

## MARION MUNICIPAL CODE

### Looseleaf Supplement

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

**Ordinance No. 16-08, passed August 9, 2016.**

See the Ordinance Comparative Table for further information.

#### *Remove Old Pages*

Title Page  
ii  
v.i  
xi—xiii  
Checklist of up-to-date pages  
SH:1  
1-4—1-4.1  
1-11  
1-14.7—1-14.18a  
5-2  
6-1—6-3.2  
6-6—6-6.1  
6-7  
6-9—6-10  
6-13  
7-6  
7-8  
7-10—7-10.1  
O-1.12  
I-1—I-1.1  
I-7—I-8

#### *Insert New Pages*

Title Page  
ii  
v.i  
xi—xiii  
Checklist of up-to-date pages  
(following Table of Contents)  
SH:1, SH:2  
1-4—1-4.1  
1-11  
1-14.7—1-14.8.1  
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6-1—6-3.2  
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6-9—6-10.1  
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7-6  
7-8  
7-10—7-10.1  
O-1.12  
I-1—I-1.1  
I-7—I-8.1

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



Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316  
info@municode.com | 800.262.2633  
www.municode.com

# MARION, SOUTH CAROLINA

## MUNICIPAL CODE

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**A Codification of the General Ordinances of  
Marion, South Carolina**

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**Beginning with Supp. No. 22,  
Supplemented by Municipal Code Corporation**

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**municode**

Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316  
info@municode.com | 800.262.2633  
www.municode.com

## PREFACE

The Marion, South Carolina Municipal Code, has been kept current by regular supplementation by Matthew Bender & Company, Inc. as of October, 2001.

Beginning with Supplement No. 22, Municipal Code Corporation will be keeping this Code current by regular supplementation.

The Code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the part, chapter, and section. Thus, Section 2-1004 is Part 2, Chapter 1, Section 4. In most instances, sections are numbered by thousandths (1001, 1002, 1003, etc.), leaving multiple vacant positions between original sections to accommodate future provisions. Similarly, parts and chapters are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an Ordinance Comparative Table, following the text of the Code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 22, legislation can be tracked using the "Ordinance Comparative Table".

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance 16-09, passed December 13, 2016.**

Municipal Code Corporation  
1700 Capital Circle SW  
Tallahassee, FL 32310  
800-262-2633

## **HOW TO USE YOUR CODE**

This Code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this Code.

### **Numbering System.**

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with part, then chapter and ending with section. Each part is represented in the code section number. For example, Section 2-1004 is Part 2, Chapter 1, Section 4, with the zeros leaving room for expansion.

### **Part.**

A part is a broad category under which ordinances on a related subject are compiled. This Code contains about 9 to 15 parts. For example, the first part is Part 1, Government and Administration, which may contain ordinances about the general penalty, code adoption and definitions. The parts in this Code are separated by tabbed divider pages for quick reference. Some parts may be **Reserved** for later use.

### **Chapter.**

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one part. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2-2000, City Manager, can be added between 2-1000, City Council, and Chapter 2-3000, City Attorney.

### **Section.**

Each section of the Code contains substantive ordinance material. The sections are numbered by "thousands" to allow for expansion of the Code without renumbering.

### **Tables of Contents.**

There are many tables of contents in this Code to assist in locating specific information. At the beginning of the Code is the main table of contents listing each part. In addition, each part and chapter has its own table of contents listing the chapters and sections, respectively.

### **Ordinance History Note.**

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. No. 272 § 1, 1/11/92).)

Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the Ordinance Comparative Table appearing at the back of the volume preceding the index.

### **Ordinance and Code Disposition Table.**

When a Code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the Code, under the tabbed divider "Disposition Table". This table lists the prior code section in the column labeled "1963 Code Section" and the new code section in the column labeled "Disposition in 1977 Code".



As of Supplement No. 22, this table will no longer be updated.

### **Ordinance Comparative Table.**

The Ordinance Comparative Table is for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Ordinance Comparative Table specifies the ordinance number, adoption date, ordinance section number and the disposition within the Code of each ordinance. By use of the Ordinance Comparative Table, the reader can locate any section of the Code as supplemented, and any subsequent ordinance included herein.

### **Index.**

If you are not certain where to look for a particular subject in this Code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

#### **BUSINESS LICENSE**

See also **BUSINESS TAX**

Fee 5-1004

Required when 5-1004

The index will be updated as necessary when the code text is amended.

### **Instruction Sheet.**

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the Code and the new pages that must be inserted. Following these instructions carefully will assure that the Code is kept accurate and current. Removed pages should be kept for future reference.

### **Page Numbers.**

When originally published, the pages of this Code were consecutively numbered. As of Supplement No. 22, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 9-3, 9-3.1, 9-3.2, 9-3.2.2, 9-3.2.2.1., 9-4). Backs of pages that are blank (in Codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

### **Electronic Submission.**

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: **ords@municode.com**.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation  
P.O. Box 2235  
Tallahassee, FL 32316

**Customer Service.**

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation  
1700 Capital Circle SW  
Tallahassee, FL 32310

**OFFICIALS**  
**OF THE**  
**CITY OF MARION, SOUTH CAROLINA**

**MAYOR**  
Ashley Brady

**MAYOR PRO TEM**  
Emerson C. Hunt

**COUNCIL MEMBERS**  
Ralph A. Atkinson  
Ronald D. Atkinson  
Michael E. Baker  
Joseph W. Frazier  
Tassie Lewis

**ADMINISTRATOR**  
Alan T. Ammons

**CITY CLERK**  
Lakesha Y. Shannon

**CITY TREASURER**  
Patricia T. Brown

**CITY ATTORNEY**  
Boykin & Davis, LLC

**RECORDER**  
Patricia A. Speth

## FOREWORD

This code of ordinances is provided by the Municipal Association of South Carolina as a part of its services program for cities and towns in South Carolina. Technical staff assistance has been provided by PRM Law Publishers of Atlanta, Georgia, which was responsible for the organization, codification, indexing and printing of this code.

The City of Marion was initially incorporated on December 17, 1847. On January 13, 1976, the city adopted the Mayor-Council form of government pursuant to the Home Rule Statute, Act No. 283 of 1975. The Certificate of Incorporation was issued by the Secretary of State on February 13, 1976.

This codification provides a complete revision and codification of all ordinances of a general and permanent nature of the city. All obsolete, illegal or superseded ordinances have been repealed as a part of the codification. All amended ordinances are brought up to date. The code also includes certain new ordinances that were prepared to fill in gaps not covered by existing ordinances.

The code includes several features that will facilitate its use. The various chapters and articles follow one another in a natural, logical order. The table of contents, with a complete outline of this order, will often provide sufficient reference points for the reader. In addition, the reader may consult the alphabetical index at the end of the volume. At the beginning of each chapter there is a section-by-section analysis of the articles within the chapter.

Non-textual provisions such as severability clauses, repeals and enacting clauses are omitted from the text but are covered in part 1, chapter 3, article C of the code. In most instances, references to "this ordinance" in the text of an ordinance have been changed to "this chapter" or "article" as deemed appropriate. Various editorial notes, state law references, and amendment notes have been included throughout the code to clarify its provisions.

The citations included at the end of sections apply to the original source and approval date of ordinances. Sections of the code which do not have a citation represent new ordinances that have been added to fill in gaps or to replace ordinances which have become out-dated.

The new code is published in loose-leaf form so that all new ordinances may be printed for inclusion on a regular basis. The Municipal Association of South Carolina has available a periodic updating service. Such service can be secured through an agreement between the municipality and the Association under which the clerk and treasurer would send new ordinances, and the Association would provide new and replacement pages for the code.

We gratefully acknowledge the cooperation and assistance rendered by the city officials in the preparation of this code.

J. McDonald Wray  
Executive Director  
Municipal Association of  
South Carolina

# THE STATE OF SOUTH CAROLINA



## BY THE SECRETARY OF STATE

*WHEREAS, the municipality of Marion, South Carolina  
is incorporated under the laws of the State of South Carolina.*

*AND WHEREAS, a charter has been issued to the above municipality of  
December 17, 1847.*

*AND WHEREAS, Section 47-26 of the 1962 Code of Laws, as amended,  
requires that all municipalities to adopt a specific form of government.*

*AND WHEREAS, an ordinance was filed with the Secretary of State on  
February 13, 1976, setting forth;*

*FIRST: The name of the municipality is Marion, South Carolina*

*SECOND: The form of government adopted is Mayor - Council  
form of government.*

*NOW THEREFORE, I, O. Frank Thornton, Secretary of State, by virtue  
of authority vested in me by section 47-28 of the 1962 Code, as amended,  
do hereby issue to the municipality of Marion, South Carolina  
this Certificate of Incorporation with the privileges, powers and  
immunities, and subject to the limitations prescribed in Act. No. 283 of  
1975.*



*GIVEN under my Hand and Seal of the State,  
this the 13th day of February in the year  
of our Lord one thousand nine hundred and  
76, and in the two hundred ~~and~~ th  
year of the Independence of the United States  
of America.*

*/s/ O. Frank Thornton*

*.....  
Secretary of State*

## ADOPTING ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF MARION, SOUTH CAROLINA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, SOUTH CAROLINA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE COUNCIL:

**Section 1.** The code of ordinances, consisting of parts 1 through 9 inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Marion, South Carolina," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the City passed on or before January 9, 1979, to the extent provided in section 2 hereof.

**Section 2.** All provisions of the code shall be in full force and effect from and after July 10, 1979, and all ordinances of a general and permanent nature of the City of Marion, enacted on final passage on or before January 9, 1979, and not included in this code or recognized and continued in force by reference therein are hereby repealed from and after July 10, 1979, except as hereinafter provided. No resolution of the city, not specifically mentioned, is hereby repealed.

**Section 3. (a)** The repeal provided for in section 2 hereof shall not affect the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;
- (3) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of the code;
- (4) Any ordinance or resolution fixing salaries of officers or employees of the city;
- (5) Any appropriation ordinance or resolution;
- (6) Any right or franchise granted by council to any person, firm or corporation;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;
- (8) Any ordinance or resolution establishing and prescribing the street grades of any streets in the city;
- (9) Any ordinance or resolution providing for local improvements or assessing taxes therefor;
- (10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the city, or providing regulations for the same;
- (11) Any ordinance annexing property to the city;
- (12) Any zoning ordinance of the city or amendments thereto;

(13) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures;

(14) Ordinances or resolutions prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with the code;

(15) Any ordinance or resolution fixing utility rates and charges;

(16) Any ordinance enacted after January 9, 1979.

(b) Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

**Section 4.** Whenever in the code an act is prohibited, or is made or declared to be unlawful or an offense or a misdemeanor by council, or whenever in the code the doing of any act is required or the failure to do any act is declared to be unlawful by council, and no specific penalty is provided therefor, the violation of any such provisions of the code shall be punished by a fine of not more than \$200, or imprisonment for a term not exceeding 30 days, as provided in section 1-3048 of this code.

**Section 5.** Any and all additions and amendments to the code when passed in such form as to indicate the intention of council to make the same a part thereof shall be deemed to be incorporated in the code so that reference to the "Code of Ordinances of the City of Marion, South Carolina," shall be understood and intended to include such additions and amendments.

**Section 6.** In case of the amendment by council of any section of the code for which a penalty is not provided, the general penalty as provided in section 1-3048 of the code shall apply to the section as amended; or in case the amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

**Section 7.** A copy of the code shall be kept on file in the office of the clerk, preserved in loose-leaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk, or someone authorized by the clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from the code all provisions which may be repealed from time to time by council. This copy of the code shall be available for all persons desiring to examine the same.

**Section 8.** It shall be unlawful for any person to change or alter by additions or deletions, any part or portion of the code, or to insert or delete pages or portions thereof, or to alter or tamper with the code in any manner whatsoever which will cause the law of the City of Marion to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-3048 of the Code of Ordinances of the City of Marion and in section 4 of this ordinance.

**Section 9.** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. This ordinance shall become effective on July 10, 1979.

PASSED, APPROVED AND ADOPTED BY COUNCIL ON THIS 10th DAY OF JULY, 1979.

/s/ T. C. Atkinson, Jr.  
T.C. Atkinson, Jr.  
Mayor

ATTEST:

/s/ Grace A. Stephenson  
Grace A. Stephenson  
Clerk and Treasurer

/s/ F. T. Zeman  
F. T. Zeman, Mayor Pro Tem

/s/ Willie T. Boykin  
Willie T. Boykin, Council Member

/s/ Ritta C. Hennecy,  
Ritta C. Hennecy, Council Member

/s/ William L. Hubbard, Jr.  
William L. Hubbard, Jr., Council Member

/s/ M. B. Edwards, Jr.  
M. B. Edwards, Jr., Council Member

/s/ Louise M. Cheezem  
Louise M. Cheezem, Council Member

First Reading – June 19, 1979  
Final Reading – July 10, 1979



## READOPTING ORDINANCE 1979

AN ORDINANCE ADOPTING A RECODIFICATION OF THE ORDINANCES OF THE CITY OF MARION, SOUTH CAROLINA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED AS FOLLOWS:

Section 1. That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating businesses or occupation licenses in the City of Marion, South Carolina, adopted April 2, 1970, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted, levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer standards for the City of Marion adopted May 21, 1974, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a Special Historic District to be superimposed upon the Zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance ratifying and authorizing the borrowing of funds (\$845,000) from Marion National Bank on October 1978, (l) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption to allow persons under eighteen years of age on premises unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (m) The ordinance providing for a \$5.00 charge for returned checks or other instruments given as payment to the City, (n) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, and (o) All ordinances heretofore adopted which should be or become parts of The Code of Ordinances of the City of Marion adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

Section 2. That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED BY THE CITY COUNCIL OF THE CITY OF MARION,  
SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED THIS 27th DAY OF DECEMBER,  
1979.

/s/ T. C. Atkinson, Jr.  
T.C. Atkinson, Jr.  
Mayor

ATTEST:

/s/ Mary C. Batson  
Mary C. Batson  
City Clerk

/s/ Willie T. Boykin  
Willie T. Boykin, Council Member

/s/ Louise M. Cheezem  
Louise M. Cheezem, Council Member

/s/ Rita C. Hennecy  
Rita C. Hennecy, Council Member

/s/ F. T. Zeman  
F. T. Zeman, Council Member

First Reading – December 11, 1979  
Second/Final Reading – December 27, 1979

## **READOPTING ORDINANCE 1980**

### **AN ORDINANCE ADOPTING A RECODIFICATION OF THE ORDINANCES OF THE CITY OF MARION, SOUTH CAROLINA.**

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating business or occupation licenses in the City of Marion, South Carolina, adopted April 2, 1970, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted, levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the city are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer standards for the City of Marion adopted May 21, 1974, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a special historic district to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption to allow persons under 18 years of age on premises unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a five dollar (\$5.00) charge for returned checks or other instruments given as payment to the city, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) Water use ordinance, (p) Sewer use ordinance, (q) An ordinance amending Section 26 of the Business License and Tax Ordinance of the City of Marion, South Carolina, dated July 1, 1970, by changing the basis and scale for computation and payment for licenses of telephone companies, (r) An ordinance amending Section 26 of the Business License and Tax Ordinance of the City of Marion, South Carolina, dated July 1, 1970, by changing the basis and scale for computation and payment for license of gas companies, (s) An ordinance creating a tree commission for the City of Marion, South Carolina, and (t) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in council duly assembled this 9th day of December 1980.

November 11, 1980

First Reading

December 9, 1980

Second/Final Reading

T.C. Atkinson, Jr.

Mayor

Willie T. Boykin

Louise M. Cheezem

W.L. Hubbard, Jr.

Ritta C. Hennecy

F.T. Zeman

M. Edwards Jr.

Councilmen

Constituting the City Council of The  
City of Marion, South Carolina

Attest:

Mary C. Batson

City Clerk

## **READOPTING ORDINANCE 1981**

### **AN ORDINANCE ADOPTING A RECODIFICATION OF THE ORDINANCES OF THE CITY OF MARION, SOUTH CAROLINA.**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring and regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the city are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a special historic district to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption to allow persons under 18 years of age on premises unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a five dollar (\$5.00) charge for returned checks or other instruments given as payment to the city, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a tree commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003A or Dogs Running at Large and Vicious Dogs, (s) An ordinance amending section 6-4022 for Impoundment, and (t) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina, and (u) An ordinance annexing Richard T. Smith property into the City of Marion.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 22nd day of December, 1981.

December 8, 1981

First Reading

December 22, 1981

Second/Final Reading

/s/ T. C. Atkinson, Jr.

Mayor

/s/ Willie T. Boykin

/s/ Louise M. Cheezem

/s/ Ritta C. Hennecy

/s/ F. T. Zeman

/s/ M. Edwards, Jr.

Councilmen  
Constituting the City Council of The  
City of Marion, South Carolina

Attest:

/s/ Mary C. Batson

City Clerk

## **READOPTING ORDINANCE 1982**

### **AN ORDINANCE ADOPTING A RECODIFICATION OF THE ORDINANCES OF THE CITY OF MARION, SOUTH CAROLINA.**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring and regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the city are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a special historic district to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption to allow persons under 18 years of age on premises unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a \$5.00 charge for returned checks or other instruments given as payment to the city, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a tree commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003(A) for dogs running at large and vicious dogs, (s) An ordinance amending section 6-4022 for impoundment, (t) An ordinance amending section 7-5004, adopting swimming pool code, and (u) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 14th day of December, 1982.

November 9, 1982

First Reading

/s/ T.C. Atkinson, Jr.

Mayor

December 14, 1982

Second/Final Reading

/s/ Willie T. Boykin

/s/ Louise M. Cheezem

/s/ Rosa G. Towe

/s/ Ritta C. Hennecy

/s/ F.T. Zeman

/s/ M. Edwards, Jr.

Councilmen

Constituting the City Council of The  
City of Marion, South Carolina

Attest:

Mary C. Batson

City Clerk



## **READOPTING ORDINANCE 1983**

### **AN ORDINANCE ADOPTING A RECODIFICATION OF THE ORDINANCE OF THE CITY OF MARION, SOUTH CAROLINA.**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring and regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the city are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a special historic district to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption to allow persons under 18 years of age on premises unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a \$5.00 charge for returned checks or other instruments given as payment to the city, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003(a) for dogs running at large and vicious dogs, (s) An ordinance amending section 6-4022 for impoundment, (t) An ordinance amending section 7-5004, adopting swimming pool code, and (u) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 30th day of November, 1983.

November 8, 1983

First Reading

/s/ **T.C. Atkinson, Jr.**

Mayor

November 30, 1983

Second/Final Reading

/s/ **Willie T. Boykin**

/s/ **James E. Brogdon, Jr.**

s/s **Rosa G. Towe**

/s/ **Ritta C. Hennecy**

/s/ **F.T. Zeman**

/s/ **M.B. Edwards, Jr.**

Council members  
Constituting the City Council of The  
City of Marion, South Carolina

Attest:

/s/ **Mary C. Batson**

City Clerk

## **READOPTING ORDINANCE 1985**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the city are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/ or a license to sell alcoholic liquors for on-premise unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a \$5.00 charge for returned checks or other instruments given as payment to the city, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003(A) for dogs running at large and vicious dogs, (s) An ordinance amending section 6-4022 for impoundment, (t) An ordinance amending section 7-5004, adopting swimming pool code, (u) An ordinance establishing procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals of portions thereof, and (x) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 10th day of December, 1985.

November 12, 1985

First Reading

/s/ **Bobby Gerald**

Mayor

December 10, 1985

Second/ Final Reading

/s/ **Willie T. Boykin**

/s/ **James E. Brogdon, Jr.**

/s/ **Ritta C. Hennecey**

/s/ **William C. Wesley**

/s/ **M.B. Edwards, Jr.**

Council members  
Constituting the City Council of The  
City of Marion, South Carolina

Attest:

/s/ **Mary C. Batson**

City Clerk

## **READOPTING ORDINANCE 1986**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the city are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinances establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a \$5.00 charge for returned checks or other instruments given as payment to the city, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003(A) for dogs running at large and vicious dogs, (s) An ordinance amending section 6-4022 for impoundment, (t) An ordinance amending section 7-5004, adopting swimming pool code, (u) An ordinance establishing procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals of portions thereof, (v) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (w) An ordinance regulating drought and water use for the City of Marion, South Carolina, and (x) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 9th day of December, 1986.

First reading *November 11, 1986*

/s/ Bobby Gerald

Mayor

Second reading *December 9, 1986*

ATTEST:

/s/ Mary C. Batson

City Clerk

/s/ James E. Brogdon, Jr.

/s/ T. Carroll Atkinson, III

/s/ Ritta C. Henneey

/s/ William C. Wesley

/s/ M. B. Edwards, Jr.

Council Members

Constituting the City Council

of the City of Marion, South Carolina

## **READOPTING ORDINANCE 1987**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**Section 1.** That (a) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals or portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a Special Historic District to be superimposed upon the Zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise unless such minor is accompanied by a spouse over 18 years of age or a parent or guardian, (l) The ordinance providing for a five dollar (\$5.00) charge for returned checks or other instruments given as payment to the City, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as Section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (s) An ordinance amending Section 6-4022 for Impoundment, (t) An ordinance amending Section 7-5004, adopting Swimming Pool Code, (u) An ordinance establishing procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals of portions thereof, (v) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (w) An ordinance regulating drought and water use for the City of Marion, South Carolina, and (x) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**Section 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

**DONE AND RATIFIED** by the City Council of the City of Marion, South Carolina, in Council duly assembled this 8th day of December 1987.

First Reading November 10, 1987

/s/ Bobby Gerald

Mayor

Second Reading December 8, 1987

Attest:

/s/ Mary C. Batson

City Clerk

/s/ Willie T. Boykin

/s/ James E. Brogdon, Jr.

/s/ William C. Wesley

/s/ Ritta C. Hennecy

/s/ Bobby L. Davis

Members City Council



## READOPTING ORDINANCE 1988

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**SECTION 1.** That (a) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating business or occupation licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals or portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a Special Historic District to be superimposed upon the Zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (l) The ordinance providing for a \$15 charge for returned checks or other instruments given as payment to the City, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003(A) for dogs running at large and vicious dogs, (s) An ordinance amending section 6-4022 for Impoundment, (t) An ordinance amending section 7-5004, adopting Swimming Pool Code, (u) An ordinance establishing procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals of portions thereof, (v) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (w) An ordinance regulating drought and water use for the City of Marion, South Carolina, (x) An ordinance to add section 7-6008 regulating yard sales, and (y) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**SECTION 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

**DONE AND RATIFIED** by the City Council of the City of Marion, South Carolina, in Council duly assembled this 13th day of December 1988.

First Reading November 8, 1988

/s/ Bobby Gerald

Mayor

Second Reading December 13, 1988

Attest:

Mary C. Batson

City Clerk

/s/ Willie T. Boykin

/s/ William C. Wesley

/s/ Ritta C. Hennecy

/s/ Bobby L. Davis

/s/ M. B. Edwards, Jr.

Members City Council -  
City of Marion,  
South Carolina

## **READOPTING ORDINANCE 1989**

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**SECTION 1.** That (a) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (b) The ordinance requiring any regulating business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals or portions thereof, (c) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (d) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (e) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (f) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (g) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (h) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (i) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (j) An ordinance to create a Special Historic District to be superimposed upon the Zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (k) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (l) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (m) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (n) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (o) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (p) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (q) An ordinance to add a new section to be known as Section 6-2012 for garbage removal and other sanitation services and charges, (r) An ordinance to add a new section to be known as section 6-4003A for dogs running at large and vicious dogs, (s) An ordinance amending section 6-4022 for impoundment, (t) An ordinance amending section 7-5004, adopting Swimming Pool Code, (u) An ordinance establishing procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (v) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (w) An ordinance regulating drought and water use for the City of Marion, South Carolina, (x) An ordinance to add section 7-6008 regulating yard sales, and (y) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**SECTION 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

**DONE AND RATIFIED** by the City Council of the City of Marion, South Carolina, in Council duly assembled this 12th day of December 1989.

First Reading November 14, 1989

Second Reading December 12, 1989

/s/ Bobby Gerald  
Mayor

/s/ Willie T. Boykin

/s/ James E. Brogdon, Jr.

/s/ Ralph A. Atkinson

/s/ Bobby L. Davis

/s/ M. B. Edwards, Jr.

Members City Council -  
City of Marion,  
South Carolina

Attest:

/s/ Mary C. Batson  
City Clerk

## READOPTING ORDINANCE 1990

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**SECTION 1.** That (A) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring any regulating business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals or portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinance closing a portion of Bethea Street adopted May 13, 1975, (I) The ordinance re-establishing the partisan election method for the nominations of candidates for municipal offices, (J) An ordinance to create a Special Historic District to be superimposed upon the Zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (K) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise [consumption] unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (L) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (M) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (N) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (O) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (P) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (Q) An ordinance to add a new Section to be known as Section 6-2012 for Garbage removal and other sanitation services and charges, (R) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (S) An ordinance amending Section 6-4002 for Impoundment, (T) An ordinance amending Section 7-5004, adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating drought and water use for the City of Marion, South Carolina, (X) An ordinance to add Section 7-6008 Regulating Yard Sales, and (Y) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**SECTION 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

**DONE AND RATIFIED** by the City Council of the City of Marion, South Carolina, in Council duly assembled this 11th day of December 1990.

First Reading November 13, 1990  
Second Reading December 11, 1990

ATTEST:

/s/ Mary C. Batson

City Clerk

Mayor

/s/ Bobby Gerald

Mayor

Willy T. Boykin

James E. Brogdon, Jr.

William C. Wesley

Ralph A. Atkinson

Bobby L. Davis

M. B. Edwards, Jr.

Members City Council of the  
City of Marion, South Carolina

## READOPTING ORDINANCE 1991

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**SECTION 1.** That (A) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring any regulating business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof (H) The ordinance closing a portion of Bethea Street adopted May 13, 1975 (I) An Ordinance providing for nonpartisan elections in the City of Marion, (J) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the Zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R) An ordinance to add a new Section to be known as Section 6-2012 for Garbage removal and other sanitation services and charges, (S) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (T) An ordinance amending Section 7-5004, adopting Swimming Pool Code, (U) An ordinance amending Section 6-4022 for Impoundment, (V) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (W) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (X) An ordinance regulating Drought and water use for the City of Marion, South Carolina, (Y) An ordinance to add Section 7-6008 Regulating Yard Sales, (Ya) An ordinance to establish fees for City inspections, and (Z) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**SECTION 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

**DONE AND RATIFIED** by the City Council of the City of Marion, South Carolina, in Council duly assembled this 10th day of December 1991.

First Reading November 12, 1991

Second/Final Reading December 10, 1991

/s/ Bobby Gerald  
\_\_\_\_\_  
Mayor

/s/ \_\_\_\_\_  
Willie T. Boykin

/s/ \_\_\_\_\_  
James E. Brogdon, Jr.

/s/ \_\_\_\_\_  
William C. Wesley

/s/ \_\_\_\_\_  
Ralph A. Atkinson

/s/ \_\_\_\_\_  
Bobby L. Davis

/s/ \_\_\_\_\_  
Members City Council of the  
City of Marion, South Carolina

ATTEST:

/s/ Mary C. Batson  
\_\_\_\_\_  
City Clerk



## READOPTING ORDINANCE 1992

**BE IT ORDAINED** by the City Council of the City of Marion, South Carolina, in Council duly assembled as follows:

**SECTION 1.** That (A) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring any regulating business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, and the old Railroad Avenue street, adopted November 25, 1992, (I) An ordinance providing for nonpartisan elections in the City of Marion, (J) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the Zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (S) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (T) An ordinance amending Section 7-5004, adopting Swimming Pool Code, (U) An ordinance amending Section 6-4022 for Impoundment, (V) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (W) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (X) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (Y) Ordinances to add Section 7-6008 Regulating Yard Sales, and Section 1-3051 Municipal Uniform Ordinance Summons, (Ya) An ordinance to establish fees for City inspections, and (Z) All

ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

**SECTION 2.** That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

**DONE AND RATIFIED** by the City Council of the City of Marion, South Carolina, in Council duly assembled this 25th day of December 1992.

First Reading November 10, 1992

Second/Final Reading November 25, 1992

/s/ Bobby Gerald  
\_\_\_\_\_  
Mayor

/s/ \_\_\_\_\_  
Willie T. Boykin

/s/ \_\_\_\_\_  
James E. Brogdon, Jr.

/s/ \_\_\_\_\_  
William C. Wesley

/s/ \_\_\_\_\_  
Ralph A. Atkinson

/s/ \_\_\_\_\_  
Bobby L. Davis

/s/ \_\_\_\_\_  
Members City Council of the  
City of Marion, South Caro-  
lina

ATTEST:

/s/ Mary C. Batson  
\_\_\_\_\_  
City Clerk

## READOPTING ORDINANCE 1993

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in council duly assembled as follows:

SECTION 1. That (A) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring any regulating business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, and the old Railroad Avenue Street, adopted November 25, 1992, (I) An ordinance providing for nonpartisan elections in the City of Marion, (J) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the Zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (S) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance amending Section 6-4022 for Impoundment, (V) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (W) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (X) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (Y) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, and an Ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., and (Z) All ordinances heretofore adopted which should be or become parts of the Code of Ordinance of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance, to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 14th day of December 1993.

First Reading November 9, 1993

Bobby Gerald  
Mayor

Second Reading December 14, 1993

Lawrence B. Price

Michael E. Baker

Ralph A. Atkinson

Bobby L. Davis

Poiette F. McGill

ATTEST:  
Mary C. Batson  
City Clerk

Council Members of the  
City of Marion,  
South Carolina

## READOPTING ORDINANCE 1994

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in council duly assembled, as follows:

SECTION 1. That (A) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring any regulating business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, and the old Railroad Avenue Street, adopted November 25, 1992, (I) An ordinance providing for nonpartisan elections in the City of Marion, (J) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(1) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (2) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (3) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (4) An ordinance to establish the office of Personnel Director for the City of Marion, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinance for Careless operation of a motor vehicle, and (Y) All ordinances heretofore adopted which should be or become parts of the Code of Ordinance of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled in this 13th day of December 1994.

First Reading November 8, 1994

Bobby Gerald  
Mayor

Second Reading December 13, 1994

Michael E. Baker

Ralph A. Atkinson

Bobby L. Davis

Lawrence B. Price

ATTEST:  
Mary C. Batson  
City Clerk

Poiette F. McGill  
Council Members of the  
City of Marion,  
South Carolina

## READOPTING ORDINANCE 1995

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in council duly assembled, as follows:

SECTION 1. That (A) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, and the old Railroad Avenue Street, adopted November 25, 1992, (I) An ordinance providing for nonpartisan elections in the City of Marion, (J) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning Map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$15.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(1) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (2) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (3) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (4) An ordinance to establish the office of Personnel Director for the City of Marion, (5) An ordinance to establish a position of Litter Control Officer for the City of Marion, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinance for Careless operation of a motor vehicle, (X-a) An ordinance to establish a sludge handling fee, and (Y) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled in this 12th day of December 1995.

First Reading November 14, 1995

Bobby Gerald  
Mayor

Second Reading December 12, 1995

Bobby L. Davis

William C. Wesley

Michael E. Baker

Ralph A. Atkinson

ATTEST:

Mary C. Batson  
City Clerk

Poiette F. McGill

Lawrence B. Price  
Council Members of the City of Marion,  
South Carolina



## READOPTING ORDINANCE 1996

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in council duly assembled, as follows:

SECTION 1. That (A) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments hereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, and the old Railroad Avenue Street, adopted November 25, 1992, (I) An ordinance providing for non-partisan elections in the City of Marion, (J) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$20.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(1) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (2) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (3) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (4) An ordinance to establish the office of Personnel Director for the City of Marion, (5) An ordinance to establish a position of Litter Control Officer for the City of Marion, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinance for Careless operation of a motor vehicle (X-a) An ordinance to establish a sludge handling fee. (X-b) An ordinance re-establishing the Marion City Planning Commission under the Provision of the Comprehensive Planning Act of 1994, and (Y) All ordinances heretofore adopted which should be or become parts of the Code

of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are, readopted and recodified as the Code of Ordinances of the City of Marion, South Carolina.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled in this 10th day of December 1996.

First Reading November 12, 1996

Bobby Gerald  
Mayor

Second Reading December 10, 1996

Lawrence B. Price

Poiette F. McGill

Bobby L. Davis

William C. Wesley

ATTEST:

Mary C. Batson  
City Clerk

Michael E. Baker

\_\_\_\_\_  
Members City Council of the City of Marion,  
South Carolina

## READOPTING ORDINANCE 1997

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in Council duly assembled, as follows:

SECTION 1. That (A) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments thereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals or portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, the old Railroad Avenue Street, adopted November 25, 1992, an unopened street (Watsonia Avenue) adopted December 9, 1997, (I) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$20.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(a) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (b) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (c) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (d) An ordinance to establish the office of Personnel Director for the City of Marion, (e) An ordinance to establish a position of Litter Control Officer for the City of Marion, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinance for Careless operation of a motor vehicle (X-a) An ordinance to establish a sludge handling fee, (X-b) An ordinance re-establishing the Marion City Planning Commission under the Provision of the Comprehensive Planning Act of 1994, (X-c) Ordinances authorizing the sale of certain real estate, (X-d) An ordinance to amend Section 3-1008 regulating time of parades held in the City of Marion, South Carolina, (X-e) An ordinance providing for the transfer authority for conducting municipal elections to the Voter Registration/Election Commission for Marion County, and (Y) All ordinances

heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are, readopted and recodified as the Code of Ordinances of the City of Marion.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 9th day of December 1997.

First Reading November 11, 1997

Bobby Gerald  
Mayor

Second Reading December 9, 1997

William C. Wesley

Frank M. Hart

Ralph A. Atkinson

Michael E. Baker

ATTEST:  
Mary C. Batson  
City Clerk

Poiette F. McGill

Bobby L. Davis

\_\_\_\_\_  
Members Marion City Council of the City of Marion,  
South Carolina

## READOPTING ORDINANCE 1998

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in Council duly assembled, as follows:

SECTION 1. That (A) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments thereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals or portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances, closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, the old Railroad Avenue Street, adopted November 25, 1992, an unopened street (Watsonia Avenue) adopted December 9, 1997, (I) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$20.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(a) An ordinance to add a new Section to be known as Section 6-2-12 for Garbage removal and other sanitation services and charges, (b) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (c) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (d) An ordinance to establish the office of Personnel Director for the City of Marion, (e) An ordinance to establish a position of Litter Control Officer for the City of Marion, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinance for Careless operation of a motor vehicle (X-a) An ordinance to establish a sludge handling fee, (X-b) An ordinance re-establishing the Marion City Planning Commission under the Provision of the Comprehensive Planning Act of 1994, (X-c) Ordinances authorizing the sale of certain real estate, (X-d) An ordinance to amend Section 3-1008 regulating time of parades held in the City of Marion, South Carolina, (X-e) An ordinance providing for the transfer authority for conducting municipal elections to the Voter Registration/Election Commission for Marion County, and (Y) All ordinances

heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are, readopted and recodified as the Code of Ordinances of the City of Marion.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 8th day of December 1998.

First Reading November 10, 1998

Bobby Gerald  
Mayor

Second Reading December 8, 1998

Michael E. Baker

William C. Wesley

Bobby L. Davis

Ralph A. Atkinson

Jerry Mitchell

Frank M. Hard

ATTEST:  
Mary C. Batson  
City Clerk

Members Marion City Council of the City of Marion,  
South Carolina

## READOPTING ORDINANCE 1999

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in Council duly assembled, as follows:

SECTION 1. That (A) The Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments thereto and repeals of portions thereof, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the city of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinances closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, the old Railroad Avenue Street, adopted November 25, 1992, an unopened street (Watsonia Avenue) adopted December 9, 1997, (I) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$20.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(a) An ordinance to add a new Section to be known as Section 6-2012 for Garbage removal and other sanitation services and charges, (b) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (c) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (d) An ordinance to establish the office of Personnel Director for the City of Marion, (e) An ordinance to establish a position of Litter Control Officer for the City of Marion, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc. (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinances for Careless operation of a motor vehicle (X-a) An ordinance to establish a sludge handling fee, (X-b) An ordinance re-establishing the Marion City Planning Commission under the Provision of the Comprehensive Planning Act of 1994, (X-c) Ordinances authorizing the sale of certain real estate, (X-d) An ordinance to amend Section 1-1008 regulating time of parades held in the City of Marion, South Carolina, (X-e) An ordinance providing for the transfer authority for conducting municipal elections to the Voter Registration/Election Commission for Marion County, and (Y) All ordinances

heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 14th day of December 1999.

