutions, review ~~at~~ ordinances, resolutions and documents presented to council and give opinions upon questions of procedure, form and law to any member of council and other town officials. The town attorney shall prosecute cases when requested before the municipal court when a jury trial is demanded or the defendant is represented by an attorney and defend ~~at~~ civil suits against the town.

§ 1-508 Reserved.

§ 1-509 Reserved.

§ 1-510 Personnel regulations.

(a) The mayor is authorized to supervise the administrative employees of the town. The mayor shall develop, and revise as needed, a job description for each administrative employee. The mayor shall conduct periodic job performance reviews for all administrative employees and make reports to council on the results.

(b) The administrator is authorized to conduct the day to day business of the town subject to guidelines established by the mayor.

(c) All employees of the town shall serve at the pleasure of the employer. No employee shall be given a contract or term of employment.

§ 1-511 Police commissioner.

The mayor shall appoint the chairperson of the Public Safety Committee who shall serve as the Police Commissioner, at the pleasure of the mayor. The Police Commissioner shall develop job descriptions for and supervise the employees in the Police Department. The Police Commissioner shall conduct periodic job performance reviews for all law enforcement employees and make reports to council on the results. The police chief is authorized to conduct the day to day business of the police department subject to guidelines established by the Police Commissioner. The Police Commissioner shall have no law enforcement powers.

CHAPTER 2

CODE ENFORCEMENT

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Pine Ridge Town Code - Code Enforcement

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Article I

Building Codes

§ 2-101 Adoption of standard building codes.

The official building code of the town shall consist of the following national codes which are hereby adopted by reference pursuant to S.C. Code § 6-9-60 (1993). In the event of conflict between provisions of the standard codes and other applicable provisions of this code, state law, or town ordinances, such other provisions shall prevail and be controlling. One copy of each standard code shall be filed with the town clerk.

- (1) Standard Building Code, 1994 edition with appendices;
- (2) Standard Gas Code, 1994 edition;
- (3) Standard Plumbing Code, 1994 edition;
- (4) Standard Mechanical Code, 1994 edition;
- (5) Standard Fire Prevention Code, 1994 edition;
- (6) National Electrical Code, 1993 edition;
- (7) Standard Housing Code, 1994 edition; and
- (8) Standard Unsafe Building Abatement Code, 1994 edition.

§ 2-102 Code enforcement officials.

The Lexington County Building Official is designated as the building official who shall be responsible for issuing permits, making inspections and enforcement of the portion of the town building code comprised of the standard codes adopted by § 2-101, except the Standard Fire Prevention Code, which shall be enforced by the Lexington County Fire Chief, pursuant to an agreement with Lexington County.

§ 2-103 Housing code enforcement procedures.

The procedures for enforcement of the Standard Housing Code by inspection, complaint, hearing, order, repair or demolition shall be those prescribed by S.C. Code § 31-15-30, § 31-15-60, and § 31-15-90 (1976), or equivalent procedures adopted by Lexington County which are incorporated herein by reference.

§ 2-104 Board of adjustments and appeals.

The boards of adjustments and appeals established by Lexington County shall be the board of adjustments and appeals for all standard codes adopted by § 2-101.

§ 2-105 Inspection fees.

A schedule of fees for inspections required by the standard codes adopted by § 2-101 shall be promulgated by the Building Official by regulation approved by County Council.

Article II

Fire Prevention

§ 2-201 Fire chief.

Town fire prevention and protection shall be under the direction of the Lexington County Fire Chief who shall be responsible for enforcement of the Standard Fire Prevention Code. The fire chief or his designated deputy shall exercise the powers and duties, make inspections, and make reports to the state fire marshal as required by S.C. Code Title 5, Chapter 25, Article 3.

§ 2-202 Fire limits established.

The fire limits for the central fire district are the limits designated by the fire chief as shown on a fire district map maintained by the fire chief, a copy of which is filed with the town clerk.

§ 2-203 Construction and repair in fire district.

Construction, repair, or removal of buildings in the central fire district shall comply with the provisions of the standard codes adopted by this chapter. § 5-25-1160 (1976).

§ 2-204 Open burning.

It shall be unlawful for any person to burn trash or any other material in an open fire on public or private property within the town without a permit from the fire chief.

§ 2-205 False alarms.

It shall be unlawful for any person to knowingly give or cause to be given a false fire alarm by an alarm mechanism or communication to the fire department.

§ 2-206 Fire alarm systems.

It shall be unlawful for any person to install or maintain a building fire alarm system which activates a telephone signal to the fire department, except on a line

approved by the fire chief for that purpose.

§ 2-207 Interference with firefighting prohibited.

It shall be unlawful for any person to operate, stop, stand or park a vehicle in a manner which interferes with the operation of fire equipment or the fighting of a fire, except in compliance with directions of a law enforcement officer or fire department official, and no person shall:

- (a) Follow fire apparatus responding to a fire alarm closer than 500 feet;
- (b) Stop a vehicle within 500 feet of fire apparatus stopped in response to a fire alarm;
- (c) Obstruct fire equipment or access to a fire station;
- (d) Park within 15 feet of a fire hydrant;
- (e) Tamper with fire hydrants or water lines;
- (f) Obstruct the activities of firefighters responding to a fire alarm;
- (g) Drive over an unprotected fire hose;
- (h) Tamper with any vehicle, equipment, or material of the fire department;
- (i) Park in a location marked as a fire zone.

Any vehicle parked in violation of this section may be towed away and impounded at the expense of the owner.

§ 2-208 Law enforcement assistance.

Law enforcement officers shall control vehicles and pedestrians near the scene of a fire in a manner which will prevent interference with the safety or performance of firefighters and fire apparatus. In the absence of law enforcement officers, any fire department official authorized by the fire chief may give such orders as may be necessary for safety or performance of firefighting duties. It shall be unlawful for any person to fail or refuse to obey such an order.

§ 2-209 Storage of explosives, flammable liquids, gas.

The fire chief shall establish the limits of districts in which storage is prohibited for explosives, blasting agents, flammable liquids in outside aboveground tanks, and liquefied petroleum gas in bulk, pursuant to the Standard Fire Prevention Code.

§ 2-210 Amendments to fire code, hazardous chemicals.

Chapter 22, Hazardous Chemicals, of the Standard Fire Code is amended by adding the following:

2205 - Identification of contents.

No person shall store, transport or handle any chemicals in a container which is not clearly labeled to show the name, chemical formula and date of manufacture or packaging of the contents.

2206 - Sampling permitted.

The fire chief may verify the contents of any chemical container by taking a sample for analysis.

2207 - Bond required.

No permit for storage of chemicals shall be issued to any person who is not a manufacturer, wholesaler, retailer, or consumer of unused chemicals which are in marketable condition under the manufacturer's specification, unless that person has given a good and sufficient bond with corporate surety in a sum set by the town administrator sufficient to pay the expense of removal and disposal by the town in the event of failure of the owner to do so in accordance with all applicable laws and regulations.

2208 - Conditions of storage permit.

- (a) No permit shall be issued for the storage of chemicals which are not produced or are not intended for use by a consumer located within the town.
- (b) No permit shall be valid after the last day of the year in which it was issued.
- (c) There shall be a notice posted which shall be visible from the outside of every building containing hazardous chemicals as defined by this article listing the general nature of the chemicals stored therein and the names, addresses, and telephone numbers of all persons responsible for the storage.

2209 - Vehicle inspection.

No chemicals shall be transported in any vehicle which has physical or electrical defects which could cause or contribute to fire or explosion. The fire chief and any law enforcement officer shall have the duty to inspect a vehicle transporting

chemicals for such defects and shall prohibit a defective vehicle from transporting chemicals on roads and highways within the town.

2210 - Disposal of chemicals.

Disposal of chemicals shall be by methods meeting all requirements of state and federal law and the requirements of the fire chief relating to fire and public safety. No chemicals or chemical wastes which are not produced within the town shall be disposed of within the town.

Article III

Mobile Homes

§ 2-301 Definitions.

For purposes of this Article, the following definitions shall apply:

(a) *Mobile home* means a movable or portable dwelling on a chassis, capable of being connected to utilities, designed without a permanent foundation and intended for human habitation, and may consist of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing, including a *manufactured home* as defined by S.C. Code § 23-43-20 (1993 Supp.)

(b) *Park* or *place* are synonymous terms which mean to put a mobile home on real estate either temporarily or permanently, whether for use as a residence or otherwise.

§ 2-302 Permit required.

It shall be unlawful to park a mobile home within the town limits of the Town of Pine Ridge for the purpose of occupancy as a home, unless a permit to do so is first obtained from the zoning administrator. Both the owner of the mobile home and the owner of the property on which it is to be parked shall apply for the said permit. The permit shall be in writing and shall contain a provision that the parties agree that said mobile home shall be parked and maintained as required by the South Carolina laws pertaining to mobile homes and the regulations of the South Carolina Department of Health and Environmental Control pertaining to mobile homes.

