

Pine Ridge Town Code

CHAPTER 1

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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.~~

The Mayor shall be paid an annual salary of \$540.00. Each member of council shall be paid an annual salary of \$300.00. 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.
(Amended 8-14-01)

§ 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.

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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.

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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).

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§ 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.~~

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's regular poll location. *(Amended 5-10-05)*

§ 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:~~
- ~~(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 sixty (60) days prior to the date of the election in substantially the following form: *(Amended 5-10-05)*~~
- ~~(a) Each person offering as a candidate for mayor or member of council shall do so by filing a notice of candidacy with the town clerk by noon on the date sixty (60) days prior to the date of the election in substantially the following form:~~
- (a) Each person offering as a candidate for mayor or member of council shall do so by filing a notice of candidacy with the town administrator by noon on the date sixty (60) days prior to the date of the election in substantially the following form: *(Amended 9-10-13/2013-10)*

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. I have never been convicted of, pled guilty or nolo

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contend ere to a felony or an offense against the S.C. Election laws. If so, I have been pardoned under the state or federal law or it has been 15 years or more after the completed service of the sentence, including probation and parole time. *(Amended 5-10-05)*

(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).~~

All town elections shall be conducted by the Lexington County Election Commission.
(Amended 6-13-06/2006-01)

§ 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.~~

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 second Tuesday following the first Monday immediately following a final uncontested election. Incumbents shall hold over until contests are finally determined and successors are qualified and take office. *(Amended 6-13-06/2006-01)*

§ 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

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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.

§ 1-211 Transfer of Authority to Lexington County Voter Registration & Election Commission *(Amended 6-13-06/2006-01)*

1. The Lexington County Voter Registration and Election Commission shall advertise municipal elections, prepare and distribute ballots and elections materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the Town of Pine Ridge.
2. Immediately upon the closing of the polls at any municipal elections in the Town of Pine Ridge, the Lexington County Voter Registration and Elections Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Councilperson, canvass the vote and publicly display the unofficial results.
3. The Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Town of Pine Ridge or an appointed authority representing the town government as soon as practical following the certification.
4. The Town of Pine Ridge will accept candidate filings and filing fees, including, but not limited to notices of candidacy, candidacy pledges, hear and decide protests and certify the results of municipal elections.
5. Utilize an Automated Election System and computer counting with the count publicly conducted.

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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.~~
- (a) Regular meetings of council shall be held at the town hall on the second Tuesday of each month at 7:00 p.m., unless some other time is fixed by council. *(Amended 9-12-00)*
- ~~(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.~~
- (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 administrator. *(Amended 9-10-13/2013-10)*
- (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.

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§ 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.~~

~~(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 7th day immediately preceding a regular scheduled meeting or 24 hours prior to a different meeting time set before Council. Persons requesting inclusion on the agenda shall state the topic and any request for special equipment prior to the deadline. (Amended 9-12-00)~~

(a) Matters to be considered by council at a regular meeting shall be placed on a written agenda prepared by the town administrator not later than noon of the 7th day immediately preceding a regular scheduled meeting or 24 hours prior to a different meeting time set before Council. Persons requesting inclusion on the agenda shall state the topic and any request for special equipment prior to the deadline. (Amended 9-10-13/2013-10)

~~(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.~~

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

(Amended 9-10-13/2013-10)

~~(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.~~

~~(c) — Matters not on the agenda may be added and considered upon request of a member of council, town clerk or the Chief of Police by unanimous consent of Council members. (Amended 7-11-06/2006-07)~~

(c) Matters not on the agenda may be added and considered upon request of a member of council, town administrator or the Chief of Police by unanimous consent of Council members. (Amended 9-10-13/2013-10)

§ 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

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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

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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.~~
- ~~(d) The vote on every question shall be recorded in the minutes by the town clerk. (Amended 7-11-06/2006-07)~~
- (d) The vote on every question shall be recorded in the minutes by the town administrator. *(Amended 9-10-13/2013-10)*
- (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.~~

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The town administrator 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. (*Amended 9-10-13/2013-10*)

§ 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.~~

(1) Finance Committee. The Finance Committee shall be responsible for the 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. (*Amended 7-11-06/2006-07*)

(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.

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(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.

(4) Property and Recreation Committee. The Property and Recreation Committee shall be responsible for all planning, competitive bidding of construction projects, construction monitoring and progress reporting, regular and updating maintenance activities, and makes recommendations related to insuring named public structures, grounds and parking areas of the town. The Committee shall have administrative responsibility over repairs, maintenance, excavation, planting and cutting of trees or vegetation on all public rights-of-ways, and public property in the town. The Committee shall make recommendations to Town Council for programs of street or traffic flow improvements, beautification, and recreation opportunities that would improve the quality of life in the town. *(Amended 1-14-14/2013-12)*

(5) Employee Grievance Committee. The Employee Grievance Committee shall be responsible for the hearing of all employee grievances. The Committee shall make recommendations to Town Council on employee grievance hearings. The Committee shall be comprised of three members who are not the Administrative Liaison or Police Commissioner. *(Added 9-10-13/2013-09)*

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.~~

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- (c) All minutes and reports of committees shall be maintained by the town administrator as public records.

(Amended 9-10-13/2013-10)

~~§ 1-312 — Town clerk to attend.~~

~~The town clerk shall attend all meetings of council unless excused. He/She shall keep council advised of the status of matters pending for council consideration, make recommendations, present ordinances and resolutions for council action, participate in the discussion of any matter involving the welfare of the town including 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.~~

§ 1-312 Town administrator to attend.

The town administrator shall attend all meetings of council unless excused. He/She shall keep council advised of the status of matters pending for council consideration, make recommendations, present ordinances and resolutions for council action, participate in the discussion of any matter involving the welfare of the town including 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. *(Amended 9-10-13/2013-10)*

§ 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.~~

The town attorney shall attend meetings of council when requested to do so. He/She 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.
(Amended 7-11-06/2006-07)

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~~§ 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.~~

§ 1-314 **Reserved.** *(Amended 7-11-06/2006-07)*

§ 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.

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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;

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- (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.~~

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 administrator 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. *(Amended 9-10-13/2013-10)*

§ 1-406 Enactment of ordinances.

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- (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.~~
- (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 administrator for public inspection at least six days before final adoption. *(Amended 9-10-13/2013-10)*

- (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.~~
- (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 administrator shall file the original in a book especially prepared for that purpose as a permanent record. *(Amended 9-10-13/2013-10)*

§ 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.

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§ 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 town clerk for distribution or for purchase at a reasonable price.~~

§ 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 town administrator for distribution or for purchase at a reasonable price. *(Amended 9-10-13/2013-10)*

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Article V

Administration

~~§ 1-501 — Administrator.~~

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

~~§ 1-501 — Town Clerk.~~

~~The town council shall appoint a town clerk who shall hold office at the pleasure of council.
(Amended 7-11-06/2006-07)~~

§ 1-501 Administrator.

The town council shall appoint a town administrator who shall hold office at the pleasure of council. *(Amended 9-10-13/2013-10)*

~~§ 1-502 — Duties of administrator.~~

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

~~§ 1-502 — Duties of town clerk.~~

~~The duties of the town clerk shall be set forth in a job description, which shall include: (Amended 7-11-06/2006-07)~~

§ 1-502 Duties of administrator.

The duties of the administrator shall be set forth in a job description, which shall include: *(Amended 9-10-13/2013-10)*

- (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;

Pine Ridge Town Code

- (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.~~

§ 1-503 Clerk.

There shall be appointed by the town council an officer who shall have responsibilities of clerk. The clerk may be given additional responsibilities as deemed appropriate or necessary to perform administrative support duties. *(Amended 7-11-06/2006-07)*

~~§ 1-504~~ ~~Duties of clerk.~~

~~The clerk shall provide administrative assistance to the Town Clerk and Chief of Police and perform such other duties as may be assigned.~~

§ 1-504 Duties of clerk.

The clerk shall provide administrative assistance to the Town Administrator and Chief of Police and perform such other duties as may be assigned. *(Amended 9-10-13/2013-10)*

§ 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.