First Reading November 9, 1999

Bobby Gerald  
Mayor

Second Reading December 14, 1999

Michael E. Baker

William C. Wesley

Ralph A. Atkinson

Jerry Mitchell

Frank M. Hart

Bobby L. Davis

ATTEST:  
Mary C. Batson  
City Clerk

\_\_\_\_\_  
Members Marion City Council of the City of Marion,  
South Carolina



## READOPTING ORDINANCE 2000

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in Council duly assembled, as follows:

SECTION 1. That (A) The code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (D) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments thereto and repeals of portions thereof, including new ordinances amending billing dates to coincide with Marion County and an agreement with Marion County to collect City taxes, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City Of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinance closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, the old Railroad Avenue Street, adopted November 25, 1992, an unopened street (Watsonia Avenue) adopted December 9, 1997, (I) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$20.00 charge for returned checks or other instruments given as payment to the City, (N) The ordinance providing for the disposition of abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(a) An ordinance to add a new Section to be known as Section 6-2012 for Garbage removal and other sanitation services and charges, (b) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (c) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris from other garbage, Section 5-6035 Fees for City inspections, (d) An ordinance to establish the office of Personnel Director for the City of Marion, (e) An ordinance to establish a position of Litter Control Officer for the City of Marion, (f) An ordinance amending Section 6-1011 requiring property owners to clean property and authorizing a lien on the property for failure to do so, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, South Carolina, (W) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (X) An ordinance for Careless operation of a motor vehicle (X-a) An ordinance to establish a sludge handling fee, (X-b) An ordinance re-establishing the Marion City Planning Commission under the Provision of the Comprehensive Planning Act of 1994, (X-c) Ordinances authorizing the sale of certain real estate, (X-d) An ordinance to amend Section 3-1008 regulating time of parades held in the City of Marion, South Carolina, (X-e) An ordinance providing for the transfer authority for conducting municipal elections to the Voter

Registration/Election Commission for Marion County, and (Y) All ordinances heretofore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are re-adopted and recodified as the Code of Ordinances of the City of Marion.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 12th day of December 2000.

First Reading November 14, 2000

Second Reading December 12, 2000

Bobby Gerald  
Mayor

Michael E. Baker

William C. Wesley

Bobby L. Davis

Ralph A. Atkinson

ATTEST:

Jerry Mitchell

Mary C. Batson  
City Clerk

Frank M. Hart  
Council Members of the City of  
Marion, South Carolina

## READOPTING ORDINANCE 2001

BE IT ORDAINED by the City Council of the City of Marion, South Carolina, in Council duly assembled, as follows:

SECTION 1. That (A) The code of ordinances of the City of Marion, South Carolina, adopted July 10, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) The ordinance requiring business or occupational licenses in the City of Marion, South Carolina, adopted January 31, 1981, together with any and all subsequent amendments thereto and repeals of portions thereof, (C) The amended zoning ordinance of the City of Marion adopted August 14, 1979, together with any and all subsequent amendments thereto and repeals of portions thereof, (B) All ordinances heretofore adopted levying taxes upon property in the City of Marion for the fiscal years prior hereto, together with any and all subsequent amendments thereto and repeals of portions thereof, including new ordinances amending billing dates to coincide with Marion County and an agreement with Marion County to collect City taxes, (E) All ordinances heretofore adopted for the issuance of bonds by the City of Marion, together with any and all subsequent amendments thereto and repeals of portions thereof, (F) All ordinances heretofore adopted annexing additional areas to the City are hereby ordained as general ordinances of the City of Marion, South Carolina, (G) The ordinance establishing sewer use for the City of Marion, South Carolina, adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (H) The ordinance closing a portion of Bethea Street adopted May 13, 1975, a portion of Waycross Street adopted April 23, 1992, the old Railroad Avenue Street adopted November 25, 1992, an unopened street (Watsonia Avenue) adopted December 9, 1997, (I) An ordinance providing for the election of Council Members from Single Member Districts, (K) An ordinance to create a Special Historic District to be superimposed upon the zoning map of the City of Marion, South Carolina, to be known as the Marion Historic District, (L) The ordinance making it unlawful for the holder of a beer and wine permit and/or a license to sell alcoholic liquors for on-premise consumption unless such minor is accompanied by a spouse over eighteen years of age or a parent or guardian, (M) The ordinance providing for a \$20.00 charge for returned checks or other Instruments given as payment to the City, (N) The ordinance providing for the disposition of, abandoned or derelict motor vehicles on public or private property, (O) An ordinance authorizing the City of Marion to enter into an electric service agreement with Carolina Power & Light Company, and an agreement with South Carolina Electric & Gas Company, (P) The water use ordinance adopted May 13, 1980, together with any and all subsequent amendments thereto and repeals of portions thereof, (Q) An ordinance creating a Tree Commission for the City of Marion, South Carolina, (R)-(a) An ordinance to add a new Section to be known as Section 6-2012 for Garbage removal and other sanitation services and charges, (b) An ordinance to add a new Section to be known as Section 6-4003(A) for Dogs Running at Large and Vicious Dogs, (c) Ordinances to add Section 7-6008 Regulating Yard Sales, Section 1-3051 Municipal Uniform Ordinance Summons, Section 6-2013 requiring property owners to separate yard trash and land clearing debris, from other garbage, Section 5-6035 Fees for City inspections, (d) An ordinance to establish the office of Personnel Director for the City of Marion, (e) An ordinance to establish a position of Litter Control Officer for the City of Marion, (f) An ordinance amending Section 6-1011 requiring property owners to clean property and authorizing a lien on the property for failure to do so, (S) An ordinance prescribing regulations for rates charged to Cable Television Subscribers, etc., (T) An ordinance amending Section 7-5004 adopting Swimming Pool Code, (U) An ordinance establishing Procurement procedures for the City of Marion, South Carolina, adopted June 12, 1984, together with any and all subsequent amendments thereto and repeals thereof, (V) An ordinance adopting Standard Flood Plain Management for the City of Marion, (W) An ordinance to adopt the latest edition of the Southern Building Code Congress International, Inc. and the National Electric Code as published by the National Fire Protection Association, (X) An ordinance regulating Drought and Water use for the City of Marion, South Carolina, (Y) An ordinance for Careless operation of a motor vehicle (Y-a) An ordinance to establish a sludge handling fee, (Y-b) An ordinance re-establishing the Marion City Planning Commission under the Provision of the Comprehensive Planning Act of 1994, (Y-c) Ordinances authorizing the sale of certain real estate, (Y-d) An ordinance to amend Section

3-1008 regulating time of parades held in the City of Marion, South Carolina, (Y-e) An ordinance providing for the transfer authority for conducting municipal elections to the Voter Registration/Election Commission for Marion County, and (Z) All ordinances hereto fore adopted which should be or become parts of the Code of Ordinances of the City of Marion, South Carolina, adopted July 10, 1979, be and hereby are readopted and recodified as the Code of Ordinances of the City of Marion.

SECTION 2. That all ordinances or parts of ordinances, inconsistent with this ordinance to the extent of such inconsistency, are hereby repealed.

DONE AND RATIFIED by the City Council of the City of Marion, South Carolina, in Council duly assembled this 11th day of December 2001.

First Reading November 13, 2001

Second Reading December 11, 2001

Bobby Gerald  
Mayor

Frank M. Hart

Jerry Mitchell

Ralph A. Atkinson

ATTEST:

Bobby L. Davis

William C. Wesley

Mary C. Batson  
City Clerk

Michael E. Baker  
Council Members of the City  
of Marion, South Carolina

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## Checklist of Up-to-Date Pages

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

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

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

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

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

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## SUPPLEMENT HISTORY TABLE

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

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

Ord. No.	Date Adopted	Included/Omitted	Supp. No.
09-05	6-30-09	Omitted	Supp. No. 23
09-06	6-30-09	Omitted	Supp. No. 23
09-07	11-10-09	Included	Supp. No. 23
10-02	3- 9-10	Included	Supp. No. 23
10-03	3- 9-10	Included	Supp. No. 23
10-05	6-22-10	Omitted	Supp. No. 23
10-06	6-22-10	Omitted	Supp. No. 23
11-01	5-10-11	Omitted	Supp. No. 23
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11-05	10-11-11	Included	Supp. No. 23
11-06	10-11-11	Included	Supp. No. 23
11-07	10-11-11	Included	Supp. No. 23
12-01	3-13-12	Omitted	Supp. No. 23
12-02	4-10-12	Included	Supp. No. 23
12-03	3- 9-12	Omitted	Supp. No. 23
12-04	6-12-12	Omitted	Supp. No. 23
12-05	6-12-12	Omitted	Supp. No. 23
12-06	9-11-12	Omitted	Supp. No. 23
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13-01	3-12-13	Included	Supp. No. 23
13-02	6-11-13	Omitted	Supp. No. 24
13-03	6-11-13	Omitted	Supp. No. 24
13-04	6-11-13	Included	Supp. No. 24
13-05	7- 9-13	Included	Supp. No. 24
13-06	7- 9-13	Omitted	Supp. No. 24
13-07	7- 9-13	Included	Supp. No. 24
13-08	11-12-13	Omitted	Supp. No. 24
13-09	12-23-13	Omitted	Supp. No. 24
14-01	6-10-14	Omitted	Supp. No. 24
14-02	6-10-14	Omitted	Supp. No. 24
14-03	6-10-14	Omitted	Supp. No. 24
14-04	7- 8-14	Omitted	Supp. No. 24
14-05	7- 8-14	Included	Supp. No. 24

<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supp. No.</b>
14-06	7- 8-14	Omitted	Supp. No. 24
14-06(Amended)	8-12-14	Omitted	Supp. No. 24
14-07	7- 8-14	Included	Supp. No. 24
14-08	9- 9-14	Omitted	Supp. No. 24
14-09	11-10-14	Included	Supp. No. 24
15-01	4-13-15	Omitted	Supp. No. 24
15-03	9- 8-15	Omitted	Supp. No. 24
15-04	5-12-15	Omitted	Supp. No. 24
15-05	6- 9-15	Omitted	Supp. No. 24
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15-07	6- 9-15	Omitted	Supp. No. 24
15-08	7-14-15	Included	Supp. No. 24
16-01	6-30-16	Omitted	Supp. No. 24
16-02	6-30-16	Omitted	Supp. No. 24
16-03	6-30-16	Omitted	Supp. No. 24
16-04	9-13-16	Omitted	Supp. NO. 24
16-05	8- 9-16	Included	Supp. No. 24
16-06	8- 9-16	Included	Supp. No. 24
16-07	8- 9-16	Included	Supp. No. 24
16-08	8- 9-16	Included	Supp. No. 24
16-09	12-13-16	Omitted	Supp. No. 24

## PART 1

### Government and Administration

- Chapter 1. Form of Government
- Chapter 2. Mayor and Council
- Chapter 3. Rules of Procedure and Ordinances
- Chapter 4. Offices and Departments
- Chapter 5. Financial Administration
- Chapter 6. Personnel Administration
- Chapter 7. Municipal Court
- Chapter 8. Elections
- Chapter 9. Illegal Drugs and Compounds

## CHAPTER 1

### Form of Government

- Section 1-1001 Form of government adopted
- Section 1-1002 Single member districts.

#### Section 1-1001 Form of government adopted.

Adopting the Mayor-Council Form of Government  
for the City of Marion, South Carolina Pursuant to  
Title 47 Chapter 1 Article 2.1 South Carolina Code of Laws.

WHEREAS, Section 6 of Act 283 of 1975 requires each municipality to adopt by ordinance, the form of government most closely corresponding to the form in effect on March 7, 1974; and

WHEREAS, pursuant to Section 47-26 of the South Carolina Code, the governing body of the City of Marion, South Carolina has determined that the City of Marion has the form of government most nearly corresponding to the Mayor-Council form provided for in Article 4 of Chapter 1, Title 47 Section 47-60, et seq. of the South Carolina Code of Laws; and

WHEREAS, pursuant to Section 47-26 of the South Carolina Code, a public meeting upon such form of government to be selected was held on January 5, 1976 at the City Hall in the City of Marion, South Carolina; and

WHEREAS, the governing body of the City of Marion South Carolina is composed of the Mayor and six councilmen with the Mayor and Council elected at large with four year terms each; and

WHEREAS, the adoption of the Mayor-Council form as set forth in Article 4 title 47 would produce no change in the government of the City of Marion, South Carolina.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Marion, South Carolina in Council duly assembled this thirteenth (13th) day of January, 1976, that the Mayor-Council form of Municipal Government with a Mayor and six councilmen with the Mayor and Councilmen elected at large for four year terms each as provided in Sections 47-60 through 47-63 of the Code of

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**State Law Reference:** Requirement for municipalities to select form of government, S C Code 1976, § 5-5-10.

Laws of South Carolina is hereby adopted for the City of Marion, South Carolina to be effective on July 1, 1976, or as soon thereafter as prescribed by state law.

AND it is so Ordained.

/s/ T. C. Atkinson, Jr.  
\_\_\_\_\_  
Mayor

January 13, 1976

/s/ Grace Stephenson  
\_\_\_\_\_  
City Clerk



**Section 1-1002 Single member districts.****An Ordinance Providing for the Election  
of Council Members From Single-Member Districts**

WHEREAS, in a special election held pursuant to Section 5-15-30, the 1976 Code of Laws of South Carolina as amended held on May 1, 1990, the electorate of the City of Marion voted to change the method of election of Members of City Council from a Mayor and six (6) Council members elected at large, to a Mayor elected at large and six (6) Council members elected, one (1) from each of six (6) separate districts; and

WHEREAS, an independent study of possible combinations of single-member districts has been made by the Director, Division of Research and Statistical Services, South Carolina Budget and Control Board, and by the Mayor's Single-Member District Review Committee, appointed by the Mayor; and

WHEREAS, the committee has reviewed four (4) plans submitted by the State Demographer and two (2) plans submitted by the NAACP; and

WHEREAS, the Mayor's Special Single-Member District Review Committee has recommended the adoption of the six (6) single-member districts depicted on Plan 2, attached to this Ordinance and incorporated herein by reference; and

WHEREAS, a public hearing was held on the proposed districts on August 13, 1991, and September 10, 1991; and

WHEREAS, it is the desire of the Mayor and City Council to accept the recommendations of the Mayor's Special Single-Member District Review Committee and pursuant to Section 5-15-20 of the 1976 Code of Laws of South Carolina, as amended, to adopt the six (6) single-member districts depicted on Plan 2 and to provide for the election of council members from the six (6) districts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Marion, South Carolina in council duly assembled as follows:

(1) That pursuant to Section 5-15-20 of the 1976 Code of Laws of South Carolina, as amended, the method of election of members of City Council is hereby changed from a Mayor and six (6) council members elected at large to a Mayor elected at large and six (6) council members elected, one (1) from each of six (6) separate districts.

(2) That the six (6) single-member districts shall be depicted on Plan 2, attached to this Ordinance and incorporated herein by reference.

(3) That elections shall be held in the districts within one hundred twenty (120) days after approval of the plan by the Department of Justice and that notice of election be given as required by City ordinance. That in order to effect staggering of Council member terms, the terms shall be as follows:

<i>District</i>	<i>Length of Term</i>
1	From date of special election until the regularly scheduled election to be held on the 4th Tuesday in June 1995.
2	From date of special election until the regularly scheduled election to be held on the 4th Tuesday in June 1995.
3	From date of special election until the regularly scheduled election to be held on the 4th Tuesday in June 1993.
4	From date of special election until the regularly scheduled election to be held on the 4th Tuesday in June 1995.
5	From date of special election until the regularly scheduled election to be held on the 4th Tuesday in June 1993.
6	From date of special election until the regularly scheduled election to be held on the 4th Tuesday in June 1993.

and that in all subsequent elections, each term shall be a four-year term.

(4) That the notice and filing provisions for the election shall be the same as set forth in Section 1-8004 of the City Code, as amended.

(5) That should the census figures for 1990 reflect the need to change the districts lines that said changes shall be made for the 1993 elections.

/s/ Bobby Gerald  
\_\_\_\_\_  
Mayor

Second Reading:  
January 14, 1992

Attest:

/s/Mary C. Batson  
\_\_\_\_\_  
City Clerk

(Ord. No. 76-1, 1/13/76, as superseded by Ord. No. 91-1, 3/12/91; Ord. No. 92-1, 1/14/92; Ord. No. 95-8, 7/25/95)

## CHAPTER 2

### Mayor and Council

Section 1-2001	Mayor.
Section 1-2002	Council.
Section 1-2003	Mayor pro tem.
Section 1-2004	Compensation.
Section 1-2005	Oath of mayor and council members.
Section 1-2006	Filing vacancies.
Section 1-2007	Holding other city offices prohibited.
Section 1-2008	Board of censors.

#### Section 1-2001 Mayor.

The mayor shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs for which he is charged and shall have the power and duties as prescribed by law.

**State Law Reference:** As to powers and duties of mayor, see S.C. Code 1976, sec. 5-5-10 and 5-9-30.

**Editorial Note:** Under the home rules statute, the mayor appoints and removes employees, directs administration of departments, presides at council meetings, enforces laws and ordinances, prepares and submits the annual operating and capital budget, and performs other duties as required under the mayor-council form of government.

#### Section 1-2002 Council.

Except as otherwise provided, all powers of the city and the determination of all matters of policy shall be vested in the council, with each member, including the mayor, having one (1) vote.

#### Section 1-2003 Mayor pro tem.

(a) The mayor and council shall, at the first meeting of the newly constituted council after any general election for council, elect one (1) of its members as mayor pro tempore for a term of two (2) years.

(b) It shall be the duty of the mayor pro tempore to act as mayor during the absence or disability of the mayor, or in case of a vacancy in the office of mayor. (Ord. No. 76-5, 4/13/76)

#### Section 1-2004 Compensation.

The annual salary of the mayor, which is currently set at \$10,000.00, and the annual salary for council members, which is currently set at \$3,000.00, shall be set each year as a specific line item in the annual budget. Any change in the salary to be paid to the mayor and council members shall be announced specifically in open session at the public meeting at which the annual budget ordinance is given first and final reading.

Provided, however, no increase in the salary of the mayor and council members shall become effective until passage of an ordinance approving the increase has been adopted and this increase shall not be effective until the commencement date of the terms of two or more members of council elected at the next general election following the adoption of the ordinance approving an increase in salaries of the mayor and council members at which time the increase will become effective for all members of council, including the mayor, whether or not they were elected in such election. The mayor and council members may also receive payment for actual expenses incurred in the performance of their official duties. Providing any amount above \$200.00 must be approved by council. (Ord. No. 76-10, 4/13/76; Ord. No. 01-7, 10/9/01)

#### Section 1-2005 Oath of mayor and council members.

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

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

As mayor (or council member) of the city of Marion, 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.”

**Constitutional Reference:** Art. VI, sec. 5 prescribes the oath for officials.

**State Law Reference:** Statutory oath, S.C. Code 1976, sec. 5-15-150.

### **Section 1-2006 Filling vacancies.**

When a vacancy occurs in the office of mayor or council member, it shall be the duty of the council to fill such vacancy in the manner now or hereafter provided for by state law. (Code 1963, Sec. 2-18)

### **Section 1-2007 Holding other city offices prohibited.**

No member of the city council shall hold any other office or position of honor, trust or profit with the city. Should any member of the council accept any such position or office of honor, trust or profit, then his office as a member of council, whether it be as mayor or council member, shall be immediately vacated. (Code 1963, Sec. 2-23)

### **Section 1-2008 Board of censors.**

Repealed by Ord. No. 95-8, 7/25/95.

## **CHAPTER 3**

### **Rules of Procedure and Ordinances**

#### **ARTICLE A**

##### **Meetings of Council**

- Section 1-3001 Quorum and rules of order.
- Section 1-3002 Agenda.
- Section 1-3003 Meetings of council.
- Section 1-3004 Executive sessions.
- Section 1-3005 Voting requirements.
- Section 1-3006 Motions.
- Section 1-3007 Minutes of meeting.
- Section 1-3008 Appearance of citizens.
- Section 1-3009 Attorney to attend; parliamentation; duties.
- Section 1-3010 Clerk of attend; duties.
- Section 1-3011 Hearings by committee.
- Sections 1-3012 through 1-3020 reserved.

#### **ARTICLE B**

##### **Ordinances and Resolutions**

- Section 1-3021 Ordinances required.
- Section 1-3022 Form of ordinances and resolutions.
- Section 1-3023 Introduction of ordinances.
- Section 1-3024 Enactment of ordinances.
- Section 1-3025 Introduction of resolutions.
- Section 1-3026 Adoption of resolutions.
- Section 1-3027 Codification of ordinances.
- Sections 1-3028 through 1-3040 reserved.

#### **ARTICLE C**

##### **Use of Code**

- Section 1-3041 How code designated and cited.
- Section 1-3042 Rules of construction.
- Section 1-3043 Catchlines of sections.
- Section 1-3044 Effect of repeal of ordinances.
- Section 1-3045 Severability of parts of code.
- Section 1-3046 Amendments to code.
- Section 1-3047 Altering code.
- Section 1-3048 General penalty; continuing violations.
- Section 1-3049 Violating administrative rules, regulations, orders.
- Section 1-3050 Liability for violations by corporations, other associations.
- Section 1-3051 Municipal uniform ordinance summons.

## ARTICLE A

### Meetings of Council

**Editor's Note:** Article A, which was derived from Ord. No. 76-4, adopted 4/13/76, as amended by Ord. Nos. 79-18, 79-19, 79-20, 79-21, 79-22, 79-23 and 79-24, adopted 10/9/79, was amended in its entirety by Ord. No. 99-3, adopted 1/12/99.

#### Section 1-3001 Quorum and rules of order.

(a) A majority of council members serving constitutes a quorum for the conduct of business at any meeting. The mayor or mayor pro tempore shall preside, except when both are absent the members must elect a presiding member. A member present but disqualified from voting on a question by state law due to a conflict of interest shall be counted for purposes of a quorum.

(b) Except as otherwise required by state law or this code, all proceedings shall be governed by Robert's Rules of Order, Newly Revised, 2011 edition. Questions of order shall be decided by the mayor without debate subject to appeal to council.

(c) (1) Council members shall address all questions or remarks to the mayor and confine their remarks to the merits of pending issues. Council members shall not engage in personal accusations or personal attacks or communications not related to pending issues or questions that disturb or disrupt the orderly conduct of the meeting of the council.

(2) Council members shall refrain from using profane, vulgar or obscene language or offensive words which are inherently likely to provoke an immediate violent reaction.

(3) Council members shall refrain from engaging in boisterous, belligerent, or disorderly behavior. This prohibited behavior includes, but is not limited to, threatening or challenging the mayor, other council members, or members of the public to a fight, or engaging in a fight with any of these individuals.

(4) Council members shall refrain from being under the influence of alcohol or any controlled substances at any time during the meeting of the council.

(5) Any council member who engages in any of the aforementioned prohibited conduct, or otherwise disturbs or disrupts the orderly conduct of the meeting of the council may, at the discretion of the mayor, incur a warning, recess of the meeting, or other appropriate action, to allow the council to resume the orderly conduct of city business.

(6) No council member may leave the council chamber while in public session without permission of the presiding officer as provided in Section 1-3005(e). The city attorney shall act as parliamentarian and give opinions on questions of procedure as provided in section 1-3009.

(7) Habitual violations resulting in actions pursuant to subsection (c)(5) of this section may be considered grounds for removal pursuant to Article VI, Section 9 of the South Carolina Constitution or forfeiture under S.C. Code Ann. § 5-7-200(A). For purposes of this section, the term 'habitual' means four (4) or more violations resulting in actions pursuant to subsection (c)(5) of this section within a calendar year. (Ord. No. 99-3, 1/12/99; Ord. No. 15-08, 7/14/15)

#### Section 1-3002 Agenda.

(a) Matters to be considered by council at a regular or special meeting shall be placed on a written agenda publicly posted by the city clerk at least twenty-four (24) hours prior to the meeting. The deadline for agenda item request is Thursday, at noon before regular scheduled meetings and forty-eight (48) hours where practical for special meetings. Matters not on the agenda may be considered upon request of a member unless two members object. (Ord. No. 99-3, 1/12/99)

#### Section 1-3003 Meetings of council.

(a) Regular meetings of council shall be held at 6:30 p.m. on the second Tuesday in each month unless changed by majority vote of members present at any regular or special meeting.

(b) Special meetings of council may be held on the call of the mayor or a majority of members of council. The city clerk shall at least twenty-four (24) hours prior to a special meeting post notice

and agenda on the bulletin board and give notice to all available members of council, persons, organizations, and news media which request notification.

(c) All regular and special meetings of council shall be open to the public. (Ord. No. 99-3, 1/12/99, as amended by Ord. No. 06-06, 12/12/06)

#### **Section 1-3004 Executive sessions.**

(a) By majority vote in a public meeting, council may hold an executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code 30-4-70.

(b) No vote or formal action shall be taken in executive session.

(c) Minutes of executive sessions shall not be taken unless required by majority vote of council. Minutes of executive session shall not be public records.

(d) It shall be unlawful for a member of council or person in attendance to disclose to another person or make public the substance of a matter discussed in executive session. (Ord. No. 99-3, 1/12/99)

#### **Section 1-3005 Voting requirements.**

(a) All actions of council shall be by majority vote of members present at a public meeting, including suspension of a rule of order; provided that an ordinance amending rules of order shall be adopted by a majority of members serving. No proxy, mail, telephonic, facsimile, electronic or absentee vote may be cast.

(b) Every member of council present, including the mayor or presiding member, shall vote on every question 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.

(e) No member of council may leave the council chamber while in public session without permission of the presiding officer. (Ord. No. 99-3, 1/12/99)

#### **Section 1-3006 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.

(c) A substitute motion may be made only for purposes of restating and clarifying a pending motion and amendments; it may not be used to introduce a new or alternative proposal. (Ord. No. 99-3, 1/12/99)

#### **Section 1-3007 Minutes of the meeting.**

(a) The city clerk shall keep minutes of all public meetings which shall be a matter of permanent public record. At each regular council meeting the minutes of the previous meeting must be presented for approval. Minutes do not constitute the official record of a meeting until approved by council. A member of council may place a written expression of position on a matter in the minutes not later than the next regular meeting. (Ord. No. 99-3, 1/12/99)

#### **Section 1-3008 Appearance of citizens.**

(a) Any citizen of the municipality may speak at a regular meeting of council on a matter pertaining to municipal services and operations, except personnel matters; by signing an agenda list maintained by the clerk prior to the meeting stating the subject and purpose for speaking. There will be thirty (30) minutes set aside during each regularly scheduled council meeting for public participation. Each person who signs the agenda list requesting to speak may speak at a time designated by the mayor and may be limited to seven (7) minute presentation at the discretion of the mayor; provided, no more than two speakers for any one group or topic will be allowed unless approved by council. Further an individual or group may appear before council only twice on the same topic, unless special permission is granted by council. In the event the time designated for public participation is not sufficient to allow everyone who has signed up an opportunity to speak; the council, may at their discretion, extend the time period for public participation or carry those persons who did not get the opportunity to speak over to the next council meeting. Remarks of citizens to council during this public participation shall be received as information by council.

While citizens are encouraged to speak at council meetings, each citizen should be reminded that many problems or complaints do not require action by council to be resolved. Therefore, citizens are encouraged to report their problems to the appropriate city official or department head at city hall, or, if that person cannot be determined to the assistant to the mayor or to the mayor. Most problems and concerns can be addressed and resolved in this fashion go without the delay of waiting for a council meeting.

These rules of procedure are adopted based on the expectations that all persons attending the meeting will be honorable and will conduct themselves with courtesy for all others. In most situations where an individual's conduct becomes disruptive or inappropriate it will be inadvertent and a warning from the presiding officer will be sufficient to correct the situation. When a warning is ignored the presiding officer shall have the authority to stop any speaker who continues to be disruptive or continues to use inappropriate language. The presiding officer's determination to stop a speaker may be appealed to council. In an appeal all members of council including the mayor shall vote. (Ord. No. 99-3, 1/12/99)

#### **Section 1-3009 Attorney to attend; parliamentary; duties.**

The city attorney shall attend all meetings of council unless excused by council. The attorney shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and documents presented to council and give opinions on questions of procedure, form and law to members of council. (Ord. No. 99-3, 1/12/99)

#### **Section 1-3010 Clerk of attend; duties.**

The city clerk is ex officio clerk of council. The clerk shall give notices of meetings, post agenda, attend regular and special meetings, record votes of council, keep minutes of council meetings, and perform such other duties as may be assigned. (Ord. No. 99-3, 1/12/99)

**Section 1-3011 Hearings by committee.**

Council may appoint a special committee to assist in or hold a public hearing for council at any time upon any matter pending before it. Minutes or reports of hearings held by special committees shall be filed with the city clerk as a public record. (Ord. No. 99-3, 1/12/99)

**Sections 1-3012 through 1-3020 reserved.**

**ARTICLE B****Ordinances and Resolutions**

**Editor's Note:** Article B, which was derived from Ord. No. 76-4, adopted 4/13/76, as amended by Ord. No. 79-25, adopted 10/9/79, was amended in its entirety by Ord. No. 99-3, adopted 1/12/99.

**Section 1-3021 Ordinances required.**

(a) 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 code of ordinances, establish, alter or abolish any municipal department, office or agency;

(2) Provide for fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violation;

(3) Appropriate funds and adopt a budget.

(4) Grant, renew or extend franchises, licenses, or rights in public streets or public property, and close abandoned streets, after public newspaper notice and public hearing.

(5) Levy taxes, assess property for improvements or establish service charges for services;

(6) Annex area to the municipality;

(7) Convey or lease or authorize the conveyance or lease of any lands of the municipality; and

(8) Amend or repeal any ordinance.

(b) In other matters council may act either by ordinance or resolution written or oral, recorded in the minutes. (Ord. No. 99-3, 1/12/99)

**Section 1-3022 Form of ordinances and resolutions.**

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

(1) A title briefly describing the content;

(2) Findings, reasons, or basis for the ordinance, if desired and appropriate;

(3) An enacting clause;

(4) The provisions of the ordinance including section numbers if the ordinance is to be codified or amends an existing codified ordinance;

(5) Citation of any ordinance repealed or if appropriate a general statement repealing all ordinances or portions of ordinance inconsistent with the enacted ordinances.

(6) The effective date of the ordinance; if no date is specified it is to be effective when enacted;

(7) The name of the person requesting introduction of the ordinance when requested;

(8) The approval of the city attorney as to form and the assignment of an ordinance number by the clerk;

(9) Space for dates of readings and public hearings, if appropriate; and

(10) Space for the signatures of the mayor or presiding member of council and the municipal clerk attesting notice, if required, and adoption.

(b) Written resolutions may be in similar form approved by the city attorney. (Ord. No. 99-3, 1/12/99)

**Section 1-3023 Introduction of ordinances.**

An ordinance may be proposed by any member of council. A proposed ordinance shall be referred to the city attorney for approval as to form. The city attorney shall render assistance in the preparation of notices and ordinances. After an ordinance is in proper form, the city attorney shall send the ordinance to the city clerk to be held for public inspection. An ordinance is considered to be introduced when it appears on the agenda, or is added to an agenda, for a public meeting of council and its title is read. (Ord. No. 99-3, 1/12/99)



**Section 1-3024 Enactment of ordinances.**

(a) An ordinance must be prepared in writing and introduced in the form required for final adoption as required by section 1-3023.

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

(c) An emergency ordinance may be adopted on one reading without notice or hearing by affirmative vote of two-thirds ( $\frac{2}{3}$ ) of members present. An emergency ordinance may not levy taxes, relate to a franchise or a service rate, and it expires 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, a member of council may request a public hearing which may be held if approved by a majority of council present and set for a time prior to final adoption of the ordinance. A public hearing may be held on the same date as the final reading.

(f) Any ordinance may be amended on final reading.

(g) Upon final adoption by vote of council, an ordinance shall be signed by the mayor or presiding member of council and attested by the city clerk, who shall file the original with the minutes in the permanent public records. (Ord. No. 99-3, 1/12/99)

**Section 1-3025 Introduction of resolutions.**

A voice motion is considered to be the introduction of an oral resolution which requires no written record other than a notation in the minutes of the meeting. A resolution proposed in writing shall be introduced in the same manner as an ordinance. (Ord. No. 99-3, 1/12/99)

**Section 1-3026 Adoption of resolutions.**

Written resolutions may be adopted on one reading unless a public hearing is set by majority vote of council members present. (Ord. No. 99-3, 1/12/99)

**Section 1-3027 Codification of ordinances.**

All ordinances shall be codified and updated annually in a loose-leaf code of ordinances, except those adopted by reference and maintained in separate volumes, and copies shall be available for public inspection and purchase at reasonable cost. (Ord. No. 99-3, 1/12/99)

**Sections 1-3028 through 1-3040 reserved.**

## ARTICLE C

### Use of Code

#### Section 1-3041 How code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Marion, South Carolina," and may be so cited. Such ordinances may also be cited as the "Marion City Code." (Code 1963, Sec. 1-1)

#### Section 1-3042 Rules of construction.

In the construction of this code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of council:

(1) *Bond*. When bond is required, an undertaking in writing shall be sufficient.

(2) *Clerk*. Whenever the word "clerk" is used, the term shall be construed to mean city clerk.

(2a) *Treasurer*. Whenever the word "treasurer" is used, the term shall be construed to mean the treasurer of the City of Marion.

(3) *Computation of time*. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which the notice is given, or the act is done, shall be excluded from computing the time, but the day on which the proceeding is to be had shall be included unless it be on a Sunday or legal holiday.

(4) *Corporate limits, corporation limits*. Whenever the words "corporate limits," or "corporation limits" or "city limits" are used they shall mean the legal boundary of the City of Marion.

(5) *Council*. Whenever the term "city council" or "council" is used, the term shall be construed to mean the mayor and council of the City of Marion in council assembled.

(6) *County*. The words "the county" or "this county" shall mean the County of Marion in the State of South Carolina.

(7) *Delegation of authority*. Whenever a provision appears requiring the head of a department to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

(8) *Gender*. Words importing the masculine gender shall include the feminine and neuter.

(9) *In the city*. The words "in the city" shall mean and include any territory, jurisdiction of which for the exercise of its regulatory power has been conferred on the city by public or private law.

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

(11) *Joint authority*. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving the authority to a majority of the persons or officers.

(12) *Keeper and proprietor*. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

(13) *Mayor*. Whenever the word "mayor" is used it shall mean the mayor of the City of Marion.

(14) *Month*. The word "month" shall mean a calendar month.

(15) *Municipality*. The word "municipality" shall designate the City of Marion.

(16) *Name of officer*. Whenever the name of an officer is given it shall be construed as though the words "of the City of Marion" were added.

(17) *Nontechnical and technical words*. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(18) *Number*. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

(19) *Oath*. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(20) *Or, and*. "Or" may be read "and," and

“and” may be read “or” if the sense requires it.

(21) *Owner*. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

(22) *Person*. The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

(23) *Personal property*. The term “personal property” includes every species of property except real property as herein described.

(24) *Preceding, following*. The words “preceding” and “following” mean next before and next after, respectively.

(25) *Premises*. Whenever the word “premises” is used it shall mean place or places.

(26) *Property*. The word “property” shall include real and personal property.

(27) *Public place*. The term “public place” shall mean any park, cemetery, school yard or open space adjacent thereto.

(28) *Real property*. The term “real property” shall include lands, tenements and hereditaments.

(29) *Residence*. The term “residence” shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed his residence.

(30) *Sidewalk*. The word “sidewalk” shall mean any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

(31) *Signatures or subscriptions*. The “signature” or “subscription” of a person shall include a mark when the person cannot write.

(32) *State*. The words “the state” shall be construed to mean the State of South Carolina.

(33) *Street*. The word “street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

(34) *Tenant, occupant*. The word “tenant” or “occupant” applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of the building or land, either alone or with others.

(35) *Time*. Words used in the past or present tense include the future as well as the past and present.

(36) *Town, city, corporation*. Whenever the words “the town,” “this town,” “the city,” “this city,” “the corporation” or “this corporation” are used, they shall be construed as if the words “of Marion, South Carolina” followed them.