§ 2-303 Obligations of dealers.

It shall be the responsibility of any mobile home dealer selling a mobile home to be parked or placed within the town limits of the Town of Pine Ridge to insure that the provisions of this Article have been complied with prior to allowing a mobile home to leave said dealer's lot or place of business or prior to delivery within the town

limits of any mobile home purchased from that dealer. Failure to do so shall be a violation of this Article.

§ 2-304 Mobile home park.

A parcel of land in single ownership used to provide parking spaces for more than two (2) mobile homes, including accessory structures is a mobile home park. It shall be unlawful to construct, alter or expand a mobile home park without first complying with applicable land development regulations referenced in Article IV and the separate Mobile Home Park Ordinance in Appendix D.

Article IV

Zoning and Land Use Regulations

§ 2-401 Zoning ordinance published separately.

The zoning ordinance shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix A to this Code.

§ 2-402 Land use regulations published separately.

The land use regulations (subdivision regulations) shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix B to this Code.

§ 2-403 Mobile home regulations published separately.

The mobile home regulations shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix D to this Code.

Article V

Flood Plain Regulations

§ 2-501 Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to;

(a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and,

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

§ 2-502 Objectives.

The objectives of this ordinance are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and,

(g) To insure that potential home buyers are notified that property is in a flood area.

§ 2-503 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the codes administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the applicable Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velotown flow may be evident.

"Area of special flood hazard" is the land in the floodplain within the town subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure build for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of the town issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of the town on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement) i.e., top of slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Highest adjacent grade" means the high natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mean Seal Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"Manufactured home" means a structure transportable in one or more sections, which is build on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any projects for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

§ 2-504 Applicability and basis for flood hazard.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Pine Ridge. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated July 5, 1982, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

§ 2-505 Permits and compliance.

A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall

prevail. In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of governing body, and; (3) deemed neither to limit nor repeal any other powers granted under State statutes.

§ 2-506 Provisions for flood reduction.

In all areas of special flood hazard the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

§ 2-507 Specific standards for flood reductions.

In all areas of special flood hazard where base flood elevation data have been provided, the following provisions are required:

(a) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection (c) below.

(b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as forth in § 2-509.

(c) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; or
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- (2) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
- (3) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage doors) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (4) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Floodways. Located within areas of special flood hazard established in § 2-504, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velotown of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (1) Prohibit encroachments, including full, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels during occurrence of the abase flood discharge;
- (2) If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reductions provisions of this section.
- (3) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of § 2-506(b) and the elevation standards of § 2-507(a) are met.

(e) Streams Without Established Base Flood Elevations and/or Floodways. Located within the areas of special flood hazard established in § 2-504 where small streams exist but where no base flood data have been provided ore where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structure shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- (2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with § 2-509(i).

§ 2-508 Standards for subdivision proposals.

The codes administrator shall review subdivision proposals and other new developments to determine whether such proposals will be reasonably safe from flooding.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

§ 2-509 Administration.

SECTION A. Designation: The Lexington County Building Official is hereby appointed to administer and implement the provisions of this ordinance. Duties shall include, but not be limited to:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(b) Advise permittee that additional federal or State permits may be required, and if specific federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(c) Notify adjacent communities and the Water Resource Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(e) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with 2-509B(2).

(f) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 2-509B(2).

(g) When flood-proofing is utilized for a particular structure, the codes administrator shall obtain certification from a registered engineer or architect, in accordance with § 2-507(b).

(h) Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the codes administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(i) When base flood elevation data or floodway data have not been provided in accordance with § 2-504, then the codes administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State, or other source, in order to administer the provisions of §2-506.

(j) All records pertaining to the provisions of this ordinance shall be maintained in the office of the codes administrator and shall be open for public inspection.

SECTION B. Permit Procedure: Application for a development permit shall be made to the codes administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 - (c) Certification from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofed criteria in § 2-507(b);
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;
- (2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the codes administrator a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. any work undertaken prior to submission of the certification shall be at the permit holder's risk. The codes administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be

corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

§ 2-510 Variance Procedures.

(a) The Lexington County Building Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the codes administrator in the enforcement or administration of this ordinance.

(c) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Courts.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section (h) (1) and (4) below, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(e) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (1) the danger that material may be swept onto other lands to the injury of others;
- (2) the danger to life and property due to flooding or erosion damage;
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) the importance of the services provided by the proposed facility to the community.
- (5) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) the compatibility of the proposed use with existing and anticipated development;

- (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- (2) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The codes administrator shall maintain the records of all appeal actions

and report any variances to the Federal Emergency Management Agency upon request.

§ 2-511 Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Pine Ridge or by any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Article VI

Sediment Control and Storm Drainage

§ 2-601 Adoption of county ordinance

The sediment control and drainage ordinance adopted by Lexington County is hereby adopted by reference and shall be applicable within the town limits. The ordinance shall be enforced by the Lexington County Building Official.

CHAPTER 3

MUNICIPAL COURT

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§ 3-101 Establishment of court.

There is hereby established a municipal court for the Town of Pine Ridge pursuant to Title 14, Chapter 25 of the Code of Laws of South Carolina (1976), which shall be a part of the unified court system.

§ 3-102 Judges; term; compensation.

The municipal court shall be presided over by one or more judges appointed by council for terms not to exceed four years, or at the pleasure of council, for such compensation as council may determine.

§ 3-103 Acting judge.

The mayor may appoint a qualified person to hold municipal court in case of the temporary absence, sickness, or disability of a municipal judge.

§ 3-104 Clerk of municipal court.

The mayor shall designate a clerk of the municipal court who shall record the proceedings of the court, keep records, and make reports as required by the municipal judge and state court administrator.

§ 3-105 Ministerial recorder.

There is hereby established the office of ministerial recorder pursuant to S. C. Code § 14-25-115 (1976). Ministerial recorders shall be appointed by and serve at the pleasure of council. Ministerial recorders shall be instructed in the

proper method of issuing warrants by a municipal judge. Law enforcement officers shall not be appointed as ministerial recorders.

§ 3-106 Jury commissioners.

The town council shall serve as jury commissioners for municipal court. Juries shall be selected in accordance with S.C. Code §§ 14-25-145 -- 175.

§ 3-107 Penalties.

(a) Wherever in the code, or in any ordinance or resolution of the town, or rule or regulation or order promulgated by any officer or agency of the town under authority duly vested in him or it, 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 misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of the code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not more than \$500 or by imprisonment for not more than 30 days, or both.

(b) Except as may otherwise be provided, each day any violation of the code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

§ 3-108 Assessments.

Assessments mandated by State law shall be added to the fines imposed by the municipal judge and remitted as required by law.

§ 3-109 Ordinance summons.

Any person or entity who violates any provision of the code or any code adopted pursuant to this code, excluding any provision regulating the use of motor vehicles on public roads, may be issued a uniform ordinance summons in a form prescribed by S.C. Code Ann. 56-7-80 (Supp. 1992). Issuance of the uniform ordinance summons shall

vest jurisdiction in the municipal court to hear and dispose of the charge for which the uniform ordinance summons was issued and served. The uniform ordinance summons may be issued by any town law enforcement officer or any other town official or employee designated by the town administrator as a code enforcement officer. The amount of the bond prescribed by the municipal judge for the offense and the procedure for posting the bond shall be noted on the uniform ordinance summons. Town law enforcement officers or code

enforcement officers are prohibited from accepting bonds. The uniform ordinance summons shall not be used to perform a custodial arrest. The uniform ordinance summons shall contain a notice that failure to appear before the court without having posted bond or without having been granted a continuance is a misdemeanor punishable by a fine up to \$500 or imprisonment for up to 30 days, or both.

§ 3-110 Contempt of court.

It shall be unlawful for any person to fail to comply with an order of a municipal judge. Pursuant to S.C. Code Ann. § 14-25-45, the municipal judge may in his discretion punish a person who violates a municipal court order for contempt of court by imposition of additional penalties not to exceed the maximum prescribed by S.C. Code Ann. § 14-25-65.

CHAPTER 4

FINANCE

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RESERVED

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Article I

Budget

§ 4-101 Fiscal year.

The fiscal, budget, and accounting year of the town shall begin on the first day of July and shall end on the last day of June of each calendar year.

§ 4-102 Administrator to submit budget.

The town administrator shall prepare and submit a proposed balanced annual budget to council not later than the fifteenth day of May. A budget summary shall be included which itemizes principal sources of revenue, estimated expenditures by departments, and capital project estimates for the budget. Unexpended funds shall not be carried over by a department, but shall be included in revenue estimates for the next budget.