Pine Ridge Town Code

The town attorney shall attend meetings of council when requested by council. He/She may act as parliamentarian, draft and propose ordinances, resolutions, review 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 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.~~
- ~~b) The town clerk is authorized to conduct the day to day business of the town subject to guidelines established by the mayor.~~
(Amended 7-11-06/2006-07)
- (b) The administrator is authorized to conduct the day to day business of the town subject to guidelines established by the mayor.
(Amended 9-10-13/2013-10)
- (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~~

Pine Ridge Town Code

~~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.~~

The Mayor shall appoint a Police Commissioner, which may be himself/herself, who shall serve 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. *(Amended 7-11-06/2006-07)*

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CHAPTER 2

CODE ENFORCEMENT

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Pine Ridge Town Code

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.~~

**STATE OF SOUTH
CAROLINA**

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- (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.~~

~~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 § 6-9-50. 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. (Amended 8-10-10 Ordinance 2010-06)~~

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 § 6-9-50. 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 administrator. (Amended 9-10-13/2013-10)

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- (1) International Building Code, 2009, with modifications, no appendices;
- (2) International Fuel Gas Code, 2009, with modifications, no appendices;
- (3) International Plumbing Code, 2009, no appendices;
- (4) International Mechanical Code, 2009, no appendices;
- (5) International Fire Code, 2009, with modifications, no appendices;
- (6) National Electrical Code, 2008;
- (7) International Residential Code, 2009, with modifications, no appendices; and
- (8) International Energy Conservation Code, 2009.

§ 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.~~

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 International Fire Code, which shall be enforced by the Lexington County Fire Chief, pursuant to an agreement with Lexington County.

(Amended 8-10-10/2010-06)

§ 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.~~

The procedures for enforcement of the International Residential 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.

(Amended 8-10-10/2010-06)

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§ 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.

§ 2-106 Smoking in Public Places and Places of Employment.

(a) Findings. As an incident of the adoption of this Article, the Town Council (“Town Council”) of the Town of Pine Ridge, South Carolina (the “Town”) makes the following findings:

- (1) Secondhand smoke is the third leading cause of preventable death in the United States, killing 53,000 Americans prematurely each year; and
- (2) The U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, National Toxicology Program’s Report on carcinogens, National Cancer Institute and the International Agency for Research on Cancer have all reported that secondhand smoke is a group A human carcinogen, a cancer causing substance, of which there is no safe level of exposure; and
- (3) The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy non-smokers; and
- (4) The U.S. Surgeon General has concluded that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers; and
- (5) Numerous medical and scientific studies show substantial levels

Pine Ridge Town Code

of exposure to secondhand smoke among the United States population, and over the past two decades, the health hazards resulting from exposure to secondhand smoke have been increasingly recognized; and

- (6) Secondhand smoke increases the risk of developing breast cancer in younger, premenopausal women; and when inhaled by pregnant women, secondhand smoke increases the risk for low-weight babies, pre-term delivery, and Sudden Infant Death Syndrome (SIDS); and
- (7) Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis, and even sudden infant death syndrome; and
- (8) Studies of hospital admissions for acute, myocardial infarction in Helena, Montana and Pueblo, Colorado before, during, and after a local law eliminating smoking in the workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease; and
- (9) Workplaces have been shown to be locations of significant exposure to secondhand tobacco smoke by employees working in the Town of Pine Ridge; and
- (10) There are laws, ordinances, and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to secondhand smoke; and
- (11) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in Government Buildings (the definition of which includes buildings owned by Lexington County, Town of Pine Ridge, South Carolina Department of Natural Resources, South Carolina Adjutant General Office and the South Carolina Educational System) except where the owner of such building shall designate smoking areas.

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(b) Intent. Town Council finds that it is in the best interest of people of the Town to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace.

Therefore, Town Council declares that the purpose of this act is:

- 1) to preserve and improve the health, comfort, and environment of the people of the Town of Pine Ridge by limiting exposure to secondhand smoke in the workplace; and
- 2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(c) Definitions.

(1) “Employee” means any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a non-profit entity.

(2) “Employer” means any person, partnership, association, corporation, trust, school, college, university, or other educational institution, nonprofit entity or other organization, including any manager, supervisor, and all other persons charged with control, supervision, and operation of any Workplace, Work Space, or Work Spaces as defined herein, that employs (1) or more persons.

(3) “Enclosed” means a space bounded by walls (with or without windows), a ceiling, or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

(4) “Private Club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established by laws and/or a constitution to govern its activities. The organization has

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been granted an exemption from the payment of federal income tax as a club

under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primary for the pecuniary benefit of the owner or chief operating officer shall not be treated as private clubs under this definition when being used for a function to which the general public is allowed to enter.

- (5) “Retail tobacco store” means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products, and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of eighteen (18) is prohibited at all times.
- (6) “Secondhand smoke” is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as “side stream smoke”) and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as “passive smoking,” “secondhand smoking” or “involuntary smoking”.
- (7) “Smoking” means the inhaling, exhaling, burning, lighting, or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- (8) “Smoking materials” includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
- (9) “Workplace” means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employees(s) perform services for their employer, including but not limited to: retail food stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys.

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- (10) “Work space” or “work spaces” means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, eating areas.

and

(d) Prohibition of Smoking in the Workplace. The following applies to the Town of Pine Ridge:

(1) All employers shall provide a smoke-free environment for all employees working in any work space or workplace as are defined herein. Further, the employer shall prohibit any persons present in any work space or workplace from tobacco products therein.

those terms

smoking

- (2) No person shall smoke or possess a lighted tobacco product in any work space or work place.

(3) Notwithstanding any other provision in this article, an owner, operator, manager, or other person in control of an establishment, establishment, facility or outdoor area may declare the entire facility, or outdoor area as a nonsmoking location. Smoking shall then be prohibited in any place in which a sign conforming to the requirements of section § 2-106 (f) is posted.

(e) Exceptions. Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places in the Town of Pine Ridge under the following circumstances:

- (1) Private residences;
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate areas where smoking is prohibited under provisions of the Section. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
- (3) Retail tobacco stores as defined herein; and

Pine Ridge Town Code

- (4) Private clubs that have no employees, except when being used for a function to which the general public is admitted; and
- (5) Religious ceremonies where smoking is part of the ritual.
- (f) Posting of Signs. The owner, manager, or person in control of a Workplace shall post a conspicuous sign at the main entrance to the Workplace, which shall contain the words “No Smoking” and the universal symbol for no smoking.
- (g) Reasonable Distance. In the Town of Pine Ridge, smoking is prohibited within a distance of ten (10) feet from any door which is used as an entrance to or exit from an enclosed area where smoking is prohibited so as to insure that tobacco smoke does not enter the area through the entry. This distance shall be measured from the center of the door in question.
- (h) Jurisdiction, Enforcement, and Penalties.
- (1) A person who owns, manages, operates, or otherwise controls a Workplace or Work Space and who fails to comply with the provisions of this Section shall be deemed guilty of an infraction.
- (2) A person smoking or possessing a lighted tobacco product in any Work Space or Workplace shall be guilty of an infraction.
- (3) An infraction is punishable by a fine of twenty five dollars (\$25). Each day on which a violation of this Section occurs shall be considered a separate and distinct infraction. A violation of this Section is furthermore declared to be a public nuisance.
- ~~(i) Governmental Agency Cooperation. The Town Clerk shall request other governmental and educational agencies having facilities within the Town of Pine Ridge to establish local operating procedures in cooperation and compliance with this Section. This includes urging all Federal, State, County, Town and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.~~
- (i) Governmental Agency Cooperation. The Town Administrator shall request

Pine Ridge Town Code

other governmental and educational agencies having facilities within the Town of Pine Ridge to establish local operating procedures in cooperation and compliance with this Section. This includes urging all Federal, State, County, Town and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke. *(Amended 9-10-13/2013-10)*

Pine Ridge Town Code

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 administrator.

§ 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.~~

The Lexington County Outdoor Burning Ordinance is hereby adopted by reference and shall be applicable within the town limits. The ordinance shall be enforced by the Lexington County Fire Department. (*Amended 2007-04/2012-03*)

§ 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.

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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.

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§ 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.~~

~~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 clerk 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. (Amended 7-11-06/2006-07)~~

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. (Amended 9-10-13/2013-10)

2208 - Conditions of storage permit.

- (a) No permit shall be issued for the storage of chemicals which are

Pine Ridge Town Code

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.

Pine Ridge Town Code

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.