(37) *Week*. The word “week” shall be construed to mean seven (7) days.

(38) *Written, in writing*. The words “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(39) *Year*. The word “year” shall mean a calendar year. (Code 1979, Sec. 1-3042, as amended by Ord. No. 79-26, 10/9/79)

**Amendment Note:** Subsection (2) was rewritten and subsection (2-a) added by Ord. No. 79-26, 10/9/79)

#### **Section 1-3043 Catchlines of sections.**

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of the sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or re-enacted. (Code 1963, Sec. 1-4)

#### **Section 1-3044 Effect of repeal of ordinances.**

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

#### **Section 1-3045 Severability of parts of code.**

The sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

**Section 1-3046     Amendments to code.**

(a) All ordinances passed subsequent to this code of ordinances, which amend, repeal or in

any way affect this code of ordinances, may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, the repealed portions may be excluded from the code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of the subsequent ordinances until the time that this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances.

(b) Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That Section \_\_\_\_\_ of the Code of Ordinances, City of Marion, South Carolina, is hereby amended to read as follows:..." The new provisions shall then be set out in full as enacted.

(c) In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the Code of Ordinances, City of Marion, South Carolina, is hereby amended by adding a section to be numbered \_\_\_\_\_, which section reads as follows:..." The new section shall then be set out in full as enacted.

(d) In lieu of the foregoing paragraph, when the governing authority desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the code, but which the governing authority desires to incorporate into the code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Marion, South Carolina, and the sections of this ordinance may be renumbered to accomplish that intention."

(e) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be. However, any existing ordinance which is inconsistent with a subsequently enacted ordinance shall be deemed to be repealed or amended as appropriate to the extent of such inconsisten-

cy. (Code 1963, Sec. 1-6; as amended by Ord. No. 99-3, 1/12/99)

#### **Section 1-3047 Altering code.**

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with the code in any manner whatsoever, which will cause the law of the City of Marion to be misrepresented thereby. (Code 1963, Sec. 1-8)

#### **Section 1-3048 General penalty; continuing violations.**

(a) Whenever in this code or in any ordinance or resolution any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance or resolution shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 30 days. Each day any violation of any provision of this code or of any such ordinance or resolution shall continue shall constitute a separate offense.

(b) In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code or any such ordinance or resolution shall be deemed a public nuisance and may be abated as provided by law, and each day that the conditions continues shall be regarded as a new and separate offense. (Ord. No. 95-8, 7/25/95)

#### **Section 1-3049 Violating administrative rules, regulations, orders.**

Except as otherwise provided in this code, the violation of any rule, regulation or order promulgated by any officer or agency of the city under authority vested in him or it by law, or by the provisions of this code or any other ordinance or resolution, shall be unlawful. (Code 1963, Sec. 1-10)

**Section 1-3050 Liability for violations by corporations, other associations.**

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

(b) Any officer, agent or other person acting

for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission or order of any such person. (Code 1963, § 1-11)

#### **Section 1-3051 Municipal uniform ordinance summons.**

Any person or entity violating any provision of the code of ordinances of the City of Marion, or any code adopted pursuant thereto, within the corporate limits of the City of Marion, South Carolina, may be issued a uniform ordinance summons. 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 city law enforcement officer or any other city employees designated by the city council as code enforcement officers. The bond amount for violations shall be prescribed by the chief municipal court judge. City law enforcement or code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons. The uniform ordinance summons shall not be used to perform a custodial arrest.

This ordinance does not apply to any ordinance which regulates the use of motor vehicles on the public roads. (Ord. No. 92-10, 11/25/92)

## **CHAPTER 4**

### **Offices and Departments**

#### **ARTICLE A**

##### **Clerk and Treasurer**

- Section 1-4001 Appointment of clerk and appointment of treasurer; terms.
- Section 1-4002 Bond.
- Section 1-4003 Duties.
- Section 1-4004 City seal.
- Sections 1-4005 through 1-4020 reserved.

#### **ARTICLE B**

##### **City Attorney**

- Section 1-4021 Election; term.
- Section 1-4022 Duties.
- Section 1-4023 Compensation.
- Section 1-4024 Attorney to attend council meetings.
- Sections 1-4025 through 1-4030 reserved.

#### **ARTICLE C**

##### **Other Offices and Departments**

- Section 1-4031 Creation of other departments.

## **ARTICLE A**

### **Clerk and Treasurer**

**Editorial Note:** At the time of publication of this code of ordinances the offices of city clerk and treasurer were combined. Several ordinances were enacted on October 9, 1979, which divided those offices into two distinct positions. Historical notes at the end of affected sections indicate the particular amending ordinance for that section.

#### **Section 1-4001 Appointment of clerk and appointment of treasurer; terms.**

The city council shall appoint one (1) officer to be known as the clerk and one (1) officer to be known as the treasurer, who shall hold their respective offices for a two (2) year term or until a successor is duly appointed and qualified, unless removed from such office by the council for sufficient cause. (Code 1963, § 2-76, as amended by Ord. No. 79-27, 10/9/79)

#### **Section 1-4002 Bond.**

Before entering upon the duties of office, the treasurer shall give bond in a sum as may be required and with a surety company approved by the city, for the faithful performance of the duties of office. The premium on this bond shall be paid by the city. (Code 1979, § 1-4002, as amended by Ord. No. 79-28, 10/9/79)

**Section 1-4003 Duties.**

The treasurer shall collect all claims and accounts that may be due and payable to the city; receive all monies belonging to the city; issue all licenses for which provisions may be made; pay all bills owed by the city when approved by the proper authority; deposit funds in a bank designated by council; make statements of financial conditions of the city as ordered by council, keep account of all monies and accounts and report to the council and attend all council meetings.

The treasurer will prepare a written financial report monthly. The report shall include the amounts of all grant monies received, for what purpose each grant was received, and the balances of all accounts, including grants. The treasurer will not pay out any monies that have not been approved by the council other than those line items approved in the budget, to include current monthly bills.

The clerk shall give notice to the mayor and members of council of regular and special meetings; attend all council meetings; record the ordinances and minutes of meetings of council when required. The clerk and the treasurer shall each perform other duties as may be required by the mayor and council. (Code 1979, Sec. 1-4003, as amended by Ord. No. 79-29, 10/9/79; Ord. No. 05-19, 11/8/05)

**Section 1-4004 City seal.**

The city shall have a common seal, which shall be affixed to all ordinances passed by council, to all deeds of real estate executed on behalf of the city, and to all notes, bonds and other evidences of indebtedness executed in behalf of the city. The seal shall be and remain in the custody of the clerk. (Code 1979, Sec. 1-4004, as amended by Ord. No. 79-30, 10/9/79)

**State Law Reference:** Duties of municipal clerk, see S.C. Code 1976, sec. 5-7-220.

**Sections 1-4005 through 1-4020 reserved.**

**ARTICLE B****City Attorney****Section 1-4021 Election; term.**

The city council shall appoint a practicing attorney as city attorney for a period of two (2) years, and until his successor is duly elected and qualified. (Code 1963, Sec. 2-99)

**Section 1-4022 Duties.**

It shall be the duty of the city attorney to prepare legal papers and give opinions on questions of law when requested to do so by the council or the mayor. In addition, the city attorney shall enter an appearance in all actions, cases, special proceedings and to conduct all suits in all courts in which the city is or shall be a party, except in those cases wherein the city has obtained outside counsel or counsel has been designated by the city's insurance carriers. In situations where private citizens have initiated process against another citizen in the city court, the city attorney shall not be required to participate in such actions.

The city attorney must keep the council and mayor informed of all legal matters to include recommendations. No legal matters will be resolved without the approval of a majority vote of the council. (Code 1963, Sec. 2-100, as amended by Ord. No. 95-8, 7/25/95; Ord. No. 05-20, 11/8/05)

**Section 1-4023 Compensation.**

The salary of the city attorney shall be for the ordinary services rendered to the council and mayor, as provided and regulated by resolution of the council. For extraordinary services, he shall be entitled to make additional reasonable charges. (Code 1963, Sec. 2-101, as amended by Ord. No. 79-16, 10/9/79)

**Amendment Note:** Ord. No. 79-16, 10/9/79 struck the phrase "and for appearing in any court, other than the municipal court" as a basis for additional charges.



### **Section 1-4024 Attorney to attend council meetings.**

The city attorney shall attend all meetings of the council unless excused by the mayor and council. He shall act as parliamentarian when requested to do so, review ordinances, resolutions and documents presented to the council and give opinions upon the questions of procedure, form and law to any member of the council. (Code 1963, Sec. 2-43, as amended by Ord. No. 79-17, 10/9/79; Ord. No. 05-21, 11/8/05)

**Amendment Note:** Ord. No. 79-17, 10/9/79 changed the duties of the city attorney and provided that he be excused from council meeting attendance by the mayor rather than by the council.

### **Sections 1-4025 through 1-4030 reserved.**

## **ARTICLE C**

### **Other Offices and Departments**

#### **Section 1-4031 Creation of other departments.**

(a) There are hereby established and created other offices and departments for the city as follows:

- (1) Police department;
- (2) Fire department;
- (3) Water department;
- (4) Waste water department;
- (5) Election commission;
- (6) Board of health;
- (7) Office of building official;
- (8) Office of fire inspector;
- (9) Office of tax collector;
- (10) Planning commission;
- (11) Recreation department;
- (12) Street department;
- (13) Safety council;
- (14) City administrator;
- (15) Litter control officer;
- (16) Municipal court.

(b) Persons appointed to these departments and offices shall be responsible for the functions and duties described in this code and other duties as the mayor and council may from time to time determine.

(c) The position of city administrator must be appointed by the mayor and council in the manner provided in Section 5-9-40 of the Code of Laws of South Carolina, 1976, as amended. However, no appointment is required to be made. Vacancies shall be filled in the same manner as the original appointment.

(d) The provisions of any personnel policy that may be adopted by the council, including, but not limited to, any such policy in effect on July 1, 2008, shall apply to the position of city administrator, except that any suspension or removal under the policy must be made by the mayor and council.

(e) The former position of administrative assistant to the mayor shall be deemed vacant after June 30, 2008, and may not be reappointed. (Ord. No. 95-8, 7/25/95; Ord. No. 95-9A, 11/14/95, as amended by Ord. No. 06-17, 12/12/06; Ord. No. 08-02, 6/10/08; Ord. No. 13-04, 6/11/13)

**State law reference**—Departments and offices established by ordinance, S.C. Code 1976, sec. 5-7-260.

**Cross reference**—See specific chapters for departmental and office functions and duties.

## CHAPTER 5

### Financial Administration

#### ARTICLE A

##### General Provisions

Section 1-5001	Fiscal year designated.
Section 1-5002	Adoption of budget.
Section 1-5003	Tax rate.
Section 1-5004	Billing dates.
Section 1-5005	Treasurer to administer budget.
Section 1-5006	Authorization of expenditures, approval of bills.
Section 1-5007	Tax exemption for new manufactories.
Section 1-5008	Jurisdiction of municipal court in fraudulent check cases.
Sections 1-5009 through 1-5020 reserved.	

#### ARTICLE B

##### Tax Collector

Section 1-5021	Appointment.
Section 1-5022	Duty to collect delinquent taxes and penalties.
Section 1-5023	Procedure for collecting taxes and penalties.
Section 1-5024	Oath, bond of collector.

#### ARTICLE C

##### Procurement

Section 1-5025	Purpose.
Section 1-5026	Application.
Section 1-5027	Repeal of inconsistent ordinances.
Section 1-5028	Public record.
Section 1-5029	Purchasing agent.
Section 1-5030	Bid procedures on procurements not exceeding ten thousand dollars.
Section 1-5031	Small contracts.
Section 1-5032	Procedure for competitive sealed bidding.
Section 1-5033	Competitive sealed proposals.
Section 1-5034	Disqualifications.
Section 1-5035	Contractual authority of purchasing agent.
Section 1-5036	Bonds.
Section 1-5037	Evaluation of bids or proposals.
Section 1-5038	Negotiation after unsuccessful competitive bidding or proposals.
Section 1-5039	Sole source procurement.
Section 1-5040	Emergency procurements.
Section 1-5041	Cancellation of invitation for bids or request for proposals.
Section 1-5042	Responsibility of bidders or offerors.
Section 1-5043	Types of contracts.
Section 1-5044	Materials testing.
Section 1-5045	Financial interest of city officials and employees governed by state law.

Section 1-5046	Records of open market orders and bids.
Section 1-5047	Stock reports.
Section 1-5048	Surplus stock.
Section 1-5049	Gifts and rebates.
Section 1-5050	Cooperative purchasing.
Section 1-5051	Resolving protests.
Section 1-5052	Reporting of anticompetitive practices.
Section 1-5053	Procurement records.
Section 1-5054	Exemptions.
Section 1-5055	Pre-qualification of construction bidders.

## ARTICLE A

### General Provisions

#### Section 1-5001 Fiscal year designated.

(a) From and after the passage of this section the fiscal year of the city of Marion shall end on the thirtieth day of June of each year.

(b) All records, accounts, statements, accounting periods and financial matters of the city of Marion shall hereafter conform to this fiscal year termination date.

#### Section 1-5002 Adoption of budget.

The prepared budget and the estimated revenue for payment of same is hereby adopted and is hereby made a part hereof as fully as if incorporated herein, and a copy thereof is on file in the office of the clerk.

(Ord. No. 77-6, § 1, 5/31/77, as amended by Ord. No. 79-5, § 1, 6/12/79; Ord. No. 79-31, 10/9/79; Ord. No. 80-6, § 1, 5/27/80; Ord. No. 81-6, 6/16/81; Ord. No. 82-2, 4/27/82; Ord. No. 83-3, 5/3/83; Ord. No. 84-5, 6/26/84; Ord. No. 85-1, 5/15/85; Ord. No. 86-5, 6/16/86; Ord. No. 87-8, 6/15/87; Ord. No. 88-5, 6/14/88; Ord. No. 89-4, § 1, 6/27/89; Ord. No. 90-7, § 1, 6/27/90; Ord. No. 96-3, § 1, 6/11/96; Ord. No. 99-10, § 1, 6/8/99; Ord. No. 00-2, § 1, 6/22/00)

#### Section 1-5003 Tax rate.

A tax to cover the period from July 1, 2000, to June 30, 2001, both inclusive, for the sums and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the treasury of the city of Marion, South Carolina, for the use and service thereof; i.e., a tax of 124 mills on each dollar (\$1.00) in assessed value in the city of Marion, South Carolina, except such as is exempt from taxation under the Constitution and laws of the state of South Carolina, is and shall be levied and paid into the city treasury for the permanent improvements and for the purpose of paying current expenses of said municipality; and further that 11 mills on each dollar (\$1.00) in assessed value of all real estate and personal property of every descrip-

tion owned and used in the municipality, except such as is exempt from taxation under the Constitution and laws of the state of South Carolina, is and shall be levied and paid into the municipal treasury, for the credit to the city of Marion, South Carolina, for the payment of interest and retiring of outstanding bonds of the municipality, making a total levy of 135 mills. Such tax is levied on such property as is assessed for taxation for county and state purposes.

(Ord. No. 77-6, § 2, 5/31/77, as amended by Ord. No. 79-5, § 1, 6/12/79; Ord. No. 80-6, § 2, 5/27/80; Ord. No. 81-6, 6/16/81; Ord. No. 82-2, 4/27/82; Ord. No. 83-3, 5/3/83; Ord. No. 84-5, 6/26/84; Ord. No. 85-1, 5/15/85; Ord. No. 86-5, 6/16/86; Ord. No. 87-8, 6/15/87; Ord. No. 88-5, 6/14/88; Ord. No. 89-4, § 2, 6/27/89; Ord. No. 90-7, § 2, 6/27/90; Ord. No. 96-3, § 2, 6/11/96; Ord. No. 99-10, § 2, 6/8/99; Ord. No. 00-2, § 2, 6/22/00)

#### Section 1-5004 Billing dates.

The billing date shall be September 30, 2000; on January 16th next following the next year in which the taxes become due, the Marion County treasurer shall add a penalty of three (3%) per cent to all property taxes remaining unpaid. On February 2, 2001, an additional seven (7%) per cent shall be added to all property taxes remaining unpaid. On March 17, 2001, an additional penalty of five (5%) per cent shall be added to all property taxes remaining unpaid. Thereafter, executions on and sale of property for nonpayment of taxes shall be followed by the person officially charged with the collection of taxes in the manner and procedures set out by state law for the collection of delinquent taxes by counties.

(Ord. No. 77-6, § 3, 5/31/77, as amended by Ord. No. 79-5, § 3, 6/12/79; Ord. No. 80-6, § 3, 5/27/80; Ord. No. 83-3, 5/3/83; Ord. No. 84-5, 6/26/84; Ord. No. 85-1, 5/15/85; Ord. No. 86-5, 6/16/86; Ord. No. 87-8, 6/15/87; Ord. No. 88-5, 6/14/88; Ord. No. 89-4, § 3, 6/27/89; Ord. No. 89-5, 8/8/89; Ord. No. 90-7, § 3, 6/27/90; Ord. No. 96-3, § 3, 6/11/96; Ord. No. 99-10, § 3, 6/8/99; Ord. No. 99-20, 10/12/99; Ord. No. 99-22, 11/9/99; Ord. No. 00-2, 6/22/00)

**Section 1-5005 Treasurer to administer budget.**

The city treasurer shall administer the budget and may authorize the transfer of appropriated funds within and between the departments as necessary to achieve the goals of the budget provided all such transfers shall be approved by the majority of council prior to transfer. In addition, the city treasurer may not expend funds once the total annual budget of expenditures for the city has been exceeded without the approval of the mayor and council. (Ord. No. 77-6, § 5, 5/31/77, as amended by Ord. No. 79-5, § 5, 6/12/79; Ord. No. 79-32, 10/9/79; Ord. No. 80-6, § 5, 5/27/80; Ord. No. 81-6, 6/16/81; Ord. No. 82-2, 4/27/82; Ord. No. 83-3, 5/3/83; Ord. No. 84-5, 6/26/84; Ord. No. 85-1, 5/15/85; Ord. No. 86-5, 6/16/86; Ord. No. 87-8, 6/15/87; Ord. No. 88-5, 6/14/88; Ord. No. 89-4, § 5, 6/27/89; Ord. No. 90-7, § 5, 6/27/90; Ord. No. 95-8, 7/25/95; Ord. No. 96-3, § 5, 6/11/96; Ord. No. 99-10, § 5, 6/8/99; Ord. No. 00-2, § 6, 6/22/00)

**Section 1-5006 Authorization of expenditures, approval of bills.**

(a) All permanent improvements or capital investments shall be authorized by vote of the city council.

(b) All current bills and operating expenses shall be approved by the mayor prior to payment by the city treasurer. All current bills and operating expenses must be included in the current budget, otherwise, operating expenses must be approved by the council.

(c) When the mayor advises the city treasurer in writing that he has a conflict of interest with one (1) or more of the vendors of the City of Marion by virtue of a family or business relationship, approval of the bill(s) of the vendors with which the mayor has either a family or business relationship shall be made by the mayor pro-tem of the City of Marion. (Code 1963, § 2-25, as amended by Ord. No. 79-33, 10/9/79; Ord. No. 05-22, 11/8/05)  
(Ord. No. 12-02, 4/10/12)

**Section 1-5007 Tax exemption for new manufactories.**

All manufactories established within the city limits may be exempt from municipal taxes of the city, except for school purposes, for a period of five (5) successive years from the time of establishment of such manufactories. (Code 1963, § 2-3)

**Section 1-5008 Jurisdiction of municipal court in fraudulent check cases.**

(a) The provisions of S.C. Code Title 34, Chapter 11, as amended by Act 226 of 2000, are adopted by reference. Offenses under Title 34, Chapter 11, involving instruments in the amount of one thousand dollars or less shall be tried in municipal court. Convictions in municipal court are punishable as follows:

(1) For a first conviction, if the amount of the instrument is five hundred dollars or less, by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than thirty days;

(2) For a first conviction, if the amount of the instrument is more than five hundred dollars but not greater than one thousand dollars, by a fine of not less than three hundred nor more than five hundred dollars or by imprisonment for not more than thirty days, or both;

(3) For a second or subsequent conviction, if the amount of the instrument is five hundred dollars or less, by a fine of two hundred dollars or by imprisonment for thirty days;

(4) For a second or subsequent conviction, if the amount of the instrument is more than five hundred dollars but not greater than one thousand dollars, by a fine of not less than five hundred dollars or by imprisonment for not less than thirty days, or both.

(b) After a first offense conviction for drawing and uttering a fraudulent check or other instrument in violation of Section 34-11-60 within its jurisdiction, the court shall, at the time of sentence, suspend the imposition or execution of a sentence upon a showing of satisfactory proof of restitution and payment by the defendant of all

reasonable court costs accruing not to exceed forty-one dollars. For a second or subsequent conviction for a violation of Section 34-11-60, the suspension of the imposition or execution of the sentence is discretionary with the court.

(c) After a conviction or plea for drawing and uttering a fraudulent check or other instrument in violation of Section 34-11-60 and the defendant is charged or fined, he shall pay in addition to the fine all reasonable court costs accruing, not to exceed forty-one dollars, and the service charge provided in Section 34-11-70.

(d) After a conviction under this section on a first offense, the defendant may, after one year from the date of the conviction, apply, or cause someone acting on his behalf to apply, to the court for an order expunging the records of the arrest and conviction. This provision does not apply to any crime classified as a felony. If the defendant has had no

other conviction during the one-year period following the conviction under this section, the court shall issue an order expunging the records. No person has any rights under this section more than one time.

(e) As used in this section the term "conviction" shall include the entering of a guilty plea, the entering of a plea of nolo contendere, or the forfeiting of bail. Each instrument drawn or uttered in violation of S.C. Code Title 34, Chapter 11 shall constitute a separate offense. (Ord. No. 79-4, 5-8-79, as amended by Ord. No. 88-4, 6/14/88; Ord. No. 97-1, 1/14/97; Ord No. 00-4, 7/11/00)

**Sections 1-5009 through 1-5020 reserved.**

## **ARTICLE B**

### **Tax Collector**

#### **Section 1-5021 Appointment.**

Pursuant to Section 12-51-170 of the 1976 Code of Laws of South Carolina and by mutual agreement the county of Marion will collect the taxes levied by the city of Marion. (Code 1963, § 2-111; Ord. No. 00-2, § 3, 6/22/00)

#### **Section 1-5022 Duty to collect delinquent taxes and penalties.**

The delinquent tax collector for the county of Marion shall be responsible for the collection of delinquent taxes for the city of Marion, together with penalties incurred for the nonpayment thereof, owing to the city, including property taxes, business and occupation licenses and all other taxes of any kind owing to the city, together with penalties incurred on account of the nonpayment thereof. (Code 1963, § 2-112, as amended by Ord. No. 89-4, § 4, 6/27/89; Ord. No. 90-7, § 4, 6/27/90; Ord. No. 94-9, 9-20-94; Ord. No. 96-3, § 4, 6/11/96; Ord. No. 99-10, § 4, 6/8/99; Ord. No. 99-20, 10/12/99; Ord. No. 00-2, § 5, 6/22/00)

#### **Section 1-5023 Procedure for collecting taxes and penalties.**

(a) The payment of such delinquent taxes and penalties may be enforced to the same extent and substantially in the same manner as provided by law for the collection of state and county taxes and penalties, except that executions to enforce the payment of such taxes and penalties shall be issued under the seal of the city by the treasurer thereof and directed to the tax collector of the city, and all sales under and by virtue of any such execution shall take place in conjunction with Marion County tax sales at the county's designated location.

(b) Provided, however, the city may by agreement with the county delegate the mailing of tax notices and collection of taxes to Marion County by agreement authorized and approved by city council. In any year in which such an agreement is in effect the taxes shall be collected by the Marion County

treasurer and delinquent taxes shall be collected by the Marion County tax collector in the manner provided by law for collection of taxes. (Code 1963, § 2, 113, as amended by Ord. No. 79-34, 10/9/79; Ord. No. 94-9, 9-20-94; Ord. No. 99-21, 11/9/99)

**Section 1-5024 Oath, bond of collector.**

The tax collector herein provided for shall take the oath of office required for public officers under the Constitution of South Carolina, and he shall give bond in the sum of \$5,000 conditional upon the faithful performance of his official duties. (Ord. No. 76-13, § 1, 7/13/76)

**ARTICLE C**

**Procurement**

**Section 1-5025 Purpose.**

The purpose of this article is to provide for the fair and equitable treatment of all purchases by the city, to maximize the purchasing value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity. (Ord. No. 84-4, 6/12/84)

**Section 1-5026 Application.**

This article applies to contracts for the procurement of supplies, services and construction entered into by the city after the effective date of this article, however, nothing in this article shall prevent the city from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law. (Ord. No. 84-4, 6/12/84)

**Section 1-5027 Repeal of inconsistent ordinances.**

This article repeals all previously issued ordinances, rules or regulations pertaining to public procurement for the city. (Ord. No. 84-4, 6/12/84)

**Section 1-5028 Public record.**

Procurement information shall be a matter of public record to the extent required by state law as set forth in the Freedom of Information Act, with the exception that commercial or financial information contained in response to a request for proposals which is privileged and confidential need not be disclosed. Privileged and confidential information shall include, but not necessarily be limited to, information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information. (Ord. No. 84-4, 6/12/84)

**Section 1-5029 Purchasing agent.**

The city administrator or an officer of the city

designated by the city council shall be the purchasing agent for the city. The purchasing agent shall be responsible for:

(1) The purchase of supplies, materials, equipment and contractual services required by any office, department or agency of the city government.

(2) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the city government.

(3) The purchasing agent in cooperation with other department heads shall prepare, review, issue, revise and maintain specifications for supplies, services and construction required by the city and such specifications shall be drafted so as to assure cost effective procurement of the city's needs and shall not be unduly restrictive on competition.

(4) Maintaining whenever practicable a perpetual inventory record of all material, supplies or equipment stored in store rooms or warehouses.

(5) Soliciting and maintaining an up-to-date list of qualified suppliers who have requested their names to be added to a bidders list. Purchasing agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the city or who have failed to meet an established specification or delivery date.

(a) Inclusion and identification of minority owned businesses. The purchasing agent shall be responsible for including and identifying minority owned business to include woman-owned businesses on the referred to up-to-date list of qualified suppliers and shall include and identify minority business on the city's bidders' list and shall ensure that these firms are solicited on an equal basis with nonminority firms.

(6) Obtaining as full and open competition as possible on all purchases, contracts and sales.

(7) Sell, trade or otherwise dispose of surplus supplies belonging to the city.

(8) Promulgate regulations, policies or procedures pertaining to procurement by the city which

must be approved by council prior to becoming effective; provided that no regulation shall change any commitment, right or obligation of the city or of a contractor under a contract in existence on the effective date of such regulation or rule. (Ord. No. 84-4, 6/12/84)  
(Ord. No. 10-03, 3/9/10)

**Section 1-5030 Bid procedures on procurements not exceeding ten thousand dollars.**

(1) The following small purchase procedures may be utilized by the purchasing agent for the city in conducting procurements that are less than \$10,000.00 in actual or potential value, provided that the procurement requirements shall not be artificially divided by the purchasing agent or by city officials so as to constitute a small purchase under this section.

(2) Competition and price reasonableness.

(a) *Purchases not in excess of \$1,000.00.* Small purchases not exceeding \$1,000.00 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. The purchasing agent shall annotate the purchase requisition: "price is fair and reasonable" and sign said requisition. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from other than the previous supplier before replacing a repeat order. The administrative costs of verifying the reasonableness of the price of purchase "not in excess of" may more than offset potential savings in detecting instances of overpricing. Therefore, action to verify the reasonableness of the price needs to be taken only when the procurement agent suspects that the price may not be reasonable by comparison to previous price paid or personal knowledge of the item involved.

(b) *Purchases from \$1,000.00 to \$2,500.00.* Solicitation of verbal or written quotes from a minimum of three qualified sources of supply must be made and documentation of the quotes attached to the purchase requisition. The award shall be made to the lowest responsive and responsible source, subject to the qualifications contained herein.



(c) *Purchases from \$2,500.00 to \$7,500.00.* Solicitation of written quotes from a minimum of three qualified sources of supply must be made and documentation of the quotes attached to the purchase requisition. The award shall be made to the lowest responsive and responsible sources, subject to the qualifications contained herein.

(d) *Purchases from \$7,500.00 to \$10,000.00.* Written solicitation of written quotes from a minimum of three qualified sources of supply shall be made. The procurement may be advertised at least once if the procurement agent so desires. A copy of the written solicitation and written quotes shall be attached to the purchase requisition. The award shall be made to the lowest responsive and responsible source, subject to the qualifications contained herein.

(3) Protest rights. The provisions of Section 1-5051 shall not apply to contracts awarded under the procedures set forth in this section and all contracts so awarded shall be final.

(4) In awarding said contracts the purchasing agent may begin selecting the source for contracts or supplies solicited under these provisions give preference to contractors or suppliers located within the city, or the County of Marion, provided their bid does not exceed the lowest responsive and responsible bid by more than two percent (2%) and further provided that suppliers and contractors located within the City limits of Marion be given first priority. (Ord. No. 84-4, 6/12/84, as amended by Ord. No. 95-7, 7/25/95)

#### **Section 1-5031 Small contracts.**

Repealed by Ord. No. 95-7, 7/25/95.

#### **Section 1-5032 Procedure for competitive sealed bidding.**

(a) Contracts amounting to \$10,000.00 or more shall be awarded by competitive sealed bidding except as otherwise provided in section 1-5033.

(b) Invitation for bids. An invitation for bids shall be issued in an efficient manner to at least three (3) qualified sources appropriate for the particular procurement. The invitation for bids shall

include all specifications and contractual terms applicable to the procurement. If there are not three (3) qualified sources available, invitations for bids shall be issued to such qualified sources as are available.

(c) Bidders' list. The city shall keep a "bidders' list" of all persons interested in bidding on city procurements. All sources requesting to be put on a bidders' list shall be so enlisted unless the purchasing agent makes the written determination that the source should not be listed. In such case the reasons for not listing the source shall be placed in the city file and kept on record. The bidders' list shall contain all known sources interested in bidding on the city procurements and shall be reviewed periodically and compared with other bidder's lists to be kept current.

(i) Inclusion and identification of minority owned businesses. The purchasing agent shall be responsible for including and identifying minority owned business to include woman-owned businesses on the referred to up-to-date list of qualified suppliers and shall include and identify minority business on the city's bidders' list and shall ensure that these firms are solicited on an equal basis with nonminority firms.

(d) Notice. Adequate notice of the invitation for bids shall be given at a reasonable time prior to the dates set forth therein for the opening of bids. Such notice shall include utilization of bidders lists and may include publication in a newspaper of general circulation in the state or county or in the publication known as "South Carolina Business Opportunities."

(e) All bids received prior to the time of opening shall be kept secure and unopened in a locked box or safe.

(f) Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information together with the name of the bidder shall be tabulated and kept open for public inspection at that time.

(g) Bids shall be accepted unconditionally without alteration or correction except as otherwise authorized. Bids shall be evaluated on the criteria or requirements set forth in the invitation for bids and upon any other information or criteria pertinent to the subject matter as well as those factors set forth in section 1-5037 herein. Correction or withdrawal of inadvertently erroneous bids or cancellation of awards or contracts based on such bid mistakes may be permitted provided that there is no prejudice to the interest of the city or to the fair competition in the bidding process. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination of the purchasing agent.

(h) Correction or withdrawal of inadvertently erroneous bids before opening, withdrawal of inadvertently erroneous bids after award, or cancellation and re-award of awards or contracts, after award but prior to performance may be permitted in accordance with this section and any rules or regulations promulgated by the purchasing agent. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted, except as otherwise provided by rules or regulations or action of council. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts after award, but prior to performance, shall be supported by written determination of appropriateness made by the procurement agent for the city.

(i) Tie bids. If two or more bidders are tied in price while otherwise meeting all the required conditions, awards are determined as follows:

(1) If there is a South Carolina firm tied with an out-of-state firm, the award must be made automatically to the South Carolina firm.

(2) Tie bids involving South Carolina produced or manufactured products, when known, and items produced or manufactured out of the state must be resolved in favor of the South Carolina commodity.

(3) Tie bids involving South Carolina firms must be resolved in favor of the South Carolina firm located within the jurisdiction of the city, or if no firm is located within the city in a tie situation, the tie must be resolved in favor of any firm located within the boundaries of Marion County.

(4) Tie bids involving firms in the city must be resolved by the flip of a coin witnessed by all interested parties, in the office of the procurement officer for the city. Likewise, tie bids involving Marion County or State of South Carolina firms, when no city firm is involved, will be resolved by a flip of the coin before all interested parties.

These are the only conditions under which any in-city, in-county or in-state preference is shown.

(5) Competitive procurements made by the city must be made from a responsive and responsible resident vendor in accord with the following:

(i) For procurements under two million five hundred thousand dollars, if the bid does not exceed the lowest qualified bid from a non-resident vendor by more than two percent of the latter bid, and if the resident vendor has made written claim for the preference at the time the bid was submitted.

(ii) For procurement in excess of two million, five hundred thousand dollars, if the bid does not exceed the lowest qualified bid from a non-resident vendor by more than one percent of the latter bid, and if the resident vendor has made written claim for the preference at the time the bid was submitted.

(iii) A vendor is considered to be a resident of this state if the vendor is (a) an individual, partnership, association, or corporation that is authorized to transact business within the state, (b) maintains an office in the state, (c) maintains an inventory for expendable items which are representative of the general type of commodities on which the bid is submitted and located in South Carolina at the time of the bid having a total value of ten thousand dollars or more based on the bid price, but not to exceed the amount of the contract, or is a manufacturer which is headquartered and has at least a ten million dollar payroll in South Carolina

and the product is made or processed from raw materials into a finished end product by such manufacturer or an affiliate (as defined in Section 1563 of the Internal Revenue Code) of such manufacturer, and (d) has paid all assessed taxes. Preferences under this subsection do not apply against a resident vendor whether or not he made written claim for the preferences at the time of bid. Preferences under this subsection do not apply to contracts procured under Section 1-5035 nor to prime contractors or subcontractors as relates to the procurement of construction nor to a vendor of goods whether in quantity or not when the price of a single unit of the item involved is more than ten thousand dollars.

(j) Award. Unless there is a compelling reason to reject bids as prescribed by regulation of the city, notice of an intended award of a contract to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation for bids shall be given by posting such notice at a location specified in the invitation for bids. The date and location of posting must be announced at bid opening. The posted notice must contain a statement of a bidder's right to protest under Section 1-5051. When a contract has a total or potential value in excess of fifty thousand dollars in addition to the posted notice, notice of an intended award must be given to all bidders responding to the solicitation by first-class mail to the name and address on the bid documents. Such mailed notice must contain a statement of the bidder's right to protest under Section 1-5051.

When a contract has a total of potential value in excess of fifty thousand dollars, sixteen days after notice is given the city may enter a contract with the bidder named in the notice in accordance with the provisions of this code and of the bid solicited. A determination of responsibility must be made before award in accordance with Section 1-5042.

(k) Multi-step sealed bidding. When it is considered initially impractical to prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the

submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(l) Minor informalities and irregularities in bids. A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids having no effect on a total bid price quality, quantity, or delivery of the supplies or performance of the contract, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to, bidders. The procurement officer shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive any such deficiency when it is to the advantage of the city, such communication or determination shall be in writing. Examples of minor informalities or irregularities include, but are not limited to those found in Section 11-35-1520(13) of the Code of Laws of South Carolina. (Ord. No. 84-4, 6/12/84, as amended by Ord. No. 84-6, 9/12/84; Ord. No. 95-7, 7/25/95) (Ord. No. 10-03, 3/9/10)

### **Section 1-5033 Competitive sealed proposals.**

(1) Conditions for use. When the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals subject to the provisions of Section 1-5032 and any ensuing regulations, unless otherwise provided for in this section. Subject to the requirements of Section 1-5032, the city may provide by regulation that it is either not practicable or not advantageous to the city to procure specified types of supplies, services, or construction by competitive sealed bidding.

(2) Request for proposal. Proposals shall be solicited from at least three qualified sources, when such sources are available, through a request for proposals.

(3) Public notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in Section 1-5032(d).