§ 4-103 Contingency provisions.

The budget ordinance may provide for expenditure of contingency funds, and transfer of funds between line items or departments by the town administrator within limits set by council.

§ 4-104 Budget amendments; emergency appropriations.

The budget may be amended by council during the fiscal year by addition to, deletion of, or transfer of any item; provided, that total amended estimated expenditures do not exceed total anticipated revenue. Emergency appropriations may be made by council for the protection of public health, safety, or welfare upon recommendation of the town administrator.

§ 4-105 Failure to adopt a budget.

Should council fail to adopt a budget by the beginning of a fiscal year, the town shall operate on the current fiscal year budget until final adoption of the new budget.

Article II

Fund Management

§ 4-201 Deposits and disbursements.

All revenues and funds received by any town employee or official from any source shall be deposited to the credit of the town in a bank designated by council. Disbursement shall be made by voucher check signed by the town administrator and countersigned by a member of council so designated.

§ 4-202 Monthly financial report.

The town administrator shall make a monthly financial report to council showing receipts and disbursements for each department.

§ 4-203 Investment of funds.

The town Administrator shall establish guidelines for investment of town funds. A summary report of transactions shall be made to council annually. All investments must be made in securities authorized by S.C. Code § 6-5-10.

§ 4-204 Annual audit.

Prior to the end of each fiscal year, council shall designate a disinterested qualified certified public accountant to conduct an audit of the financial affairs of the town and make a report to the town administrator and council.

Article III

Taxation

RESERVED.

Article IV

Business Licenses

§ 4-401 Business license ordinance published separately.

The business license ordinance requiring persons engaged in business within the town to obtain a business license and pay a license tax, shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix C to this Code.

Article V

Procurement

§ 4-501 Procurement code adopted; administration.

The provisions of this Article are adopted pursuant to S.C. Code § 11-35-50, and may be referred to as the "Town Procurement Code." The Procurement Code shall be implemented by the town administrator who is authorized to issue regulations for procurement consistent with this Code.

§ 4-502 Purchasing agent.

The mayor shall appoint the town purchasing agent.

§ 4-503 Compliance with state or federal requirements.

Where a procurement involves expenditure of state or federal funds subject to procurement regulations which are more restrictive than the town Procurement Code, the state or federal regulations shall be followed.

§ 4-504 Competitive bidding; exceptions.

All town contracts shall be awarded by competitive sealed bidding except contracts for the following procurements:

- (1) professional services where the person engaged is customarily employed on a fee basis rather than competitive bidding (e.g., appraiser, architect, auditor, consultant, engineer, legal services, physician);
- (2) proposals invited on a competitive sealed basis;
- (3) negotiations after unsuccessful competitive sealed bidding;
- (4) small purchases under \$500;
- (5) procurements under \$1,500 documented by written quotations from two (2) qualified sources of supply and a written determination by the

town; purchasing agent that the procurement is to the advantage of the

- (6) procurements exceeding \$1,500 but less than \$5,000 documented by written quotations from three (3) qualified sources of supply and a written determination by the purchasing agent and the town administrator that the procurement is to the advantage of the town;
- (7) blanket purchase agreements approved by the purchasing agent for repetitive small purchases on a charge account basis not requiring a purchase order for each purchase;
- (8) sole source procurements approved by the purchasing agent when there is only a single supplier, compatibility of equipment or parts is the paramount consideration, the item is one of a kind, or the procurement is for printed material;
- (9) procurements in emergency situations declared by the Mayor to involve a threat to public health, safety, or welfare;
- (10) procurement of information technology;
- (11) leasing or purchasing of real property; or
- (12) purchasing through state contracts.

§ 4-505 Bidding procedures.

Procedures promulgated by the town administrator shall provide for fair and equitable sealed bidding when applicable to procurements under this Article. An invitation to bid or request for proposals may be canceled by notice at any time prior to the opening of bids or proposals. The determination of award of a contract for more than \$5,000 to the low responsible bidder shall be made by council after receiving the recommendation of the town administrator. All invitations to bid shall include the provision that the town reserves the right to reject all bids. A tie bid shall be awarded to the firm selected by a majority vote of council.

§ 4-506 Protests.

Invitations to bid shall include procedures for the filing of protests by an actual or prospective bidder who is aggrieved in connection with the solicitation or award of a contract.

§ 4-507 Debarment or suspension.

The purchasing agent may issue a notice of debarment or suspension to a person or firm upon a determination, after reasonable notice and an opportunity to be heard, that there is cause for doing so in the best interest of the town. The determination of the purchasing agent may be appealed to council by written notice filed with the town administrator within ten (10) days after receipt of the determination. The causes for debarment or suspension shall include, but not be limited to:

- (1) conviction of a criminal offense incident to obtaining or attempting to obtain a public or private contract, or in the performance of such contract;
- (2) conviction for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or professional honesty which currently, seriously, and directly affects responsibility as a town contractor;
- (3) conviction under antitrust laws arising out of submission of bids or proposals;
- (4) a recent deliberate failure without good cause to perform in accordance with the terms of a contract;
- (5) any other cause determined to be so serious and compelling as to affect responsibility as a town contractor, including debarment by another governmental entity.

CHAPTER 5

HEALTH

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Article I

Animals

§ 5-101 Definitions.

In this Chapter, the word "animals" shall mean and include all brute creatures and domestic pets. "Dog" shall include all members of the canine family four (4) months or more of age, including foxes and other canines.

§ 5-102 Cruelty to animals.

It shall be unlawful for any person to inflict unnecessary cruelty upon any animal or to ride, drive or work it when sick or unfit for work, to override, overwork, overload, ride when overworked, torture, torment, or to beat or whip cruelly any animal, and it shall be unlawful for any such person owning or having charge of any animal to fail to provide it with proper food, drink, shelter or protection from the weather. Penalties for violation of this section shall not exceed those prescribed by S.C. Code § 47-1-40 (1993 Supp.)]

§ 5-103 Removal of dead animals.

It shall be unlawful for any person who has possession, ownership or custody of any animal that may die from any natural cause or other cause within the town to permit such dead animal to remain within the town for a longer period than may be necessary under the circumstances to remove such dead animal, and under no condition longer than twenty-four (24) hours. Any dead animal not so removed within twenty-four (24) hours shall be removed at the expense of the person in whose possession the animal died.

§ 5-104 Driving and racing animals.

It shall be unlawful for any person to drive horses or other animals at a dangerous speed in the town or to race horses or other animals on the streets of the town.

Article II

Animal Control

§ 5-201 Animals and fowl at large prohibited.

It shall be unlawful for any person to allow any domestic animal or fowl to run at large on the streets or in public places in the town. Any animal found at large shall be impounded in the county pound and shall be subject to county regulations for recovery or disposal.

§ 5-202 Dangerous animals.

(a) No person owning, harboring, or having the care of a dangerous animal as defined by S.C. Code § 47-3-710 may permit the animal to go beyond his premises unless the animal is safely restrained.

(b) No person owning, harboring, or having the care of a dangerous animal as defined by S.C. Code § 47-3-710 may permit the animal to go unconfined on his premises. "Unconfined" as used in this section means not confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

§ 5-203 Rabies inoculation required.

It shall be unlawful for any person to have possession of any species of carnivore as a pet which has not been inoculated as required by S.C. Code § 47-5-60 (1993 Supp.).

§ 5-204 Tampering with tag prohibited.

It shall be unlawful for any person to remove, destroy, or deface a pet rabies tag or the collar or harness to which it is attached.

§ 5-205 Confinement when rabies suspected.

The Chief of Police is authorized to require an owner of a pet suspected of having rabies or of having been bitten by an animal with rabies to confine the animal in a manner which will prevent contact with humans or other animals for a period as required by S.C. Code § 47-5-110 (1976). Upon failure of the owner to comply with a confinement order, the Chief of Police may take custody of the animal and have it delivered to the county pound.

§ 5-206 Destruction of rabid animals.

Any police officer is authorized to terminate immediately the life of any animal determined to be rabid, or exhibiting the symptoms of rabies, and to deliver the remains to the county health department.

§ 5-207 Condition of animals and pens.

All owners and custodians of pet animals shall keep them in pens or enclosures in sanitary condition with adequate food, water, and shelter. It shall be unlawful for a person to keep a diseased, mangy, sick, or injured pet animal within the town, except those under the care of licensed veterinarians.

§ 5-208 Nuisances prohibited.

It shall be unlawful for the owner or custodian of any animal or fowl to allow it to bark, howl, make noise, or while in heat attract other animals which disturb the peace of the neighborhood, and such disturbance shall constitute a public nuisance.

Article III

Livestock and Fowl

§ 5-301 Running at large prohibited.

It shall be unlawful for any person to allow horses, mules, cattle, other livestock, or domestic fowl to run at large upon public or private property.