Pine Ridge Town Code

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.~~

The zoning ordinance shall be published in a separate volume, a copy of which shall be maintained by the town administrator and filed as Appendix A to this Code. *(Amended 9-10-13/2013-10)*

§ 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.~~

The Lexington County Stormwater Ordinance and Lexington County Land Development Manual, with the exception of the Floodplain Management is hereby adopted by reference and shall be applicable within the town limits. The ordinance shall be enforced by the Lexington County Department of Public Works. *(Adopted 8-14-2007/2007-01)*

§ 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.~~

The mobile home regulations shall be published in a separate volume, a copy of which shall be maintained by the town administrator and filed as Appendix D to this Code. *(Amended 9-10-13/2013-10)*

Pine Ridge Town Code

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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.~~

§ 2-501 General Standards. *(Amended 5-13-14/2014-06)*

A. Statutory Authorization

Municipality - The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Pine Ridge, South Carolina does ordain as follows:

B. Findings of Fact - The Special Flood Hazard Areas of the Town of Pine Ridge _____ are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all

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of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose and Objectives - It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, 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 flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of

the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

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D. Lands to Which this Ordinance Applies This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Pine Ridge as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated February 20, 2002 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Lexington County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

E. Establishment of Development Permit A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

F. Compliance 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.

G. Interpretation In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. 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.

H. Partial Invalidity and Severability If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

I. 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 damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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J. Penalties for Violation - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 plus any applicable court assessments by South Carolina State Law or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Pine Ridge from taking such other lawful action as is necessary to prevent or remedy any violation.

~~§ 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.~~

§ 2-502 Definitions. *(Amended 5-13-14/2014-06)*

K. General - 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.

- 1. Accessory Structure** (Appurtenant Structure) - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay

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sheds.

2. **Addition (to an existing building)** - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
3. **Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are *not* exempt from the provisions of this ordinance.
4. **Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.
5. **Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
6. **Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
7. **Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
8. **Basement** - means any enclosed area of a building that is below grade on all sides.
9. **Building** - see structure
10. **Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

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11. **Critical Development** – development that is critical to the community’s public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
12. **Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
13. **Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
14. **Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
15. **Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before July 17, 1995.
16. **Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 11, 1980.
17. **Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
18. **Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the

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unusual and rapid accumulation of runoff of surface waters from any source.

19. **Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
20. **Flood Insurance Rate Map (FIRM)** - an official map of a community, 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.
21. **Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
22. **Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
23. **Floodway** - 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.
24. **Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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- 25. Functionally dependent use-** a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- 26. Highest Adjacent Grade -** the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- 27. Historic Structure -** any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.
- 28. Increased Cost of Compliance (ICC) –** applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.
- 29. Limited storage -** an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low

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flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of §2-504, Section A.4 of this ordinance.

30. **Lowest Adjacent Grade (LAG)** - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.
31. **Lowest Floor** -the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
32. **Manufactured home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
33. **Manufactured Home Park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
34. **Mean Sea Level** – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.
35. **National Geodetic Vertical Datum (NGVD) of 1929** - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.
36. **North American Vertical Datum (NAVD) of 1988** – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.
37. **New construction** - structure for which the start of construction commenced on or after April 11, 1980. The term also includes any subsequent improvements to such structure.

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- 38. New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after April 11, 1980.
- 39. Primary Frontal Dune** - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
- 40. Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 41. Repetitive Loss** – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.
- 42. Section 1316 of the National Flood insurance Act of 1968** - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.
- 43. Stable Natural Vegetation** - the first place on the oceanfront where plants such as sea oats hold sand in place.
- 44. Start of construction** - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, 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

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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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

- 45. Structure** - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.
- 46. Substantial damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".
- 47. Substantial improvement** - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
 - b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each

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phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

48. Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

49. Variance - is a grant of relief from a term or terms of this ordinance.

50. Violation – the failure of a structure or other development to be fully compliant with these regulations.

~~§ 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 sub grade (below ground level) on all sides.~~

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"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.

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"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 built 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

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~~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.~~

§ 2-503 Administration. *(Amended 5-13-14/2014-06)*

L. **Designation of Local Floodplain Administrator** -The Floodplain Manager is hereby appointed to administer and implement the provisions of this ordinance.

M. **Adoption of Letter of Map Revisions (LOMR)** – All LOMRs that are issued in the areas identified in §2-501, Section D of this ordinance are hereby adopted.

N. **Development Permit and Certification Requirements.**

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

- a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of §2-503, Section D.11 or the Standards for Subdivision Proposals of §2-504, Section B and the Standards for streams without Estimated Base Flood Elevations and Floodways of §2-504, Section C. The plot

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plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of §2-503, Section D.11 or the standards for subdivision proposals of §2-504, Section B.12 and the standards for streams without estimated base flood elevations and floodways of §2-504, Section C.

- b) Where base flood elevation data is provided as set forth in §2-501, Section D or the duties and responsibilities of the local floodplain administrator of §2-503, Section D.11 the application for a development permit within the flood hazard area shall show:
 - (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
 - (2) if the structure will be flood proofed in accordance with the Non-Residential Construction requirements of §2-504, Section B.2 the elevation (in relation to mean sea level) to which the structure will be flood proofed.
- c) Where base flood elevation data is **not** provided as set forth in §2-501, Section D or the duties and responsibilities of the local floodplain administrator of §2-503, Section D.11, then the provisions in the standards for streams without estimated base flood elevations and floodways of §2-504, Section C must be met.
- d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood- carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.

2. Certifications

- a) Flood proofing Certification - When a structure is flood proofed, the applicant shall provide certification from a registered, professional

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engineer or architect that the non-residential, flood proofed structure meets the flood proofing criteria in the non-residential construction requirements of §2-504, Section B.2 and §2-504, Section E.2(b).

- b) Certification During Construction – A lowest floor elevation or flood proofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or flood proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or flood proofed elevation, 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 it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. 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.
- c) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of §2-503, Section C.2a, 2b, and 2c that the development is built in accordance with the submitted plans and previous pre-development certifications.

D. Duties and Responsibilities of the Local Floodplain Administrator - shall include, but not be limited to:

1. **Permit Review** - Review all development permits to assure that the requirements of this ordinance have been satisfied.
2. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act

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Amendments of 1972, 33 U.S.C 1334.

3. Watercourse alterations –

- a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- b) In addition to the notifications required watercourse alterations per §2-503, Section D.3a, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
- c) If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
- d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of §2-503, Section C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

4. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of §2-504, Section B.5 are met.

5. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

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6. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
7. **Certification requirements** –
- a) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in §2-503, Section C.2.b.
 - b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed, in accordance with the flood proofing certification outlined in §2-503, Section C.2.a.
 - c) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in §2-504, Section B.2.
8. **Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), 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.
9. **Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in §2-504, Section B.7.b.
10. **Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with §2-501, Section D, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in

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§2-504, Section B.12, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

- 11. Special Flood hazard Area/topographic Boundaries Conflict** - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.
- 12. On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in §2-503, Section E.1.
- 13. Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in §2-503, Section E.
- 14. Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- 15. Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
- 16. Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- 17. Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage

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occurred.

- 18. Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

The market values shall be determined by one of the following methods:

- a) the current assessed building value as determined by the county’s assessor’s office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.
- b) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

E. Administrative Procedures

- 1. Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- 2. Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped.

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The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

3. **Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
4. **Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
5. **Violations to be Corrected** - When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
6. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
 - a) the building or property is in violation of the Flood Damage Prevention Ordinance,
 - b) a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - c) following the hearing, the local floodplain administrator may issue

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such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

7. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
8. **Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
9. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
10. **Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.
11. The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:

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- a) FEMA 55 Coastal Construction Manual
- b) All FEMA Technical Bulletins
- c) All FEMA Floodplain Management Bulletins
- d) FEMA 348 Protecting Building Utilities from Flood Damage
- d) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

~~§ 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.~~

§ 2-504 Provisions for flood hazard reduction. (Amended 5-13-14/2014-06)

A. General Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- 1. Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- 2. Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.
- 3. Minimize Flood Damage** - All new construction and substantial

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improvements shall be constructed by methods and practices that minimize flood damages,

4. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
5. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 the base flood plus two feet (freeboard).
6. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
7. **Sanitary Sewage Systems** – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
8. **Gas Or Liquid Storage Tanks** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
9. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
10. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the

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building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,

11. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in §2-504, Section B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

B. Specific Standards

In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in §2-501, Section D or outlined in the Duties and Responsibilities of the local floodplain administrator §2-503, Section D., the following provisions are required:

1. **Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in §2-504, Section B.4.