(4) Receipt of proposals. Proposals shall be opened publicly in accordance with regulations of the city. A tabulation of proposals shall be prepared in accordance with regulations promulgated by the city and shall be open for public inspection after contract award.

(5) Request for qualifications. Prior to soliciting proposals the procurement officer may issue a request for qualifications from prospective offerers. Such request shall contain at a minimum a description of the goods or services to be solicited by the request for proposals and the general scope of the work and shall state the deadline for submission of information and how prospective offerers may apply for consideration. The request shall require information only on their qualifications, experience, and ability to perform the requirements of the contract.

After receipt of the responses to the request for qualifications from prospective offerers, the prospective offerers shall be ranked from most qualified to least qualified on the basis of the information provided. Proposals shall then be solicited from at least the top two prospective offerers by means of a request for proposals. The failure of a prospective offerer to be selected to receive the request for proposals shall not be grounds for protest under Section 1-5051.

(6) Public notice. Adequate public notice of the request for qualifications shall be given in the manner provided in Section 1-5032(d).

(7) Evaluation factors. The request for proposals shall state the relative importance of the factors to be considered in evaluating proposals but shall not require a numerical weighing for each factor. Price may, but need not be, an initial evaluation factor.

(8) Discussion with responsive offerers. As provided in the request for proposals, discussion may be conducted with responsive offerers who submit proposals for the purpose of clarification to assure full understanding of the requirements

of the request for proposals. All offerers, whose proposals in the procurement officer's sole judgment need clarification, shall be accorded such an opportunity.

(9) Selection and ranking. Proposals shall be evaluated using only the criteria stated in the request for proposals and there must be adherence to any weightings that have been previously assigned. Once evaluation is complete, all responsive offerers shall be ranked from most advantageous to least advantageous to the city, considering only the evaluation factors stated in the request for proposals. If price is an initial evaluation factor, award shall be made in accordance with Section 1-5033(10) below.

If price is not an initial evaluation factor, negotiations shall be conducted with the top ranked responsive offerer for performance of the contract at a price which, in the sole opinion of the procurement officer or his representative, is fair and reasonable to the city. Should the procurement officer or his representative be unable to negotiate a contract at a

price which, in the sole opinion of the procurement officer or his representative, is fair and reasonable to the city, negotiations shall be formally terminated with the top ranked responsive offerer and negotiations commenced with the second most advantageous responsive offerer, and then the third and so on until a satisfactory contract has been negotiated. In conducting negotiations, there must be no disclosure of any information derived from proposals submitted by competing offerors.

(10) Award. Award must be made to the responsive offerer whose proposal is determined in writing to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the request for proposals, unless the procuring agency determines to utilize one of the options provided in Section 1-5033(11). The contract file shall contain the basis on which the award is made and must be sufficient to satisfy external audit. Procedures and requirements for the notification of intent to award the contract shall be the same as those stated in Section 1-5032(j).

(11) Other. If, after following the procedures set forth in Section 1-5033(9), a contract is not able to be negotiated, the scope of the request for proposals may be changed in an effort to reduce the cost to a fair and reasonable amount, and all responsive offerers must be allowed to submit their best and final offers.

Where price was an initial evaluation factor, the City may, in its sole discretion and not subject to challenge through a protest filed under Section 1-5051, proceed in any of the manners indicated below:

(1) Negotiating price with the highest scoring offerer. If a satisfactory price cannot be agreed upon, price negotiations may be conducted in the sole discretion of the city with the second, and then the third, and so on, ranked offerers to such level of ranking as determined by the city in its sole discretion; or

(2) Negotiate with the highest ranking offerer on matters affecting the scope of the contract so long as the overall nature and intent of the contract is not changed. If a satisfactory contract cannot be negotiated with the highest ranking offerer, negotiations may be conducted in the sole discretion of the city with the second, and then the third, and so on, ranked offerers to such level of ranking as deter-

mined by the city in its sole discretion; or

(3) Change the scope of the request for proposals and give all responsive offerers an opportunity to submit best and final offers.

If the city chooses any of these options, and is still unable to award a contract, it may repeat any of the procedures outlined herein until a proposed contract is successfully achieved. (Ord. No. 84-4, 6/12/84; as amended by Ord. No. 95-7, 7/25/95)

#### **Section 1-5034 Disqualifications.**

The purchasing agent may, in its discretion, reject the bid or proposal of a vendor or contractor who is delinquent and who knows, or should know, that he is delinquent in the payment of taxes, license fees or other monies due the city. The purchasing agent shall make the sole determination as to whether or not a vendor or contractor is disqualified under this procedure. The decision of the purchasing agent shall not be subject to review or protest. In any case when the offer is not rejected the vendor or contractor must bring all outstanding delinquencies with the city current before the bid is awarded. (Ord. No. 84-4, 6/12/84, as amended by Ord. No. 95-7, 7/25/95)

#### **Section 1-5035 Contractual authority of purchasing agent.**

The purchasing agent shall have the authority to award contracts within the purview of this article; provided, that any contract for non-budgeted items or expenditures in excess of \$2,500.00 shall not be awarded without prior approval of city council. On items or expenditures already included in the city's budget, the purchasing agent may award contracts up to \$10,000.00 without obtaining prior approval of city council. The purchasing agent shall be authorized to execute the contracts on behalf of the city except that on all contracts for budgeted items in excess of \$10,000.00 prior approval must be obtained from city council, and on contracts for non-budgeted items or expenditures in excess of \$2,500.00 prior approval of city council must be obtained. (Ord. No. 84-4, 6/12/84, as amended by Ord. No. 95-7, 7/25/95)

**Section 1-5036 Bonds.**

The purchasing agent shall have the authority to require a performance bond before entering into a contract in such form and amount as he shall find reasonably necessary to protect the best interest of the city. The purchasing agent may also require a payment bond and a labor and material bond before entering into a contract in such form and amount as the purchasing agent shall deem necessary to protect the best interest of the city. (Ord. No. 84-4, 6/12/84)

**Section 1-5037 Evaluation of bids or proposals.**

(a) Contracts shall be awarded to the lowest responsible and responsive bidder or offeror whose bid or proposal meets the requirements and criteria set forth in the invitation for bids or requests for proposals unless there is a compelling reason to reject the bid or offer after review by city council. In determining lowest responsible bidder or offeror in addition to price the purchasing agent shall consider:

(1) The ability, capacity and skill of the party to perform a contract or provide the service required.

(2) Whether the party can perform the contract or provide the service promptly or within the time specified without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the party.

(4) The quality of performance of previous contracts or services.

(5) The compliance, both past and present, of the party with laws and ordinances relating to the contract or services.

(6) The sufficiency of the financial resources and ability of the party to perform the contract or provide the service.

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(8) The ability of the party to provide future maintenance and service for the use of the subject of the contract.

(9) The number and scope of conditions attached to the bid or offer.

(b) When the award is not given to the lowest bidder or offeror a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the papers related to the transaction and held for a

period of no less than 12 months. (Ord. No. 84-4, 6/12/84)

**Section 1-5038 Negotiation after unsuccessful competitive bidding or proposals.**

(a) When the bids or proposals received are unreasonable, or not independently reached in open competition, or the low bid exceeds available funds and it is determined that time and circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, a contract may be negotiated provided that:

(1) each responsible party who submitted a bid or offer under the original solicitation is notified of the determination to negotiate and given an opportunity to negotiate;

(2) the negotiated price is lower than the lowest rejected bid or offer by any responsible and responsive party under the original solicitation; and

(3) the negotiated price is the lowest negotiated price offered by any responsible and responsive party taking into consideration the factors enumerated in section 1-5037.

(b) When the award is not given to the lowest negotiated price, a full and complete statement of the reason for placing the order or contract elsewhere shall be prepared by the purchasing agent and filed with the papers related to the transaction and held for a period of no less than 12 months. (Ord. No. 84-4, 6/12/84)

**Section 1-5039 Sole source procurement.**

A contract may be awarded for a supply, service or a construction item without competition when it is determined by the purchasing agent in writing that there is only one source for the required supply, service or construction item. (Ord. No. 84-4, 6/12/84)

**Section 1-5040 Emergency procurements.**

Notwithstanding any provision of this code to the contrary, the purchasing agent may make or authorize others to make emergency procurements when there exists an immediate threat to public health, welfare, critical economy, and efficiency or safety under emergency conditions. Provided that such emergency procurement shall be made with as much

competition as is practical under the circumstances, and a full report of the circumstances of the emergency purchase shall be filed by the purchasing agent with the city clerk and made available to the city council. Provided, further, that if the cost of the procurement is in excess of \$5,000, approval shall be obtained from the city council or a majority thereof at a specially called meeting. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5041 Cancellation of invitation for bids or request for proposals.**

An invitation for bids or requests for proposals or any other solicitation by the city may be cancelled, or any or all bids or proposals may be rejected in whole or part as specified in the solicitation when it is in the best interest of the city. The reason for rejecting together with any appropriate documentation shall be made a part of the contract file. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5042 Responsibility of bidders or offerors.**

The responsibility or non-responsibility of the bidder or offeror shall, if possible, be ascertained before each contract is let by the city. The determination of responsibility shall be based upon full disclosure to the purchasing agent of factors concerning capacity to meet the terms of the contract and based upon past records of performance in similar contracts. If a party is determined to be not responsible, a written determination setting forth the factors considered in determining the non-responsibility of the party shall be made. The unreasonable failure of a party to supply information promptly in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility of the party. Unless otherwise required by law, information furnished by any party pursuant to inquiries on responsibility as well as any determination of the non-responsibility of a party shall not be publicly disclosed or be made available for public inspection without prior written consent of the party; subject, however, to the right of the city to use such information in any legal proceeding, governmental inquiry or audit involving the city. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5043 Types of contracts.**

(a) Any type contract which will promote the best interest of the city may be used except that the use of a cost plus a percentage of costs must be approved by city council.

(b) The city may enter into contracts for supplies or services for more than one (1) year when the city has determined that such contract will be in the best interest of the city. The city may also renew any existing contract without rebidding same. However, prior to extending any existing contract, city council shall make a determination that the extension of the existing contract is in the best interest of the city and is reasonable under the circumstances. (Ord. No. 84-4, 6/12/84; Ord. No. 02-1, 4/9/02)

#### **Section 1-5044 Materials testing.**

The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the

authority to make use of laboratory facilities of any agency of the city government or any outside laboratory. (Ord. No. 84-4, 6/12/84)

**Section 1-5045 Financial interest of city officials and employees governed by state law.**

All transactions between the city and any city employee, officer or any other person associated with or connected with the city as defined by state law shall be governed by Sections 8-13-100 and 8-13-700 through 8-13-795 of the 1976 Code of Laws of South Carolina as amended, and as the same may be amended from time to time. Provided that in addition to the provisions of state law the city requires the following:

(a) Any contract, sale of goods or materials, service, or other transaction between the city and any person or entity who falls with the prohibitions of Section 8-13-700 of the South Carolina Code of Laws (1976) as amended which exceeds \$2,000 in value must first be approved by city council. No contract, sale of goods or materials, service or other transaction shall be subdivided or split to avoid the requirements of this section.

(b) Any contract, sale of goods or materials, service or other transaction of \$2,000 or less between the city and any person or entity who falls within the prohibition of Section 8-13-700 of the South Carolina Code of Law (1976) as amended may be approved by the purchasing agent without approval of council provided:

(1) The transaction is conducted in full compliance with the requirements of Section 1-5030 (a) or (b); and

(2) The person who is affiliated with the city has not performed an official function with regard to the transaction.

(c) All transactions between the city and any person or entity affiliated with the city falling under subsection (b) above shall be reported by the purchasing agent to city council by written report submitted to the city clerk on a monthly basis. The city clerk shall cause copies of said report to be delivered to council at or prior to each regularly scheduled council meeting.

(d) No member of city council may vote on any transaction in which he or she, or any member of

his or her immediate family, or an individual with whom he or she is associated, or a business with whom he or she is associated, may have a economic interest as defined by Section 8-13-100 and 8-13-700 of the Code of Laws of South Carolina (1976) as amended.

(e) Notwithstanding the foregoing, prior to voting to approve a transaction between the city and any city official, employee or other entity falling with the statutory prohibition of 8-13-100 and 8-13-700, the purchasing agent shall verify to council that all disclosures required by state law have been received, and that the city employee or official did not perform any official function with regard to transaction.

(f) All violations of these provisions shall be reported to the State Ethic Commission.

(g) Punishment for violations of these provisions shall be in accord with state law. (Ord. No. 84-4, 6/12/84, as amended by Ord. No. 95-7, 7/25/95)

**Section 1-5046 Records of open market orders and bids.**

The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection. (Ord. No. 84-4, 6/12/84)

**Section 1-5047 Stock reports.**

All offices, departments or agencies of the city government shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn-out or scrapped. (Ord. No. 84-4, 6/12/84)

**Section 1-5048 Surplus stock.**

The purchasing agent shall have authority to transfer surplus stock to other offices, departments or agencies of the city government if necessary. The purchasing agent shall also have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade in the same on, new supplies. The sale of surplus stock shall be made to the highest bidder either at public auction or after written requests for bids whichever



is determined to be the most advantageous method of sale of said surplus items. Prior to the public auction of said items public notice of the sale shall be made a reasonable time prior to the date of sale stating the time, date, place, method of sale and items to be sold. All moneys received from such sales shall be paid into the appropriate fund of the city. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5049 Gifts and rebates.**

The purchasing agent and every officer and employee of the city are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the city. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5050 Cooperative purchasing.**

The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby; provided that the purchasing agent of the city is given the authority to make purchases of supplies and equipment through the property division of the state budget and control board, without the formality of publication and receiving competitive bids. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5051 Resolving protests.**

(a) Any actual or prospective bidder, offeror, contractor or subcontractor, hereinafter collectively referred to as aggrieved party, who has a grievance in connection with the solicitation or award of a contract may protest to the purchasing agent. The protest shall be submitted in writing within 10 days after the aggrieved party knows or should have known of the facts giving rise thereto, but in no circumstance will a grievance be allowed after 30 days from the notification of award of the contract.

(b) The purchasing agent shall review the grievance, and if a determination is made that the contract should have been awarded to the aggrieved party, the aggrieved party may be awarded a reimbursement of the reasonable costs in preparing the

bid or offer not to exceed the lesser of \$500 or the actual costs of the bid preparation.

(c) If the aggrieved party so desires the decision of the purchasing agent may be appealed to city council for administrative review by filing a written request for review within 10 days from the date of the purchasing agent's decision. The review procedure of city council shall be as follows:

(1) The aggrieved party shall submit to council such written memoranda or statements together with such other documentary evidence as he deems fit. These items shall be submitted within 30 days of the request for review. The purchasing agent shall forward to council the transaction file together with any written statements or documentary evidence he deems necessary within 30 days from the date of the request for hearing.

(2) Council shall review the evidence submitted in executive session and shall give a written decision as soon as practical but not later than 30 days from the receipt of all materials.

(3) The decision of council shall be final.

(d) In the absence of fraud or violation of section 1-5045 herein, this section shall provide the sole and exclusive method and remedy for any aggrieved party who protests the awarding of a procurement contract by the city. The protest of the awarding of a contract shall not stay the contract. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5052 Reporting of anticompetitive practices.**

When for any reason collusion or other anticompetitive practices are suspected among any bidder or offerors, a notice of the relevant facts shall be transmitted to the attorney general's office. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5053 Procurement records.**

(a) All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained in a contract file by the purchasing agent.

(b) All procurement records shall be retained and disposed of in accordance with record retention guidelines and schedules approved by the city council. If a contract is being funded in whole or in part

by assistance from a federal agency, then all procurement records pertaining to that contract shall be maintained for three (3) years from the closeout date of the assistance agreement or the final disposition of any controversy arising out of the assistance agreement. (Ord. No. 84-4, 6/12/84)

#### **Section 1-5054 Exemptions.**

Notwithstanding anything to the contrary herein there shall be exempt from the procurement ordinance matters pertaining to the hiring, employing or securing professional services for the city. There shall also be exempted from the bidding requirements herein goods, services, materials or equipment acquired from or through the state budget and control board. (Ord. No. 84-4, 6/12/84, as amended by Ord. No. 90-5, 5/8/90)

#### **Section 1-5055 Pre-qualification of construction bidders.**

When deemed necessary, the purchasing agent along with the city engineer or architect, may develop a procedure and criteria to pre-qualify bidders for unique construction projects. The criteria shall include, but not be limited to, prior performance, recent past references on all aspects of performance, financial stability and experience on similar construction projects. When this pre-qualified process is employed only those bidders who are pre-qualified through this procedure are entitled to submit a bid for the project. The determination of which bidders are pre-qualified and entitled to submit a bid is not testable under Section 1-5051 or any other section of the ordinance codified in this section. (Ord. No. 95-7, 7/25/95)

## **CHAPTER 6**

### **Personnel Administration**

Section 1-6001	Salaries.
Section 1-6002	Filling vacancies in office.
Section 1-6003	Personnel policies availability and amendments.
Section 1-6004	Office of personnel director.
Section 1-6005	At-will employment.

#### **Section 1-6001 Salaries.**

Salaries of each officer and employee of the city shall be fixed by action of city council during the budgeting process for each physical year. (Code 1963, Sec. 2-64, as amended by Ord. No. 79-35, 10/9/79; Ord. No. 84-3, 5/8/84; Ord. No. 97-3, 2/11/97; Ord. No. 99-19, 10/12/99)

**Amendment Note:** Ord. No. 84-3 amended the above section to provide for new personnel policies in which salaries are included

**State Law References:** Prohibition against contracting with municipality, S C Code 1976, Sec. 5-21-30.

#### **Section 1-6002 Filling vacancies in office.**

Except as otherwise provided, whenever any officer of the city elected by the council shall be removed from office, die, resign, or become incapacitated to perform the duties incident thereto any longer, a new appointment shall be made by the council to fill the vacancy during the unexpired term for which the office had been conferred on the person so removed, dead, resigned or incapacitated. (Code 1963, Sec. 2-65)

#### **Section 1-6003 Personnel policies availability and amendments.**

The personnel policies as adopted and all amendments thereto shall be on file at all times in the office of the city clerk and shall be in full force and effect unless and until said policies are properly repealed or amended by action of city council. Action to adopt, repeal or amend any portion of the personnel policy shall not require an ordinance, but shall be accom-

plished by action of city council which shall be by motion made, seconded and passed at a public meeting by a majority of those council members present and voting at any meeting which a quorum is present. Said action and a copy of the changes shall be recorded in the permanent minutes of the meeting and notice of the action shall be given to all employees. (Code 1963, Sec. 2-65, as amended by Ord. No. 79-36, 10/9/79; Ord. No. 83-1, 3/8/83; Ord. No. 84-3, 5/8/84; Ord. No. 99-19, 10/12/99; Ord. No. 00-8, 8/8/00; Ord. No. 02-3, 5/14/02; Ord. No. 04-04, 8/10/04)

**Section 1-6004 Office of personnel director.**

The office of personnel director is hereby established for the city. (Ord. No. 94-8, 9/13/94)

**Section 1-6005 At-will employment.**

(a) All employees of the city of Marion are employed at-will and may resign or be discharged from employment at any time.

(b) Only city council shall have the right to enter into contracts for other than at-will employment on the city's behalf. Any contract for other than at-will employment must:

- (1) Be in writing;
- (2) Be approved by city council and signed by the mayor;
- (3) Specify the duration of the employment;
- (4) Specifically state the contract is being created pursuant to the city of Marion's authority under this section. (Ord. No. 03-08, 10/14/03)

## CHAPTER 7

### Municipal Court

**Historical Note:** Unless otherwise indicated, the provisions of this chapter are derived from Ord. No. 80-19, adopted 11/11/80.

Sec. 1-7001	Establishment of court.
Sec. 1-7002	Jurisdiction.
Sec. 1-7003	Separate times for minors and traffic violations.
Sec. 1-7004	Municipal court judge.
Sec. 1-7005	Residency requirements of municipal court judge.
Sec. 1-7006	Vacancy.
Sec. 1-7006.5	Ministerial recorder.
Sec. 1-7007	Clerk of court.
Sec. 1-7008	Chief of police; attendance at court.
Sec. 1-7009	Punishment.
Sec. 1-7010	Suspension of sentences.
Sec. 1-7011	Disposition of fines.
Sec. 1-7012	Appeal from municipal court.
Sec. 1-7013	Returns.
Sec. 1-7014	Right to jury trial.
Sec. 1-7015	Jury commission.
Sec. 1-7016	Jury list.
Sec. 1-7017	Jury selection.
Sec. 1-7018	Failure of juror to appear.
Sec. 1-7019	Recording court proceedings.

#### Sec. 1-7001 Establishment of court.

There is hereby created and established a municipal court which shall be a part of the unified judicial system of this state, for the trial and determination of all cases within its jurisdiction.

#### Sec. 1-7002 Jurisdiction.

The municipal court shall have jurisdiction to try all cases arising under the ordinances of the city. This court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters.

#### Sec. 1-7003 Separate times for minors and traffic violations.

All cases against minors and all cases involving traffic violations in the court shall be tried at separate times from those on which other cases therein are tried.

#### Sec. 1-7004 Municipal court judge.

The city council shall appoint a municipal court judge to preside over the municipal court. The judge shall hold his office for a period of one (1) year and/or until a successor is elected or qualified. The compensation paid to the judge shall be set by city council. Before entering upon the discharge of the duties of his office the judge shall take and subscribe the oath of office prescribed by article VI, section 5, of the South Carolina Constitution. No municipal judge who is admitted to practice in the courts of this state shall practice law in the municipal court for which he is appointed.

#### Section 1-7005 Residency requirements of municipal court judge.

The municipal judge shall not be required to be a resident of the city. The city may contract with any other municipality in the county or with the county governing body to employ the municipal judge of the other municipality or a magistrate to preside over its court.

#### Section 1-7006 Vacancy.

In case of a vacancy in the office of municipal judge, a successor shall be appointed in the manner or original appointment for the unexpired term. In case of the temporary absence, sickness, or disability of the municipal judge, the court shall be held by a judge of another municipality or by a practicing attorney or some other person who has received training or experience in municipal court procedure, who shall be designated by the mayor and take the prescribed oath of office before entering upon his duties.

#### Section 1-7006.5 Ministerial recorder.

(a) There is hereby established the office of ministerial recorder. The council shall appoint one

(1) or more full-time or part-time ministerial recorders, who shall hold office at the pleasure of the council.

(b) Before entering upon the discharge of the duties of the office of ministerial recorder, the person appointed shall take and subscribe the oath of office prescribed by article VI, section 5, of the South Carolina Constitution, and shall be certified by the municipal judge as having been instructed in the proper method of issuing warrants and setting and accepting bonds and recognizances.

(c) Ministerial recorders shall have the power to set and accept bonds and recognizances and to issue summonses, subpoenas, arrest warrants, and search warrants in all cases arising under the ordinances of the municipality, and in criminal cases as are conferred by law upon magistrates. Ministerial recorders shall have no other judicial authority.

(d) A ministerial recorder shall not be required to be a resident of the city.

(e) In case of a vacancy in the office of municipal judge, a successor shall be appointed in the manner or original appointment for the unexpired term.

(Ord. No. 14-07, 7/8/14)

#### **Section 1-7007 Clerk of court.**

There shall be appointed by city council a municipal clerk of court. The city clerk or some other city employee may be designated as clerk of court. The clerk of court shall keep such records and make such reports as may be determined by the state court administrator.

#### **Section 1-7008 Chief of police; attendance at court.**

The chief of police, or someone designated by him, shall attend upon the sessions of the court. The chief of police and the police officers shall be subject to the orders of the court and shall execute the orders, writs, and mandates thereof and perform such other duties in connection therewith as may be prescribed by city ordinances. The chief of

police and police officers shall also be invested with the same powers and duties as are provided for magistrates' constables.

#### **Section 1-7009 Punishment.**

Whenever a party is found guilty of violating a municipal ordinance or a state law within the jurisdiction of this court, the court may impose a fine or imprisonment, or both, not to exceed \$500 or 30 days. (Ord. No. 95-8, 7/25/95)

#### **Section 1-7010 Suspension of sentences.**

The municipal judge may suspend sentences imposed by him upon such terms and conditions as he deems proper including, without limitation, restitution or public service employment.

#### **Section 1-7011 Disposition of fines.**

All fines and penalties collected by the municipal court shall be forthwith turned over by the clerk to the treasurer of the municipality for which such court is held.

#### **Section 1-7012 Appeal from municipal court.**

Any party shall have the right to appeal from the sentence or judgment of this court to the Court of General Sessions of Marion County. Notice of intention to appeal, setting forth the grounds for appeal, shall be given in writing and served on the municipal judge or the clerk of the municipal court within 10 days after sentence is passed or judgment rendered, or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the municipality, to appear and defend such appeal at the next term of the court of general sessions or shall pay the fine assessed.

#### **Section 1-7013 Returns.**

In the event of an appeal, the municipal judge shall make a return to the court of general sessions, and the appeal shall be heard by the presiding judge upon such return. The return of the municipal judge shall consist of a written report of the charges preferred, the testimony, the proceed-

ings, and the sentence or judgment. When the testimony has been taken by a reporter as provided herein, the return shall include the reporter's transcript of the testimony. The return shall be filed with the Clerk of the Court of General Sessions of Marion County and the cause shall be

docketed for trial in the same manner as is now provided for appeals from magistrate's courts. There shall be no trial de novo on any appeal from a municipal court.

#### **Section 1-7014 Right to jury trial.**

Any person to be tried in this court may, prior to trial, demand a jury trial, and such jury when demanded, shall be composed of six (6) persons drawn from the qualified electors of the City of Marion in the manner prescribed herein. The right to a jury trial shall be deemed to have been waived unless demand is made prior to trial.

#### **Section 1-7015 Jury commission.**

The city council shall appoint three (3) persons to serve as jury commissioners for the municipal court. The jury commissioners shall within the first 30 days of each year prepare a box to be known as the jury box. Such box shall contain two (2) compartments, designated as 'A' and 'B,' respectively. The commissioners shall then place into compartment 'A' a separate ballot or number for each name on the jury list.

#### **Section 1-7016 Jury list.**

The jury list shall be composed of all names on the official list of qualified electors of the city furnished to the city by the state election commission each year, or copied from the official voter registration list of the city.

#### **Section 1-7017 Jury selection.**

(a) The drawing and composing of juries for single trials or terms of court shall be conducted, *mutatis mutandi*, according to the statutes relating to the drawing and composing of juries in magistrates' courts, except as otherwise specifically provided by statute. A person appointed by the municipal judge who is not connected with the trial of the case for either party shall draw out of compartment 'A' of the jury box 30 names and the list of names so drawn shall be

delivered to each party or to the attorney for each party.

(b) The names drawn pursuant to subsection (a) shall be placed in a box or hat and individual names randomly drawn out one at a time until six (6) jurors and four (4) alternates are selected. Each party shall have a maximum of six (6) peremptory challenges as to primary jurors and four (4) peremptory challenges as to alternate jurors and such other challenges for cause as the court may permit. If for any reason it is impossible to select sufficient jurors and alternates from the names drawn, names shall be randomly drawn from compartment 'A' until sufficient jurors and alternates are selected.

(c) When a jury is drawn and composed for a single trial, as provided in subsection (a) above, the parties shall exercise peremptory challenges in advance of the trial date, and only persons selected to serve and alternates shall be summoned for the trial.

(d) Upon the adjournment of the court, the clerk having the custody of the names drawn shall take the names or numbers of the jurors who appeared and shall return these ballots or numbers to compartment 'B' of the jury box, and the ballots or numbers corresponding to the names of the jurors who were unable to appear or who were excused by the municipal judge shall be returned to compartment 'A' of the jury box. When all names or numbers in compartment 'A' have been exhausted, the names or numbers from compartment 'B' shall be returned to compartment 'A' and thereafter juries shall continue to be drawn therefrom in the manner provided herein.

#### **Section 1-7018 Failure of juror to appear.**

Any juror who, being duly summoned, shall neglect or refuse to appear in obedience to any summons issued by this court, and shall not within 48 hours render to the judge a sufficient reason for his delinquency, may be punished for contempt.

#### **Section 1-7019 Recording court proceedings.**

Any party shall have the right to have the testimony given at a jury trial in this court taken stenographically or mechanically by a reporter; provided, that nothing herein shall operate to

prevent any such party from mechanically recording the proceedings himself. The requesting party shall pay the charges of such reporter for taking and transcribing if such testimony is recorded by a municipal court reporter.

## **CHAPTER 8**

### **Elections**

Section 1-8001	Terms of office.
Section 1-8002	Method of election.
Section 1-8003	Election commission.
Section 1-8004	Nonpartisan elections; procedure.
Section 1-8005	Time of taking office; contested election.

#### **Section 1-8001 Terms of office.**

(a) The mayor and council members shall be elected for a term of four (4) years.

(b) The term of office of council members shall be staggered, so that not more than one-half of the council members shall be elected every two (2) years. (Code 1963, § 2-14)

#### **Section 1-8002 Method of election.**

(a) The mayor shall be elected by the city at large.

(b) The members of council shall be elected one (1) from each of six (6) separate districts.

**Editorial Note:** The editor changed subsection (b) to conform to similar language in § 1-1001.

#### **Section 1-8003 Election commission.**

Repealed by Ord. No. 97-9, 9/16/97.

#### **Section 1-8004 Nonpartisan elections; procedure.**

(a) All regular and special elections for the offices of mayor and council for the City of Marion held after March 1, 1991, shall be nonpartisan elections held pursuant to applicable state statutes. No political party affiliation shall be placed on any ballot for any candidate.

(b) Regular elections for the office of mayor and council shall be held in odd-numbered years on the second Tuesday of April.

(c) Public notice for all elections shall be given at least sixty (60) days prior to such elections.



(d) Candidate nominations and election results shall be determined according to the nonpartisan election and runoff election method prescribed in section 5-15-62, of the 1976 Code of Laws of South Carolina as amended as set forth below:

(1) Except as otherwise provided in this section, results in nonpartisan city elections in the City of Marion under the election and runoff election method shall be determined by a majority of the votes cast. A majority within the meaning of this section shall be determined as follows:

a. When more than one (1) person is seeking election to a single office, the majority shall be ascertained by dividing the total votes cast for all candidates by two (2). Any excess of the sum so ascertained shall be a majority, and the candidate who obtains a majority shall be declared elected.

b. When more persons are seeking election to two (2) or more offices (constituting a group) than there are offices to be filled, the majority shall be ascertained by dividing the total vote cast for all candidates by the number of offices to be filled and by dividing the results by two (2). Any excess of the sum so ascertained shall be a majority, and the candidates who obtain a majority shall be declared elected. If more candidates obtain a majority than there are offices to be filled, those having the highest vote (equal to the number of offices to be filled) shall be declared elected.

(2) If no candidate for a single office received a majority of the votes cast in the first election or if an insufficient number of candidates receives a majority of the votes cast for a group of offices, a runoff election shall be held as herein provided.

a. If no candidate for a single office receives a majority of the votes cast in the first election, a second election shall be conducted two (2) weeks later between the two (2) candidates receiving the largest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election shall be declared elected.

b. If no candidates for two (2) or more offices (constituting a group) are to be selected and aspirants for some or all of the positions within the group do

not receive a majority of the votes cast in the first election, a second election shall be conducted two (2) weeks later between one (1) more than the number of candidates necessary to fill the vacant offices. The candidates receiving the highest number of votes cast in the second election equal in number to the number to be elected shall be declared elected.

(e) Candidates' names shall be placed in the election ballot by filing a statement of candidacy.

(f) Candidates desiring entry in any nonpartisan regular or special election shall file with the voter's registration and election commission for Marion County, South Carolina by delivering to such commission in Marion, South Carolina, a notice of candidacy and candidacy pledge, the same to be filed not later than sixty (60) days prior to the election.

(g) Filing fees shall not be required.

(h) (1) A newly elected officer shall assume office on the first Monday following the date of the election.

(2) If the results of the election are contested, the incumbent who fills the contested office shall hold over until the contest is finally determined. (Ord. No. 78-11, 8/1/71, as amended by Ord. No. 91-2, § 8, 3/19/91; Ord. No. 95-3, 4/18/95; Ord. No. 95-4, 6/13/95; Ord. No. 97-9, 9/16/97; Ord. No. 05-01, 3/7/05)

#### **Section 1-8005 Time of taking office; contested election.**

Newly elected officers shall not be qualified pursuant to state law until at least 48 hours after the closing of the polls. The newly elected officers shall take office within three (3) days after the time for protest has passed.

In case the results of the election are contested, the incumbent who fills that contested office shall hold over until the contest is finally determined. (Ord. No. 76-8, 4/13/76)

**State Law Reference:** Contested elections, S C Code 1976, § 5-15-130

## CHAPTER 9

### Illegal Drugs and Compounds

Section 1-9001	Background and purpose.
Section 1-9002	Prohibitions.
Section 1-9003	Penalties.
Section 1-9004	Effective date.

#### Section 1-9001 Background and purpose.

a. The City of Marion ("City") is an incorporated municipality located in the State of South Carolina and as such possess all powers granted municipalities by the Constitution and Laws of the State of South Carolina, including S.C. Code Ann. § 5-7-30 (Law. Co-op., 1976), as amended, relating to the regulation of streets, markets and public health.

b. After careful study of the issue, the city council ("council") has determined that various preparations of chemicals to include Methylone, Mephedrone, Methoxymethcathinone, Methylenedioxypyrovalerone, and Fluromethcathinone are being created, manufactured, marketed, sold, distributed, possessed, and used within the municipal limits of the city. Such substances are well documented as dangerous "synthetic" or "designer" drugs, and pose a danger to the public health in the city.

c. None of these substances, Methylone, Mephedrone, Methoxymethcathinone, Methylenedioxypyrovalerone, and/or Fluromethcathinone, is a scheduled substance or otherwise prohibited by either federal or state law as to their manufacture, sale, marketing, or use. (Ord. No. 11-05, 10/11/11)

#### Section 1-9002 Prohibitions.

It shall be unlawful for any person to create, manufacture, market, sell, distribute, possess, or use Methylone, Mephedrone, Methoxymethcathinone, Methylenedioxypyrovalerone, and Fluromethcathinone or any preparation and/or compound containing any of these substances in any form within the municipal limits of the city. (Ord. No. 11-05, 10/11/11)

#### Section 1-9003 Penalties.

Any person found guilty of violating the provisions of Section 1-9002 of this chapter shall be subject to a civil fine of five hundred dollars (\$500) per packet, container, ampule or manner in which Methylone, Mephedrone, Methoxymethcathinone, Methylenedioxypyrovalerone, and Fluromethcathinone or any preparation and/or compound containing any of these substances is delivered for sale or use. Imposition of this civil fine shall not be deemed a criminal penalty, and shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. (Ord. No. 11-05, 10/11/11)

#### Section 1-9004 Effective date.

This chapter shall take effect immediately upon second reading. (Ord. No. 11-05, 10/11/11)

## PART 2

### Public Safety

Chapter 1.	Law Enforcement
Chapter 2.	Fire Prevention and Protection

## CHAPTER 1

### Law Enforcement

Section 2-1001	Police department.
Section 2-1002	Powers and duties generally.
Section 2-1003	Special policemen.
Section 2-1004	Resisting arrest.
Section 2-1005	Responding to summons for assistance.
Section 2-1006	Resisting, interfering with officer.
Section 2-1007	Resisting, interfering with officer in execution of warrant, other process.
Section 2-1008	Stop on command of officer.
Section 2-1009	Rules and regulations of department.
Section 2-1010	Fees and fines.

#### Section 2-1001 Police department.

(a) The city police department shall be headed by a police chief who shall be appointed by the mayor and council and serve at their pleasure.

(b) There shall be employed additional members of the department as is deemed appropriate for the safety and good order of the city, all of whom shall be appointed by the chief with the approval of the mayor.

(c) Each and every person applying for a position as a police officer shall be required to meet at a minimum, the criteria and guidelines set forth by state law and the Criminal Justice Academy and shall successfully pass the training and be certified by the South Carolina Criminal Justice Academy.

(d) All applicants for police officer must be of good character and have no prior criminal record as defined by state law. (Amended by Ord. No. 95-8, 7/25/95)

#### Section 2-1002 Powers and duties generally.

All members of the police department shall at all times be subject to such rules and regulations as may from time to time be prescribed by the chief of police and the mayor and the city council. Each

policeman and each officer of the department shall be sworn in and thereupon be invested with all of the powers and be subject to all of the duties of constables within the corporate limits of the city or its police jurisdiction. (Code 1963, Sec. 13-2, Sec. 13-8(a); as amended by Ord. No. 95-8, 7/25/95)

#### Section 2-1003 Special policemen.

Repealed by Ord. No. 95-8, 7/25/95.