§ 5-302 Reserved.

§ 5-303 Slaughterhouse prohibited.

It shall be unlawful for any person to maintain a slaughterhouse within the town.

Article IV

Bird Sanctuary

§ 5-401 Bird Sanctuary established.

The entire area situated within the corporate limits is hereby designated a bird sanctuary.

§ 5-402 Unlawful interference with birds.

Subject to §5-403 herein, it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way any bird or wild fowl or to rob nests or wild fowl nests.

§ 5-403 Birds constituting a nuisance.

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property, and if no satisfactory course of action is found to abate such nuisance, said birds may be destroyed in such manner and in such numbers as is deemed advisable by said health authorities under the supervision of the chief of police, and as approved by the town council.

Article V

Nuisance Abatement

§ 5-501 Unhealthy or unsightly condition; nuisance.

It shall be unlawful for any person to allow property under his ownership or control to be kept in an unhealthy or unsightly condition by reason of the existence thereon of rubbish, debris, vegetation, weeds, water, foul or noxious effluvia, structural material, equipment, vehicle, or any other substance; and such unhealthy or unsightly condition constitutes a public nuisance. Conditions which constitute a public nuisance include, but are not limited to, the following:

- (1) Deposit of trash, garbage, waste, or debris on private or public property in other than approved disposal containers;
- (2) Accumulation of water in which mosquitoes may breed;
- (3) Growth of vegetation or accumulation of materials which provide a harbor or breeding place for rodents or other pests;
- (4) Growth of weeds in excess of one foot in height;
- (5) A dilapidated structure which is unfit for habitation, or which provides a harbor for rodents, pests, stray animals, or persons engaged in controlled substance use or sale;
- (6) Unauthorized production, transportation, storage, or discharge of fumes, dust, smoke, noise, chemicals, toxic materials, waste, or other materials which pose a threat to public health or safety;
- (7) Any condition which is conducive to the transmission of communicable disease or which increases the hazard of fire; or
- (8) A junked or abandoned, unlicensed, inoperable, and unsecured motor vehicle which provides a harbor or breeding place for insects or rodents.

§ 5-502 Notice and hearing on abatement of nuisance.

(a) The town administrator or designated enforcement official shall serve written notice by certified mail upon the owner, or his agent, and the occupant of property upon which conditions exist in violation of this article requiring that the conditions be corrected or removed within fifteen (15) days.

(b) The notice shall state that, upon written request received prior to the expiration of fifteen (15) days, the town administrator will conduct a hearing at which the requesting party may appear or be represented for the purpose of determining the applicability of this article to the property.

(c) After the hearing the town administrator shall issue a written order containing findings and conclusions, and specifying a time in which any corrective action must be taken, which shall be served by certified mail upon the party requesting the hearing.

§ 5-503 Failure to abate unlawful.

It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. The town administrator or designated enforcement official may issue an ordinance summons or seek an arrest warrant for violation of this article.

§ 5-504 Abatement; lien.

Upon failure of the responsible party to abate a nuisance as required by notice or order, the town administrator or designated enforcement official may go onto the property and correct or remove the conditions constituting a nuisance. The costs of abatement shall be a lien on the property which shall be added to and collected in the same manner as property taxes.

Article VI

Garbage and Refuse

§ 5-601 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Article:

(a) "Building Materials" means any material such as lumber, brick, plaster, gutters, or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

(b) "Bulk Container" means a covered metal container, not to exceed four cubic yards, to be approved by the town administrator.

(c) "Commercial Waste" means garbage, rubbish, ashes and other refuse, resulting from institutions and commercial concerns such as motels, hotels, stores, etc.

(d) "Garbage" means the by-product of animal or vegetable food-stuffs resulting from the handling, preparation, cooking and consumption of food, or other matter, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

(e) "Hazardous Refuse" means material such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

(f) "Household Trash" means waste accumulation of paper, sweepings, dust, rags, bottles, ashes, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

(g) "Industrial Waste" is solid waste resulting from an industrial process or manufacturing operation.

(h) "Litter" means garbage, refuse, waste materials or any other discarded,

used or unconsumed substance which is not handled as specified herein.

(i) "Refuse" is a collective term which encompasses all of the solid wastes for the community.

(j) "Special Waste" means all waste collected in bulk containers from industry and also that refuse resulting from either a commercial, industrial or manufacturing operation which requires special handling such as sawdust, steel springs or other materials which would otherwise damage refuse packers.

§ 5-602 Administration.

The town administrator shall administer the contract with a private contractor for residential, commercial and industrial refuse removal. Commercial and industrial plants may transport waste from their operations to an approved sanitary land-fill.

§ 5-603 Refuse containers.

Refuse containers for residential and commercial uses must be securely covered metal or plastic containers of not more than 30 gallon capacity. Mobile containers, when permitted by the town administrator, shall have not less than 80 gallon capacity and not more than 90 gallon capacity. Mobile containers must be so constructed that they can be emptied by the lifting devices mounted on collection trucks. All mobile containers shall be subject to the approval of the town administrator.

§ 5-604 Residential collection.

The owner or occupant of property shall provide at least one (1) approved container for each single family dwelling and at least two (2) approved containers for each multi-family dwelling of not more than three (3) units. It shall be unlawful for any person to remove, damage or interfere with access to a refuse container, or to scatter waste from a container.

§ 5-605 Commercial collection.

Commercial establishments shall utilize approved bulk containers(s) as necessary for the amount of solid waste generated. These containers will be positioned at the establishments so as to permit waste collection in the most expeditious manner. Where small amounts of solid waste are generated, a single bulk container may be located to serve multiple establishments, or an individual establishment may use a mobile container to be served weekly by the residential solid waste collection truck, as determined by the town administrator.

§ 5-606 Apartments, complexes, trailer park collection.

The owner of an apartment, complex, or trailer park of four (4) or more single units shall furnish the necessary bulk container or containers, or replace mobile containers or rollouts, and keep the area around them clean and clear of trash, and litter. The number of bulk containers necessary shall be determined by the town administrator. Mobile containers or rollouts, when approved, shall be provided by the owner at no less than one (1) per unit.

§ 5-607 Industrial waste collection.

Industrial manufacturing operations shall furnish and be responsible for the cost of collection and disposal of industrial waste.

§ 5-608 Special waste collection surcharge.

Any residential or commercial establishment requiring handling of special waste shall be subject to a surcharge approved by the town council.

§ 5-609 Replacement of containers.

Containers which are damaged, destroyed, or stolen through abuse, neglect, or improper use by the occupant or owner shall be replaced at the expense of the occupant or owner of the residence. It shall be unlawful for any person to damage, destroy, deface or remove from the premises any refuse container. Markings and identification devices on the containers except as placed or specifically permitted by

the town, are expressly prohibited and shall be regarded as damage to the containers.

§ 5-610 Responsibility to place garbage for collection.

It shall be the responsibility of each occupant to place refuse for collection at the time in the manner as provided in this ordinance. All single or multi-family residential mobile containers shall be placed at the curb for collection no earlier than one (1) hour before sunset the day before collection and no later than 6:00 a.m. on the day of collection. All mobile containers shall be removed from the curb no later than 7:00 p.m. the day of collection. A mobile container shall be kept in the rear of residence, or on the side of the residence if behind shrubbery or other suitable screening such that the mobile container is not readily visible from the street. Mobile containers found in violation of this ordinance shall be removed by the town subject to return upon payment of any fines and fees.

§ 5-611 Excess solid waste.

Excess solid waste above the containerized capacity of the mobile container shall be bagged or boxed in a throw-away container and placed neatly beside the mobile container. Occupant may be required to provide a second container at the discretion of the town administrator when excess waste is generated frequently.

§ 5-612 Cleaning of containers.

The occupant or residence owner shall keep refuse containers reasonably clean and free of water.

§ 5-613 Bulk container area to be kept clean.

The occupant or user of a bulk container shall keep the storage area and curbside pickup point free of litter. Containers shall not be filled beyond capacity.

§ 5-614 Tree limbs, leaves.

All tree limbs, branches, underbrush and other yard waste, including leaves, shall be placed at, not in, the street or curb for collection so as not to block the

sidewalk. Tree branches to be collected shall be no greater than six inches in diameter and six feet in length. Special exceptions must be approved by the town administrator.

§ 5-615 Building materials, etc.

A mobile or bulk container shall not be used as a depository for brick, blocks, rocks, ashes, acids or any other item destructive to the container, from weight or corrosive action, or residue from residential or commercial construction. A contractor, carpenter, builder, or the property owner must remove all trash incident to construction or alteration at his own expense.

§ 5-616 Solid waste disposal.

No person shall deposit or cause to be deposited any form of solid waste on any public or private property. Solid waste shall be prepared and placed for collection as specified in this article.

§ 5-617 Interfering with collection.