2. Non-Residential Construction

- a) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in §2-504, Section B.4. No basements are permitted. Structures located in A-zones may be flood proofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

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- b) A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the flood proofing certification requirements in §2-503, Section C.2.a. A variance may be considered for wet-flood proofing agricultural structures in accordance with the criteria outlined in §2-505, Section E of this ordinance. Agricultural structures not meeting the criteria of §2-505, Section E must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are flood proofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

3.Manufactured Homes

- a) Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in §2-504, Section B.1 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended.

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Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

- d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

4. Elevated Buildings - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:

- (1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- (2) The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- (3) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- (4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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- (5) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 - b) Hazardous Velocities - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
 - c) Enclosures Below Lowest Floor
 - (1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (2) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
 - (3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in §2-504, Section B.1, 2 and 3.
 - (4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in §2-504, Section B 1, 2, 3 and 4 should be of flood resistant materials.
5. **Floodways** - Located within areas of special flood hazard established in §2-501, Section D, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

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- a) No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 - (1) It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
 - (2) A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
- b) If §2-504, Section B.5a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §2-504.
- c) No manufactured homes shall be permitted, except in an existing manufactured 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 and the elevation standards of §2-504, Section B.3 and the encroachment standards of §2-504, Section B.5(a) are met.
- d) Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

6. Recreational Vehicles

- a) A recreational vehicle is ready for highway use if it is:
 - (1) on wheels or jacking system

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(2) attached to the site only by quick-disconnect type utilities and security devices; and

(3) has no permanently attached additions

b) Recreational vehicles placed on sites shall either be:

(1) on site for fewer than 180 consecutive days; or

(2) be fully licensed and ready for highway use, or *meet* the development permit and certification requirements of §2-503, Section D, general standards outlined in §2-504, Section A, and manufactured homes standards in §2-504, Section B.3 and B.4.

7. **Map Maintenance Activities** – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in §2-501, Section D accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

a) Requirement to Submit New Technical Data

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include; but not limited to::

(a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

(b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

(c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including

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the placement of culverts; and

- (d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with §2-504, Section C.1.
- (2) It is the responsibility of the applicant to have technical data, required in accordance with §2-504, Section B.7, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- (3) The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
- (a) Proposed floodway encroachments that increase the base flood elevation; and
 - (b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- (4) Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to §2-504, Section B.7.
- b) Right to Submit New Technical Data - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

8. Accessory Structures

- a) A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Flood proofing Requirements or*

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be elevated in accordance with §2-504, Section B(1) and B (4) or dry flood proofed in accordance with §2-504, Section B (2).

- b) If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
 - (1) Accessory structures shall not be used for any uses other than the parking of vehicles and storage,
 - (2) Accessory structures shall be designed to have low flood damage potential,
 - (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
 - (4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
 - (5) Service facilities such as electrical and heating equipment shall be installed in accordance with §2-504, Section A.5,
 - (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with §2-504, Section B.4a, and
 - (7) Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

9. Swimming Pool Utility Equipment Rooms - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- a) Meet the requirements for accessory structures in §2-504, Section B.8
- b) The utilities must be anchored to prevent flotation and shall be

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designed to prevent water from entering or accumulating within the components during conditions of the base flood.

10. Elevators

- a) Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b) All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

11. Fill - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of §2-504, Section B(1) or B (2), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in §2-504, Section B.5a.
- b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

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- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

12. Standards for Subdivision Proposals and other development

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development 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 and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA in §2-504, Section B.7 when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

C. Standards for Streams without Established Base Flood Elevations and Floodways -

Located within the areas of special flood hazard (Zones A and V) established in §2-501, Section D, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data 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.

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3. If §2-504, Section C.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of §2-504 and shall be elevated or flood proofed in accordance with elevations established in accordance with §2-503, Section E.11.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
5. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
 - a) Contour Interpolation
 - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
 - b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
 - c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

D. Standards for Streams with Established Base Flood Elevations but without Floodways - Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM

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or in the FIS.

1. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

E. Standards for Areas of Shallow Flooding (AO Zones) - Located within the areas of special flood hazard established in §2-501, Section D, are areas designated as shallow flooding. The following provisions shall apply within such areas:

1. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential structures shall:
 - a) Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - b) Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in §2-503, Section D.
3. All structures on slopes must have drainage paths around them to guide water away from the structures.

~~§ 2-505 — Permits and compliance.~~

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~~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.~~

§ 2-505 Variance procedures. *(Amended 5-13-14/2014-06)*

- A. **Establishment of Appeal Board** – The Zoning Board of Appeals, as established by the Town of Pine Ridge, shall hear and decide requests for variances from the requirements of this ordinance.
- B. **Right to Appeal** - Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Circuit Court.
- C. **Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. **Functionally Dependant Uses** – Variances may be issued for development necessary for the conduct of a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.
- E. **Agricultural Structures** - Variances may be issued to wet flood proof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of §2-505, Section H, this section, and the following standards:
 - 1. Use of the structure must be limited to agricultural purposes as listed below:
 - a) Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,

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- b) Steel grain bins and steel frame corncribs,
 - c) General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - d) For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of §2-504, Section B.2 of this ordinance; and,
2. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
 3. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
 4. The agricultural structure must meet the venting requirement of §2-504, Section B.4 of this ordinance.
 5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with §2-504, Section A.5 of this ordinance
 6. The agricultural structure must comply with the floodway encroachment provisions of §2-504, Section B.5 of this ordinance.
 7. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight flood proofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out

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of the floodplain.

F. Considerations - 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 materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
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 to the facility of a waterfront location, where applicable;
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, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
9. 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; and
10. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the

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structure are available.

- G. Findings** - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.
- H. Floodways** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.
- I. Conditions** - 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. The following conditions shall apply to all variances:
1. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 3. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and 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.
 4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
 5. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

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6. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with §2-503, Section E.5 of this ordinance.

~~§ 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~~

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~~the requirements of "new construction" as contained in this ordinance.~~

§ 2-506 Legal status provisions. *(Amended 5-13-14/2014-06)*

A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance - This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 11, 1980 and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Pine Ridge enacted on April 11, 1980, as amended, which are not reenacted herein, are repealed.

B. Effect upon Outstanding Building Permits - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

C. Effective Date - This ordinance shall become effective upon adoption.

~~§ 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:~~

- ~~(1) 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.~~
- ~~(2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure~~

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~~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.~~

- ~~(3) — 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.~~
- ~~(a) — 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.~~
- ~~(b) — Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;~~
- ~~(c) — 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~~
- ~~(d) — The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

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- (4) ~~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 velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
- (a) ~~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;~~
 - (b) ~~If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reductions provisions of this section.~~
 - (c) ~~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.~~
- (5) ~~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 or where no floodways have been provided, the following provisions apply:
- (a) ~~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;~~
 - (b) ~~New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with § 2-509(i).~~

§ 2-507 **Reserved.** *(Amended 5-13-14/2014-06)*

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- (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:~~

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(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.

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§ 2-509 **Reserved.** *(Amended 5-13-14/2014-06)*

~~§ 2-510~~ ~~**Variance Procedures.**~~

- ~~(1) The Lexington County Building Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.~~
- ~~(2) 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.~~
- ~~(3) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Courts.~~
- ~~(4) 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.~~
- ~~(5) 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:
 - ~~(a) the danger that material may be swept onto other lands to the injury of others;~~
 - ~~(b) the danger to life and property due to flooding or erosion damage;~~
 - ~~(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~
 - ~~(d) the importance of the services provided by the proposed facility to the community.~~
 - ~~(e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;~~
 - ~~(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~
 - ~~(g) the compatibility of the proposed use with existing and~~~~

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~~anticipated development;~~

~~(h) — the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~(i) — the safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~(j) — 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;~~

~~(k) — 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.~~

~~(6) — 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.~~

~~(7) — Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~(8) — Conditions for variances:~~

~~(a) — 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;~~

~~(b) — 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.~~

~~(c) — 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~~

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with the increased risk resulting from the reduced lowest floor elevation.

- (d) ~~The codes administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

§ 2-510 **Reserved.** *(Amended 5-13-14/2014-06)*

~~**§ 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.~~

§ 2-511 **Reserved.** *(Amended 5-13-14/2014-06)*

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.

Article VII

Stormwater Management

Pine Ridge Town Code

§ 2-602 Adoption of County Ordinance *(Adopted 8-14-07/2007-01)*

The Lexington County Stormwater Ordinance and Lexington County Land Development Manual, with the exception of the Floodplain Management is hereby adopted by reference and shall be applicable within the town limits. The ordinance shall be enforced by the Lexington County Department of Public Works.