#### Section 2-1004 Resisting arrest.

It shall be unlawful for any person to resist arrest, or if under arrest to refuse to accompany the arresting officer or to endeavor to force the officer to drag, pull or carry him to the place of destination.

#### Section 2-1005 Responding to summons for assistance.

Repealed by Ord. No. 95-8, 7/25/95.

#### Section 2-1006 Resisting, interfering with officer.

It shall be unlawful for any person to assault, resist, abuse or in any manner, by word or act, interfere with a police officer or any other officer or employee of the city in the discharge of his duty or to aid or abet any assault, resistance, abuse or interference.

#### Section 2-1007 Resisting, interfering with officer in execution of warrant, other process.

It shall be unlawful for any person to assault, obstruct, hinder, prevent or in any manner interfere with any officer or other person charged with the execution of any lawful warrant or other process in arresting any person for whose apprehension the warrant has been issued, or to rescue or attempt to rescue any person from the custody of an officer or person lawfully arresting him, or directly or indirectly to aid, abet or assist any person so arrested to escape from custody, or to harbor or conceal any person for whose arrest a warrant or other process shall have been issued, so as to prevent the

discovery of the person, after notice or knowledge of the fact of the issuing of the warrant or other process.

#### **Section 2-1008 Stop on command of officer.**

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

**State Law Reference:** Municipal police, S.C. Code 1976, Sec. 5-7-110.

#### **Section 2-1009 Rules and regulations of department.**

Repealed by Ord. No. 95-8, 7/25/95.

#### **Section 2-1010 Fees and fines.**

(a) The city is mandated by the South Carolina Court Administration to increase fines and fees from time to time.

(b) It has been determined that the city will follow the guidelines and regulations of the South Carolina Court Administration to establish the fines and fees, as set forth by the South Carolina Court Administration from time to time.

(c) The city council of the city in council duly assembled hereby adopts this statewide mandate to increase fines and fees. (Ord. No. 94-7, 8/10/93)

## **CHAPTER 2**

### **Fire Prevention and Protection**

#### **ARTICLE A**

##### **Fire Department**

Section 2-2001	Fire department established.
Section 2-2002	Rules and regulations.
Section 2-2003	Driving over fire hose.
Section 2-2004	Interfering with equipment.
Section 2-2005	Enforcement.
Section 2-2006	False fire alarms.
Section 2-2007	Fire limits.
Section 2-2008	Fire protection rates.
Section 2-2009 through 2-2020 reserved.	

#### **ARTICLE B**

##### **Fire Prevention Code**

Section 2-2021	Fire prevention code adopted.
Section 2-2022	Enforcement.
Section 2-2023	Modifications.
Section 2-2024	Appeals.

#### **ARTICLE A**

##### **Fire Department**

#### **Section 2-2001 Fire department established.**

(a) The city fire department shall be headed by a fire chief and such other paid and volunteer members and employees as may be determined by council.

(b) The fire chief shall be appointed by the mayor and council and shall serve at their pleasure.

(c) The compensation for paid members and volunteers shall be determined by Council. (Ord. No. 95-8, 7/25/95)

#### **Section 2-2002 Rules and regulations.**

All members of the fire department shall be subject to such rule and regulations as the chief and the mayor and council may adopt from time to time. Copies of the rules and regulations shall be made available to all permanent and volunteer firemen. (Code 1979, Sec. 2-2002, as amended by Ord. No. 79-37, 10/9/79; Ord. No. 95-8, 7/25/95)

**Section 2-2003 Driving over fire hose.**

No person shall drive or operate any vehicle at any time over or across any fire hose in or upon the streets, alleys, sidewalks or public ways of the city at any place where this hose is being used by the fire department.

**Section 2-2004 Interfering with equipment.**

No person other than a duly enrolled member of the fire department shall ride upon the fire trucks of the city at any time, nor use, borrow or interfere with any fire department equipment, or attempt to use the equipment at the scene of a fire unless authorized to do so by the fire chief.

**Section 2-2005 Enforcement.**

Whenever the fire department is answering an alarm or operating at the scene of a fire or other emergency, every enrolled member of the department is hereby empowered and authorized to control and direct motor vehicle traffic, stop or move vehicles, and enforce all provisions of this article and any other code provisions the enforcement of which is deemed necessary to assist in the control of the fire or other emergency.

**Section 2-2006 False fire alarms.**

It shall be unlawful for any person or persons to willfully, maliciously or mischievously turn in or give or cause to be turned in or given a false fire alarm within the corporate limits.

**Section 2-2007 Fire limits.**

Repealed by Ord. No. 95-8, 7/25/95.

**Section 2-2008 Fire protection rates.**

The city does hereby establish a rate for the provision of fire protection service on a contractual basis for businesses and personal residences located out-

side the city, the rate to be set forth in Exhibit A of this section. In the service area in which the fire protection service is offered by the city, the city shall contract with the individuals and businesses in that area to provide for fire protection services. In the event that the city responds to a call to a residence or industry in that area that has not contracted for the service, there shall be a charge of Five Hundred (\$500.00) Dollars to such residence or industry for the response. Nothing herein shall prevent the city from expanding its service area or changing its rates from time to time as the city in its sole discretion through its elected council shall determine appropriate. Nothing herein shall prevent the city from continuing to provide service to those already contracting with the city.

**EXHIBIT A**

Fee Schedule for the City of Marion Fire  
Department Service Agreement for Fire Protection  
Outside the City Limits

- (a) Seventy (\$70.00) Dollars per dwelling with Fifteen (\$15.00) Dollars for each additional structure on a single property.
- (b) Seventy (\$70.00) Dollars for the first apartment unit and Twenty (\$20.00) Dollars each additional unit in an apartment building or complex.
- (c) Seventy (\$70.00) Dollars for a doublewide mobile home and Fifty-Five (\$55.00) Dollars on a singlewide mobile home.
- (d) Sixty (\$60.00) Dollars for vacant lots not exceeding 5 acres.
- (e) One Hundred Fifty (\$150.00) Dollars vacant parcels larger than 5 acres.
- (f) \*Two Hundred Twenty-Five (\$225.00) Dollars for commercial building with floor space of 3,000 square feet or less.
- (g) \*Three Hundred Seventy-Five (\$375.00) Dollars for commercial building with floor space of 3,001 feet to 6,000 square feet.
- (h) \*Four Hundred Twenty-Five (\$425.00) Dollars for commercial buildings with floor space of 6,001 feet to 10,000 square feet.

(i) \*Six Hundred Seventy-Five (\$675.00) Dollars for commercial buildings with floor space of 10,000 square feet or more.

(j) \*One Thousand Two Hundred (\$1,200.00) Dollars for industrial, manufacturing or institutions 1,500 square feet to 100,000 square feet.

(k) \*One Thousand Eight Hundred (\$1,800.00) Dollars for industrial, manufacturing or institutions over 100,000 square feet.

\* Commercial buildings shall include buildings designed and/or used for business purposes.

No Contracts: When the City of Marion Fire Department responds to a residential call without a valid contract, the minimum service charge will be \$1,200.00 plus the price of the contract. All institutions, commercial or manufacturing calls with no contracts will be billed for actual costs with a minimum charge of \$1,200.00 plus the cost of the fire contract. Fire reports will not be issued until the service charge is paid in full. (Ord. No. 05-11, 7/12/05)

**Sections 2-2009 through 2-2020 reserved.**

**ARTICLE B****Fire Prevention Code****Section 2-2021 Fire prevention code adopted.**

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, being particularly the 1991 edition thereof, except the portions as are hereinafter deleted, modified or amended, of which a copy is on file in the office of the clerk and is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the corporate limits. Provided, however, that in the event of any conflict between the provisions of the fire prevention code and the provisions of this code of ordinances, state law or city ordinance, rules or regulations, the provisions of this code, state law or city ordinances, rules or regulations, shall prevail and be controlling. (Code 1979, § 2-2021, as amended by Ord. No. 78-38, 10/9/79; Ord. No. 80-9, 6/10/80; Ord. No. 82-8, 7/13/82; Ord. No. 85-4, 9/10/85; Ord. No. 91-9, § 1, 6/11/91)

**Section 2-2022 Enforcement.**

The code adopted by this article shall be enforced by the fire inspector who shall be appointed by the council.

**Section 2-2023 Modifications.**

The fire inspector shall have power to modify any of the provisions of the code adopted by this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of the modification when granted or allowed and the decision of the fire inspector thereon shall be entered upon the records and a signed copy shall be furnished the applicant.

**Section 2-2024 Appeals.**

Whenever the fire inspector shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by this article do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire inspector to the board of adjustments within 30 days from the date of the decision appealed.

**PART 3****Public Works**

Chapter 1.	Streets and Sidewalks
Chapter 2.	Cemeteries
Chapter 3.	Parks
Chapter 4.	Public Buildings

**CHAPTER 1****Streets and Sidewalks****ARTICLE A****General Provisions**

Section 3-1001	Street superintendent.
Section 3-1002	Obstructions prohibited.
Section 3-1003	Vehicles prohibited on sidewalks.
Section 3-1004	Sidewalk merchandise displays.
Section 3-1005	Displaying food on sidewalks.
Section 3-1006	Congregating on sidewalks.
Section 3-1007	Permit required for speaking, exhibiting, entertaining on streets.
Section 3-1008	Parade permit required.
Section 3-1009	Breaking, destroying curbing prohibited; permit required for entrance to property.
Section 3-1010	Requirements for lots draining toward sidewalks.
Section 3-1011	Structures draining rainwater onto sidewalks prohibited.
Section 3-1012	Draining water, slops, other liquid onto streets or sidewalks prohibited.
Section 3-1013	Dangerous signs, structures, premises.
Section 3-1014	Gates opening onto sidewalks.
Section 3-1015 through 3-1030	reserved.

**ARTICLE B****Excavations**

Section 3-1031	Permit required.
Section 3-1032	Danger signals required.
Section 3-1033	Removing signals prohibited.
Sections 3-1034 through 3-1040	reserved.

**ARTICLE C****Numbering System and Street Names**

Section 3-1041	Established.
Section 3-1042	Base lines.
Section 3-1043	Numbering system.
Section 3-1044	Assignment and placement of numbers.
Section 3-1045	Administration and implementation.
Section 3-1046	Approval of names of new streets.

**ARTICLE A****General Provisions****Section 3-1001 Street superintendent.**

The city council may appoint a street superintendent who shall supervise the street department, the construction and maintenance of city streets, and perform such other duties as the council may require. The street superintendent shall employ such number of persons to work on the city streets as may be needed subject to the approval of the city council. (Code 1963, Sec. 17-1)

**Section 3-1002 Obstructions prohibited.**

It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way, or part thereof, within the city so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible except as otherwise provided in this chapter; provided, that this section shall not apply to any employee of the city, county or state while such employee is immediately and actively engaged in the maintenance, improvement or construction of any street, sidewalk or public way in the city. (Code 1963, Sec. 17-11)

**State Law Reference:** For similar provisions, see S.C. Code 1976, Sec. 57-7-200.

**Cross Reference:** Railroads obstructing streets prohibited, sec. 8-3031.

**Section 3-1003 Vehicles prohibited on sidewalks.**

It shall be unlawful for any person to ride, propel or park any automobile, motorcycle, or other vehicle upon any sidewalk of the city, except as may be necessary in entering or leaving the premises or buildings. (Code 1963, Sec. 17-20)

**Cross Reference:** Bicycles prohibited on certain sidewalks, sec. 8-2020.



**Section 3-1004 Sidewalk merchandise displays.**

No merchant or any other person shall be allowed to display their merchandise, wares and the like on sidewalks, by tables or otherwise, at any season of the year including Christmas week, except with special permission of the mayor.

**Section 3-1005 Displaying food on sidewalks.**

No eatables of any kind shall be displayed or exposed for sale on the streets or sidewalks except with the approval of the mayor and council.

**Section 3-1006 Congregating on sidewalks.**

The congregating of persons on any of the sidewalks of the city whereby the same are obstructed is hereby prohibited. (Code 1963, Sec. 17-14)

**Section 3-1007 Permit required for speaking, exhibiting, entertaining on streets.**

Repealed by Ord. No. 95-8, 7/25/95.

**Section 3-1008 Parade permit required.**

(a) Short title. The ordinance codified in this section shall be known and may be cited as the "Parade Ordinance of the City of Marion".

(b) Definitions.

(1) "Chief of police" is the chief of police of the city of Marion.

(2) "City" is the city of Marion.

(3) "Parade" is any parade, march, ceremony, show, exhibit, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

(4) "Parade permit" is a permit as required by the ordinance codified in this section.

(5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(c) Permit required. No person shall engage in, participate in, aid, form, or start any parade, unless a parade permit shall have been obtained from the chief of police or mayor.

(1) Exceptions. This section shall not apply to

(a) Funeral processions;

(b) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper authorities;

(c) A government agency acting within the scope of its functions.

(d) Application. A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

(1) Filing period. An application for a parade permit shall be filed with the chief of police not less than fifteen days nor more than thirty days before the date on which it is proposed to conduct the parade.

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

(a) The name, address, and telephone number of the person seeking to conduct such a parade;

(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 organization;

(c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(d) The date when the parade is to be conducted;

(e) The route to be traveled, the starting point, and the termination point;

(f) The approximate numbers of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of vehicles;

(g) The hours when such parade will start and terminate;

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(i) The location by streets of any assembly areas for such parade;

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(k) The interval of space to be maintained between units of such parade;

(l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the

chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(m) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(3) Late applications. The chief of police, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less the fifteen days before the date of such parade is proposed to be conducted.

(4) Fee. There shall be paid at the time of filing the application for a parade permit a fee of \$25.00.

(e) Standards for issuance. The chief of police shall issue a permit as provided hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection in the city;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;

(8) 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.

(f) Notice of rejection. The chief of police shall act upon the application for a parade permit within five days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant within ten days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

(g) Appeal procedure. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within ten days after notice. The city council shall act upon the appeal within thirty days after its receipt.

(h) Alternative permit. The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten 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 section.

(i) Notice to city and other officials. Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- (1) The mayor (city manager or other head);
- (2) The fire chief;
- (3) Marion County EMS.

(j) Contents of permit. Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the chief of police shall find necessary to the enforcement of this section.

(k) Duties of permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(1) 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.

(l) Public conduct during parades.

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

(2) Driving through parades. No driver of a vehicle, street car or trackless trolley 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.

(3) 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 shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle on any street so posted in violation of this section.

(m) Revocation of permit. The chief of police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

(n) Penalty. Any person or organization who violates any of the provisions of this section shall be subject to a fine not to exceed \$500.00 and imprisonment not to exceed thirty days.

(o) No parade shall be held through the downtown section of Main Street of the City of Marion before the hour of 3:00 P.M., nor shall there be more than one parade scheduled in the City of Marion in any one day. (Ord. No. 95-8, 7/25/95; as amended by Ord. No. 97-12, 11/11/97)

### **Section 3-1009 Breaking, destroying curbing prohibited; permit required for entrance to property.**

It shall be unlawful for any person to break or destroy the curbing of any city street or to otherwise deface the same, or to construct any entrance into property on any of the paved streets of the city, unless such person shall have first obtained a permit in writing so to do from the street superintendent. (Code 1963, Sec. 17-4)

### **Section 3-1010 Requirements for lots draining toward sidewalks.**

Every person owning any lot in the city which drains towards a sidewalk, shall provide such suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining street. (Code 1963, Sec. 17-5)

### **Section 3-1011 Structures draining rainwater onto sidewalks prohibited.**

It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in the city in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk. (Code 1963, Sec. 17-6)

### **Section 3-1012 Draining water, slops, other liquid onto streets or sidewalks prohibited.**

It shall be unlawful for any person to carry water or any slops or liquid of any kind, from any store or residence or other building by means of a drain pipe or otherwise, so that the same shall fall or flow upon any part of any street or sidewalk of the city; provided, that sprinkling of a street to lay dust is not hereby forbidden. (Code 1963, Sec. 17-7)

**Cross Reference:** Placing or sweeping garbage or refuse onto streets or sidewalks prohibited, sec. 6-1004.

### **Section 3-1013 Dangerous signs, structures, premises.**

No owner or tenant of any premises within the corporate limits of the city shall allow any sign-board, billboard, building, fence or other structure on such premises to remain standing in a dilapidated or dangerous condition near any sidewalk or street so as to endanger the life or limb of passers-by, after notice has been given to him by the city council to remove the same or to repair it so that the same will not be dangerous. (Code 1963, Sec. 12-10)

**Section 3-1014 Gates opening onto sidewalks.**

No person shall allow any gate owned by him to swing open on the city sidewalks. (Code 1963, Sec. 17-13)

**Sections 3-1015 through 3-1030 reserved.**

**ARTICLE B****Excavations****Section 3-1031 Permit required.**

It shall be unlawful for any person to dig up, mutilate or make an excavation in any paved or clayed street or sidewalk of the city for any purpose without a permit from the street superintendent. (Code 1963, Sec. 17-8)

**Section 3-1032 Danger signals required.**

It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place of the city to remain open between sunset and sunrise, unless such trench, ditch or excavation has a sufficient number of lights properly displayed around it as danger signals to prevent accidents to persons or property. (Code 1963, Sec. 17-9)

**Section 3-3033 Removing signals prohibited.**

It shall be unlawful for any person to remove or extinguish any light which may be placed as a signal at night to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever in the city. (Code 1963, Sec. 17-10)

**Sections 3-1034 through 3-1040 reserved.**

## ARTICLE C

### Numbering System and Street Names

#### Section 3-1041 Established.

There is hereby established a uniform system for numbering property and buildings on all streets, avenues and other public ways in the City of Marion, and all houses and other buildings shall be numbered in accordance with the provisions of this article. (Code 1963, Sec. 17-31)

#### Section 3-1042 Base lines.

(a) There are hereby established base lines which shall divide the city into northern and southern parts and into eastern and western parts. The base lines shall be indicated on the official map of the city and so identified.

(b) Main and Godbold Streets are the base line streets dividing the city into east and west and north and south sections.

(c) Facing any compass point (north, south, east or west) from the intersection of Main and Godbold Streets; or facing any compass point on any street leaving either Main or Godbold Streets all even numbers are on the right-hand side of the street and all odd numbers are on the left-hand side of the street. (Code 1963, Sec. 17-32)

#### Section 3-1043 Numbering system.

(a) Each building or property north of the north-south base line and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base line.

(b) Each building or property south of the north-south base line and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base line.

(c) Each building or property east of the east-west base line and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base line.

(d) Each building or property west of the east-west base line and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base line.

(e) Each building or property facing a diagonal street shall be numbered the same as if facing northerly and southerly streets if the diagonal runs more from the north to the south; likewise, each building or property facing a diagonal street shall be numbered the same as if facing on easterly and westerly streets if the diagonal runs more from the east to the west.

(f) The numbering of buildings on each street shall begin at the base line. All buildings or property facing streets not extending through to the base line shall be assigned the same relative numbers as if said street did extend to the base line. All numbers shall be assigned as follows:

(1) One (1) number is assigned to each 50 feet of frontage on all streets except in the business area where one (1) number is assigned to each 12-1/2 feet of frontage.

(2) Where any building has more than one (1) entrance, a separate number shall be assigned to each entrance serving a separate occupant.

(3) A building shall be assigned the number of the numbering interval in which the main entrance of the building falls.

(4) A multiple family dwelling shall be assigned only one (1) number, and separate apartments in the building shall carry a letter designation such as A, B, C, in addition to the number assigned to the main entrance of the building.

(5) Any building to the rear of another building fronting on a street shall carry a fractional suffix number in addition to the number assigned to the building having frontage on said street. (Code 1963, Sec. 17-33)

#### Section 3-1044 Assignment and placement of numbers.

(a) When a house or other building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each said building the number or numbers assigned under the uniform system as provided in this article.

(b) Such numbers shall be placed on existing buildings within 21 days after the date of notification. The numbers shall not be less than three (3) inches in height and shall be durable and clearly visible.

(c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street; provided, however, that the numbers may be placed

near the walk, driveway or common entrance to such building and upon a gate post, fence or fence post or other appropriate place so as to be easily discernible from the street. Whenever any building is situated more than 50 feet from the street line, the numbers shall be placed near the walk, driveway or common entrance to such building and upon a gate post, fence or fence post or other appropriate place so as to be easily discernible from the street. (Code 1963, § 17-33)

#### **Section 3-1045 Administration and implementation.**

It shall be the duty of the building department to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any lot or property as provided in this article. In case of conflict as to the proper number to be assigned to any building, the building department shall determine the number of such building. Whenever any house, building or structure shall be erected or located in the City of Marion after the effective date of this article, in order to preserve the continuity and uniformity of numbers, it shall be the duty of the owner to procure the correct number or numbers as designated by the building department for the property and to fasten the number or numbers so assigned upon the building as provided by this article. No building permit shall be issued for any house, building or other structure until the owner has procured from the building department the official number of the premises. Final approval of any structure erected, repaired, altered or modified after the effective date of this article shall be withheld by the building department until permanent and proper numbers have been affixed to the structure. (Code 1963, § 17-35)

#### **Section 3-1046 Approval of names of new streets.**

It shall be unlawful for any person to lay out any new street within the city without first procuring from the city council approval of the names to be assigned to such new street. (Code 1963, § 17-2)

## **CHAPTER 2**

### **Cemeteries**

Section 3-2001	Annual fees.
Section 3-2002	Waiver of annual maintenance fees.
Section 3-2003	Sale prices.
Section 3-2004	Removal of excess dirt and debris required.
Section 3-2005	Filing of burial permit; fee charged.
Section 3-2006	Permit required to erect monument.
Section 3-2007	Sale of walkways.

#### **Section 3-2001 Annual fees.**

Every person owning or controlling any lot containing more than four (4) grave spaces in Rose Hill Cemetery is hereby required to pay to the city on or before the first day of July in each year an annual maintenance fee of \$25 for each such lot so owned or controlled; and if any lot owned or controlled contains four (4) grave spaces or less, the fee shall be \$15 per year for each such lot so owned or controlled. The sum paid shall be used in aid of the upkeep of the lot owned or controlled by the person by whom such sum has been paid. (Ord. No. 76-3, § 1, 3/9/76, as amended by Ord. No. 82-3, 5/11/82; Ord. No. 91-10, § 1, 6/11/91)

#### **Section 3-2002 Waiver of annual maintenance fees.**

In lieu of paying the fee required by section 3-2001 hereof any person owning or controlling a lot containing more than four (4) grave spaces in Rose Hill Cemetery may pay the city the sum of \$200 for general operating purposes, and if any lot so owned or controlled contains four (4) grave spaces of less than the sum to be paid shall be \$100. The city shall thereafter waive all claims for future annual maintenance fees. (Ord. No. 76-3, § 1, 3/9/76)

#### **Section 3-2003 Sales prices.**

Hereafter the city shall charge the following prices for lots or portions of lots in Rose Hill Cemetery sold

by it: Full size, 20 feet by 30 feet, \$1,000; one-half of such full-size lot, \$600; one-fourth of such full-size lot, \$300. (Ord. No. 76-3, § 1, 3/9/76; Ord. No. 91-10, § 2, 6/11/91)

**Section 3-2004 Removal of excess dirt and debris required.**

It shall be unlawful for an undertaker or other person to fail, within seven (7) days after a burial service in Rose Hill Cemetery, to remove excess dirt and clean up debris from the burial area. (Ord. No. 76-3, § 1, 3/9/76)

**Section 3-2005 Filing of burial permit; fee charged.**

Funeral directors using Rose Hill Cemetery shall file a copy of their burial transit permit at city hall, which permit shall give the name of the deceased, the date of death, the name of the funeral director, the place of burial, the exact lot and section of burial and the permit number. This permit must be filed prior to interment. The funeral director shall pay a permit fee of two hundred (\$200.00) dollars at the time of filing the permit and a receipt shall be issued by the city of Marion which shall constitute authorization for the opening of the grave and burial at the location designated in the burial permit. No grave shall be opened prior to payment of the permit fee. (Ord. No. 76-3, § 1, 3/9/76; Ord. No. 03-07, 10/14/03)

**Section 3-2006 Permit required to erect monument.**

Before a funeral director, or monument company or other person shall be allowed to erect a marker or monument in Rose Hill Cemetery a permit shall be obtained from city hall, at no charge. (Ord. No. 76-3, § 1, 3/9/76)

**State Law Reference:** Authority to acquire and operate cemeteries. S.C. Code 1976, § 5.39.10.

**Section 3-2007 Sale of walkways.**

The city will make available walkways at Rose Hill Cemetery for the following fees, effective July 1, 1991:

1 6 x 30 walkway	\$200.00
Lifetime maintenance	<u>50.00</u>
	250.00

1 6 x 15 walkway	\$100.00
Lifetime maintenance	<u>25.00</u>
	125.00

(Ord. No. 91-15, 6/11/90)

**CHAPTER 3****Parks**

Section 3-3001 Prohibited acts in city parks.

Section 3-3002 Public square.

**Section 3-3001 Prohibited acts in city parks.**

(a) It shall be unlawful for any person to pick, cut, uproot, dig up, break, remove or in any way injure, damage or destroy any plant, shrub, grass, flower, or tree growing within the limits of any public park of the city.

(b) It shall be unlawful for any person to damage, injure or deface any building, bench, fence or other structure within any park, or to remove dirt or topsoil therefrom, or to intentionally or carelessly scatter trash, paper or litter of any kind therein, or start any fire therein except in places provided.

**Section 3-3002 Public square.**

It shall be unlawful for any person to tramp upon or injure the grass or shrubs on the public square.  
(Code 1963, § 12-32)

**CHAPTER 4****Public Buildings**

**(Reserved)**



**PART 4****Public Utilities**

Chapter 1.	Utilities Department
Chapter 2.	Gas
Chapter 3.	Electric

**CHAPTER 1****Utilities Department****ARTICLE A****General Provisions**

Section 4-1001	Utilities department.
Sections 4-1002 through 4-1010	reserved.

**ARTICLE B****Water System****DIVISION 1 General Provisions**

Section 4-1011	Definitions.
Section 4-1012	Connections required.
Section 4-1013	Application for service; installation charge; fee; transfer fee; service charge.
Section 4-1014	Tampering with system prohibited.
Section 4-1015	Discontinuance of service for violations.
Section 4-1016	Unauthorized connections.
Section 4-1017	Discontinuance of services for nonpayment.
Section 4-1018	Meter readings; billings; second notices.
Section 4-1019	Tap fees.
Section 4-1020	Separate connections required.
Section 4-1021	Claims do not offset charges.
Section 4-1022	Resales prohibited.
Section 4-1023	Deposits; responsibility for charges.
Section 4-1024	Free service prohibited.
Sections 4-1025 through 4-1030	reserved.

**DIVISION 2 Service**

Section 4-1031	Nonliability of city.
Section 4-1032	Testing of meters; adjustment of bills.
Section 4-1033	Right of entry.
Section 4-1034	Detector checks on nonresidential meters.
Section 4-1035	Cut-off devices.
Section 4-1036	Plumbing standards.
Section 4-1037	Plumbing inspections; correction of hazardous facilities.
Section 4-1038	Prohibited connections.

Section 4-1039	Protection of water quality.
Section 4-1040	Emergency powers.
Section 4-1041	Tests of water purity.
Section 4-1042	Cross-connection control.
Sections 4-1043 through 4-1050	reserved.

**DIVISION 3 Records and Billing**

Section 4-1051	Monthly billing.
Section 4-1052	Nondelivery of bills by post office.
Section 4-1053	Place of payment.
Section 4-1054	Refunds for overcharges.
Section 4-1055	Classification of service.
Section 4-1056	Minimum rates.
Section 4-1057	Records maintenance; generally.
Section 4-1058	Same; bond requirements.
Section 4-1059	Budget; fixing of charges.
Sections 4-1060 through 4-1070	reserved.

**DIVISION 4 Taps**

Section 4-1071	Tap fee; payment required.
Section 4-1072	Town performs work.
Section 4-1073	Schedule.
Sections 4-1074 through 4-1080	reserved.

**DIVISION 5 Water Rates**

Section 4-1081	Schedule of rates.
Section 4-1082	Minimum charge.
Section 4-1083	Sprinkler service.
Section 4-1084	Reconnection fees.
Section 4-1085	Late charges.
Sections 4-1086 through 4-1090	reserved.

**DIVISION 6 Water System Extensions**

Section 4-1091	Responsibility for construction.
Section 4-1092	Conveyance of facilities to city.
Section 4-1093	Specifications.
Section 4-1094	Administrative procedures.
Section 4-1095	Contractor's qualifications.
Section 4-1096	Certificate of completion.
Section 4-1097	Owner's warranty.
Section 4-1098	Tap locations.
Section 4-1099	Compatibility with future plans.
Section 4-1100	Instrument of conveyance.
Section 4-1101	Use of city water and sewer required.
Sections 4-1102 through 4-1110	reserved.

**DIVISION 7 Validity**

Section 4-1111	General repealer.
Section 4-1112	Codification of article.
Section 4-1113	Amendments.
Section 4-1114	Severability.
Sections 4-1115 through 4-1120	reserved.

## ARTICLE C

## Sewerage System

## DIVISION 1 General Provisions

Section 4-1121	Definitions of terms.
Section 4-1122	Prohibited use of public sewers.
Section 4-1123	More stringent federal standards.
Section 4-1124	Mass discharge limitations.
Section 4-1125	Authority to adopt more stringent limitations.
Section 4-1126	Accidental discharges.
Section 4-1127	Spill preventions and countermeasures.
Sections 4-1128 through 4-1130 reserved.	

## DIVISION 2 Permissive Use of Public Sewers

Section 4-1131	Connections; permit required.
Section 4-1132	Large discharges.
Section 4-1133	Holding tanks; specifications.
Section 4-1134	Preliminary treatment facilities.
Section 4-1135	Holding tanks; volume of wastes construed.
Section 4-1136	Preliminary treatment facilities; plans.
Section 4-1137	Same; maintenance.
Section 4-1138	Analysis of wastes; authority to require.
Section 4-1139	Same; changes in wastes.
Section 4-1140	Same; application for connection.
Section 4-1141	Interceptors.
Section 4-1142	Manholes for sampling.
Section 4-1143	Diluting discharge to avoid pretreatment.
Sections 4-1144 through 4-1150 reserved.	

## DIVISION 3 Operations and Control

Section 4-1151	Right of entry.
Section 4-1152	Emergency powers.
Section 4-1153	Sampling standards.
Section 4-1154	Flow volume; measurement.
Section 4-1155	Water not entering sewer system.
Section 4-1156	Connection; required.
Section 4-1157	Same; time for making.
Section 4-1158	Septic tank use.
Section 4-1159	Application for connection.
Section 4-1160	Specifications for lines.
Section 4-1161	Tap fees.
Section 4-1162	Unauthorized connections.
Section 4-1163	Connections; supervision of work.
Section 4-1164	Maintenance of service lines.
Section 4-1165	Regulatory authority of city.
Section 4-1166	Basis for charges.
Section 4-1167	Routine self-monitoring.
Section 4-1167A	Notification of hazardous waste.
Section 4-1168	Wastewater contribution permits shall be issued to significant industrial users.
Section 4-1169	Conditions of permit issuance.
Section 4-1170	Suspension of treatment and/or permit; reinstatement.
Section 4-1170A	Revocation of permit; correction of violations.

## DIVISION 4 User Charges and Surcharges

Section 4-1171	Schedule of charges; annual adoption.
Section 4-1172	Same; publication and notice.
Section 4-1173	Same; nonpayment; second notice; discontinuance.
Section 4-1174	Reserved.
Section 4-1175	Surcharges for wastes exceeding limits.
Section 4-1176	Same; computation.
Section 4-1177	Connection fees.
Section 4-1178	Schedule of charges.
Section 4-1179	Surcharge; basis.
Section 4-1180	Sludge handling fees.
Sections 4-1181 through 4-1190 reserved.	

## DIVISION 5 Reserved

Sections 4-1191 through 4-1200 reserved.

## DIVISION 6 Sanitary Sewer Extensions

Section 4-1201	Construction responsibility.
Section 4-1202	Conveyance to city.
Section 4-1203	Plans and specifications.
Section 4-1204	Approval procedure.
Section 4-1205	Instrument of conveyance.
Section 4-1206	Owner's warranty.
Section 4-1207	Taps.
Section 4-1208	Compatibility with city plans.
Sections 4-1209 through 4-1220 reserved.	

## DIVISION 7 Penalties

Section 4-1221	Discontinuance of service.
Section 4-1222	Grounds for discontinuance.
Section 4-1223	Commencement of legal action.
Section 4-1224	Penalties; remedies.
Section 4-1225	False statements.
Section 4-1226	Publication of violators' names.
Section 4-1227	Cumulative nature of penalties.
Sections 4-1228 through 4-1230 reserved.	

## DIVISION 8 Validity

Section 4-1231	General repealer.
Section 4-1232	Amendments.
Section 4-1233	Severability.
Sections 4-1234 through 4-1240 reserved.	

## ARTICLE D

## Drought Management and Response Plan

Section 4-1241	Declaration of purpose and intent.
Section 4-1242	Definition of terms.
Section 4-1243	Drought management plan.
Section 4-1244	Drought response plan.

**ARTICLE A****General Provisions****Section 4-1001 Utilities department.**

The utilities of the city of Marion shall be divided into two departments. A water department and a waste water department. Each department shall have a superintendent who shall supervise and be responsible for the operation of their respective departments. (Amended by city attorney, 11/29/95)

**Sections 4-1002 through 4-1010 reserved.**

## ARTICLE B

### Water System

**Historical Note:** The provisions of this article, unless otherwise indicated, are derived from Ord. No. 80-2, 5 13 80.

#### DIVISION I General Provisions

##### Section 4-1011 Definitions.

(a) *Single family dwelling unit* shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for 30 days or more per year.

(b) *Multiple family dwelling unit* shall mean any building containing two (2) or more single family dwelling units and having individual water connections to each dwelling unit.

(c) *Apartment* shall mean any building containing two (2) or more single family dwelling units and having one (1) water connection for all dwelling units.

(d) *Commercial* shall mean any hotel, motel, lodge, tourist home, efficiency apartments, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a rental unit.

(e) *Condominium* shall mean one (1) or more building containing two (2) or more single family units owned individually and not provided with access by public streets or roads and having one (1) water connection for all units.

(f) *Townhouse* shall mean one (1) or more buildings containing two (2) or more single family units owned individually and provided with, or adjacent to, public streets or roads and having one (1) water connection for each unit.

(g) *Business* shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "commercial" and "institution."

(h) *Institution* shall mean any building used as a hospital, church, school or similar public facility.

(i) *Building* shall mean any improved property containing a structure which meets any one of the classifications in subsections (a) through (h).

(j) *Customer* shall mean any responsible per-

son who makes application to the city for water service.

(k) *City* shall mean the City of Marion, its elected officials and appointed authorized representatives.

(l) *Water connection* shall mean all materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient water main to the most convenient property line of the customer.

(m) *Person* shall mean any individual, firm, company, association, corporation, institution or group.

(n) *Services* shall mean the delivery of potable water through an authorized and approved water connection, account record keeping, billing, and all work associated therewith.

(o) *Waterworks system* shall mean all property, wells, equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenances necessary to provide water service owned and operated by the city.