No person shall interfere with or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents without permission of the town administrator.

§ 5-618 Extent of service.

Refuse containers shall be serviced once weekly. No person, firm or corporation shall be entitled to service on more than two containers per pickup.

§ 5-619 Reserved.

§ 5-620 Removal of dead animals.

Dead animals shall not be placed in refuse containers. Owners of dead animals shall be responsible for their removal and disposal.

§ 5-621 Receptacles for the use of town residents and businesses.

It shall be unlawful for any person who is not a resident of the town, or who does not operate a business within the corporate limits of the town, to deposit or place waste in any receptacle, trash can, trash box or bin serviced by the town or its contractors.

For the purposes of this Section, waste does not include trash, litter, paper or food products which can be casually carried and deposited by hand without being packaged or contained in a paper or plastic bag.

Article VII

Sewerage

§ 5-701 Sewage disposal pursuant to State regulations.

No person shall occupy any building within the corporate limits unless it is connected with a sanitary sewer disposal system or septic tank approved by the South Carolina Department of Health and Environmental Control.

§ 5-702 Building contracts to state method of sewage disposal.

All building contracts for the erection of structures within the Town anticipated for human residence shall provide for adequate and sanitary sewage disposal. If no approved sewer connection is available to such a building, the contract must provide for the construction of proper and adequate facilities in accordance with the standards prescribed by the Department of Health and Environmental Control. Applications for permits to erect such buildings shall state the proposed method of sewage disposal.

CHAPTER 6

POLICE PROTECTION

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Article I

Police Department

§ 6-101 Police chief, officers.

The police department shall consist of a chief and such officers as may be appointed pursuant to this Code. Special police officers may be appointed by the mayor in an emergency.

§ 6-102 Powers and duties.

Police officers shall have the power and duty to perform the following functions within the town and on all property owned by the town beyond the corporate limits:

- (1) Provide protection for persons and property against unlawful acts and reduce the opportunity for commission of crimes;
- (2) Maintain a crime prevention program;
- (3) Provide regular patrol of all areas in the town;
- (4) Investigate crimes;
- (5) Apprehend, arrest, and prosecute offenders;
- (6) Recover stolen property;
- (7) Conduct training;
- (8) Attend municipal court and execute orders of court;
- (9) Provide traffic control; and
- (10) Perform such other duties as may be assigned by the police chief or Police Commissioner.

§ 6-103 Disposal of confiscated property.

Personal property in the possession of the police department which has been confiscated, lost, stolen, or abandoned and is unclaimed by the owner may be sold at public auction after fifteen (15) days' notice in a newspaper of general circulation in the town. Proceeds of sale shall be paid into the general fund of the town. Confiscated property deemed to be unlawful to possess shall be disposed of according to State law or applicable town police procedures.

Article II

Curfews

§ 6-201 State of emergency.

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

§ 6-202 Imposition of emergency curfew.

In the event of a state of emergency, the mayor is authorized and empowered to issue a public proclamation declaring the existence of a state of emergency, defining and imposing a curfew in areas and at times specifically designated in the declaration, and exempting essential health and safety personnel.

§ 6-203 Town council to meet.

The town council shall be called into session within 24 hours after a declaration of a state of emergency to provide by emergency ordinance or resolution for continuance, modification, or termination of the curfew, and for such other measures as may be necessary to protect public health and safety.

§ 6-204 Prohibited acts during emergency curfew.

During the existence of a curfew imposed by reason of a state of emergency, it shall be unlawful for any person subject to the curfew to:

- (1) Be present or travel upon any street, alley, roadway, or public property, unless such travel is necessary to obtain medical assistance;
- (2) Possess beyond a person's own private premises, buy, sell, give away, or otherwise transfer or dispose of any explosive, firearm, ammunition, or dangerous weapon of any kind;
- (3) Sell, possess, or consume beer, wine, liquor, or intoxicating beverages of any kind; or

(4) Sell or transfer gasoline, other petroleum products, combustible or inflammable substances of any kind, except as expressly authorized by the terms of the curfew imposed.

§ 6-205 Curfew for minors; purpose.

Council has determined, after consideration of the activities and conditions affecting minors after certain hours of the day, that it is the public interest to adopt a curfew ordinance for the protection of the public from illegal acts of minors committed after the curfew hour; the protection of minors from improper influences and criminal activity occurring after the curfew hour; and helping parents control their children.

§ 6-206 Curfew for minors established; exception.

It shall be unlawful for any minor under the age of 15 years to be present in any public street, playground, park, public building, place of amusement or other public place between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided, however, this section shall not apply to a minor accompanied by a parent or other adult responsible for the minor, to a minor on an emergency errand, to a minor in the course of employment, or to a minor traveling home within 30 minutes from an organized school or religious activity. Each violation of this section shall constitute a separate offense.

§ 6-207 Responsibility of parents.

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 15 years to knowingly permit such minor to be in a public place in violation of Section 6-206. Each violation of this section shall constitute a separate offense.

§ 6-208 Duties of police.

Any police officer who finds a minor in violation of the curfew ordinance shall ascertain the name and address of the minor instruct the minor to go straight home,

notify the parents or guardian of the minor, and report the incident to the police chief. If the minor refuses to cooperate with the officer, refuses to go home,

or has been warned about a prior violation, the minor is to be detained until the parents or guardian are called to come and transport the minor home. If the parents or guardian cannot be located, the minor is to be transported home and issued the appropriate citation for the violation.

Article III

Offenses

§ 6-301 Aiding and abetting.

It shall be unlawful for any person to aid or abet any other person in the violation of this code of ordinances, or of any other town ordinance, or to procure, encourage, incite, or advise any other person to violate the same.

§ 6-302 Resisting or interfering with police.

(a) It shall be unlawful for any person after having been placed under arrest or taken into custody by the police to resist arrest actively or by flight.

(b) It shall be unlawful for any person to physically interfere with or molest a police officer in the discharge of his duties.

(c) It shall be unlawful for any person to willfully be in a position nearer than twenty (20) feet to a police officer who is making or attempting to make an arrest, or who is escorting a person under arrest or a prisoner.

§ 6-303 Failure to stop on police command.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed, or commanded to stop by a police officer in the lawful exercise of authority.

§ 6-304 Reserved.

§ 6-305 Petit larceny.

The wrongful taking and carrying away of the personal property of another, having a value of not more than one thousand dollars with intent to convert the property to the taker's use is a misdemeanor punishable in municipal court as petit larceny. (S.C. Code §16-13-30)

§ 6-306 Intentional destruction of property.

It shall be unlawful for any person to intentionally injure, damage, mutilate, deface or destroy any animal, personal property, structure, fixture, or real property of another. If the amount of damage is not more than one thousand dollars, violation of this section is a misdemeanor punishable in municipal court. (S.C. Code §16-11-510 -- 535)

§ 6-307 Public drunkenness.

It shall be unlawful for any person to create a nuisance or engage in conduct offensive to others on the public streets or in public places while drunk or intoxicated.

§ 6-308 Drinking in public.

It shall be unlawful for any person to drink intoxicating or alcoholic beverages on the public streets or on public property.

§ 6-309 Interference with use of streets.

It shall be unlawful for any person to close, block, restrict, or interfere with the free use of any public way or public place by pedestrian or vehicular traffic.

§ 6-310 Disorderly conduct.

It shall be unlawful for any person to engage in the following disorderly conduct, knowing or having reason to know that it will tend to promote or provoke a fight, assault, or brawl, or be disruptive of the lawful conduct or assembly of other persons:

- (1) To utter, while in the presence of others, any lewd or obscene epithets or make any lewd or obscene gestures with his hands or body; or
- (2) To use fighting words directed toward another; or
- (3) To knowingly and willfully engage in any overt physical conduct which interferes with the pursuit of a lawful occupation or activity of another person; or

(4) Without lawful permission to congregate with another or others on any public way so as to impede the flow of pedestrian or vehicular traffic, and to refuse to clear such public way when ordered to do so by any law enforcement officer; or

(5) In any public place to accost or attempt to force his company upon any person against his will; or

(6) Disturb any person, audience, or group assembled in a place of worship, education, meeting of a public body, recreation, or amusement with noise, loud talking, indecent language or behavior, disruptive or distracting actions, refusal to comply with rules of procedure, or any undue interruption of proceedings.

§ 6-311 Loitering.

(a) *Definition.* "Loitering" means remaining idle in essentially one location, spending time idly, loafing, or walking around aimlessly in a public place in such manner as to:

- (1) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (2) create or cause to be created a danger of breach of the peace;
- (3) obstruct or hinder free passage of vehicles or pedestrians;
- (4) obstruct or interfere with any person lawfully in any public place;
- (5) engage in begging;
- (6) engage in gambling;
- (7) engage in prostitution or solicitation for sexual conduct;
- (8) solicit or engage in an unlicensed business or activity;
- (9) possess or use unlawful drugs or controlled substances; or
- (10) use or possess alcoholic beverages, beer, or wine.