CHAPTER 3

MUNICIPAL COURT

Pine Ridge Town Code – 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.

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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 if 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.~~

(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 if 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 five hundred dollars plus any applicable court assessments by SC State Law or imprisonment for not more than 30 days, or both upon conviction.

(Amended 5-13-14/2014-07)

(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.

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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.~~

The uniform ordinance summons may be issued by any town law enforcement officer or any other town official or employee designated by the Mayor 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. *(Amended 7-11-06/2006-07)*

§ 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.

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CHAPTER 4

FINANCE

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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.~~

§ 4-102 Finance Committee to submit budget.

The Finance Committee 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 may be included in revenue estimates for the next budget. (*Amended 8-08-06/2006-08*)

§ 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.~~

The budget ordinance may provide for expenditure of contingency funds, and transfer of funds between line items or departments at the direction of the Finance Committee within limits set by council. (*Amended 8-08-06/2006-08*)

Pine Ridge Town Code

Pine Ridge Town Code

§ 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.~~

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 Finance Committee. (*Amended 8-08-06/2006-08*)

§ 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.

Pine Ridge Town Code

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.~~

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 Finance Committee Chairman or the Mayor and countersigned by a member of council so designated.

(Amended 8-08-06/2006-08)

§ 4-202 Monthly financial report.

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

~~The town clerk shall make a monthly financial report to council showing receipts and disbursements for each department. *(Amended 7-11-06/2006-07)*~~

The town administrator shall make a monthly financial report to council showing receipts and disbursements for each department. *(Amended 9-10-13/2013-10)*

§ 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.~~

The town clerk shall follow established guidelines for the 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. *(Amended 7-11-06/2006-07)*

Pine Ridge Town Code

The town administrator shall follow established guidelines for the 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. (*Amended 9-10-13/2013-10*)

Pine Ridge Town Code

§ 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 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.~~

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 administrator and filed as Appendix C to this Code. (*Amended 9-10-13/2013-10*)

Pine Ridge Town 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 clerk who is authorized to issue regulations for procurement consistent with this Code.~~

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.
(Amended 9-10-13/2013-10)

§ 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;

Pine Ridge Town Code

- (5) procurements under \$1,500 documented by written quotations from two (2) qualified sources of supply and a written determination by the purchasing agent that the procurement is to the advantage of the town;
- (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.~~

Procedures promulgated by the town council shall provide for fair and equitable sealed bidding when applicable to procurements under this Article. An invitation to bid or request for proposals

Pine Ridge Town Code

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 Purchasing Agent. 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. *(Amended 7-11-06/2006-07)*

§ 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: *(Amended 7-11-06/2006-07)*~~

~~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 clerk within ten (10) days after receipt of the determination. The causes for debarment or suspension shall include, but not be limited to:—~~

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: *(Amended 9-10-13/2013-10)*

- (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;

Pine Ridge Town Code

- (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.

Pine Ridge Town Code

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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.

§ 5-101 Adoption of County Ordinance.

The Lexington County Animal Control Ordinance (Chapter 10) is hereby adopted by reference and shall be applicable within the town limits. The ordinance shall be enforced by Lexington County Animal Control in conjunction with the Town of Pine Ridge. *(Amended 9-9-14/2014-14)*

~~§ 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.)]

§ 5-102 Reserved. *(Amended 9-9-14/2014-14)*

~~§ 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.

§ 5-103 Reserved. *(Amended 9-9-14/2014-14)*

§ 5-104 Driving and racing animals.

Pine Ridge Town Code

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.

Pine Ridge Town Code

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.

§ 5-201 **Reserved.** (Amended 9-9-14/2014-14)

~~§ 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.~~

§ 5-202 **Reserved.** (Amended 9-9-14/2014-14)

~~§ 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.).

§ 5-203 **Reserved.** (Amended 9-9-14/2014-14)

Pine Ridge Town Code

~~§ 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.

§ 5-204 **Reserved.** *(Amended 9-9-14/2014-14)*

~~§ 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.

§ 5-205 **Reserved.** *(Amended 9-9-14/2014-14)*

~~§ 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.

§ 5-206 **Reserved.** *(Amended 9-9-14/2014-14)*

~~§ 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.

§ 5-207 **Reserved.** *(Amended 9-9-14/2014-14)*

~~§ 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.

Pine Ridge Town Code

§ 5-208 **Reserved.** *(Amended 9-9-14/2014-14)*

Pine Ridge Town Code

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.

Pine Ridge Town Code

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.

Pine Ridge Town Code

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:

Pine Ridge Town Code

- (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;~~
- (5) A dilapidated structure which is unfit for habitation or a dilapidated outbuilding of any type, which provides a harbor for rodents, pests, stray animals, or persons engaged in controlled substance use or sale;
(Amended 10-09-12/2012-11)
- (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.~~
- (8) A junked or abandoned, inoperable, or unsecured motor vehicle which provides a harbor or breeding place for insects or rodents.
(Amended 9-12-00)

§ 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~~

Pine Ridge Town Code

~~occupant of property upon which conditions exist in violation of this article requiring that the conditions be corrected or removed within fifteen (15) days.~~

- ~~(a) — The town administrator shall serve written notice by 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.~~

~~(Amended 9-12-00)~~

- ~~(a) — The town clerk shall serve written notice by 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. (Amended 7-11-06/2006-07)~~

(a) The town administrator shall serve written notice by 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. (Amended

9-10-13/2013-10)

- ~~(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. (Amended 7-11-06/2006-07)~~

- ~~(b) — The notice shall state that, upon written request received prior to the expiration of fifteen (15) days, the town clerk 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. (Amended 7-11-06/2006-07)~~

- (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. (Amended 9-10-13/2013-10)

- ~~(e) — 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.~~

- ~~(e) — 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 mail upon the party requesting the hearing. (Amended 9-12-00)~~

- ~~(e) — After the hearing the town clerk shall issue a written order~~

Pine Ridge Town Code

~~containing findings and conclusions, and specifying a time in which any corrective action must be taken, which shall be served by mail upon the party requesting the hearing. (Amended 7-11-06/2006-07)~~

- (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 mail upon the party requesting the hearing. *(Amended 9-10-13/2013-10)*

§ 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.~~

~~It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. Failure to comply may result in law enforcement action. The Police Department may issue a uniform traffic citation or seek an arrest warrant for violation of this article after being notified by the Town Administrator that the party has not responded. (Amended 9-12-00)~~

~~It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. Failure to comply may result in law enforcement action. The Police Department may issue a uniform traffic citation or seek an arrest warrant for violation of this article after being notified by the town clerk that the party has not responded. (Amended 7-11-06/2006-07)~~

~~It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. Failure to comply may result in law enforcement action. The Police Department may issue a uniform traffic citation or seek an arrest warrant for violation of this article after being notified by the town administrator that the party has not responded. (Amended 9-10-13/2013-10)~~

§ 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.~~

Pine Ridge Town Code

~~Upon failure of the responsible party to abate a nuisance as required by notice or order, the town clerk 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. (Amended 7-11-06/2006-07)~~

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. (Amended 9-10-13/2013-10)

§ 5-505 Portable Storage Facilities.

Except as otherwise permitted by the Zoning Administrator, portable storage facilities shall be permitted in any District for up to 30 days; provided not more than one such facility shall be allowed at one time and said facility shall be specifically approved by the Zoning Administrator to insure that the facility is not located in the public right-of-way or traffic sight triangle. Applicable sign regulations notwithstanding, leasing information may be displayed in the storage facilities. (Adopted 10-11-05)

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

~~7-11-06/2006-07)~~

Pine Ridge Town Code

- (b) "Bulk Container" means a covered metal container, not to exceed four cubic yards, to be approved by the town administrator.
(Amended 9-10-13/2013-10)
- (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.

Pine Ridge Town Code

~~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.~~

~~The town clerk 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.~~

~~(Amended 7-11-06/2006-07)~~

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.