(p) *Equivalent unit* shall mean equal to that number of single family dwelling unit. For purpose of establishing tap fee and billing cost, the following equivalents shall be used:

(1) Single-family dwelling unit.	1.0
(2) Condominium dwelling unit	1.0
(3) Townhouse dwelling unit...	1.0
(4) Apartment .....	1.0
(5) Hotel or motel per room...	0.60
(6) Mobile home .....	0.75
(7) Restaurant, per seat .....	0.25
(8) Business or institutional, per 6,000 gallons per month usage...	1.0

(Ord. No. 80-2, 5/13/80)

#### **Section 4-1012 Connections required.**

Every building which is located within 250 feet of any water main operated and maintained by the city shall be connected thereto and shall utilize the same for water. The city shall provide necessary service to the customer at the point of street right-of-way or property line of easement established for the water main. Service lines from the street right-of-way or property line of the easement shall be installed, owned, and maintained by the customer subject to regulations given in this article. Such water connections shall be made forthwith and for the purposes of the penal provisions of this article, following 10 days' written notice by the city each day during which such

building shall not be connected to the water main shall be a separate offense and punishable as a misdemeanor. (Ord. No. 80-2, 5/13/80)

#### **Section 4-1013 Application for service; installation charge, fee; transfer fee; service charge.**

For all customers requesting water service, there shall be an installation charge of \$20. Each customer shall make application to the city for service by completing the standard contract of the city for water service and in addition to the installation charge shall pay a deposit in the following amounts; residential customers, including mobile home customers, \$45; businesses, \$100. To transfer the water service from one location to another, a request must be made to the city along with a \$20 transfer fee due with the request. If additional piping or meters are needed, the service charge shall be determined prior to providing the service. Once a customer requests that the water service be discontinued, the deposit will be refunded within 45 days, provided all bills and charges are paid. (Ord. No. 80-2, 5/13/80, as amended by Ord. No. 87-16, 7/21/87; Ord. No. 91-13, 6-11-91)

#### **Section 4-1014 Tampering with system prohibited.**

It shall be unlawful and a violation of this article for any person, or persons, to damage, deface, alter, change, or tamper with any part of the waterworks system; and upon conviction, the person, or persons, shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor. (Ord. No. 80-2, 5/13/80)

#### **Section 4-1015 Discontinuance of service for violations.**

The city reserves the right to discontinue service immediately, and have the water connection removed or severed, if it is found that any provision of this article has been violated. (Ord. No. 80-2, 5/13/80)

#### **Section 4-1016 Unauthorized connections.**

It shall be unlawful and a violation of this article for any person to make any connection to the waterworks system or to reconnect service when it has been discontinued for violation of this article, or any other reason, except where speci-

cally approved in writing by the city with the approval being contingent upon satisfaction of all sections of this article; and upon conviction, the person or persons, shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor. (Ord. No. 80-2, 5/13/80)

#### **Section 4-1017 Discontinuance of service for nonpayment.**

When service has been discontinued for violation of this article, all charges for services to date become immediately due and payable and service will not be reinstated until payment in full has been made of all charges including bills, cost of repairs, service charges, reconnection fees, and penalties.

#### **Section 4-1018 Meter readings; billings; second notices.**

All meter accounts will be read monthly and billed monthly to the customer. If a bill is not paid in its entirety by the 25th of the month, all service to the customer shall be forthwith discontinued without further notice and shall remain discontinued until the customer has paid his past due account, late charges and a reconnection fee. All customers shall take any complaints, problems, or errors on or with their bill to the city utility director who will have the authority to resolve the complaints. They will be further informed that if they do not pay or contest the bill by the 25th of the month that service will be discontinued. Should the 25th fall on a weekend or legal holiday, the cut-off shall take place the next regular business day. (Ord. No. 80-2, 5/13/80, as amended by Ord. No. 87-13, 7/21/88; Ord. No. 05-15, 9/13/05)

**Amendment Note:** Ord. No. 87-13 changed the cut-off date from the 21st to the 26th of the month and added contents of the notice to be received by customers.

#### **Section 4-1019 Tap fees.**

For each new water connection, and in addition to conformance with section 4-1013, the person apply-

ing for water service shall pay a tap fee according to the schedule of section 4-1073, payment to be made before the water connection is provided by the city.

#### **Section 4-1020 Separate connections required.**

No water service shall be furnished to any lot from an existing service on another lot except as herein provided or by special authorization, in writing, of the city council.

#### **Section 4-1021 Claims do not offset charges.**

No claims or demand that the customer may have against the city shall be considered as an offset against the payments for service as provided under this article.

#### **Section 4-1022 Resales prohibited.**

Water service as provided by this article is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial, or institution; and said service shall not be sub-leased, assigned, transferred, sold, or disposed of to others, in whole or any part thereof.

#### **Section 4-1023 Deposits; responsibility for charges.**

Each water connection shall require the deposit as required by section 4-1013 and separate billing for water service and shall constitute a separate account in the waterworks records of the city. The applicant for water service to be provided through that water connection shall be responsible to all sections of this article regardless of ownership of the property being served by that water connection.

#### **Section 4-1024 Free service prohibited.**

No water service shall be furnished or rendered free of charge to any person.

#### **Sections 4-1025 through 4-1030 reserved.**

**DIVISION 2 Service****Section 4-1031 Nonliability of city.**

The city shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina State Board of Health and the South Carolina Water Pollution Control Authority. The city agrees to use reasonable diligence in providing a regular and uninterrupted supply of water and service but in case the supply of water shall be interrupted or fail by accident, or any cause whatsoever, except negligence on the part of the city, the city shall not be liable for such interruption or failure and the city shall not be liable for any damages sustained by the customer by reason thereof.

**Section 4-1032 Testing of meters; adjustment of bills.**

All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year. When at the request of the customer, or otherwise, water meters have been tested by the city or any other party approved by the city and found to be more than three percent (3%) fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed six (6) months prior billing. If a meter is tested at the customer's request more than once in any six (6) month's period, the customer shall pay a service charge of five dollars (\$5.00) for such service, but in the event the meter is found to be more than three percent (3%) fast, then the customer will have his bill adjusted as stated above and no service charge will be applied.

**Section 4-1033 Right of entry.**

The city shall have the right to enter the customers' premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters. The city shall further have the right to enter the customers' premises for inspections and any other reason for administering reasonable service provided that the customer is notified in advance.

**Section 4-1034 Detector checks on nonresidential meters.**

All water connections installed for sprinkler

systems or similar business and commercial fire protection devices must be equipped with a detector check meter at the customer's expense.

**Section 4-1035 Cut-off devices.**

Upon payment of a \$10 fee, the city will allow any customer a convenience cut-off and cut-on as a protective device during periods of absence from the premises. Actual cut-off and cut-on must be accomplished by the city and does not relieve the customer of any obligation to pay the minimum charges as set forth in the rate schedule of division 5.

**Section 4-1036 Plumbing standards.**

All building plumbing shall conform with the national plumbing code, latest revision, and shall be accomplished only by a regularly licensed plumber authorized by the city. It shall become the responsibility of each person requesting a water connection to notify the city and arrange for final inspection of the plumbing while visible and accessible to the inspecting agent of the city before permission to connect is granted.

**Section 4-1037 Plumbing inspections; correction of hazardous facilities.**

The city shall make inspections of existing building plumbing and if any condition is found which, in the opinion of the city constitutes a health hazard or a potential health hazard to the water supply or operation of the waterworks system, the city shall require immediate action to be taken by that customer or sever the water connection until remedial measures are instituted and the hazard eliminated to the complete satisfaction of the city.

**Section 4-1038 Prohibited connections.**

Under no circumstance shall any part of the waterworks systems be connected in any way with any other water source except as specifically approved in writing by the city council. Any hazardous connection between the waterworks system and any source of contamination is expressly prohibited.

**Section 4-1039 Protection of water quality.**

During any and all improvements, expansions, extensions, repairs, or fire calls the city shall

exercise all reasonable precaution to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.

#### **Section 4-1040 Emergency powers.**

In the interest of the public health and safety, the city shall be permitted to take such emergency action as may be deemed necessary in the operation of the waterworks system including, but not limited to, the right to close down any water line or portion of the waterworks system for the purpose of making connections, alterations, or repairs.

#### **Section 4-1041 Tests of water purity.**

The city shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the South Carolina State Board of Health and the South Carolina Water Pollution Control Authority.

#### **Section 4-1042 Cross-connection control.**

(a) General.

(1) In order to protect the city of Marion's water system from contamination from lawn and sprinkler systems connected to the city of Marion's water system, the city of Marion shall enlist and maintain a viable cross control program. All lawn and sprinkler systems connected to the city's water supply shall be required to meet department of health and environmental control (DHEC) regulations for cross-connection control as those regulations are currently in existence and as they may be amended from time to time. The program will consist of:

(A) Locating and eliminating unprotected cross-connections;

(B) Maintaining records pertaining to the location of existing backflow prevention assemblies, type and size of each assembly, annual test results and repair or replacement records.

(2) No person shall install, permit to be installed or maintain any cross-connection between a public

water system and any other non-public water system, sewer or a line from any container of liquids or other substances, unless an approved backflow prevention device or assembly is installed between the public water system and the source of contamination.

(b) Low hazard cross-connections. A low hazard cross-connection is defined as follows: a connection between an approved public water system and another water source not hazardous to health but not meeting the standards of the approved public water system and not cross-connected within its system with a potentially dangerous substance shall be considered a low hazard category cross-connection. At a minimum, an approved double check valve assembly or pressure vacuum breaker must be installed on a low hazard cross-connection except as provided in subsection (c)(2) of this section.

(c) Residential lawn irrigation system.

(1) All low hazard residential lawn irrigation systems connected to the public water system must have a residential double check valve capable of being tested at the time of meter installation. The double check valve may be supplied by the city of Marion at its cost or can be purchased by the customer, provided it is on the list approved by DHEC. All systems not currently meeting this requirement of the double check valve assembly must have such assembly installed within six (6) months from the date of the passage of the ordinance codified in this section.

The residential double check assemblies provided for herein shall be tested by a certified tester annually as set forth in subsection (g) of this section.

(2) "High hazard residential lawn irrigation system" is defined as follows: any residential lawn or irrigation system which includes chemical addition or is also connected to another water source which is not an approved water system shall be considered a high hazard cross-connection and must meet the requirements of subsection (d) of this section.

(d) High hazard cross-connection.

(1) A connection between an approved public water system and a service or other water system which has or may have any material in the water dangerous to health, or connected to any material



dangerous to health that is or may be handled under pressure, or subject to negative pressure, shall be considered a high hazard category cross-connection. Protection shall be by air gap separation or an approved reduced pressure principle backflow prevention assembly.

(2) Reduced pressure principal back flow prevention assemblies shall not be installed in any location subject to possible flooding. This includes pits or vaults which are not provided with a gravity drain to the ground's surface that is capable of exceeding the discharge rate of the relief valve.

(e) Fire sprinkler systems. Fire line sprinkler systems, except those in the high hazard category, shall be protected by an approved double check valve assembly. High hazard fire sprinkler systems shall include, but not be limited to: antifreeze systems, foam systems, systems charged from or tied into ponds, lakes, streams, or any water source other than the approved public water supply. High hazard category fire sprinkler systems shall comply with the requirements of subsection (d) of this section.

(f) Approved devices or assemblies. The assemblies referred to herein must be approved by the city and must come from the list of backflow prevention assemblies approved by DHEC for use in South Carolina.

(g) Testing requirements.

(1) When double check valve assemblies, pressure vacuum breakers, and/or reduced pressure principle backflow prevention assemblies are installed to protect a public water system against the possibility of backflow from a customer's water service, routing testing of the assemblies shall be performed by a certified tester and shall be paid by the customer/homeowner.

(2) Each assembly shall be tested by a certified tester after installation and before use by the customer (including change outs). In addition, each assembly shall be tested once annually by a certified tester.

(3) The public water system is to receive a written report of the inspection and testing results for all assemblies tested within its distribution system. The report shall be submitted by the certified tester mak-

ing the inspection and test to the department head of the city water department. The test results shall be kept on file by the city for at least five years. Failure to have the assembly tested will result in loss of water service.

(4) All backflow prevention assemblies shall be tested immediately after repairs of any kind are made to the assembly and reports of the test results shall be filed and maintained as set forth herein.

(h) Tester certification. Each tester shall be licensed by DHEC and shall meet the minimum requirements as set forth by DHEC through its regulations as the same may be enacted or amended from time to time.

(i) Conflict. Should there be any conflict between this section and any DHEC regulations now existing or hereinafter enacted, the more stringent requirements shall control. (Ord. No. 05-12, 8/23/05)

**Sections 4-1043 through 4-1050 reserved.**

**DIVISION 3    Records and Billing****Section 4-1051   Monthly billings.**

All metered accounts shall be billed and payable monthly.

**Section 4-1052   Nondelivery of bills by post office.**

While the city will make every reasonable effort to see that each customer receives his bill, no responsibility will be assumed for nondelivery when same has been mailed at the post office.

**Section 4-1053   Place of payment.**

All charges for water services are due and payable at the collecting office in the city hall building.

**Section 4-1054   Refunds for overcharges.**

In no event will refunds for overcharges be made for a period covering more than six (6) months immediately preceding.

**Section 4-1055   Classification of service.**

Each account for water service shall be classified for billing purposes at the discretion of the city and according to the definitions contained herein. The customer shall have the right of redress to the city for purposes of reclassification through presentation of sufficient evidence to the city council.

**Section 4-1056   Minimum rates.**

Billing will be based upon minimum rates for each meter size as given under division 5. Any service discontinued for convenience under section 4-1035 shall be subject to payment of the minimum monthly rate for the period of absence.

**Section 4-1057   Records maintenance; generally.**

The city shall keep separate from other business the records of the water system.

**Section 4-1058   Same; bond requirements.**

All records of business transactions, billings, and receipt of funds shall be maintained by the city treasurer in accordance with the bond ordinances governing the system. (Ord. No. 80-2, 5/13/80)

**Section 4-1059   Budget; fixing of charges.**

The city council shall prepare an annual budget for the water system based upon the audit and establish such changes as may be necessary to fund said budget in accordance with the "Water Use Ordinance." (Ord. No. 80-2, 5/13/80)

**Sections 4-1060 through 4-1070 reserved.**

**DIVISION 4 Taps****Sections 4-1074 through 4-1080 reserved.****Section 4-1071 Tap fee; payment required.**

No water connections shall be made until the tap fee as set forth below has been paid. (Ord. No. 80-2, 5/13/80, as amended by Ord. No. 80-14, 8/12/80)

**Section 4-1072 Town performs work.**

All taps and related water connections shall be accomplished by the town using standard equipment and materials. (Ord. No. 80-2, 5/13/80, amended by Ord. No. 80-14, 8/12/80)

**Section 4-1073 Schedule.**

Tap fees for new connections shall be determined by the following based upon the number of equivalent units served:

<b>Inside City</b>		
Equivalent Units	Size Meter (in inches)	Tap Fee
1—2	$\frac{3}{4}$	\$550
3—5	1	650
6—14	$1\frac{1}{2}$	700
15—24	2	850

<b>Outside City</b>	
Size Meter (in inches)	Tap Fee
$\frac{3}{4}$	\$600
1	750
$1\frac{1}{2}$	900
2	1,050

All taps larger than two inches (2") in size shall be cost of labor and materials plus thirty (30) percent.

(Ord. No. 80-2, 5/13/80, as amended by Ord. No. 80-14, 8/12/80; Ord. No. 91-11, § 1, 6/11/91; Ord. No. 05-09 (part), 7/21/05; Ord. No. 07-05 (part), 7/10/07; Ord. No. 08-05(Amd.), § A, 8/12/08)

## DIVISION 5 Water Rates

**Section 4-1081 Schedule of rates.**

(a) Monthly billing shall be based upon water used in accordance with the following rate schedule:

<b>Water Usage Gallons</b>	<b>In Town Res./Comm. Water</b>	<b>In Town Industrial Water Rate</b>	<b>Out of Town Res./Comm. Water Rate</b>	<b>Out of Town Industrial Water Rate</b>
First 2,500	\$13.50	\$14.00	\$27.00	\$28.00
Each Additional 1,000 gallons	2.15	2.15	4.30	4.30

(b) Definitions. For purposes of this section the following terms are defined as follows:

(1) "Multifamily dwelling complex" or "complex" shall include any apartment, apartment complex, mobile home park, housing project, duplex, townhouse, condominium or any other multifamily dwelling structure or complex.

(2) "Unit" shall mean separate living quarters located within a multifamily dwelling complex.

(3) "Occupied" shall mean occupancy of any unit within a multifamily dwelling complex during any portion of a month.

(c) The minimum rate for up to two thousand five hundred (2,500) gallons of water used shall be charged for each occupied unit within a multifamily dwelling complex regardless of the number of water meters connecting the complex to the city water system. This minimum charge may not be prorated for partial occupancy during the billing period. In addition to the minimum rate the charges for all usage over two thousand five hundred (2,500) gallons per occupied unit shall be as set forth above. Where each unit in the complex is connected by its own separate meter, the charge for water usage shall be computed in the same manner as are the charges for single-family residence. In circumstances where there is a single meter connecting the complex or any part thereof to the city water system, the additional charges shall be computed by multiplying the number of occupied units served by the single meter times two thousand five hundred (2,500) gallons and all usage in excess of the total so derived shall be charged at the rates set forth above.

(d) Sewer rates shall be as set forth in Section 4-1178 of the City Code.

(e) All multifamily dwelling complexes located outside of the city limits served by the city water system shall pay double the rates provided above for in-town multifamily dwelling complex. (Ord. No. 80-2, 5/13/80, as amended by Ord. No. 80-14, 8/12/80; Ord. No. 81-7, 6/29/81; Ord. No. 82-4, 5/11/82; Ord. No. 87-10, 6/15/87; Ord. No. 88-2, 3/8/88; Ord. No. 90-10, § 1, 7/10/90; Ord. No. 93-1, § 2, 1/19/93; Ord. No. 95-1, 4/11/95; amended by city attorney, 11/29/95; Ord. No. 97-4, 2/11/97; Ord. No. 98-7, 5/12/98; Ord. 05-09 (part), 7/21/05; Ord. No. 07-05 (part), 7/10/07; Ord. No. 09-03, § A, 6/30/09)

**Section 4-1082 Minimum charge.**

Repealed by Ord. No. 81-7, 6/29/81.

**Section 4-1083 Sprinkler service.**

Repealed by Ord. No. 81-7, 6/29/81.

**Section 4-1084 Reconnection fees.**

Repealed by Ord. No. 07-06, 7/10/07.

**Section 4-1085 Late charges.**

For all water bills that remain unpaid as of 5:00 p.m. on the day before the water cut-off date, there shall be added the sum of \$25.00 to the bill as a late charge. (Ord. No. 87-15, 7/21/87, as amended by Ord. No. 05-17, 9/13/05; Ord. No. 07-07, 7/10/07)

**Sections 4-1086 through 4-1090 reserved.**

**DIVISION 6 Water System Extensions****Section 4-1091 Responsibility for construction.**

Construction of water lines in any new development shall be the responsibility of the person responsible for such development.

**Section 4-1092 Conveyance of facilities to city.**

Water lines constructed within new developments may be conveyed to the city provided all such lines are located within public rights-of-way or upon approval easements of adequate unobstructed widths to provide maintenance vehicle access.

**Section 4-1093 Specifications.**

Any new development proposing to construct water distribution lines or extensions to existing transmission mains to connect directly into the city's water system shall conform its plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the State of South Carolina and approved or approvable by any and all local, county, and state authorities having jurisdiction.

**Section 4-1094 Administrative procedures.**

The following administrative procedures shall be followed:

- (1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, pressures and point of connection to the city's system.
- (2) Receive preliminary approval from city and other jurisdictional agencies.
- (3) Prepare construction drawings and documents for city approval.
- (4) Secure all other agency approvals of construction drawings and contract documents.
- (5) Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.

(6) Provide the approving authority and its authorizing representatives with permission for on-site inspection during construction.

(7) Furnish to the approving authority a certificate of completion, instrument of conveyance, warranty together with such other legal docu-

ments as may be required for annexation, and similar special provisions.

**Section 4-1095 Contractor's qualifications.**

Construction of the proposed water system shall be accomplished by a registered licensed contractor under the laws of the State of South Carolina who shall have paid all business licenses required by the city.

**Section 4-1096 Certificate of completion.**

Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority at no cost to the city, his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specifications, and shall provide four (4) copies of "As Constructed" drawings.

**Section 4-1097 Owner's warranty.**

The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for 12 months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the city harmless in each instance.

**Section 4-1098 Tap locations.**

All water taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "As Constructed" drawings.

**Section 4-1099 Compatibility with future plans.**

All water system extensions must be compatible with present and future plans and needs of the city.

**Section 4-1100 Instrument of conveyance.**

When all other requirements of this article have been met and approved the owner shall prepare and

submit to the approving authority an instrument of conveyance, conveying the constructed system to the city, at no cost to the city, and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

**Section 4-1101 Use of city water and sewer required.**

(1) All current and future users of city water and/or sewer shall be prohibited from using, installing or developing alternative sources of water and sewer without the express written consent of the city. Any agreement to allow such use would be based in part on a requirement that there would be no reduction in the amount of city water used by the person or entity proposing to develop the alternate source, and that the city is unable and could not in the reasonable future meet the needs of the user.

(2) In the event that an alternate source is installed or approved by the city, and the waste discharge from said alternate source is put into the city sewer stream, the amount of waste water from the alternate source will be metered so as to determine the amount of additional water placed in the city sewer stream and the rate for treating said additional waste water shall be double the existing rate then charged for waste water treatment. This enhanced charge shall apply to those gallons attributed to the alternate water source.

(3) Should any current water customers of the city develop an alternate supply of water not approved by the city, the city may at its discretion elect to terminate all water and sewer service to said customer.

(4) This requirement shall not apply to any user who is not currently on the city water system, but is discharging into the city waste treatment facility, nor shall it apply to any user who is more than two hundred fifty feet away from any source of city water, and the city elects not to provide water services to the customer. (Ord. No. 93-4, 5/11/93)

**Sections 4-1102 through 4-1110 reserved.**

**DIVISION 7    Validity****Section 4-1111    General repealer.**

All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this article are hereby repealed.

**Section 4-1112    Codification of article.**

This article shall be forthwith codified in the Code of Town Ordinances as required by Section 47-61.3 Code of Laws of South Carolina, 1962, and same shall be indexed under the general heading "Waterworks System of City of Marion."

**Section 4-1113    Amendments.**

The City of Marion, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this article, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to, public notice 30 days prior to final action.

**Section 4-1114    Severability.**

The invalidity of any section, clause, sentence or provision in this article shall not affect the validity of any other section, clause, sentence or provision of this article which can be given effect without each invalid part or parts.

**Editorial Note:** The final section of Ord. No. 80-2 which has not been codified provided for an effective date of May 13, 1980.

**Sections 4-1115 through 4-1120 reserved.**

**ARTICLE C****Sewerage System**

**Historical Note:** The provisions of this article, unless otherwise indicated, are derived from Ord. No. 80-3, adopted 5/13/80.

**DIVISION 1    General Provisions****Section 4-1121    Definitions of terms.**

Unless the context specifically indicates otherwise the meaning of terms used in this article shall be as follows:

(1) *Sewerage system* shall mean all facilities for collecting, conveying, pumping, treating and disposing of sewage.

(2) *Approving authority* shall be the Waste Water Department, City of Marion.

(3) *Sewage* shall mean a combination of the water-carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface and storm water as may be naturally present.

(4) *Sewer* shall mean a pipe or conduit for carrying sewage.

(5) *Public sewer* shall mean a sewer in which all owners of abutting properties shall have equal rights and is controlled by public authority.

(6) *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

(7) *Sanitary sewer* shall mean a sewer which carries sewage or polluted industrial wastes and to which storm, surface and ground waters or unpolluted industrial waste are not intentionally admitted.

(8) *Storm sewer* or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

(9) *Sewage treatment plant* shall mean any arrangement or device and structures for treating sewage.

(10) *Domestic sewage* shall be liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

(11) *Industrial wastes* shall mean the liquid wastes from commercial and industrial processes and operations, as distinct from domestic sewage.

(12) *Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(13) *Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispen-



sing of food that has been shredded to such degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than  $\frac{1}{2}$  inch in any dimension.

(14) *B.O.D.* (denoting biochemical oxygen demand) is a measure of the degree of pollutorial strength of wastes of any nature. B.O.D. expressed in parts per million by weight, shall mean the calculated pounds of oxygen required to satisfy the five (5) day oxygen demand of a million pounds of domestic sewage or industrial wastes, or a combination of both when tested in accordance with the procedures given in the latest edition of "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association.

(15) *pH* is the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance. A pH value of 7.0 is considered neutral. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. pH below 7.0 is acid, above alkaline.

(16) *P.P.M.* means parts per million by weight expressed in pounds. One million pounds of water or sewage equals approximately 120,000 gallons.

(17) *Color* shall mean the "true color" due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in wave lengths of light.

(18) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

(19) *Septic tank* shall mean a private domestic sewage treatment system consisting of an underground tank, distribution box and drain field designed and constructed in accordance with any or all existing local and state requirements.

(20) *Natural outlet* shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

(21) *Receiving stream* shall mean that body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

(22) *Person* shall mean any individual, firm, company, association, corporation, institution or group.

(23) *City* shall mean the City Council of Marion, or any duly authorized officials acting in its be-

half.

(24) *Development* shall mean any residential subdivision, real estate development, commercial, industrial or institutional complex.

(25) *Single family dwelling unit* shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for 30 days or more per year.

(26) *Multiple family dwelling unit* shall mean any building containing two (2) or more single family dwelling units and having individual sewer connection to each dwelling unit.

(27) *Apartment* shall mean any building containing two (2) or more single family dwelling units and having one (1) sewer connection for all dwelling units.

(28) *Commercial* shall mean any hotel, motel, lodge, tourist home, efficiency apartments, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accomodation shall be classified as a rental unit.

(29) *Condominium* shall mean one (1) or more buildings containing two (2) or more single family units owned individually and not provided with access by public streets or roads and having one (1) sewer connection for all units.

(30) *Townhouse* shall mean one (1) or more buildings containing two (2) or more single family units owned individually and provided with, or adjacent to, public streets or roads and having one (1) sewer connection for each unit.

(31) *Business* shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under "commercial" and "industrial."

(32) *Industrial* shall mean any building used by the occupant to manufacture, assemble, or process goods classified in the Standard Industrial Classification Manual.

(33) *Motel bedroom unit* shall mean each room in a motel or hotel or similar building operated primarily as a rental unit or lodging on a daily or weekly basis normally used for sleeping.

(34) *Mobile home park* shall mean land used for the purpose of providing space to park mobile homes whether on wheels or a foundation, designated to serve as living quarters, whether permanent or occasional.

(35) *Building* shall mean any improved prop-

erty containing a structure which meets any one of the classifications in subsections (25) through (32).

(36) *Institution* shall mean any building used as a hospital, church, school or similar public facility.

(37) *Equivalent unit* shall mean equal to that number of single-family dwelling unit. For purpose of establishing tap fee and billing cost, the following equivalents shall be used:

(38) *Shall* is mandatory; *may* is permissive.

(39) *NPDES permits* shall mean National Pollution Discharge Elimination System Permit issued to the city pursuant to section 402 of the Federal Clean Water Act.

(40) *Federal Categorical Pretreatment Standard* shall mean any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Federal Clean Water Act which applies to a specific category of industry.

(41) *Interference* shall mean the inhibition or disruption of the city's wastewater treatment processes or operations which contributes to a violation of any requirements of the city's NPDES permit. The term includes the prevention of the use of disposal of sewage sludge.

(42) *Significant industrial user* shall mean any person discharging into the public sewer which:

1) Is subject to categorical pretreatment standards under 40 CFR part 403.6, and 40 CFR chapter I, subchapter N, as promulgated by the U.S. Environmental Protection Agency; or

2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the city's sewage treatment plant; or

3) Discharges an average of 25,000 gallons per day or more of process wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or

4) Has in the opinion of the city, a reasonable potential to adversely affect the operation of the city's sewage treatment plant or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(43) *EPA* shall mean the Environmental Protection Agency of the United States.

(44) *S.C.D.H.E.C.* or *D.H.E.C.* shall mean the South Carolina Department of Health and Environmental Control.

(45) *Pollution* shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(46) *Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(47) *Pretreatment or treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the city's sewage treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR section 403.6(d).

(48) *Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of section 307(a) of the Federal Clean Water Act or other Acts.

(49) *Wastewater* shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the city's sewage treatment system.

(50) *User* shall mean any person who contributes, causes or permits the contribution of wastewater into the city's sewage treatment system.

(51) *Significant violation* shall mean a violation of discharge limitations that meets one (1) or more of the following criteria:

1) Chronic violations in which 66 percent or more of all of the measurements taken during a six-month period exceed the limitation for the same parameter.

2) Technical review criteria (TRC) violation in which 33 percent or more of all of the measurements taken during a six-month period exceed limitation by a magnitude of the TRC [TRC = 1.4 for BOD, TSS, fats, oils and grease; TRC = 1.2 for all other parameters, except pH].

3) Any violation of a discharge limitation which the city believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.

4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the exercise of the city's emergency authority to halt or prevent such a discharge.

5) Any violation by 90 days or more after the scheduled date of any compliance schedule milestone contained in the wastewater discharge permit.

6) Failure to provide the required pretreatment program reports within 30 days of the due date.

7) Failure to accurately report noncompliance.

8) Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the pretreatment program.

(52) *Pass-through* means a discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(53) *Publicly owned treatment works (POTW)* shall mean a treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the municipality. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 86-4, 3/11/86; Ord. No. 90-13, §§ 1, 2, 8/14/90; Ord. No. 92-4, §§ 1—4, 5/12/92; Ord. No. 95-8, 7/25/95)

#### **Section 4-1122 Prohibited use of public sewers.**

(a) No person shall discharge or cause to be discharged into any sanitary sewers any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

(b) Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the approving authority, be discharged to storm sewers or storm drains.

(c) Except as hereinafter provided no person shall discharge or cause to be discharged any the following described waters or waste into any public sanitary sewer.

(1) Any clothing, rags, textile remnants, or wastes cloths, scraps, except fibers, or any other material or thing, which will pass through a one-fourth-inch mesh screen or its equivalent in screening ability or which may cause an obstruction in the system.

(2) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the approving authority, upon request of the POTW, approves alternate temperature limits.

(3) Any water or waste containing more than 100 parts per million by weight or fats, oils or grease.

(4) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit using the test methods specified in 40 CFR 261.21.

(5) Any liquid wastes in which the suspended solids exceed 250 parts per million by weight.

(6) Any liquid wastes having a BOD of more than 250 parts per million except as hereinafter provided for.

(7) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 8.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(8) Any waters or wastes containing a poisonous or toxic substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.

(9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.

(10) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(11) Any garbage that has not been properly shredded.

(12) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.

(13) Any materials which form excessive amounts of scum that may interfere with the op-

eration of the sewage treatment works or cause undue additional labor in connection with its operation.

(14) Any waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment.

(15) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.

(16) Any substance which may cause the sewage treatment work's effluent or other product such as residues, sludges, or scums, to be unsuitable for reclamation, reuse, and disposal.

(17) Any substance which will cause the sewage treatment works to violate its NPDES permit.

(18) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.

(20) Any wastewater which causes a hazard to human life or creates a public nuisance.

(20) *General prohibitions.* A user may not introduce into the POTW any pollutant(s) which cause pass-through or interference. These general prohibitions and the specific prohibitions in paragraph (c) of this section apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(21) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, but in no case in amounts greater than 100 mg/l.

(22) Any trucked or hauled pollutants, except at discharge points designated by the city.

(23) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(d) The approving authority, without limitation by other sections of this article, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the city under approved conditions of pretreatment. The approving authority may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 83-2,

4/12/83; Ord. No. 86-4, 3/11/86; Ord. No. 92-4, § 5, 5/12/92)

#### **Section 4-1123      More stringent federal standards.**

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter and shall immediately become effective without further action by the city. Where the city's sewage treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply for modification of specific limits in the federal pretreatment standards (Ord. No. 86-4, 3/11/86).

#### **Section 4-1124      Mass discharge limitations.**

The city may impose mass discharge limitations on persons discharging industrial waste to the city's sewer system when dilution is being used to meet applicable federal categorical pretreatment standards or in other cases where the imposition of mass limitations is appropriate. (Ord. No. 86-4, 3/11/86)

#### **Section 4-1125      Authority to adopt more stringent limitations.**

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system as may be necessary from time to time. (Ord. No. 86-4, 3/11/86)

#### **Section 4-1126      Accidental discharges.**

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.

(b) Within five (5) days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any

expense, loss, damage, or other liability which may be incurred as a result of damage to the sewer system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(c) A notice shall be permanently posted to the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. 86-4, § 3/11/86)

#### **Section 4-1127 Spill prevention and counter-measures.**

(a) Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. In addition, each significant industrial user (SIU) shall develop a plan to control spills and slug discharges. No SIU shall be permitted to introduce pollutants into the system until such a plan has been approved by the approving authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. The plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including nonroutine batch discharge.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 4-1122(c) of this article, with procedures for follow-up written notification within five days.

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(b) If identified in the plan or deemed to be necessary by the approving authority, facilities to prevent accidental discharge of prohibited materials

shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the approving authority before construction of the facility.

(c) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action. Within five (5) days following an accidental discharge, the user shall submit to the approving authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising all employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. 92-4, § 6, 5/12/92)

**Sections 4-1128 through 4-1130 reserved.**

**DIVISION 2 Permissive Use of Public Sewers****Section 4-1131 Connections; permit required.**

The city shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be as specified in division 4. The city shall have the right to deny or condition the discharge of such sewage into its system upon such terms and conditions as the city shall in its sole discretion deem necessary or advisable. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 86-4, 3/11/86)

**Amendment Note:** Ord. No. 86-4 added the third sentence to the above section.

**Section 4-1132 Large discharges.**

Any sewage discharged by any person, which has an average working day flow greater than (i) 5,000 gallons if tributary to the sewage pumping stations, or (ii) 5,000 gallons if tributary to the main gravity system, may be admitted into the sanitary sewers provided such sewage is discharged at rates which will not overload the sewerage system.

**Section 4-1133 Holding tanks; specifications.**

Where necessary in the opinion of the approving authority, and whenever the total volume of sewage to be discharged by any person in any one (1) day shall exceed the limits set forth above, such person may be required, at no expense to the city, to construct holding or storage tanks in order to equalize the discharge over a 24-hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the approving authority. Notice shall be given the approving authority when normal operations of the person will be interrupted for 24 hours, or longer, and wastes will not be available for discharge.

**Section 4-1134 Preliminary treatment facilities.**

(a) Whenever the waste characteristics of sewage being discharged by a person exceed those requirements of section 4-1122, and section 4-1123 or where necessary in the opinion of the approving authority, or where required by E.P.A., S.C.D.H.E.C. or applicable pretreatment standards, the person discharging sewage shall construct or cause to be constructed at no expense to the city such preliminary handling or treatment as may be required to:

(1) reduce the B.O.D. to 250 parts per million by weight, and the suspended solids to 250 parts per million by weight; or

(2) change the objectionable characteristics or constituents to come within the maximum limits provided for in section 4-1122 and section 4-1123.

(b) The facilities shall be constructed in accordance with a compliance schedule submitted by the person and approved by the approving authority and within the time limitations as may be specified by the federal pretreatment regulations. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 83-2, 41/12/83; Ord. No. 86-4, 3/11/86)

**Amendment Note:** Ord. No. 83-2 lowered the limitation for suspended solids in paragraph (1) and added the proviso in paragraph (2) which was subsequently eliminated by Ord. No. 86-4.

**Section 4-1135 Holding tanks; volume of wastes construed.**

Where the volume of any sewage discharged by any person exceeds the limits set forth under section 4-1122(c), the entire volume of such wastes shall be understood to come within the requirements set forth under section 4-1133.

**Section 4-1136 Preliminary treatment facilities; plans.**

Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the approving authority and no construction of such facilities shall be commenced until such approval is obtained in writing.

**Section 4-1137 Same; maintenance.**

Where preliminary treatment or holding facilities are provided for any purpose, they shall be

maintained continuously in satisfactory and effective operation at no cost to the city.

**Section 4-1138      Analysis of wastes; authority to require.**

Any person who is now discharging any sewage into the city's public sewers may be required to make written application to the approving authority giving complete information as to the nature and characteristic sewage as determined by an analysis of a composite sample of the waste made by an independent laboratory.

**Section 4-1139      Same; changes in wastes.**

Any person having been granted authority by the approving authority to discharge sewage into the city's public sewers and who shall change or cause to be changed the nature or quantity of such sewage, shall before making such change, receive the approval of the approving authority of such change and may be required to furnish the approving authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

**Section 4-1140      Same; application for connection.**

Any person who should wish to make such connection and discharge such sewage as described above, shall make written application to the approving authority providing a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other sections of this article.

**Section 4-1141      Interceptors.**

Grease, oil and sand separators or traps shall be provided when in the opinion of the approving authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private living quarters or dwelling units, but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. Such separators shall be readily accessible for inspection by the approving authority and shall be maintained and cleaned by the person at no expense to the city and in continuously efficient operation at all times.