(b) *Violation.* Any person loitering in any public place as defined above may be ordered by any police officer to leave that place. Any person who refuses to leave after being ordered to do so by a law enforcement officer shall be guilty of a misdemeanor. Nothing in this section shall be construed or enforced in a manner to restrict the lawful exercise of freedom of speech, religion, or association.

§ 6-312 Discharge of weapons.

It shall be unlawful for any to fire or discharge within the town any firearm, weapon, air rifle, pellet gun, or target gun.

§ 6-313 Solicitation.

(a) It shall be unlawful for any person to distribute material, make any solicitation, or conduct any transaction with any pedestrian or occupant of a vehicle traveling or standing within that portion of the street in the town set aside for vehicular travel, including medians, islands, and parking spaces.

(b) It shall be unlawful for any person while upon any public sidewalk in the town to accost, stop, or attempt to stop persons passing by with the intent to induce them to enter any place where merchandise or services are sold, or to solicit trade, business, or patronage for any place of business, or to molest or attempt to molest persons on the sidewalk by such solicitation.

§ 6-314 Prostitution.

(a) It shall be unlawful for any person to engage in prostitution in the town.

(b) It shall be unlawful for any person to lease, maintain, live in, visit, invite others into, or permit the use of a place which is used for purposes of prostitution, assignation, or lewd and lascivious acts.

§ 6-315 Reserved.

§ 6-316 Reserved.

§ 6-317 Noise.

(a) It shall be unlawful for any person to make, continue, or cause to be continued, any loud, excessive, or disturbing noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the town. The following acts, among others, are declared to be loud, excessive, or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:

(1) Blowing horns: The sounding or blowing of any horn or signal device on any automobile, motorcycle, motor bus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise and the sounding of such device for any unnecessary period of time.

(2) Radios, phonographs, television, etc: The playing of a radio, hi-fi, stereo set, phonograph, piccolo, television or any musical instrument in such manner or with such volume as to annoy or disturb any person, or the playing of such instrument in such manner as to annoy or disturb the quiet, comfort or repose of any person.

(3) Pets: The keeping of any animal or bird which by causing frequent or long continues noise shall disturb the comfort or repose of any person in the vicinity.

(4) Use of vehicle: The use of any automobile, motorcycle or vehicle so out of

repair, so loaded, or used or repaired in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.

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

(6) Devices using compressed air: the use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(7) Building operations: The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than from official sunrise to 10:00 p.m. except in cases of urgent necessity in the interest of public safety, and then only with a permit from the Zoning Administrator.

(8) Noises near schools, churches, etc.: The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interfere with the work or worship in any such place or institution; provided, that signs shall be displayed in or near such streets, indicating that the same is a school, church library, or court.

(9) Loading and unloading operations: The creation of loud and excessive noises in connection with loading or unloading any vehicle, railway car, or opening and destroying bales, boxes, crates and containers.

(10) Hawking, peddling or soliciting: Shouting, loud talking, crying or soliciting by peddlers, hawkers, solicitors and vendors which disturbs the quiet and peace of the neighborhood, or any person therein.

(11) Noises to attract attention: The use of any drum, noise makers or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or display or advertisement of merchandise, by the creation of noise.

(12) Loud speakers or amplifiers on vehicles: The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.

(13) Business noises at night near residences: the operation of any garage, service station, auto repair business, taxi cab business, plant, store, factory or other place of business in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy and disturb the quiet and comfort of any citizen and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person.

(b) A loud, excessive, or disturbing noise is defined as any sound regulated by this section, which is plainly audible and deemed inappropriate by any law enforcement officer at a distance of fifty (50) feet from its source.

(c) The complaints of three (3) or more persons, or of one (1) or more persons, when combined with the complaint of a police officer, is prima facie evidence that a sound regulated by this section annoys, disturbs, or endangers the comfort, repose, health, peace or safety of others, in violation of this Article.

(d) Noises audible in public streets or public places which violate the standards of this Article are hereby declared to be public nuisances which may be abated by any law officer.

Article IV

Traffic

§ 6-401 Adoption of state law.

The provisions of the "Uniform Act Regulating Traffic on Highways" contained in S.C. Code Title 56, Chapter 5, are hereby adopted by reference and shall apply to pedestrians and vehicles on all streets within the town.

§ 6-402 Reserved.

§ 6-403 Reserved.

§ 6-404 Trucks prohibited on certain streets.

It shall be unlawful for any person to operate a truck exceeding twenty-five (25) feet in length, except emergency vehicles, without a permit from the police chief on any street which has been designated by resolution of Town Council and posted pursuant to S.C. Code Ann. § 56-5-720 with signs prohibiting trucks.

§ 6-405 Driving in parks.

It shall be unlawful for any person to drive any motorized vehicle in any portion of a public park except on driveways or spaces marked for vehicular traffic.

§ 6-406 Driving across private property.

It shall be unlawful for any person driving a vehicle to use a private driveway or business entrance or exit as a roadway, thoroughfare, short cut, or means to make a prohibited "U" turn.

§ 6-407 Boarding or alighting from moving vehicle.

No person shall board or alight from any moving vehicle.

§ 6-408 Skates and toy vehicles restricted.

No person on skates, skateboard, coaster, sled, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk or upon a street designated as a play street.

§ 6-409 Towing bicycle, etc., prohibited.

No operator of any vehicle shall tow any person on a bicycle, motorcycle, moped, skates, skateboard, coaster, sled, toy vehicle or similar device on a roadway.

§ 6-410 Riding on portion of vehicle prohibited.

No person shall ride on any portion of a vehicle not designed or intended for use of passengers. This provision does not apply to an employee engaged in the necessary discharge of duty, or to persons riding within truck bodies in space intended for merchandise.

§ 6-411 Using vehicle for advertising.

No person shall operate or park any vehicle on any street for the primary purpose of advertising.

§ 6-412 Stopping, standing and parking.

It shall be unlawful for any person to stop, stand or park any vehicle on any street in any of the following places or for any of the following purposes:

- (a) Leaving less than twelve (12') feet from the centerline of the roadway for vehicular traffic, except for temporary loading or unloading of passengers or in obedience to traffic control officers or devices;
- (b) In a tree zone or planted area;
- (c) In a designated and posted no parking area;
- (d) An unauthorized vehicle in a loading zone;
- (e) In excess of the time allowed by signs;
- (f) For the purpose of selling, repairing, washing or lubricating a vehicle;
- (g) Blocking a driveway or access to private or public property;
- (h) For the purpose of loading or unloading goods in a business district, except in designated loading zones;
- (i) In a manner or location contrary to the manner or location indicated by traffic control signs, markings or officers;
- (j) Unauthorized vehicle in designated and marked space for use by an official, emergency use, handicapped parking, taxicab stand, or bus stop;
- (k) Taxicab, bus, or public carrier in a space not specifically designated and posted for such purpose; or
- (l) Commercial vehicle on the right of way of a residential street, except while loading or unloading.

Article V

Parades and Processions

§ 6-501 Definitions.

(1) *Parade* is any march, ceremony, show, exhibition, pageant, procession of any kind, rally, or demonstration, or any similar display in or upon any street, sidewalk, public place, park or other outdoor places owned or under control of the town.

(2) *Unit* is a person, animal, vehicle or conveyance participating in a parade.

§ 6-502 Permit required.

It shall be unlawful for any person to engage in, participate in, aid, form, start, or stage any parade or procession on any of the streets or in any other public places without a permit from the chief of police to do so; provided, however, that funeral processions and governmental agencies acting within the scope of their official functions, are excepted from this Article.

§ 6-503 Application.

A person seeking a parade permit shall file an application with the chief of police on forms provided by the chief of police.

(1) *Filing period.* An application for a parade permit shall be filed with the chief of police not less than seven (7) days before the date on which it is proposed to conduct the parade and not less than thirty (30) days before the date on which it is proposed to conduct the parade if the number of actual or anticipated participants exceeds two hundred (200).

(2) *Contents.* The application for a parade permit shall set forth the following information:

a. The name, address, and telephone number of the person seeking to conduct such parade and the signature of the person or his authorized agent;

b. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the

headquarters of the organization and of the authorized and responsible heads of such organizations; written authorization must be submitted by an applicant seeking a permit for another person;

c. The name, address and telephone number of the person who will be the parade chairman or have responsibility for its conduct;

d. The date the parade is to be conducted;

e. The route to be traveled, to include the starting point and the point of termination;

f. The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals, and description of the vehicles; the composition and interval of space between units;

g. The hours when such parade will start and terminate;

h. The location by either street and block location or other reasonable physical description of any and all assembly areas for such parade, together with the time at which units of the parade will begin to assemble;

i. The purpose of the parade, although there will be no refusal of a permit based on purpose alone, unless such purpose comes into conflict with the conditions and requirements hereinafter set forth under standards of issuance; and

j. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(3) *Late applications.* Where good cause is shown therefor, the chief of police shall have the authority to consider any application hereunder which is filed in less than the required periods applicable for the size of parade proposed.