(Amended 9-10-13/2013-10)

§ 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.~~

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§ 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

Pine Ridge Town Code

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.~~

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§ 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.~~

~~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 clerk. Mobile containers or rollouts, when approved, shall be provided by the owner at no less than one (1) per unit. (Amended 7-11-06/2006-07)~~

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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. *(Amended 9-10-13/2013-10)*

§ 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~~

Pine Ridge Town Code

~~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.~~

It shall be the responsibility of each occupant to place refuse for collection at the time in the manner as provided in this ordinance. The Customer located at the Residential Premises shall place only bagged Residential Solid Waste in the Cart and shall place the Cart at Curbside by 7:00 am on the designated collection day. 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 at all possible, behind shrubbery or other suitable screening such that the mobile container is not readily visible from the street. A letter advising of the violation shall be sent in writing to the owner, agent or occupant of the property requesting immediate compliance. *(Amended 5-13-14/2014-07)*

§ 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.~~

~~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 clerk when excess waste is generated frequently. *(Amended 7-11-06/2006-07)*~~

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. *(Amended 9-10-13/2013-10)*

§ 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.

Pine Ridge Town Code

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.~~

~~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 clerk.~~

~~(Amended 7-11-06/2006-07)~~

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(Amended 9-10-13/2013-10)

§ 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.

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§ 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.~~

~~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 clerk.
(Amended 7-11-06/2006-07)~~

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.
(Amended 9-10-13/2013-10)

§ 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.

Pine Ridge Town Code

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.

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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:

Pine Ridge Town Code – Police Protection

- (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.

Pine Ridge Town Code

§ 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.

Pine Ridge Town Code

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:

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- (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.

Pine Ridge Town Code

§ 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.

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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.~~

§6-302 Resisting or interfering with police.

Any person who shall resist or interfere with any police officer in the discharge of his duties shall be guilty of a misdemeanor. (*Amended 12-10-13/2013-11*)

~~§ 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.~~

§6-303 Failure to obey police officer.

Any person failing to obey the commands of a legally constituted police officer in the course of his duty shall be guilty of violating this Code, and any police officer witnessing such action shall place such person under arrest and charge them with violation of this Code. (*Amended 12-10-13/2013-11*)

Pine Ridge Town Code

§ 6-304 Burglar Alarms. (*Amended 9-10-13/2013-07*)

Section 1: Purpose

This article is intended to protect the health, safety and welfare of the people of the Town of Pine Ridge by minimizing the misuse of law enforcement, fire, rescue and emergency medical service resources caused by false alarms and telephone alarm devices, thereby allowing these resources to be accessible and available in the event these resources are needed by members of the community.

Section 2: Definitions

Unless it is clear from the context that another meaning is intended, the following words when used in this article shall have the meanings attributed to the by this section:

Alarm businesses means a business for which any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing or monitoring any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, installed or monitored, any alarm system in or on any building, structure or facility either privately or publicly owned.

Alarm monitoring agency means any business as that has the responsibility of monitoring alarm systems.

Alarm permit means a permit issued by the Town allowing the operation of an alarm system within the Town.

Alarm systems shall mean a fire or security alarm system.

Alarm system technician means any person who inspects, installs, repairs or performs maintenance on alarm systems.

Automatic telephone dialing device or digital alarm communicator system means an alarm system which automatically sends a prerecorded voice message or coded signal over a regular telephone line by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

Disconnection means to deactivate the alarm system so that notification of an activated alarm does not reach the Town of Pine Ridge or Lexington County Communications Center for the purpose of dispatching a call for service to that activated alarm.

Pine Ridge Town Code

False alarm means the activation of any security or fire alarm system which results in the response of law enforcement or public safety to the alarm location, caused by mechanical or electronic failure, malfunction, and improper installation of the alarm system, the negligence or intentional misuse of the system by the owner or his or her employees, servants, agents or any other activation not caused by forced entry, attempted forced entry or criminal act. An active alarm is not considered a false alarm if the alarm is activated due to malicious causes beyond the control of the owner, or to acts of God beyond the control of the owner such as lightning strikes or severe weather conditions.

Fire alarm system shall mean any mechanical, electrical or radio-controlled device designed to emit a sound or transmit a signal or message when activated or any such device that emits a sound and transmits a signal or message when activated because of smoke, heat or fire. Without limiting the generality to the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone direct dial devices or digital alarm communicator systems. A single stations smoke detector shall not be deemed to be an alarm system under this article.

False Alarm Coordinator means a person or persons designated by the Town of Pine Ridge, to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

Key holder/emergency contact means a person or persons designated in writing by the owner of the alarm system as a holder of keys to the alarm system who is thereby authorized to respond to an activated alarm of the owner.

Law enforcement means the Town of Pine Ridge Police Department or Lexington County Sheriff's Department.

Lessee means any person who has possession of premises of an owner.

Owner means any person who owns the premises in which an alarm system is installed or the person(s) who lease, operate, occupy or manage the premises.

Public safety means the department of public safety which includes fire rescue and emergency medical services.

Security alarm system means any mechanical, electrical or radio-controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for altering others of the commission of an unlawful act within a building, structure or facility or both, which emits a sound or transmits a signal or message when activated.

Pine Ridge Town Code

Section 3: Alarm permit.

- (a) Permit required. No person shall use an alarm system without first obtaining a permit for such alarm system from the Town. Each alarm permit shall be assigned a unique permit number, and the user may be required to provide the permit number along with the address to facilitate law enforcement dispatch.
- (b) Application. The permit shall be requested on an application form provided by the Town. An alarm user has the duty to obtain an application form from the Town.
- (c) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.
- (d) Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Town within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Town a form requesting updated information. The permit holder shall complete and return this form to the Town when any of the requested information has changed; failure to comply will constitute a violation and may result in a fine of up to \$500.00 plus court assessments.
- (e) Multiple alarm systems. If an alarm user has one or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Section 4: Duty of owner, occupant, or lessee of premises.

- (a) Newly installed or substantially modified systems shall be allowed to operate for a period of 30 days from the date of installation or modification without penalty for false alarms, provided the Town of Pine Ridge is notified of the installation or the modification in advance of same.
- (b) Owners or lessees of existing alarm systems shall have 30 days from installation or modification to comply with the above notice requirements.
- (c) Prior to any testing of any alarm system, the owner or lessees shall notify law enforcement and public safety.

Pine Ridge Town Code

(d) Owners or lessees of any alarm system shall provide response to the alarm location, when requested, in order to reset or disable the alarm system within thirty minutes of notification. Failure to provide such response shall result in a charge of \$50.00 for each occurrence. Repeated failure to provide a response shall result in disconnection of the alarm system and no response from either law enforcement or public safety as further provided herein unless such response is otherwise required by law.

(e) The owner or lessee of every place of business which utilizes an alarm system shall provide, visible from the exterior of such business and adjacent to the main entrance, a minimum of three current working telephone numbers of persons to be notified in case of emergency or in lieu thereof have on file with the alarm monitoring company for the alarm system, three correct working telephone numbers of persons to be notified in a case of emergency.

(f) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

(g) Provide the alarm company the permit number. The number should be provided to the communications center by the alarm company to facilitate dispatch.

Section 5: Requirements of alarm monitoring agency.

(a) All alarm monitoring agencies are required to furnish the responding department with the following information when dispatching or reporting an alarm:

- (1) Give the name of the monitoring agency;
- (2) Give the name or identification number of the reporting operator;
- (3) Give a call back telephone number of the monitoring agency;
- (4) Give the name of business or homeowner and address of the activated alarm;
- (5) If a call has been made to a key holder, the key holder's name and estimated time of arrival; and
- (6) Provide alarm permit number. Any other information that may be necessary or required by the individual responding agencies.
- (7) Communicate a cancellation to the responding department as soon as possible following a determination that response is unnecessary.

(b) It shall be the duty of all alarm businesses to furnish at their expense the most current copy of the Town of Pine Ridge Alarm Ordinance to their existing customers within 60 days of adoption of ordinance and immediately to all new alarm users upon adoption of this ordinance.

Section 6: Fees charges; alarm malfunctions and false alarms.

Pine Ridge Town Code

(a) False alarm fee/failure to register. No fee shall be assessed for the first two false alarms at the same premises responded to by law enforcement or public safety during each calendar year. Thereafter, the following fees shall be paid by the owner for each false alarm at the same premises during such calendar year.

Number of false alarm	Fee per false alarm
Third	\$50.00
Fourth	\$75.00
Fifth	\$100.00
Sixth – Ninth	\$150.00
Tenth and above	\$300.00
Failure to register	\$100.00

(b) It is the responsibility of each alarm owner to monitor the occurrences of false alarms on it premises. After the false alarm coordinator has recorded two false alarm occurrences within a calendar year for a given alarm user, the false alarm coordinator shall notify the alarm user, in writing, by first class mail or hand delivery, that additional alarm occurrences will result in the imposition of fees in accordance with the above fee schedule. Failure to receive such notification does not waive or nullify any fees. Such fees will be issued by Uniform Traffic Ticket for all violations of this Town Code by the Pine Ridge Police Department.