**Section 4-1142      Manholes for sampling.**

Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pre-treatment, storage or other approved works, or if pre-treatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the approving authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of the waste discharged.

**Section 4-1143      Diluting discharge to avoid pretreatment.**

No person shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the requirements of section 4-1122 and section 4-1123. (Ord. No. 86-4, 3/11/86)

**Sections 4-1144 through 4-1150 reserved.**



**DIVISION 3 Operations and Control****Section 4-1151 Right of entry.**

The approving authority and duly authorized representatives of the city, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The city shall notify, if available, the person or a representative of the person prior to entering the premises. (Ord. No. 80-3, 5/13/80)

**Section 4-1152 Emergency powers.**

In the interest of the public health and safety, the approving authority and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations, or repairs. (Ord. No. 80-3, 5/13/80)

**Section 4-1153 Sampling standards.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in with the latest amendments to 40 CFR part 136 "Guidelines Establishing Test Procedures for the Clean Water Act" as promulgated by the U.S. Environmental Protection Agency, and shall be determined at the control manhole provided for in section 4-1142, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods so as to reflect the effect of constituents upon the sewerage works and to determine the existence of hazard of life, limb, and property. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 90-13, § 3, 8/14/91)

**Section 4-1154 Flow volume; measurement.**

The volume of flow used in computing sewer user charges and surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the city water department. (Ord. No. 80-3, 5/13/80)

**Section 4-1155 Water not entering sewer system.**

In the event that a person discharging waste into the sanitary system produces evidence that

more than 10 percent of his water use does not enter the sewer system, the user may apply for a reduction in the flow used to calculate his sewer use charge. (Ord. No. 80-3, 5/13/80)

**Section 4-1156 Connection; required.**

Every building which is located within 300 feet of any sewer main operated and maintained by the city shall be connected thereto and shall utilize the same for wastewater disposal. The connection shall be made prior to occupancy of any new building. (Ord. No. 80-3, 5/13/80)

**Section 4-1157 Same; time for making.**

Existing buildings which are provided with access as described in section 4-1156 shall connect to the sewer main within a period of two (2) years from date of completion of the sewer main; or at such time of failure or malfunction of existing waste disposal means; or at such time as directed by the city upon notice that the existing means of waste disposal is a community health hazard and violation of federal, state or county law. (Ord. No. 80-3, 5/13/80)

**Section 4-1158 Septic tank use.**

Where no public sewer exists within the limitation of section 4-1156 or where connection is technically impractical, the owner of such property may apply for a permit to construct and operate a septic tank system as approved by the county department of health, and further provided that the septic tank system is properly maintained so as to eliminate any hazard to the public health. (Ord. No. 80-3, 5/13/80)

**Section 4-1159 Application for connection.**

Any person desiring connection to be made with the sewerage system shall make application on an appropriate form at the department of water, and shall be accompanied by the appropriate connection fee. (Ord. No. 80-3, 5/13/80)

**Section 4-1160 Specifications for lines.**

All sewer service lines shall conform to the requirements of the approving authority on location, size, type, materials and methods used and shall be inspected and approved by the city. (Ord. No. 80-3, 5/13/80)

**Section 4-1161 Tap fees.**

The size and connection fee of all services shall be governed by the number of individual units to be served by the same connection.

(1) Single-family dwelling units and apartments or duplexes containing less than four (4) single-family dwelling units shall have a four-inch connection minimum.

(2) Multifamily units containing more than four (4) single-family dwelling units shall have a connection sized upon the equivalent number of bedrooms and flow as specified by the South Carolina Department of Health and Environmental Control Criteria, or equivalent residential users whichever is greater. (Ord. No. 80-3, 5/13/80)

**Section 4-1162 Unauthorized connections.**

It shall be unlawful for any person to make or undertake to make or cause to be made any connection to the sewerage system without first having made application and received approval. (Ord. No. 80-3, 5/13/80)

**Section 4-1163 Connections; supervision of work.**

When application has been made under the terms of this article, the city will permit a customer to make a sewer tap to the main sewer line under the supervision of the approving authority. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 80-15, 8/12/80)

**Section 4-1164 Maintenance of service lines.**

Service lines from the street right-of-way or property line of the easement to the main sewer line shall be installed, owned, and maintained by the customer subject to regulations given in this article. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 80-15, 8/12/80)

**Section 4-1165 Regulatory authority to city.**

The city shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina Department of Health and Environmental Control and the Environmental Protection Agency. (Ord. No. 80-3, 5/13/80)

**Section 4-1166 Basis for charges.**

The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, surcharges, and compliance with section 4-1122 and 4-1123 of this chapter. (Ord. No. 86-4, 3/11/86)

**Section 4-1167 Routine self-monitoring.**

The wastewater of each significant industrial user is subject to routine self-monitoring and reporting requirements.

(1) All sampling and analysis shall be in conformance with section 4-1153 of this division.

(2) If any industrial user samples more frequently than required by the city, the results of such sampling shall also be reported to the city.

(3) If sampling indicates a violation of this division or of any conditions of the wastewater discharge permit, the user must notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the analysis to the city within 30 days. (Ord. No. 86-4, 3/11/86, as amended by Ord. No. 90-13, § 4, 8/14/90)

**Section 1167A Notification of hazardous waste.**

(1) Each industrial user shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date

of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 4-1139. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of section 4-1167.

(2) Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the industrial user must notify the POTW, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. No. 92-4, § 7, 5/12/92)

**Section 4-1168    Wastewater contribution permits shall be issued to significant industrial users.**

(a) All significant industrial users proposing to connect to or to contribute to the sewage works shall obtain a wastewater contribution permit before connecting to or contributing to the sewage works. All existing significant industrial users connected to or contributing to the sewage works shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(b) Persons required to obtain a wastewater contribution permit shall complete and file with the

city an application in the form prescribed by the city. Existing system users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the sewage works.

(c) Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the wastewater contribution permit of persons subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a person, subject to a federal categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by section 708(a), the person shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable federal categorical pretreatment standards.

(d) Wastewater contribution permits shall be expressly subject to all provisions of this chapter

and all other applicable regulations, user charges and fees established by the city. Permits may contain conditions as deemed appropriate by the city to ensure compliance with this chapter.

(e) Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in division II are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Wastewater contribution permits are issued to a specific person for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new person, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or person shall also comply with the terms and conditions of the existing permit.

(g) (1) Information and data on a person obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the person specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the person.

(2) When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(3) Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city

until and unless a 10-day notification is given to the person.

(h) Wastewater contribution permits shall include by merger the term and agreements contained in the application for permit which application shall merge with and become a part of the permit itself upon acceptance of the application and issuance of the permit by the city. (Ord. No. 86-4, 3/11/86)

#### **Section 4-1169      Conditions of permit issuance.**

Each significant industrial user, as defined in section 42, shall be required to apply for and receive a wastewater contribution permit as prescribed in section 4-1168 of this chapter. As a part of each permit application the significant industrial user shall, in addition to all other conditions imposed, agree in writing to the following:

(1) To abide by all federal and state laws, city ordinances, Environmental Protection Agency and South Carolina Department of Health and Environmental Control regulations, now existing or as the same may be amended from time to time, pertaining to the pretreatment and discharge of industrial waste into the city's sewage system.

(2) To reimburse, indemnify and hold harmless the City of Marion from any fines, judgments, penalties, levies, costs, (including attorney's fees), imposed against the city by any regulatory or governmental authority and/or from any claim for damage or injury to person, property or wildlife arising from, caused by or related to the significant industrial user's failure to abide by applicable laws, ordinances, or regulations pertaining to the pretreatment and/or discharge of wastes or other matter into the city's sewage treatment system, or by the actual discharge of said wastes or other matter by the significant industrial user into the sewage treatment system.

(3) To reimburse the city for damages to the city's sewage treatment system or any other city property which damages are caused by or related to the discharge of waste or other matter into the city's sewage treatment system.

(4) To pay all costs and attorney's fees incurred by the city in the enforcement of any ordinance, rule, regulation, or law against the significant industrial user which the significant industrial user refuses to comply with after being given reasonable opportunity to do so; and to pay for all costs and attorney's fees incurred by the city in defending itself in any proceeding brought against the city as a result of a violation by the significant

industrial user of terms or conditions of its permit or violations of any ordinance, or any applicable federal or state law or regulation pertaining to the pretreatment and discharge of industrial wastes. (Ord. No. 86-4, 3/11/86)

**Section 4-1170 Suspension of treatment and/or permit; reinstatement.**

(a) (1) The city may immediately and without prior notice suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, cause interference to the sewer system or causes the city to violate any condition of its NPDES Permit.

(2) The city, however, shall wherever possible give as much advance notice as is possible under the circumstances to the user of the suspension of such service. Such notice shall be sent or given to the local business office of the user and shall state the time the suspension is to begin which may be immediately.

(b) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection.

(c) Any significant industrial user or other person who has had their wastewater treatment service and/or wastewater contribution permit suspended under the terms of section 4-1170 (a) and (b) shall be entitled to request a hearing before city council to show cause why their service should be reinstated, provided, such request shall not operate as a stay of the suspension pending a full hearing and decision on the matter. The request shall be made in writing and delivered in person to the mayor or in his absence to the administrative assistant to the mayor. The request shall state in brief form the reasons why the service should be reinstated. Upon receipt of such a request the mayor shall schedule a hearing as soon as is reasonably possible, but in no event more than five (5) days after receipt of such request. The hearing will be before the city council and held in accord with the procedure set forth in section 4-2270 (d), (e) and (f) of this

chapter.

(d) The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon good cause being shown or upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of the occurrence. (Ord. No. 86-4, 3/11/86)

**Section 4-1170A Revocation of permit; correction of violation.**

(a) Any significant industrial user who violates the conditions of this chapter or the terms of their [its] permit, or applicable state and federal laws or regulations is subject to having his permit revoked in accordance with the procedures set forth below. In addition, any significant industrial user may have its permit revoked for violation of any of the following conditions.

(1) failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(2) failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) violation of conditions of the permit, or the provisions of the permit application.

(b) Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirement contained either herein or in any state or federal law or regulation, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(c) The city may order any user who causes or allows an unauthorized discharge to enter the sewage treatment system or who is in violation of any ordinance, wastewater contribution permit, state or federal law or regulation, or of any prohibition or limitation contained herein, and who fails to correct such violation or submit appropriate plans for the correction of such violation to show cause why appropriate enforcement action should not be taken. The show cause herein shall be in accordance for the procedures

set forth in paragraph (d), (e) and (f) herein.

(d) The city council shall conduct the hearing, take the evidence and issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(e) At any hearing held pursuant to this chapter, testimony taken must be under oath. A recording device shall be used and if requested a stenographer may be used at the expense of the user.

(f) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. No. 86-4, 3/11/86)

#### **DIVISION 4 User Charges and Surcharges**

##### **Section 4-1171 Schedule of charges; annual adoption.**

The city shall at least annually adopt an adequate schedule of sewer service charges to defray the cost of operating and maintaining the sanitary sewerage system. The costs to be used as a basis of determining charges shall include, but are not necessarily limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The sewer service charges adopted shall be such that each user pays at least their proportionate share of all cost herein noted.

##### **Section 4-1172 Same; publication and notice.**

The sewer service charges shall be published in a form for public distribution by mail to each customer's billing address and notice shall become part of this article upon adoption and public notification, and shall be based on the cost of treatment per thousand gallons of sewage.

##### **Section 4-1173 Same; nonpayment; second notice; discontinuance.**

The approving authority shall levy monthly sewer service charges based on actual water consumption as obtained from water meter readings or other means as provided under sections 4-1154 and 4-1155. If the bill is not paid by the 15th of the month following the date of billing, a notice will be sent to the customer. The notice shall inform the user of the amount past due, that the user may request a hearing prior to termination of services by calling the city utility director who may resolve disputes of less than \$200. All disputes involving amounts greater than \$200 must be approved by the utility director with the consent of the mayor. If the dispute is not worked out among the parties the user shall have the right to appear before city council for presentation and resolution of the dispute. If the bill is not paid in its entirety by the 25th, the bill shall be delinquent and service discontinued as provided for in section 4-1221. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 83-2, 4/12/83; Ord. No. 86-4, 3/11/86)

##### **Section 4-1174 Reserved.**

### Section 4-1175 Surcharges for wastes exceeding limits.

The approving authority may, at its discretion, allow industrial waste which exceeds the limitation of section 4-1122(c), to be discharged into the sanitary sewerage system, provided that the person discharging such waste shall agree to the payment of a surcharge for all BOD or suspended solids in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service.

### Section 4-1176 Same; computation.

The surcharge covering the cost of treatment of the industrial wastes shall be determined in the following manner:

(a) The approving authority shall fix the rate to be charged during the new fiscal year, at the beginning of the fiscal year, for the excess BOD or suspended solids, from actual costs per 1,000 pounds removed from the combined domestic and industrial wastes as experienced at the sewage treatment plants of the city during the preceding fiscal year.

(b) The rate shall be applied to the amount of excessive BOD and suspended solids as determined by averaging at least three (3) waste discharge samples taken in accordance with provisions of sections 4-1153 and 4-1154. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 83-2, 4/12/83)

### Section 4-1177 Connection fees.

Connection fees to the sewer system shall be based upon size as determined under section 4-1161, and the following sewer tap fees will prevail:

(a) Single building connection:

#### Inside City

Size	Fee
4"	\$250.00
6"	550.00

#### Outside City

Size	Fee
4"	\$ 375.00
6"	1,000.00

(b) Apartments and duplexes on one (1) connection shall be charged \$150 for the first single-family dwelling unit plus \$50 for each additional unit served by the same connection.

(c) Condominiums and townhouses on one (1) connection shall be charged \$150 for the first single-family dwelling unit plus \$100 for each additional unit served by the same connection.

(d) Motels on one (1) connection shall be charged \$150 plus \$25 per bedroom unit served by the same connection.

(e) Mobile home parks on one (1) connection shall be charged \$150 plus \$65 per each mobile home space provided therefor.

(f) Business or industrial users on one (1) connection shall be charged a connection fee in accordance with the connection size plus \$50 for each equivalent unit of flow to be discharged by the user. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 80-15, 8/12/80; Ord. No. 91-12, § 1, 6/11/91)

### Section 4-1178 Schedule of charges.

The sewer service shall be based upon the monthly use of water as given under Section 4-1173 in accordance with the following rates:

	(Rates above 2,500 are per 1,000 gallons)			
<b>Wastewater Flows Gallons</b>	<b>In Town Res./Comm. Sewer Rate</b>	<b>In Town Industrial Sewer Rate</b>	<b>Out of Town Res./Comm. Sewer Rate</b>	<b>Out of Town Industrial Sewer Rate</b>
First 2,500	\$17.00	\$17.00	\$34.00	\$35.00
Each Additional 1,000 gallons	3.00	3.00	5.00	3.90

(Ord. No. 80-3, 5/13/80, as amended by Ord. No. 80-15, 8/12/80; Ord. No. 81-7, 6/29/81; Ord. No. 82-5, 5/11/82; Ord. No. 83-2, 4/12/83; Ord. No. 87-9, 6/15/87; Ord. No. 90-11, § 1, 7/10/90; Ord. No. 93-1, 1/19/93; Ord. No. 95-1, 4/11/95; Ord. No. 97-4, 2/11/97; Ord. No. 98-7, 5/12/98; Ord. No. 99-11, 7/13/99; Ord. 05-09 (part), 7/21/05; Ord. No. 07-05 (part), 7/10/07; Ord. No. 09-03, § B, 6/30/09)

#### **Section 4-1179 Surcharge; basis.**

The surcharge for excess BOD or suspended solids shall be based upon a cost of .23¢ per pound of excess BOD and a cost of .23¢ per pound of excess suspended solids as established in section 4-1176. (Ord. No. 80-3, 5/13/80, as amended by Ord. No. 83-2, 4/12/83; Ord. No. 91-18, § 1, 10/8/91)

DIVISION 5 Reserved.

**Sections 4-1191 through 4-1200 reserved.**

#### **Section 4-1180 Sludge handling fees.**

Beginning April 1, 1995, a sludge handling fee will be assessed for each commercial and industrial customer of the city waste water treatment facility. The charges will be as follows:

(a) For customers with industrial discharge permits the fee shall be fifteen (\$0.15) cents per pound of biological oxygen demand (BOD) as reported on the discharge monitoring reports (DMR).

(b) The sludge handling fee for the remaining industrial and commercial customers will be computed from metered water usage. The fees for non-permitted industrial and commercial customers located within the city limits will be two (\$2.00) dollars per one thousand (1,000) gallons for all gallons over the first nine thousand five hundred (9,500) gallons per month. (Ord. No. 95-2, 4/11/95; as amended by Ord. No. 98-12, 12/8/98)

**Sections 4-1181 through 4-1190 reserved.**



**DIVISION 6 Sanitary Sewer Extensions****Section 4-1201 Construction responsibility.**

Construction of sanitary sewerage systems in any new development shall be the responsibility of any person performing such development.

**Section 4-1202 Conveyance to city.**

Sanitary sewers constructed within new developments may be conveyed to the city provided all such sewers are located within public right-of-way or easements of adequate widths to provide maintenance vehicle access.

**Section 4-1203 Plans and specifications.**

Any new development proposing to build sanitary sewers or extensions to existing sanitary sewers which will connect directly or indirectly into the city's sanitary sewerage system shall conform its plans and specifications to the requirements of the approving authority. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the State of South Carolina and approved or approvable by any and all local, county, and state authorities having jurisdiction.

**Section 4-1204 Approval procedure.**

Approval of systems shall be accomplished in accordance with the following procedure:

(1) Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the city's system or other disposal system.

(2) Receive preliminary approval from city and other jurisdictional agencies.

(3) Prepare construction drawings and documents for city's approval.

(4) Secure all other agency approvals of construction drawings and contract documents.

(5) Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.

(6) Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.

(7) Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority at

no cost to the city, his certificate of completion indicating that the subject sewerage system has been constructed in accordance with the approved plans and specifications, and shall provide four (4) copies of "as constructed" drawings.

**Section 4-1205 Instrument of conveyance.**

Sewerage systems to be conveyed to the city will be done by the owner preparing and submitting to the city an instrument of conveyance, conveying the constructed system to the city at no cost to the city and the system shall thereafter be owned, operated and maintained by the city as provided for in this ordinance. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

**Section 4-1206 Owner's warranty.**

The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for 12 months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the city harmless in each instance.

**Section 4-1207 Taps.**

All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "as constructed" drawings.

**Section 4-1208 Compatibility with city plans.**

All sewerage system extensions must be compatible with present and future plans and needs of the city.

**Sections 4-1209 through 4-1220 reserved.**

**DIVISION 7 Penalties****Section 4-1221 Discontinuance of service.**

The approving authority may discontinue sewer service after due notice to any person who is delinquent in payment of charges and/or surcharges as stipulated in section 4-1173. Sewer service may be discontinued by complete severance of the sewer connection, or by discontinuing water service through the customer's water meter. Service shall remain discontinued until the customer has paid his past due account and reconnection fee. (Ord. No. 80-2, 5/13/80, as amended by Ord. No. 83-2, 4/12/83; Ord. No. 86-4, 3/11/86)

**Section 4-1222 Grounds for discontinuance.**

The city, in addition to all other remedies set forth in any part of this chapter, shall have the right to prevent, halt, or discontinue the discharge of wastes into the city's system or disconnect the sewer connection of any person or industrial user for:

- (1) Violation of any provision of this chapter;
- (2) Violation of any federal or state law or regulation pertaining to the discharge or pretreatment of wastes; or
- (3) Violation of any covenant, condition or agreement contained in any permit or permit application. (Ord. No. 86-4, 3/11/86)

**Section 4-1223 Commencement of legal action.**

If any person discharges sewage, industrial wastes or other wastes into the city's sewage system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the court of the county. (Ord. No. 86-4, 3/11/86)

**Section 4-1224 Penalties; remedies.**

(a) Pursuant to section 6-11-285 of the Code of Laws of South Carolina any person who violates any ordinance or regulation of the City of Marion or any permit, permit condition or final determination of the City of Marion as required by state or federal law shall be subject to civil penalty not to exceed \$2000 for each day of violation.

(1) Prior to imposition of any civil penalty hereunder, the City of Marion shall issue a rule to show cause requiring the person to appear and show cause why a civil penalty should not be im-

posed and specifying what violations are charged. A hearing upon the rule shall be held before a hearing officer designated by the City Council of Marion who shall be an attorney licensed to practice law in South Carolina.

(2) All penalties assessed under this provision shall be a debt payable to the City of Marion and shall constitute a lien against the property of the person so charged.

(3) The hearing procedure before the designated hearing officer shall be governed and held as practically as possible in a manner consistent with the procedure prescribed by regulation 61-72 of the South Carolina Department of Health and Environmental Control.

(4) All appeals from the decision of the hearing officer under provisions of this section shall be heard in the Court of Common Pleas for Marion County.

(b) In addition to the civil penalties provided above, the city may also in its discretion institute criminal sanctions against any person who willfully or negligently fails to comply with any provisions of this section, and the orders, rule, regulations and permits issued hereunder. Upon being convicted of violating the city ordinance, the party shall be fined an amount not to exceed \$1000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(c) In addition to the civil and criminal penalties provided herein, the city may institute such action as may be necessary to:

- (1) Enforce any indemnification provisions contained in any permit or in this section;
- (2) Recover any damages suffered by the city including liquidated damages where prohibited;
- (3) Enforce any provision or covenant contained in any permit or permit application;
- (4) Recover attorney's fees and court costs;
- (5) Seek reimbursement for any fines or costs, including attorney's fees, incurred by the city in either enforcing the provisions of this section or any permit or in defending itself from any action brought against the city as a result of a violation of this section or any permit or any state or federal law or regulation. (Ord. No. 86-4, 3/11/86, as amended by Ord. No. 88-1, 1/12/88; Ord. No. 90-13, § 5, 8/14/90)

**Section 4-1225 False statements.**

Any person who knowingly makes any false statements, representation or certification in any

application, record, report, plan or other document files or required to be maintained pursuant to this chapter or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall upon conviction be punished by a fine of not more than \$1000 or by imprisonment for not more than 30 days or by both. (Ord. No. 86-4, 3/11/86, as amended by Ord. No. 90-13, § 6, 8-14-90)

#### **Section 4-1226 Publication of violators' names.**

The city shall annually publish in the Marion Star a list of persons which were significantly violating applicable categorical pretreatment requirements or standards at least once during the 12 previous months. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a 12-month period; which involves a failure to accurately report noncompliance; or which resulted in the city exercising its emergency authority under section 4-1222 of this chapter. (Ord. No. 86-4, 3/11/86)

#### **Section 4-1227 Cumulative nature of penalties.**

All penalties, fines and remedies provided in this article VIII, sections 4-1221, 4-1222, 4-1223, 4-1224, 4-1225 and 4-1226, shall be cumulative and in addition to any other remedy or cause of action available to the city for the enforcement of any violation of this article or any order, rule, regulation or permit issued by the city. The fines and penalties levied hereunder shall be in addition to any fine or penalty imposed by any other governmental authority. (Ord. No. 86-4, 3/11/86)

**Sections 4-1128 through 4-1130 reserved.**

### **DIVISION 8 Validity**

#### **Section 4-1231 General repealer.**

All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this article are hereby repealed. (Ord. No. 80-3, 5/13/80)

#### **Section 4-1232 Amendments.**

The city, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this article, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to, public notice 90 days prior to final action. (Ord. No. 80-3, 5/13/80)

#### **Section 4-1233 Severability.**

The invalidity of any section, clause, sentence or provision in this article shall not effect the validity of any other section, clause, sentence or provision of this article which can be given effect without such invalid part or parts. (Ord. No. 80-3, 5/13/80)

**Editorial Note:** The final section of the above ordinance provided for an effective date of May 13, 1980.

**Sections 4-1234 through 4-1240 reserved.**

## ARTICLE D

### Drought Management and Response Plan

#### Section 4-1241 Declaration of purpose and intent.

The city of Marion understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, the city of Marion has adopted this Drought Management Plan and Drought Response Plan that provide the policies and the authority to fulfill this obligation. The Drought Management Plan outlines the framework by which the city of Marion will internally prepare for water shortages. The plan provides the regulations by which the city of Marion will manage and control its customer water usage during various levels of a drought. (Ord. No. 03-05 § 1, 8/12/03)

#### Section 4-1242 Definition of terms.

For the purposes of this plan, the following definitions will apply:

*Aesthetic water use.* Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

*Commercial and industrial use.* Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

*Conservation.* Reduction in water use to prevent depletion or waste of the resource.

*Customer.* Any person, company or organization using finished water owned or supplied by the city of Marion.

*Domestic water use.* Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

*Drought alert phases.* There are four drought alert phases to be determined by the drought response committee for the state of South Carolina. The four phases are:

1. Incipient drought;
2. Moderate drought;
3. Severe drought;
4. Extreme drought.

*Drought response management areas.* There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

1. West or Savannah;
2. Central or Santee;
3. Northeast or Pee Dee;
4. Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

*Drought response committee.* A committee composed of state and local representatives created for the purpose of coordinating responses to water supply shortages within drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The committee is composed of state agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government,

commissions of public works, power generation facilities, special purpose districts and soil and water conservation districts.

*Essential water use.* Water used specifically for firefighting, maintaining in-stream flow requirements and to satisfy federal, state or local public health and safety requirements.

*Finished water.* Water distributed for use after treatment. The terms “water use,” “water user,” and “water customer” refer to finished water use unless otherwise defined.

*Institutional water use.* Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

*Irrigation water use.* Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

*Non-essential water use.* Categories of water use other than essential water use. Examples of nonessential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

*Residential equivalent unit (REU).* An equivalency unit defined to be equal to one single-family residence. The city of Marion has 2,787 residential service connections with an average residential water usage of 169 gallons per day per REU.

*South Carolina Department of Natural Resources.* The state agency with primacy to implement the provisions of the Drought Response Act.

*Water supply shortage.* Lack of adequate, available water caused by drought to meet normal demands. (Ord. No. 03-05 § 2, 8/12/03)

#### **Section 4-1243 Drought management plan.**

A. Introduction. To ensure that the city of Marion adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will complement the city of Marion’s ability to respond to drought conditions and to enforce the related plan.

B. Designation of Water System Drought Response Representative. Administering a drought plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system’s program and serve as the principal contact for the news media as the water system’s drought response representative. The drought response representative for the city of Marion is John Finney, 107 S. Main St., Marion SC, (843)423-5961.

C. Description of Water System Layout, Water Sources, Capacities and Yields. The city of Marion is located in the Pee Dee drought response management area of South Carolina. The system serves the city of Marion and partial outlying areas.

Briefly describe the layout of the water system: 9 Wells; Zion Hwy Elevated Tank—250,000 gallons; Rail Road St. Elevated Tank—150,000 gallons; Eutaw St. Ground Storage Tank—500,000 gallons; Smith St. Elevated Tank—250,000 gallons; Carolina Pine Ground Storage Tank—1MG.

The water supply sources available to the system are: Well #1—Rail Road St.—450’ Deep—485 gpm; Well #2—Zion—735’ Deep—535 gpm; Well #3—Eutaw—580’ Deep—220 gpm; Well #4—Smith—744’ Deep—625 gpm; Well #5—Clemson—438’ Deep—500 gpm; Well #6—Bluff—489’ Deep—470 gpm; Well #7—Rogers—550’ Deep—500 gpm; Well #8—Greenwood—425’ Deep—520 gpm; Well #9—Sloan—520’ Deep—585 gpm.

The SCDHEC total permitted capacity of the water system operated by the city of Marion is 4.28 MGD. If the system produces drinking water from various sources, provide the SCDHEC permitted capacity for each source: N/A

D. Identification of Water System Specific Drought or Water Shortage Indicators. Operators of every water system must develop historical trends that are valuable indicators of a system’s ability to meet demand when demand begins to outpace supply. The city of Marion has developed triggers for use during drought or demand water shortages that

describe when specific phases of the drought response plan are implemented. The system triggers are as follows:

Moderate Drought Phase

1. Reservoirs \_\_\_\_\_ full: N/A
2. Storage falls below \_\_\_\_ percentage of capacity: N/A
3. Stream-flow less than \_\_\_\_ cubic feet per second: N/A
4. Aquifer levels less than \_\_\_\_: N/A
5. \_\_\_\_ number of days of supply remaining
6. Average daily use greater than 3.20 MGD for 30 consecutive days.
7. Others: N/A

Severe Drought Phase

1. Reservoirs \_\_\_\_\_ full: N/A
2. Storage falls below \_\_\_\_ percentage of capacity: N/A
3. Stream-flow less than \_\_\_\_ cubic feet per second: N/A
4. Aquifer levels less than \_\_\_\_: N/A
5. \_\_\_\_ number of days of supply remaining: N/A
6. Average daily use greater than 3.20 MGD for 60 consecutive days.
7. Others:

Extreme Drought Phase

1. Reservoirs \_\_\_\_\_ full: N/A
2. Storage falls below \_\_\_\_ percentage of capacity: N/A
3. Stream-flow less than \_\_\_\_ cubic feet per second: N/A
4. Aquifer levels less than \_\_\_\_: N/A
5. \_\_\_\_ number of days of supply remaining: N/A
6. Average daily use greater than 3.65 MGD for 60 consecutive days.
7. Others: N/A

E. Cooperative Agreements and Alternative Water Supply Sources. Successful drought management requires a comprehensive program by the water

utility. In many situations administrative agreements are required with other agencies to fully implement the plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. The city of Marion identifies the following agreements that are in place to facilitate the implementation of this plan: NONE AT THIS TIME

Agreements that are being negotiated or considered with other entities are: NONE AT THIS TIME

F. Description of Pre-Drought Planning Efforts. Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the plan, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed below, the city of Marion has taken the following actions:

1. Identification of all major water users of the system (top 10%, include wholesale customers): Industrial users—4—Sara Lee, Blumenthal, Herritage, Benneteau

2. Identification of those users with whom there are conservation agreements: NONE AT THIS TIME

3. A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and participating in the decision-making process is key to implementing an effective drought management plan. Provide a description of your utility's efforts to develop an effective drought-related public education program: The city of Marion will notify the public, local offices, and businesses of a potential drought situation through newspaper articles, notices in water bills, and local television and radio announcements. If the city of Marion feels voluntary water conservation efforts have not been successful, the excessive water use rate schedule, out-

lined in this plan, will go into effect until further notification.

G. Description of Capital Planning and Investment for System Reliability and Demand Forecasting. Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow. Describe the utility's capital improvement program and how past efforts have enhanced your system's ability to meet demand during drought conditions: Installation of new wells and ground storage tank.

Describe other system improvements the utility should consider to prepare for future droughts and increasing water demands: NONE AT THIS TIME. (Ord. No. 03-05 § 3, 8/12/03)

#### **Section 4-1244 Drought response plan.**

A. Declaration of Policy and Authority. The objective of this Drought Response Plan is to establish authority, policy and procedure by which the city of Marion will take the proper actions to manage water demand during a drought-related shortage. The plan satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This plan outlines the actions to be taken for the conservation of water supplied by the city of Marion. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the city of Marion hereby adopts the following regulations and restrictions on the delivery and consumption of water. This plan is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the city of Marion.

If it becomes necessary to conserve water in its service area due to drought, the city of Marion is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such proclamation, regulations and restrictions set forth under this plan shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this plan are considered to be nonessential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The Drought Management Plan as outlined in Sections 4-1241—4-1243 is hereby approved.

B. Moderate Drought Phase. Upon notification by the drought response committee that a moderate drought condition is present and is expected to persist and/or upon determination by the city of Marion that a moderate water supply shortage exists based on trigger levels, the city of Marion will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20% in residential water use and 15% in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15%. To accomplish this, the city of Marion will take the following actions:

1. Issue a proclamation to be released to local media, city of Marion's customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.

2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures

that the customers are requested to follow during moderate drought conditions, including:

- a. Reduce residential water use to 55 gallons per person per day and a maximum of 136 gallons per household per day;
- b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
- c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
- d. Eliminate the flushing of gutters;
- e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
- f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
- g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours;
- h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than firefighting or flushing necessary to maintain water quality; and
- i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
  - i. Stop serving water in addition to another beverage routinely in restaurants;
  - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
  - iii. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so.
3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.
4. Cease to install new irrigation taps on the water system.
5. Continue to encourage and educate customers to comply with voluntary water conservation.

C. Severe Drought Phase. Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and/or

upon determination by the city of Marion that a severe water supply shortage exists based on trigger levels, the city of Marion will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on nonessential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25% in residential water use, 20% in all other water use categories, and a reduction in overall water use of 20%. To accomplish these goals, the city of Marion will take the following actions:

1. Issue a proclamation to be released to the local media, the city of Marion's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.
2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:
  - a. Voluntary reduction of residential water use by the utility's customers to 51 gallons per person per day and a maximum of 127 gallons per household or REU per day;
  - b. Control landscape irrigation by the utility's customers by staggering watering times;
  - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
    - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
    - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
    - iii. Eliminate the flushing of gutters;
    - iv. Eliminate domestic washing of motorbikes, boats, cars, etc.;
    - v. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
    - vi. Eliminate filling or maintaining public or private swimming pools;



vii. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than firefighting or flushing necessary to maintain water quality; and

d. Limit use of water by commercial and individual customers including, but not limited to, the following:

i. Stop serving water in addition to another beverage routinely in restaurants;

ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;

iii. Limit irrigating golf courses and any portion of its grounds;

iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and

v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.

3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.

4. Continue to cease installation of new irrigation taps on the water system.

5. Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

6. Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.

7. Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

D. Extreme Drought Phase. Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and/or upon determination by the city of Marion that an extreme water supply shortage exists based on the trigger levels, the city of Marion will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to

achieve a reduction of 30% in residential water use, 25% in all other categories of water uses and a reduction in overall water use of 25%. To accomplish these goals, the city of Marion will take the following actions:

1. Issue a proclamation to be released to the local media, the city of Marion (water system) customers and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present.

2. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:

a. Limiting residential water use to 48 gallons per person per day and a maximum of 119 gallons per household or REU per day;

b. Eliminate landscape irrigation by the utility's customers;

c. Mandatory restrictions on the use of water supplied by the utility for activities including:

i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;

ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;

iii. Eliminate the flushing of gutters;

iv. No domestic washing of motorbikes, boats, cars, etc.;

v. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;

vi. Eliminate filling or maintaining public or private swimming pools;

vii. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and

d. Limit normal water use by commercial and individual customers including, but not limited to, the following:

- i. Stop serving water in addition to another beverage routinely in restaurants;
  - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
  - iii. Limit irrigating golf courses and any portion of their grounds;
  - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so; and
  - v. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
3. Intensify maintenance efforts to identify and correct water leaks in the distribution system.
  4. Continue to cease installation of new irrigation taps on the water system.
  5. Implement other conservation measures, examples are but not limited to:
    - a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
    - b. Encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average. If voluntary reduction of usage is not successful, the city of Marion may, at its option, implement the following excessive use rate schedule for water:

Tier I	0-119 gallons/REU	regular rate
Tier II	119-169 gallons/REU	2 times regular rate
Tier III	Over 169 gallons/REU	3 times regular rate

- c. In the event of an extreme drought related water shortage, the city is hereby authorized to monitor water use and limit households to 150 gallons per household per day. Domestic water use above this limit will be subject to a surcharge of one cent (\$.01) per gallon. Institutional, commercial, and industrial

water users will be subject to water use surcharges of three dollars (\$3.00) per 1,000 gallons of water used if the city deems that adequate conservation measures have not been implemented. Recreational water users will pay the same surcharge as domestic users.

d. If the conservation measures of the plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the city of Marion may take additional actions including, but not limited to:

- i. Decreasing the gallon/REU limits in the different tiers; and
- ii. Reduction of water system pressure as needed.

6. Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

7. Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.

8. Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

E. Rationing. If a drought threatens the protection of public health and safety, the city of Marion is hereby authorized to ration water.

F. Enforcement of Restrictions. If any customer of the city of Marion fails to comply with the mandatory water use restrictions of this plan, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

1. First violation—\$250 surcharge shall be added to the customer's water bill;
2. Second violation—an additional \$350 surcharge shall be added to the customer's water bill;
3. Third violation—the customer's water service shall be terminated and restored only after payment of a surcharge of \$500 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the city of Marion shall diligently enforce the provisions of the Drought Response Plan.