§ 6-504 Standards for issuance.

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from other such information, reasonable and reliable in nature and in content as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic and will proceed along the prescribed route of march only once;

(2) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection, or

ambulance service, or cause diversion of a number of police, fire, rescue or health personnel which would hamper normal health or safety services to the public;

(3) The conduct of the parade is not reasonably likely to cause congestion, excessive noise, injury to persons or property or to provoke disorderly conduct, riot, disturbance, or breach of the peace;

(4) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit. Provided, however, the prohibition against advertising any product, goods or event, shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade.

PROVIDED, however, if the chief of police finds that the parade permit requested is both subsequent and similar in purpose and/or person to parades previously requested and held during the same calendar year and are so unreasonably repetitious as to constitute an inconvenience to the public in its use of the parade routes and their contiguous places of business and of public use, access, and enjoyment, he may deny the application.

§ 6-505 Notice of rejection.

The chief of police shall act upon the application for a parade permit within three (3) days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant, by return receipt certified mail within three (3) days after the date upon which the application was filed, a notice of his action, setting forth the reason(s) for his denial of the permit.

§ 6-506 Alternative permit.

The chief of police in denying an application for a parade permit shall be empowered to authorize the conduct of the parade with variances in any of the following items: date, time, route, size, spacing, or duration if a compelling interest is involved. An applicant desiring to accept an alternate permit, shall within three (3) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Article.

§ 6-507 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the town council. The appeal shall be taken within five (5) days after receipt of the notice of denial. The town council shall act not later than its next regular meeting after receipt of the notice of appeal. The standards for issuance in this Article shall apply on appeal and the rules of procedure shall be set by town council. Parties shall have the right to be represented by counsel, present testimony and evidence, and cross-examine witnesses. Proceedings shall be recorded and transcribed at the expense of the requesting party. The decision of town council shall be in writing with reasons stated.

§ 6-508 Notice to officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- (1) The mayor and council;
- (2) The town administrator;
- (3) The fire chief;
- (4) The ambulance service;
- (5) All law enforcement agencies likely to be involved; and
- (6) The town attorney.

§ 6-509 Contents of permit.

Each parade permit shall state the following information and conditions where applicable:

- (1) Name, address and capacity of responsible person;
- (2) Date, starting and ending times;
- (3) Starting point, route and ending point;
- (4) Number of units and space intervals between units;
- (5) Minimum and maximum speeds, and stopping conditions;
- (6) Limits on the portions of traversed streets to be occupied by the parade;
- (7) Limitations on types of units permitted;
- (8) Parking requirements for parade participants;
- (9) Staging area requirements;
- (10) Law enforcement escort requirements;
- (11) The following conduct requirements:
 - a. Except for military forces of the United States and law

enforcement officers, no participants shall be armed with any weapon or carry any object which could be used as a weapon;

b. No participants shall use abusive or obscene language or gestures toward spectators, engage in disorderly or riotous conduct, make loud noises, injure persons or property, obstruct access to public or private property, disturb or breach the peace; litter or distribute commercial material;

(12) Notice that the parade permit may be summarily revoked for violation of

this ordinance or permit conditions, or in event of emergency affecting public health or safety, in addition to appropriate legal action;

(13) Notice that the responsible permit holder and participants engage in the

permitted parade at their own risk as to persons and property; and

(14) The requirement that the responsible person acknowledge receipt and

acceptance of the permit and conditions by return within three (3) days to the chief of police a dated and signed copy of the permit provided.

§ 6-510 Possession of permit.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§ 6-511 Public conduct during parades.

(a) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parking on parade route.* The chief of police shall have the authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police may post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

§ 6-512 Revocation of permit.

The chief of police shall have the authority to summarily revoke a parade permit issued hereunder upon violation of the standards of issuance as set forth in this Article, or in the event of emergency affecting public safety or health.

§ 6-513 Violations.

It shall be unlawful for any person to fail or refuse to comply with the provisions of this Article, or the terms and conditions of any permit issued hereunder.

CHAPTER 7

STREETS

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Article I

Construction, Encroachments

§ 7-101 New streets.

Proposed new streets shall be reviewed, approved, named, constructed, and maintained pursuant to the town land development regulations contained in a separate ordinance.

§ 7-102 Regulation of use of streets.

Town council by resolution shall approve regulations for use of public streets, traffic control, and parking.

§ 7-103 Excavation; temporary encroachment; insurance.

It shall be unlawful for any person to perform an activity which involves excavation, encroachment, temporary use or disruption of a street or public place under control of the town without a permit from the town administrator and the Department of Transportation when required. As a condition for the issuance of a permit, the applicant shall be required to indemnify the town against all claims resulting from the permitted activity. The indemnification shall be assured by one of the following:

- (a) An owner's and contractor's protective liability policy and a separate general liability policy naming the town as an additional insured, each in an amount not less than \$500,000 per occurrence combined single limit for bodily injury, personal injury, and property damage with an aggregate liability not less than \$1,000,000; or
- (b) A general liability policy naming the town as an additional insured in an amount not less than \$500,000 per occurrence and \$5,000,000 aggregate combined single limit for bodily injury, personal, injury, and property damage; or
- (c) An indemnity surety bond in an amount not less than \$2,500,000, approved as to surety and form by the town attorney.

The town administrator may require additional coverage for an activity which poses an unusual hazard or danger to the public. An insurance policy furnished pursuant to this

section shall provide for notice to the town at least 30 days prior to cancellation, termination, or modification of the coverage for the town. This section shall apply to contractors performing work under contract with the town or any other governmental entity.

§ 7-104 Continuing encroachment.

A continuing encroachment into, over or under a street or public property shall be authorized only by ordinance adopted after a public hearing. Indemnification and insurance requirements of § 7-103 and applicable requirements of the Department of Transportation shall apply to continuing encroachments.

§ 7-105 Excavation standards; safety devices.

(a) It shall be unlawful for any person to fail to maintain adequate safety barricades, guards, fences, signs, signals, lights, covers or other safety devices around a permitted excavation in a street or public place.

(b) It shall be unlawful for any person given a permit for excavation in a street or public property to fail to restore the surface of the street or property within a period of 72 hours. Streets shall be restored to standards of the Department of Transportation.

(c) It shall be unlawful for any person to fail to repair within 72 hours of notification a surface restoration which fails within one (1) year after completion of a permitted excavation.

(d) It shall be unlawful for any person to tamper with, remove or damage any warning or safety device at an excavation in a street or public place.

§ 7-106 Underground utilities.

It shall be unlawful to install underground utilities, communication, or cablevision lines in the public streets within two feet of any utility pole, except poles to which connections are made, without a permit from the town administrator which shall be granted only upon a showing of necessity and compliance with applicable safety standards.

§ 7-107 Curb cuts.

It shall be unlawful for any person to remove or cut any street curb, or to install any entrance to property from a street without a permit from the town administrator.

Article II

Advertising

§ 7-201 Painting on streets.

It shall be unlawful for any person to paint, print or otherwise place commercial advertising or non-commercial markings on the surface of any public street, except authorized traffic control markings.

§ 7-202 Signs in streets.

It shall be unlawful for any person to place any sign, banner, poster, placard, notice, picture, circular, or other device on public property in the town without a permit from the town council.

§ 7-203 Signs on private property.

It shall be unlawful for any person to place any advertisement, notice or sign of any nature on private property without the consent of the owner or lessee of the property.

§ 7-204 Signs; distance from streets.

(a) It shall be unlawful for any person to place any sign or signboard not attached to a building nearer than ten (10') feet to the street right of way.

(b) It shall be unlawful for any person to place any sign which overhangs the street right of way without a permit from the town administrator. A permit may be issued for an on premises advertising sign which is at least eight feet above the surface of the sidewalk and which does not extend more than five feet into the street right of way. No permit shall be issued for a sign which overhangs any portion of the right of way used for vehicles. Signs shall meet requirements of the building code and zoning ordinance.

§ 7-205 Distribution of handbills.

(a) It shall be unlawful for any person to distribute in any manner any commercial handbill in or upon any sidewalk, street, median, park or other public place.

A commercial handbill is defined as any printed or written matter, device, sample, photograph, emblem, dodger, circular, leaflet, pamphlet, booklet,

original or copy of any matter of literature which advertises merchandise for sale or lease, or which directs attention to a commercial activity, excepting newspapers of general circulation or mail.