(c) Should any fee assessed pursuant to this chapter remain unpaid by the appointed Municipal Court date, the owner shall be found guilty in their absence. Unpaid Town Ordinances may result in the issuance of a bench warrant. The owner shall be responsible for any legal fees or costs incurred by the Town of Pine Ridge in enforcement of this chapter.

(d) If cancellation occurs from the alarm monitoring company when law enforcement/fire personnel has already been dispatched and in route to the scene, this shall be recorded as a false alarm.

Section 7: Disconnection of alarm system.

(a) Except for premises protected by an alarm system as required by law, the police department or public safety is authorized to order the disconnection or deactivation of any alarm system by

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written notice to the owner of the premises wherein an alarm system is installed for any of the following reasons:

- (1) Failure to make all requirements or pay the fees provided for in this chapter within 120 days of the charging of the fees; or
- (2) A false alarm at a premises for which a fee is charged pursuant to this chapter as a result of the failure of the owner to take corrective action to eliminate the cause of the false alarm; or
- (3) The failure of a person notified pursuant to this chapter to appear within one hour after being notified to respond, if such failure to timely appear occurs four or more times within a calendar year.

(b) The written notice issued by the Pine Ridge Police Department or public safety to disconnect or deactivate shall be mailed to the owner and shall specify the date on which the owner shall be required to disconnect or deactivate the alarm system, which date shall be at least 15 days following the date of the notice. The owner may appeal the order to disconnect pursuant to section seven.

(c) The Pine Ridge Police Department may suspend response to any alarm received from a location which has an order to disconnect or deactivate its alarm system as described herein unless there is a separate indication that a crime is in progress.

Section 8: Appeal

(a) The town administrator or designee will serve as hearing officer for appeals from owners that have been notified to disconnect or deactivate an alarm system. If the town administrator elects a designee to serve as hearing officer, that designee shall not be with the Pine Ridge police or public safety departments.

(b) An appeal must be in writing, submitted to the town administrator, stating the reasons why the order to disconnect or deactivate should be withdrawn, and shall be made within 15 days of the date of the notice to disconnect or receipt of any false alarm report. The alarm user shall have the burden of proof by preponderance of the evidence.

(c) The hearing officer shall send notice of hearing to the owner within 15 days prior to the appeal hearing and shall make written findings available to the alarm owner, law enforcement or public safety within ten days from the date the hearing is concluded.

(d) If the hearing officer affirms the order to disconnect or deactivate an alarm system, the owner shall have five days following the mailing or the written decision of the hearing officer within which to comply with the order.

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Section 9: Failure to disconnect or unauthorized reconnection of the alarm system

It shall be a violation of this Code for any person to fail to disconnect or deactivate an alarm system which has been ordered disconnected or deactivated pursuant to section seven (7), including those situations in which the hearing officer has affirmed the order to disconnect or deactivate. It shall be a violation of this Code for any person to reconnect an alarm system which has been disconnected or deactivated pursuant to the order of the Town of Pine Ridge police department or public safety, unless the reconnection of the alarm system is authorized pursuant to section nine hereof.

Section 10: Reconnection of alarm systems

Law enforcement or public safety shall have the right to inspect the alarm system and test same prior to rescinding the order to disconnect or deactivate. Before any reconnection of an alarm system and after the order to disconnect such system, a reconnection fee of \$25.00 shall be assessed.

Section 11: Automatic telephone dialing alarm device or digital alarm communicator system

(a) It shall be a violation of this Code for any person to install, maintain, operate or use any automatic telephone dialing alarm device or digital alarm communicator system within the county if the system requires connection to the emergency communications center for law enforcement or public safety.

(b) It shall be unlawful for any person to install, maintain, operate or use any automatic telephone dialing alarm device or digital alarm communicator system with in the county unless the system is currently approved by the Federal Communications Commission (FCC), and has been approved by law enforcement or public safety, unless otherwise required by law.

Section 12: Audible sound systems

All new or existing audible sound systems shall sound no longer than ten minutes for residential and for businesses, unless otherwise required by underwriter's laboratories or law.

Section 13: Penalty and enforcement

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 plus court assessments. The provisions of this section

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may be enforced either by prosecution as a misdemeanor through Municipal Court or by any other legal or equitable form of action.

Section 14: Alarm system operations

The county, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties and responsibilities being solely those of the owner of the premises. Additionally, it shall be the responsibility of the owner of the premises to silence an activated alarm and thereafter reset the same. The town shall not provide, nor make available, the services of its police department or department of public safety to be an emergency communications center for use by owners as a central location for alarm system receiving equipment.

§ 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.~~

It shall be unlawful for any person to drink intoxicating or alcoholic beverages on the public streets or on public property or private property that is posted under the jurisdiction of the Pine Ridge Police Department. (*Amended 8-14-01*)

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§ 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:

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- (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.

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- (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.

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§ 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:

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- (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 there from.
- (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.

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- (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 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.

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- (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.

§6-318 Trespassing upon; damaging property of another.

(Added 12-10-13/2013-11)

- (a) *Specific acts of damage to property enumerated.* Whoever commits any of the following acts in the town shall be deemed guilty of the offense of damage to the property:
 - (1) Knowingly damages any property of another, including public property without the consent of the owner.
 - (2) Recklessly, by means of fire or explosives, damages property of another.
 - (3) Knowingly starts a fire on the land of another without the consent of the owner.
 - (4) Knowingly injures a domestic animal of another without the consent of the owner.
 - (5) Knowingly deposits on the land or in the building of another, without the consent of the owner, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.
- (b) *Entry into buildings and vehicles without consent.* Any person who knowingly and without authority enters any vehicle or building or any part thereof of another, without the owner's consent, shall be guilty of trespassing.
- (c) *Entry of land; remaining on land after notice to leave.* Any person who knowingly enters upon the land or any part thereof of another after receiving, immediately prior to the entry, notice from the owner, occupant or person in charge of such land or part thereof or a public safety

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officer that the entry is forbidden or who remains upon the land of another after receiving notice to depart shall be guilty of trespassing.

(d) *Notice; public safety officer defined.* For the purpose of this section, a person has received notice from the owner, occupant, or person in charge of land if he has been notified personally, either orally, or in writing if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrances to the land or the forbidden part thereof. For the purpose of this section, the term “public safety officer” means any person who, by virtue of his office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

(e) *Trespass on railroad property.* Any person not being a passenger or employee, but a trespasser, found upon any railroad car, train or engine of any railroad in the city; that jumps on or off any car, train or engine on its arrival, stay or departure; or who shall operate any motor-powered bike or motor vehicle on the railroad right-of-way shall be guilty of a misdemeanor.

(f) *Trespass on church property.* It shall be unlawful for any person to lounge, loiter, or play upon the steps, platform, or approach to any church building or in any way trespass upon church property in the town.

§6-319 Injuring public property and property open to public.

(Added 12-10-13/2013-11)

No person shall willfully injure, destroy or trespass upon, or illegally make use of, any public property of any kind whatsoever belonging to, or in the possession of the town.

§6-320 Trespass for various purposes. *(Added 12-10-13/2013-11)*

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

§6-321 Drug Paraphernalia. *(Added 12-10-13/2013-11)*

Section 1. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting,

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manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this article. It includes, but is not limited to:

- 1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
- 2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- 3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- 4) Testing equipment used, intended for use or designed for use in weighing or measuring controlled substances.
- 5) Scales or balances used, intended for use or designed for use in weighing or measuring controlled substances.
- 6) Dilutents and adulterants, such as quinine hydrochloride mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- 7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- 8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- 9) Capsules, balloons, envelopers and other containers used, intended for use or designed for use in compounding controlled substances.
- 10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- 11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- 12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a) Metal, wooden, acrylic, glass, stone, plastic, ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b) Water pipes;
 - c) Carburetion tubes and devices;
 - d) Smoking and carburetion masks;
 - e) Roach clips, meaning objects used to hold burning material such as marijuana cigarettes that have become too small or short to be held in the hand;
 - f) Miniature cocaine spoons and cocaine vials;
 - g) Chamber pipes;
 - h) Carburetor pipes;
 - i) Electric pipes;

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- j) Air-driven pipes;
- k) Chillums
- l) Bonds; and
- m) Ice pipes or chillers.

§6-322 Factors determining classification of objects.

(Added 12-10-13/2013-11)

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- 1) Statements by an owner or by anyone in control of the object concerning its use;
- 2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- 3) The proximity of the object, in time and place, to a direct violation of this article;
- 4) The proximity of the object to controlled substances;
- 5) The existence of any residue of controlled substances on the object;
- 6) Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of this article; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
- 7) Instructions, oral or written, provided with the object concerning its use;
- 8) Descriptive materials accompanying the object which explain or depict its use;
- 9) National and local advertising concerning its use;
- 10) The manner in which the object is displayed for sale;
- 11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- 13) The existence and scope of legitimate uses for the object in the community; and
- 14) Expert testimony concerning its use.

§6-323 Offenses; penalties for violation of article. *(Added 12-10-13/2013-11)*

- a) *Possession of drug paraphernalia.* It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack,

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store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this article.

- b) *Manufacture or delivery of drug paraphernalia.* It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this article.
- c) *Delivery of drug paraphernalia to a minor.* Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least three years their junior is guilty of a special offense and, upon conviction, shall be punished.
- d) *Advertisement of drug paraphernalia.* It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of this advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

§6-324 Civil forfeiture. *(Added 12-10-13/2013-11)*

- a) Any of the items of personal property listed in §6-322 and which is legally confiscated by the town will be forfeited. Any such property will be secured by the Pine Ridge Police Department for a period of ten days, and thereafter the town will either destroy the property or advertise notice of public sale of such property and sell such thereof as may be used for legitimate purposes.
- b) Property subject to be forfeited under this article may be seized by the Town of Pine Ridge Police Department upon process issued by the municipal judge. Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant.

§6-325 False report to police department. *(Added 12-10-13/2013-11)*

It shall be unlawful for any person to knowingly make or file or cause to be made or filed a false or misleading report, allegation or complaint with the police department.

§6-326 Assaulting or resisting public official or police officer.

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(Added 12-10-13/2013-11)

No person shall assault, resist, hinder, oppose, molest or interfere with any officer or employee of the town of any department or board of the town, or of any officer or employee of the police department, in the discharge of official duties.

§6-327 Impersonating an officer. *(Added 12-10-13/2013-11)*

- a) No person, other than an official police officer of the town, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of, that adopted and worn or carried by the police officers of the town.
- b) No person shall do or attempt any act to impersonate a police officer.

§6-328 Obstructing justice. *(Added 12-10-13/2013-11)*

Any person within the town who shall hinder, prevent or obstruct any officer or other person charged with the execution of any warrant or other process issued under the provisions of any ordinance of the town, in arresting any person for whose arrest such warrant or other process may have been issued, or in arresting any person for any reason, felony or breach of the peace committed in his presence, or shall rescue or attempt to rescue such person from the custody of the officer or person lawfully assisting them, or shall aid, abet or assist any person so arrested, directly or indirectly, to escape from the custody of the officer or person assisting, or shall harbor or conceal any person for whose arrest warrant or other process shall have been issued so as to prevent their discovery and arrest, after notice or knowledge of the issuing of such warrant or other process, shall be guilty of a misdemeanor.

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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 Careless Operation of a Vehicle

It shall be unlawful for any person to operate any vehicle without care and caution and full regard for the safety of persons and property. Any person failing to do so shall be guilty of careless operation. The operation of any vehicle when the same or any of its equipment is not in proper or safe condition shall be prima facie evidence of careless operation. Careless operation shall be unlawful and may be lesser included offense of reckless driving. *(Amended 4-22-97)*

§ 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.

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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.

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§ 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.

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Article V

Parades and Processions

§ 6-501 Definitions.

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.

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.

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- (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:

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- 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.

Pine Ridge Town Code – Police Protection

- (3) *Late applications.* Where good cause is shown therefore, 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:

Pine Ridge Town Code

- (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.

Pine Ridge Town Code

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.

Pine Ridge Town Code

§ 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;~~
- ~~(2) The town clerk; (Amended 7-11-06/2006-07)~~
- (2) The town administrator; (Amended 9-10-13/2013-10)
- (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:

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- 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;

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- (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.

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§ 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.

Pine Ridge Town Code

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:~~

~~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 clerk 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:~~

~~(Amended 7-11-06/2006-07)~~

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:

(Amended 9-10-13/2013-10)

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Pine Ridge Town Code - Streets

- (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.

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~~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.~~

~~The town clerk 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.~~
(Amended 7-11-06/2006-07)

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.
(Amended 9-10-13/2013-10)

§ 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

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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.~~

~~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 clerk which shall be granted only upon a showing of necessity and compliance with applicable safety standards.~~

~~(Amended 7-11-06/2006-07)~~

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.

(Amended 9-10-13/2013-10)

§ 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.~~

~~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 clerk.~~

~~(Amended 7-11-06/2006-07)~~

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.

(Amended 9-10-13/2013-10)

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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.~~

~~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 clerk.
(Amended 7-11-06/2006-07)~~

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 administrator. *(Amended 9-10-13/2013-10)*

§ 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~~

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~~used for vehicles. Signs shall meet requirements of the building code and zoning ordinance.~~

- ~~(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 clerk. 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. (Amended 7-11-06/2006-07)~~
- (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. (Amended 9-10-13/2013-10)

§ 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.

Pine Ridge Town Code

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:

Pine Ridge Town Code – Streets

- (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.

Pine Ridge Town Code

§ 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.~~

~~(b) It shall be unlawful for any person, owner or occupant, ten (10) days after written notice from the town clerk, 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 clerk 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. (Amended~~

~~7-11-06/2006-07)~~

(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

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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 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.

(Amended 9-10-13/2013-10)

§ 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 Reserved.

§ 7-308 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.~~

~~It shall be unlawful for any person to divert or drain water from any source into a street without a permit from the town clerk for connection to an approved drainage system at the expense of the applicant. *(Amended 7-11-06/2006-07)*~~

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. *(Amended 9-10-13/2013-10)*

§ 7-310 Obstruction of drains.

Pine Ridge Town Code

- (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.

§ 7-311 **Prohibition of Commercial/Industrial Trucks using certain streets as thoroughfares: Adopted November 14, 2000**

A: Purpose: In order to protect the citizens, environment, natural resources, roadways, peace and quiet, and/or historic districts of the Town of Pine Ridge, Council may designate by ordinance certain roadways as “No Through Traffic to Commercial/Industrial Trucks.” Roadways designated as such shall be clearly posted at entrances to these areas. When a roadway or route has been designated as closed to Commercial/industrial Trucks, it shall be unlawful for any vehicle so defined by this ordinance to use the roadway or route as a throughway or means of passage to another destination. For the purposes of this provision, “Commercial/Industrial Truck” shall be defined as any straight body, or semi vehicle having more than six wheels.

B: Penalty: Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200.00) or imprisonment for no more than thirty (30) days.

C: Exceptions: The provisions of this Ordinance shall not apply to the following:

1. Vehicles engaged in the delivery of goods, services, or emergency assistance to the businesses, residences, or establishments specifically located within the designated area;
2. Public service vehicles engaged in their course of business;
3. Buses engaged in the transportation of school children and buses engaged for a primary purpose of transporting passengers within the urban area.
4. Traffic to and from mineral mines, mineral pits or mineral processing facilities located within the corporate limits or proximity of Pine Ridge.
5. Traffic to and from businesses with a corporate existence within the Town.

D: Designated Areas: The following are designated as “No Through Traffic to Commercial/Industrial Trucks” Area:

Pine Ridge Town Code

- ~~1. Pine Ridge Drive (S-103) and along Fish Hatchery Road from Highway 321 until the intersection with Pine Ridge Drive.~~
1. Fish Hatchery Road (S-73) from US Highway 321 to the intersection with Pine Ridge Drive (S-103) and from the intersection of Pine Ridge Drive (S-103) and Fish Hatchery Road (S-73) in a westerly direction to the Town of Pine Ridge corporate limits. *(Amended 4-13-04)*

§ 7-312 Reserved.

Pine Ridge Town Code

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.

Pine Ridge Town Code

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.

Pine Ridge Town Code

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.

Pine Ridge Town Code

- (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:

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- (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 coverage's 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.

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- (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.~~
- (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 Chief of Police. 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.
(Amended 7-11-06/2006-07)
- ~~(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.~~
- (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 Council within five (5) days after notice of removal. The Town Council shall hear the appeal and make a final decision.
(Amended 7-11-06/2006-07)