(b) It shall be unlawful for any person to distribute any non-commercial or commercial handbill as defined in (a) upon any private premises if requested by anyone thereon not to do so, or if there is a notice posted indicating a desire for privacy.

Article III

Unlawful Acts

§ 7-301 Littering.

It shall be unlawful for any person to deposit any confetti, paper, container, waste, or rubbish of any kind upon any sidewalk, street, park or public place, vehicle, or private premises in the town, except in designated litter receptacles.

§ 7-302 Transporting loose material.

It shall be unlawful for any person to transport any loose material on town streets unless the material is covered and secured in a manner to prevent littering.

§ 7-303 Damaging public property.

It shall be unlawful for any person to damage or deface public streets, sidewalks, bridges, parks, public places, lights, signs, traffic control devices, markers, monuments, barricades, trees, plants, buildings, recreation facilities or any other public property.

§ 7-304 Obstructions; affecting public use.

It shall be unlawful for any person to obstruct any street or sidewalk in any manner, or to adversely affect or interfere with public use of streets in any manner without a permit or direction by an officer, including the following:

- (1) Maintain a door or gate which swings into the street right of way;
- (2) Engage in games or activities in a street without a permit;
- (3) Spilling or draining water, oil or other liquids onto a street;
- (4) Burning any material in a street;
- (5) Depositing wood, glass, metal, masonry, soil, rock, minerals, garbage, trash, waste, or any material which produces a hazard to safety in a street;
- (6) Operating or parking a vehicle in an unauthorized manner or place on a street;
- (7) Placing goods, wares, or merchandise for sale in a street without a permit;
- (8) Congregating, assembling, or standing in a manner which obstructs or hinders free passage of pedestrians or vehicles; or
- (9) Engaging in conduct or using language which is offensive, annoying or disturbing to other persons using the streets.

§ 7-305 Removal of obstructions.

(a) Any officer or employee of the town may immediately remove from a street right of way any unauthorized obstruction to pedestrian or vehicle movement, or any object which is a safety hazard.

(b) It shall be unlawful for any person, owner or occupant, ten (10) days after written notice from the town administrator, to fail to remove from private property an object, tree or plant which overhangs the street or sidewalk in a manner which interferes with movement of pedestrians or vehicles, or which obstructs the view of pedestrians or operators of vehicles at intersections, interferes with safe and orderly movement of traffic, or creates a dangerous condition. Upon failure of the owner to comply with the notice, the town administrator may remove the objects, trees or plants, and the cost of removal shall be a lien on the property and shall be added to the town taxes on the property.

§ 7-306 Use of water from fire hydrants.

It shall be unlawful for any person to use water from a fire hydrant in the town without written approval of the county fire chief.

§ 7-307 -- 308 Reserved.

§ 7-309 Drainage into streets.

It shall be unlawful for any person to divert or drain water from any source into a street without a permit from the town administrator for connection to an approved drainage system at the expense of the applicant.

§ 7-310 Obstruction of drains.

(a) It shall be unlawful for any person to obstruct any drain, ditch, pipe, channel, stream, gully, or watercourse in the town.

(b) It shall be unlawful for any person owning or controlling property on which there exists an open drain, ditch, channel, stream, galley, or watercourse to fail to keep it clear of growth, debris, and obstructions, or fail to promptly drain standing pools formed by overflow or flood.

Article IV

Franchises and Licenses

§ 7-401 Utility and cable franchises.

It shall be unlawful for any person to install or maintain in, on, above, or under any street or public place any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a franchise or license issued by town council pursuant to § 1-404 of this Code. The franchise ordinance shall prescribe the duration, town fees, and conditions for the use of streets by the franchisee.

§ 7-402 Bus franchises.

It shall be unlawful for any person to operate a bus system upon the streets of the town without a franchise or license issued by town council pursuant to § 1-404 of this Code. The franchise ordinance shall prescribe the duration, town fees, conditions for the use of streets by the franchisee, and any other matters not regulated by the Public Service Commission.

§ 7-403 Taxicab and limousine licenses.

It shall be unlawful for any person to operate a taxicab or limousine service on the streets of the town without a license issued by town council pursuant to § 1-404 of this Code. The ordinance shall prescribe the duration, town fees, conditions for the use of streets by the licensee, standards for vehicles, qualifications for operators, insurance, maximum fares for customers, and any other matters not regulated by the Public Service Commission.

Article V

Wrecker Service

§ 7-501 Unlawful solicitation.

(a) It shall be unlawful for the owner or agent of any wrecker or towing service to go to the location of an accident, a damaged or disabled vehicle for the purpose of soliciting business unless called by the police dispatcher, the owner or operator of a damaged or disabled vehicle. Going to a location by reason of information received by monitoring police radio is a violation of this section.

(b) It shall be unlawful for any person to drive or park on any street or public place for the purpose of soliciting wrecker or towing business.

(c) It shall be unlawful for any town employee to solicit business for or suggest the use of any wrecker or towing service. Violation of this section may result in discharge from town employment.

§ 7-502 Selection of wrecker service.

The owner or operator of a disabled vehicle may request the police department to call any wrecker service of his choice to tow the vehicle. If the owner or operator makes no selection of a specific wrecker service, the police dispatcher is authorized to call the next wrecker service listed on the police department rotating wrecker service list.

§ 7-503 Reserved.

§ 7-504 License required.

Any person engaging in a wrecker or towing business in the town shall obtain a business license. The business license application shall include the hours of operation, the number and description of wreckers or towing trucks used in the business, the name of the owner and identification number for each vehicle, the location from which vehicles will be dispatched, the business telephone number, and such other information as may be deemed necessary by the license official or police chief.

§ 7-505 Quarterly inspections.

All vehicles and equipment used for wrecker or towing services in the town shall be subject to quarterly safety inspection and approval by the police chief.

§ 7-506 Debris removal required.

It shall be unlawful for the operator of any wrecker or towing vehicle, prior to leaving the location from which a vehicle is to be towed, to fail to remove from the street all parts, glass and debris from a vehicle to be towed.

§ 7-507 Rotation list.

The chief of police shall maintain a rotation call list for qualified wrecker services licensed in the town. Any licensed wrecker service which meets the requirements of this Article, including the following requirements, may apply for a contract to be placed on the rotation list.

- (1) The wrecker service must provide towing service twenty-four (24) hours per day, seven (7) days per week from a location in or near the town.
- (2) The wrecker service shall respond to a police department call for towing at any time. Failure to respond without reasonable cause as determined by the police chief shall result in removal from the rotation list.
- (3) Each towing unit shall be not less than one ton in size with dual rear wheels, a power operated winch and boom, a lifting capacity of not less than eight thousand pounds, a wheel lift or sling, towing dollies, safety chains, fire extinguisher, wrecking bar, broom, shovel, and approved warning devices. The police chief may require additional safety equipment to be specified in the rotation list contract.
- (4) The wrecker service shall maintain a safe storage area for all vehicles towed in a locked building or a secured fenced area not accessible to the public.
- (5) Each vehicle used for towing shall have a towing log maintained by the operator which shall accurately reflect all towing done at the request of the police department. The form of the log shall be approved by the police chief.

(6) Each vehicle used for towing shall have a sign painted or affixed to a door on each side displaying the company name, address, and telephone number in plainly visible letters of contrasting color with the vehicle not less than two (2) inches in height. If the vehicle is registered in a name other than that of the company, the name of the owner must be displayed in letters not less than one (1) inch in height.

(7) A wrecker service on the rotation list shall carry public liability and property damage insurance, including the town as an insured, with the following minimum provisions and limits:

- (a) For damages arising out of bodily injury or death of one person in one incident, \$100,000;
- (b) For damages arising out of bodily injury or death of two or more persons in any one incident, \$300,000;
- (c) For injury to or destruction of property in one incident, including garage keeper's coverage, \$50,000;
- (d) The coverages in (a), (b), and (c) shall also apply to damages caused by vehicles in tow, under the possession of, or in control of the wrecker service; and
- (e) Every policy shall contain a provision for 30 day notice to the town of any change or cancellation of the policy.

(8) A wrecker service shall be responsible for securing in a reasonable manner personal property in a vehicle to be towed from an accident scene.

(9) An applicant for placement on the rotation list shall sign a contract for a term of one year agreeing to comply with the requirements of this Article in a form approved by the town administrator. The number of wrecker services placed on the rotation list may be limited by town council when it is determined to be in the public interest. The granting of a contract is the extension of a privilege, and no wrecker service operator shall have a right to be placed on or to be kept on the rotation list from year to year.

(10) Failure to comply with any of the requirements of this section may result in removal from the rotation list by the police chief. A decision of the police chief to remove a service from the list may be appealed to the town administrator within five (5) days after notice of removal. The town administrator shall hear the appeal and make a final decision.

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