G. Variances. Customers, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response Plan, may petition for a variance from restrictions by filing a petition with the city of Marion within ten (10) working days after the issuance of the proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

1. Name and address of the petitioner;
2. Purpose of water usage;
3. Special provision from which the petitioner is requesting relief;
4. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
5. Description of the relief desired;
6. Period of time for which the variance is sought;
7. Economic value of the water use;
8. Damage or harm to the petitioner or others if petitioner complies with the plan;
9. Restrictions with which the petitioner is expected to comply and the compliance date;
10. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
11. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the plan cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The city of Marion is authorized to grant the request for variance.

In addition, the city of Marion is authorized to grant temporary variances for existing water uses otherwise prohibited under the plan if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such

variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance. Variances granted by the city of Marion shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

H. Status of the Plan.

1. If any portion of this plan is held to be unconstitutional for any reason, the remaining portions of the Drought Response Plan shall not be affected.

2. The provisions of this plan shall prevail and control in the event of any inconsistency between this plan and other rules and regulations of the city of Marion.

3. Nothing in this plan shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system. (Ord. No. 03-05 (part), 8/12/03)

**CHAPTER 2****Gas**

**Editorial Note:** Ord. No. 01-6, adopted 8/22/01, authorized the mayor to execute an agreement for a natural gas franchise with South Carolina Electric & Gas Company.

(Reserved)

**CHAPTER 3****Electric**

**Editorial Note:** Ord. No. 02-8, adopted 6/20/02, authorized the mayor to execute an agreement for electric power service with Carolina Power and Light Company.

(Reserved)

## PART 5

### Planning and Development

Chapter 1.	Building Regulation and Code Enforcement
Chapter 2.	Planning and Zoning Commission
Chapter 3.	Historic District
Chapter 4.	Zoning
Chapter 5.	Trees
Chapter 6.	Flood Damage Prevention
Chapter 7.	Vested Rights to Develop Property

## CHAPTER 1

### Building Regulation and Code Enforcement

Section 5-1001	Building, housing, plumbing and mechanical codes adopted.
Section 5-1002	Electrical code adopted.
Section 5-1003	Gas code and code for the elimination or repair of unsafe buildings.
Section 5-1004	Swimming pool code adopted.
Section 5-1005	Adoption of new editions of standard codes.
Section 5-1006	Family fallout shelters.

#### Section 5-1001 Building, housing, plumbing and mechanical codes adopted.

All building construction, reconstruction, alterations and repairs and all materials and appliances used in connection with building work shall conform to the rules and regulations of the 1991 edition of the Standard Building Code; the 1985 edition of the Standard Housing Code; the 1991 edition of the Standard Plumbing Code; and the 1991 edition of the Standard Mechanical Code for the construction, reconstruction, alteration and repair of buildings as they are now established, which rules and requirements have been filed in the office of the city clerk and are hereby adopted and approved and made a part of this code as fully as though every word, clause, phrase, sentence, action and part thereof were set forth herein, provided that the rules and regulations of the codes are not in conflict with the laws of the state or the ordinances of the city, and provided that as to the Standard Building Code, Section 111, Board of Adjustments and Appeals, is deleted and in lieu thereof the following is adopted as applicable to the City of Marion and to be known as Section 111—Board of Adjustments and Appeals:

“There is hereby established a Board of Adjustments and Appeals which is to be known as and which is the Zoning Board of Adjustment provided for in Article XI, Sections 1101 through 1106, of the Zoning Ordinance of the City of Marion.” (Ord. No. 77-4, 5/10/77, § 1; Ord. No. 78-3, § 1, 5/9/78; Ord. No. 79-39, 10/9/79; Ord. No. 80-7, § 1, 6/10/80; Ord. No. 80-18, 9/9/80; Ord. No. 82-6, 7/13/82; Ord. No. 85-6, 9/10/85; Ord. No. 91-8, § 1, 6/11/91)

#### Section 5-1002 Electrical code adopted.

All electrical construction and all materials and appliances used in connection with the installation, maintenance and operation of electrical apparatus or equipment for lighting, heating or power within the limits of the city shall conform to the rules, regulations and recommendations of the 1993 Edition, National Electrical Code, adopted by the National Fire Protection Association for the installation of wiring and apparatus for electrical purposes, and such rules, regulations and recommendations, being on file in the office of the city clerk are hereby adopted and approved as a part of this code, provided that the rules, regulations and recommendations referred to in this section are not in conflict with the laws of the state or the ordinances of the city, and are incorporated herein and made a part hereof for all purposes, copies of which code are on file in the office of the clerk. (Code 1963, § 5-2, as amended by Ord. No. 78-2, 4/11/78; Ord. No. 79-40, 10/9/79; Ord. No. 81-2, 2/10/81; Ord. No. 85-2, 9/10/85; Ord. No. 87-5, 5/12/87; Ord. No. 93-10, 8/10/93)

#### Section 5-1003 Gas code and code for the elimination or repair of unsafe buildings.

There is hereby adopted by and for the city a gas code known as the Standard Gas Code, 1991 edition, and an unsafe buildings code known as the Standard Code for the Elimination or Repair of Unsafe Buildings, 1985 edition, and which codes were published by Southern Building Code Congress International, Inc., and are incorporated herein and made a part hereof for all purposes, copies of which codes are on

file in the office of the clerk. (Code 1979, § 5-1003, as amended by Ord. No. 79-41, 10/9/79; Ord. No. 80-6, 6/10/80; Ord. No. 82-7, 7/13/82; Ord. No. 85-3, 9/10/85; Ord. No. 91-7, § 1, 6/11/91)

#### **Section 5-1004 Swimming pool code adopted.**

There is hereby adopted the Standard Swimming Pool Code, 1985 edition, for the protection of the public health, safety and welfare by prescribing minimum standards for the design, construction, installation, repair and alteration of swimming pools, public and private, and equipment related thereto, and which code requires a permit and inspection therefore, and the code provides for the administration and enforcement of the standards set forth therein, a copy of which swimming pool code is on file in the office of the clerk and it is hereby adopted and incorporated as a part of the city code as fully as if set out at length herein. (Code 1963, Sec. 12-38.1, as amended by Ord. No. 82-9, 7/13/82; Ord. No. 85-5, 9/10/85; Ord. No. 95-8, 9/25/95)

#### **Section 5-1005 Adoption of new editions of standard codes.**

The City hereby adopts all new editions of the International Residential Code, International Fire Code, International Mechanical Code, International Energy Conservation Code, International Building Code, International Plumbing Code, International Fuel Gas Code, National Electrical Code, International Swimming Pool & Spa Code, and International Existing Building Code, as such new edition is published to replace the editions as set forth in Sections 5-1001, 5-1002, 5-1003, 5-1006 and 2-2021. The new edition and all future editions shall become effective immediately upon their receipt by the city building official or, in any event, not later than twelve (12) months from the date of their first publication without the need for adopting ordinances. All future new editions of the above referenced codes shall replace all previous editions of said codes and shall be given the same full force and effect as if they were specifically adopted by new ordinances with the exception

that any provisions in said code regarding the board of adjustments and appeals shall be as set forth in the city zoning ordinance rather than as set forth in any of said codes. (Ord. No. 95-8, 9/25/95; Ord. No. 14-09, 11/10/14)

#### **Section 5-1006 Family fallout shelters.**

(a) *Exemption from building code.* Due to the specialized purpose and emergency nature for which family fallout shelters are designed, any such shelter which complies with subsections (b), (c) and (d) of this section is hereby exempt from the provisions of the building code of the city, except as otherwise provided herein.

(b) *Definition.* A family fallout shelter is a structure designed and constructed in accordance with this section, for emergency use only, to afford minimum protection from nuclear radiation, commonly known as "fallout," resulting from a nuclear incident which recently has been, or is, or is likely to be of catastrophic proportions.

(c) *Design.* A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense.

(d) *Construction, structural stability.* A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the Southern Standard Building Code, 1976 edition with 1977 amendments.

(e) *Administration, permits, inspections, penalties.* Notwithstanding the foregoing, the provisions of the building code of the city relating to administration, permits, inspections and penalties shall be applicable to family fallout shelters. (Code 1966, Sec. 5-3)

**Amendment Note:** Former section 7-5004, which was derived from Sec. 12-38.1 of the 1963 Code, required fencing around swimming pools. The former wording was deleted and the above provisions inserted in lieu thereof by Ord. No. 82-9. Ord. No. 85-5 adopted by 1985 edition of the code. Ord. No. 95-8 recodified section 7-5004 as section 5-1006. Sections 5-1004 and 5-1006 were renumbered as 5-1006 and 5-1004, respectively, by the city attorney on 11/29/95.

## CHAPTER 2

### Planning and Zoning Commission

Section 5-2001	Planing commission, reestablished.
Section 5-2002	Composition of commission.
Section 5-2003	Compensation.
Section 5-2004	Removal of members.
Section 5-2005	Organization and rules of procedure.
Section 5-2006	General powers and duties.

#### **Section 5-2001 Planning commission, reestablished.**

The city planning commission is hereby reestablished, as authorized by S.C. Code Title 6, Chapter 29, Section 6-29-310, et. seq. with all the powers and duties as provided in said code. (Ord. No. 96-5, § 1, 8/13/96)

#### **Section 5-2002 Composition of commission.**

The planning commission shall consist of seven (7) members appointed by city council for terms of four (4) years, staggered so that one-fourth of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. No member of the planning commission shall be the holder of an elected public office in the city or county. (Code 1963, Sec. 2-121, as amended by Ord. No. 96-5, § 2, 8/13/96)

#### **Section 5-2003 Compensation.**

Members of the planning commission may be compensated as determined by city council, and may be reimbursed for expenses incurred in the performance of official duties, pursuant to reimbursement policies and procedures for employees of the city. (Code 1963, Sec. 2-121, as amended by Ord. No. 96-5, § 3, 8/13/96)

#### **Section 5-2004 Removal of members.**

Members of the planning commission may be removed at any time by city council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 30-4-70(a)(1), and the determination of removal shall be by vote in public

session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause. (Code 1963, Sec. 2-122, as amended by Ord. No. 96-5, § 4, 8/13/96)

#### **Section 5-2005 Organization and rules of procedure.**

The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 6-29-360. (Code 1963, Sec. 2-122, as amended by Ord. No. 96-5, § 5, 8/13/96)

#### **Section 5-2006 General powers and duties.**

(a) From and after the time when the planning and zoning commission shall have organized and selected its officers and shall have adopted its rules of procedure, then the commission shall have all the powers, duties and responsibilities set forth in the General Statutes of South Carolina, Act. No. 487 of 1967.

(b) In general the planning and zoning commission shall have the power to:

(1) Prepare and revise periodically a comprehensive plan and program for the development of its jurisdiction as provided in this act;

(2) Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plan and program:

a. Zoning ordinances or resolutions, and maps and appropriate revisions thereof for its jurisdiction, as provided in this act,

b. Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer the regulations that may be adopted as provided in this act,

c. An official map and appropriate revision thereof showing the exact location of existing or proposed public street, highway and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within such rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof, as set forth in this act,

d. A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the cost of proposed projects and the means of financing them. The commission shall submit the capital program, including the capital budget, to the governing authority or authorities as directed;

(3) Establishing principles and policies for guiding action in the development of the area;

(4) Preparing and recommending to the city council for adoption ordinances promoting orderly development in accordance with the comprehensive plan;

(5) Determining whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;

(6) Reviewing and recommending to the city council any needed changes in the zoning ordinance and map of the City of Marion;

(7) Preparing and recommending for adoption subdivision regulations and to administer such regulations;

(8) Keeping the city council and the general public informed and advised as to these matters.  
(Code 1963, Sec. 123)



## CHAPTER 3

### Historic District

**Historical Note:** The provisions of this chapter are derived from Ordinance No. 79-1, January 9, 1979.

Section 5-3001	Title.
Section 5-3002	Purposes.
Section 5-3003	Historic district.
Section 5-3004	Boundary of district.
Section 5-3005	Public hearing.
Section 5-3006	Historic district commission.
Section 5-3007	Rules of the commission.
Section 5-3008	Procedures for review of plans.
Section 5-3009	Demolition or moving historic structures.
Section 5-3010	Exceptions.
Section 5-3011	Appeals.

#### Section 5-3001 Title.

This chapter shall be known as the Historic District Ordinance.

#### Section 5-3002 Purposes.

The intent of this chapter includes the following purposes:

- (1) To promote the educational, cultural, economic and general welfare of the city through the preservation and protection of historic and architecturally significant buildings and structures;
- (2) To stabilize and improve property values;
- (3) To foster civic pride;
- (4) To strengthen the local economy;
- (5) To encourage investment of private capital in the historic district; and
- (6) To encourage new buildings and developments that will be harmonious with the existing structures and sites.

#### Section 5-3003 Historic district.

[The historic district shall be comprised of] an area or group of areas not necessarily having contiguous boundaries created by the city council.

#### Section 5-3004 Boundary of district.

The historic district shall be superimposed upon the zoning map of the city and shall be bounded as may from time to time be determined by the city council pursuant to the provisions of this chapter.

#### Section 5-3005 Public hearing.

Upon receipt by the city council of recommendations from the planning and zoning commission as provided for in section 5-3006(b) regarding the delineation of the historic district, city council shall hold a public hearing thereon with due notice being given of the hearing in the same manner as for public hearings upon an application for amendment to the zoning ordinance. Upon completion of the hearing the city council may act either to adopt or reject the recommendation as it deems appropriate.

#### Section 5-3006 Historic district commission.

(a) In order to execute the purposes of this chapter there is hereby created a commission to be called the historic district commission. The historic district commission shall consist of five (5) members whose residence is located in the city. The commission shall be appointed by the mayor, subject to confirmation by the city council. They shall be appointed for terms of office of three (3) years, and they shall hold office until their successors are appointed. The members of the commission shall serve without compensation.

(b) Duties and powers of the commission. The commission shall recommend to the planning and zoning commission the boundaries of the historic district and may recommend that certain sites, areas or structures be added to or deleted from the historic district. The planning and zoning commission shall then make to city council such recommendations as it deems advisable.

(c)(1) It shall be the duty of the commission to review all plans for the exterior construction, exterior alteration, moving or demolition of structures in the historic district. It is the intent of this section that the commission shall be lenient in its judgment of plans for new exterior construction or for exterior alteration, moving or demolition of structures of little historic value, except where such construction, alteration, moving or demolition would seriously impair the historic value and character of the structure or site and the surrounding structures and area.

(2) In reviewing the plans, the commission shall give consideration to:

- a. The historical or architectural value and significance of the structure or site and its

relationship to the historic value of the surrounding area;

b. The relationship of the exterior architectural features of the structure to the rest of the structure and to the surrounding area;

c. The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and

d. Any other factor, including aesthetic, which it deems to be pertinent.

(d) The commission may accept, in the name of the city, any grant, loan or aid of any character from federal, state or private sources for the purposes contemplated by this chapter including, but not limited to, the making of surveys of historic structures or sites and the acquisition, restoration and possible resale of properties of historic or architectural significance. Such funds, purchases and sales shall be administered by and be under the jurisdiction of city council in accord with established law and procedure.

#### **Section 5-3007 Rules of the commission.**

(a) The mayor shall appoint a chairman of the commission. The commission shall elect from its membership a vice-chairman and secretary at the first meeting of the commission, and thereafter at the first meeting of each year. The chairman shall preside over the commission and have the right to vote. The vice-chairman shall perform the duties of the chairman in his absence. The secretary shall keep an accurate record of the proceedings of the commission.

(b) The commission shall meet at least quarterly, and at the call of the chairman, secretary or two (2) members of the commission.

(c) At least four (4) members of the commission shall constitute a quorum for the transaction of business. The commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the commission before it reaches its decision.

(d) The commission shall keep a record which shall be open to public view of its resolutions, proceedings and actions. The concurring affirmative vote of three (3) members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the commission.

#### **Section 5-3008 Procedures for review of plans.**

(a) Application for a building permit for exterior construction, exterior alteration, to move or demolish any structure or site in the historic district shall be made to the building and zoning official of the city. Plans shall be submitted showing the structure in question and also showing its relation to adjacent structures.

(b) Upon the filing of such application the building and zoning official shall immediately notify the commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the commission.

(c) The commission shall meet within 10 days after notification by the building and zoning official of the filing, unless otherwise mutually agreed upon by the applicant and the commission, and shall review the plans according to the duties and powers specified herein. In reviewing the plans, the commission may confer with the applicant for the building permit, and shall confer with the building and zoning official.

(d) The commission shall approve or disapprove such plans and, if approved, shall issue a certificate of approval, which is to be signed by the chairman or vice-chairman, attached to the application for a building permit and immediately transmitted to the building and zoning official. The chairman shall also stamp all plans submitted to the commission signifying its approval or disapproval.

(e) The commission may conditionally approve such plans and upon compliance by the applicant with the stated conditions, the building and zoning official may immediately issue the building permit and shall obtain the final approval of the plans by the chairman and commission.

(f)(1) If the commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor in writing to the building and zoning official and to the applicant. The commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he so desires, may make modification to his plans and shall have the right to resubmit his application at any time after so doing.

(2) If the requested permit is denied by the commission, the building and zoning official

shall disapprove the application.

(g) The failure of the commission to approve, conditionally approve or disapprove of such plans within 30 days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the commission, shall be deemed to constitute approval and the building and zoning official shall proceed to process the application without regard to a certificate of approval from the commission.

(h) After the certificate of approval has been issued and the building permit granted to the applicant, the building and zoning official or his representative shall inspect the construction or alteration approved by such certificate in accordance with established procedures.

(i) In cases where an application for a demolition permit is received for reasons other than public health or safety, action by the commission may be deferred for a period of 60 days in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the structure; during such time the commission shall have the privilege of publicizing the application for a demolition permit for the structure and may make an effort to find a private or corporate purchaser interested in preserving the property and, failing to find such a purchaser, the commission may then recommend that the city purchase the property. At the discretion of the commission, this waiting period may be waived.

#### **Sec. 5-3009          Demolition or moving historic structures.**

The commission may issue a certificate of approval for the repair, alteration, moving or demolition of any structure. An application for repair or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure shall be approved by the commission if any of the following conditions prevail, and if in the opinion of the commission the proposed changes will materially improve or correct these conditions:

(1) The structure is a deterrent to a major improvement program which will be a substantial benefit to the community;

(2) Retention of the structure would cause undue financial hardship to the owner; or

(3) Retention of the structure would not be in the interest of the majority of the community.

#### **Section 5-3010      Exceptions.**

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any structure within the historic district. Nor shall anything in this chapter be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the building and zoning official prior to the passage of this chapter. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other city ordinances.

#### **Section 5-3011      Appeals.**

Any person or persons jointly or severally aggrieved by a decision of the commission may, within 30 days after the building and zoning official has disapproved an application for a permit upon recommendation of the commission, appeal to the city council by written petition; and the city council shall hear all pertinent evidence and shall affirm said decision, unless it finds the basis of such decision to be unwarranted by the evidence or insufficient in law, or shall take such other action as justice may require. Appeals from action of city council shall be taken as provided by law.

**CHAPTER 4****Zoning**

Section 5-4001 Ordinance incorporated by reference.

**Section 5-4001 Ordinance incorporated by reference.**

The zoning ordinance of the city of Marion, Ordinance No. 79-12 adopted August 14, 1979, and all amendments thereto, a copy of which is on file in the office of the city clerk, is incorporated herein and made a part of this code by reference.

**Editor's Note:** Ord. No. 86-7, adopted 10/14/86 provided that the Flood Plain Management 1985 should be and hereby is adopted and as a portion of the Zoning and Building Code Laws for the city of Marion.

**CHAPTER 5****Trees**

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Section 5-5017	Conflicts.
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**Section 5-5001 Short title.**

The ordinance codified in this chapter shall be known and may be cited as the tree ordinance for the city of Marion, South Carolina. (Ord. No. 03-04 § 1, 6/30/03)

**Section 5-5002 Purpose, intent and definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

*City* is a local political unit of the state of South Carolina.

*City arborist* is a designated city employee who carries out the enforcement of this chapter.

*Community tree plan* shall mean a written document that guides the work of the tree commission.

*Large trees* are designated as those attaining a height of forty-five (45) feet or more with a mature spread of forty (40) feet or more.

*Medium trees* are designated as those attaining a height of thirty (30) to forty-five (45) feet with a mature spread of thirty (30) feet or more.

*Park* shall include all public parks having individual names.

*Person* is any person, firm, partnership, association, corporation, company, or organization of any kind.

*Property line* shall mean the outer edge of a street or highway right-of-way (R.O.W).

*Property owner* shall mean the person owning such property as shown on the city plat maps.

*Public places* shall include all grounds owned by the city.

*Public trees* shall include all shade and ornamental trees now or hereafter growing on any street or on any public land where otherwise indicated.

*Small trees* are designated as those attaining a height of twenty (20) to thirty (30) feet with a mature spread of twenty (20) feet or more.

*Street or highway* means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

*Treelawn* (R.O.W. edge) is that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and the edge of the street.

*Urban forest* shall mean the collection of trees, shrubs, other vegetation and associated natural feature that make up the city tree canopy and its growing zone. (Ord. No. 03-04 § 2, 6/30/03)

#### **Section 5-5003 Establishment of a tree commission.**

There shall be created a commission to be known and designated as the "tree commission." The tree commission shall be composed of seven (7) citizens, with experience or knowledge of trees or gardening.

1. Five (5) voting members shall be appointed by the mayor with approval of the city council. The mayor shall be an ex-officio member. One (1) other member shall be an at-large ex-officio member.

2. The five (5) members initially appointed by the mayor shall be appointed as follows: two (2) for two (2) years; two (2) for three (3) years, and one (1)

for four (4) years, and serve until their successors are duly appointed and approved by the council.

3. Successors to those members appointed by the mayor shall thereafter be appointed for terms of four (4) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

4. All members of the commission shall serve without pay. (Ord. No. 03-04 § 3, 6/30/03)

#### **Section 5-5004 Authority of tree commission.**

The duties of the "tree commission" shall be as follows:

A. To study the urban forest including problems involving the city population, determine needs, compose and annually review a community tree plan and seek ways to implement needed work.

B. To assist the properly constituted officials of the town as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the corporate limits, whether they be on private or public property.

C. To provide regular and special meetings at which the subject of the urban forest may be discussed by the citizens of the town.

1. Within a reasonable time after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman, and standing committee chairs as needed.

2. A majority of voting members shall constitute a quorum for the transaction of business.

3. The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings as said commission shall deem advisable and necessary in order to perform the duties set forth. A journal of proceedings and activities is to be recorded.

D. The tree commission may engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest including such activities as:

1. Apply for Tree City USA status with the National Arbor Day Foundation.
2. Conduct seminars and public education programs.
3. Plan and coordinate an annual Arbor Week observance.
4. Develop a community forest preserve.
5. Organize community tree planting projects.
6. Apply for available grant funds to promote and enhance the community's urban forestry program. (Ord. No. 03-04 § 4, 6/30/03)

#### **Section 5-5005 Qualifications of city arborist.**

The city arborist shall, where possible, be a person skilled or trained in forestry, horticulture or other closely related field. (Ord. No. 03-04 § 5, 6/30/03)

#### **Section 5-5006 Duties of city arborist.**

The city arborist shall recommend to the tree committee, rules governing the planting, maintenance and removal of trees on the streets or other public sites in the town. (Ord. No. 03-04 § 6, 6/30/03)

#### **Section 5-5007 Authority of city arborist.**

A. The city arborist shall report to the tree commission on a regular basis and shall be in attendance at all regular and special meetings of the tree commission, tree commission sub-committees or other community meetings as designated by the chairman.

1. The city arborist shall record all activities of the commission or subcommittees of the commission.

B. The city arborist shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to insure safety or preserve the aesthetics of such public sites by granting permits.

1. The city arborist shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter. (Ord. No. 03-04 § 7, 6/30/03)

#### **Section 5-5008 Community tree plan.**

A. The tree commission shall have the authority to formulate a community tree plan with the advice of consultants, city agencies, public hearings, and approval of the mayor.

1. The community tree plan shall include but not be limited to the goals and mission of the tree commission, and inventory of resources, needed work, associated cost and time schedules for such work and relevant information such as activities of the tree commission, standard tree maintenance and planting specifications and permit application procedures. (Ord. No. 03-04 § 8, 6/30/03)

#### **Section 5-5009 Permits required.**

The following tree permits are required:

A. Planting, Maintenance and Removal.

1. No person shall plant, spray, fertilize, prune, or remove, or otherwise disturb any tree on any street of municipal owned property without first procuring a permit from the city arborist.

B. Planting Permit.

1. Application Data. When making application for planting permit on public property the applicant shall illustrate the number and types of trees or other plants to be planted.

2. Proper Planting. Whenever any tree shall be planted on public land it shall be planted, fertilized, staked, watered and mulched in accordance with proper planting specifications issued by the city arborist.

C. Maintenance Permit.

1. Application Data. When making application for a maintenance permit the applicant shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the town arborist shall find reasonably necessary to a fair determination of whether a permit should be issued.

D. Removal and Replacement Permit.

1. When making application for a tree removal permit, the applicant shall describe the number and

kinds of trees to be removed, their size, locations, health/age condition and their method of removal and such other permit should be issued. (Ord. No. 03-04 § 9, 6/30/03)

#### **Section 5-5010 Trees on private property.**

A. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

B. It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray, or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

C. The city arborist may order trees on private land that cause obstructions, present insect or disease problem or otherwise present a danger to public health or safety be pruned, removed or treated. (Ord. No. 03-04 § 10, 6/30/03)

#### **Section 5-5011 Abuse of public trees.**

No person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertisements, posters, or other contrivance to any tree; allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. (Ord. No. 03-04 § 11, 6/30/03)

#### **Section 5-5012 Interference with city arborist.**

No person shall hinder, prevent, delay or interfere with the city arborist while engaged in carrying out the execution or enforcement of this chapter. (Ord. No. 03-04 § 12, 6/30/03)

#### **Section 5-5013 Protection of municipal trees.**

All public trees shall be protected during construction.

1. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box. The "construction tree guard" shall be not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height (D.B.H.) in inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the construction tree guard.

2. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the city arborist. (Ord. No. 03-04 § 13, 6/30/03)

#### **Section 5-5014 Placing materials on public property.**

No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the roots of any tree growing therein. Sunlight to any public tree cannot be permanently blocked by placement of materials without written authorization of the city arborist. (Ord. No. 03-04 § 14, 6/30/03)

#### **Section 5-5015 Enforcement, penalty and appeals.**

Any person, firm, or corporation violating or failing to comply with any of the provisions of this chapter and upon conviction thereof shall be fined a sum no less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, or may be imprisoned for a term not exceeding thirty (30) days, or both. (Ord. No. 03-04 § 15, 6/30/03)

**Section 5-5016 Administrative guidelines.**

A. Permits may be applied for as set forth below.

1. Application for permits must be made to the city arborist not less than forty-eight (48) hours in advance of the time the work is to be done.

2. Standards of Issuance. The city arborist shall issue the permit provide for herein if, in his judgement, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated.

3. Notice of completion shall be given within five (5) days to the city arborist for his inspection. (Ord. No. 03-04 § 16, 6/30/03)

**Section 5-5017 Conflicts.**

Should any section, clause, or provision of this chapter be declared by the courts to be invalid, this shall not affect the validity of the chapter as a whole, or parts thereof, other than the part so declared to be invalid. (Ord. No. 03-04 § 17, 6/30/03)

**Section 5-5018 Severability.**

If any subsection, sentence, clause, provision or part of this chapter shall be held invalid for any reason, the remainder of this chapter shall not be affected thereby, but shall remain in force and effect. (Ord. No. 03-04 § 18, 6/30/03)

**CHAPTER 6****Flood Damage Prevention\***

Section 5-6001 Flood damage prevention

**Section 5-6001 Flood damage prevention.****ARTICLE I. GENERAL STANDARDS**

A. **Statutory Authorization.** 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 City Council of the City of Marion, South Carolina does ordain as follows:

B. **Findings of Fact.** The special flood hazard areas of the City of Marion 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 of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in flood-plains 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, floodproofed, 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,

\*Editor's note—Ord. No. 11-07, adopted Oct. 11, 2011, amended Ch. 6 in its entirety to read as herein set out. Former Ch. 6, § 5-6001, pertained to the same subject matter, and derived from Ord. No. 03-06, adopted Sept. 9, 2003.



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 floodwaters, 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 floodprone 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.

#### **D. Lands to Which this Ordinance Applies.**

This ordinance shall apply to all areas of special flood hazard within the City of Marion as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated October 18, 2001, 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 Marion 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 manmade 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] City of Marion 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.

**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 five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 11-07, art. I, §§ A—J, 10-11-11)

## ARTICLE II. DEFINITIONS

**A. 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)* means 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 sheds.

2. *Addition (to an existing building)* means 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 loadbearing 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* means 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* means a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.

5. *Area of shallow flooding* means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one (1) to three (3) 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* means the land in the floodplain within a community subject to a one (1) percent or greater chance of being equaled or exceeded in any given year.

7. *Base flood* means the flood having a one (1) 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. *Critical development* means [a] 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.

11. *Development* means any manmade 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.

12. *Elevated building* means 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.

13. *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.

14. *Existing construction* means, for the purposes of determining rates, structures for which the start of construction commenced before January 1, 1975.

Existing manufactured home park or manufactured home subdivision means 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 August 14, 1990.

15. *Expansion to an existing manufactured home park or subdivision* means 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).

16. *Flood* means 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 unusual and rapid accumulation of runoff of surface waters from any source.

17. *Flood Hazard Boundary Map (FHBM)* means 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.

18. *Flood Insurance Rate Map (FIRM)* means 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.

19. *Flood insurance study* means 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.

20. *Flood-resistant material* means any building material capable of withstanding direct and prolonged contact (minimum seventy-two (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 lumbers 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.

21. *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.

22. *Freeboard* means 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.

23. *Functionally dependent use* means 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.

24. *Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

25. *Historic structure* means 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.

26. *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.

27. *Limited storage* means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low 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 Article IV.A.4. of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV.F. of this ordinance.

28. *Lowest Adjacent Grade (LAG)* means an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

29. *Lowest floor* means 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.

30. *Manufactured home* means a structure, transportable in one (1) 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".

31. *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

32. *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.

33. *National Geodetic Vertical Datum (NGVD) of 1929*, as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

34. *New construction* means [a] structure for which the start of construction commenced on or after August 14, 1990. The term also includes any subsequent improvements to such structure.

35. *New manufactured home park or subdivision* means 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 August 14, 1990.

36. *North American Vertical Datum (NAVD) of 1988* means vertical control, as corrected in 1988, used as the reference datum on flood insurance rate maps.

37. *Recreational vehicle* means a vehicle which is: (a) built on a single chassis; (b) four hundred (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.

38. *Repetitive loss* means a building covered by a contract for flood insurance that has incurred

flood-related damages on two (2) occasions during a ten (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 twenty-five (25) percent of the market value of the building at the time of each such flood event.

39. *Section 1316 of the National Flood Insurance Act of 1968* means 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.

40. *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, rehabilitation, addition, or improvement was within one hundred eighty (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 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.

41. *Structure* means a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

42. *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (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".

43. *Substantial improvement* means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (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 (5) 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.

44. *Substantially improved existing manufactured home park or subdivision* means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

45. *Variance* is a grant of relief from a term or terms of this ordinance.

46. *Violation* means the failure of a structure or other development to be fully compliant with these regulations.

(Ord. No. 11-07, art. II, 10-11-11)

### ARTICLE III. ADMINISTRATION

**A. Designation of Local Floodplain Administrator.** The zoning administrator is hereby delegated to administer the provisions of this ordinance.

**B. Adoption of Letter of Map Revisions (LOMR).** All LOMRs that are issued in the areas identified in Article I. Section D. of this ordinance are hereby adopted.

**C. 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 Article III.E.11. or the standards for subdivision proposals of Article IV.B. and the Standards for streams without estimated base flood elevations and floodways of Article IV.C. The plot 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 Article III.E.11. or the standards for subdivision proposals of Article IV.B.13. and the standards for streams without estimated base flood elevations and floodways of Article IV.C.

b) Where base flood elevation data is provided as set forth in Article I.D. or the duties and responsibilities of the local floodplain administrator of Article III.E.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 floodproofed in accordance with the non-residential construction requirements of Article IV.B.2. the elevation (in relation to mean sea level) to which the structure will be floodproofed.

c) Where base flood elevation data is not provided as set forth in Article I.D. or the duties and responsibilities of the local floodplain administrator of Article III.F.11., then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV.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) *Floodproofing certification.* When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the nonresidential, floodproofed structure meets the floodproofing criteria in the nonresidential construction requirements of Article IV.B.2. and Article IV.E.2(b).

b) *Certification during construction.* A lowest floor elevation or floodproofing 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 floodproofing 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 floodproofed 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) *V-Zone certification.* When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.F.5.

d) *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 Article III.D.2.a), 2.b), and 2.c) 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 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 Article III.F.3.a), 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 floodcarrying 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 sixty (60) days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.D.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 Article IV.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.

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 Article III.D.2.b) or the coastal high hazard area requirements outlined in Article IV.F.5.

b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.D.2.a).

c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the nonresidential construction requirements outlined in Article IV.B.2.

d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV.F.4, Article IV.F.6, and Article IV.F.8 of this ordinance.

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 Article IV.B.7.b.

10. *Use of best available data.* When base flood elevation data and floodway data has not been provided in accordance with Article I.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 Article IV.C.4., 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, Parts 67.5 and 67.6, the data does not have to be used.

11. *Special flood hazard arealtopographic 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 Article III.F.4.

13. *Administrative notices.* Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.F.

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 fifty (50) percent of the market value of the structure before the damage 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 fifty (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 (5) 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 (1) 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 six (6) months.

b) One (1) 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 six (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. 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 ten (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 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 sixty (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 ten (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](http://www.fema.gov):

- 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.

e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets.  
(Ord. No. 11-07, art. III, §§ A--E, 10-11-11)

#### ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

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 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 (2) feet.

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. *Nonconforming buildings or uses.* Nonconforming 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 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 Article IV.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 Article I.D. or outlined in the duties and responsibilities of the local floodplain administrator Article III.E., 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 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 Article IV B.4.

2. *Nonresidential construction.*

a) New construction and substantial improvement of any commercial, industrial, or nonresidential structure (including manufactured homes) shall have the lowest floor elevated no lower than 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 Article IV B.4. No basements are permitted. Structures located in A-zones may be floodproofed 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.

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 floodproofing certification requirements in Article III.D.2.a). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V.D. of this ordinance. Agricultural structures not meeting the criteria of Article V.D. must meet the nonresidential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed 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 subdivision, 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 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 Article IV.B.1. of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than 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, manufac-

tured 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. Additionally, when the elevation requirement would be met by an elevation of the chassis thirty-six (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 thirty-six (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 (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

(2) The bottom of each opening must be no more than one-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.

(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 (1) 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 five (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 (1) 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 Article IV.B.1., 2. and 3.

(4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV.B.1., 2., 3. and 4. should be of flood resistant materials.

5. *Floodways*. Located within areas of special flood hazard established in Article I.D., are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood-

waters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

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 Article IV.B.5.a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

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 Article IV B.3. and the encroachment standards of Article IV.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;
- (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 one hundred eighty (180) consecutive days; or

(2) Be fully licensed and ready for highway use, or meet the development permit and certification requirements of Article III.D., general standards outlined in Article IV.A., and manufactured homes standards in Articles IV.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 Article I.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 (6) 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 the placement of culverts; and

(d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.B.13.d).

(2) It is the responsibility of the applicant to have technical data, required in accordance with Article IV.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 (1) 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 Article IV 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 three thousand dollars (\$3,000), must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 Wet Floodproofing Requirements or be elevated in accordance with Article IV. Sections B(1) and B(4) or dry floodproofed in accordance with Article IV. Section B(2).

b) If accessory structures of three thousand dollars (\$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 Article IV.A.5.,

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.B.4.a), 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 Article IV.B.8.

b) The utilities must be anchored to prevent flotation and shall be 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 as-

sembly 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 nonresidential construction requirements of Article IV 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 Article IV.B.5.a).

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 (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.

f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

g) Fill may not be used for structural support in the coastal high hazard areas.

h) 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 Article IV 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 Article I.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 fifty (50) lots or five (5) acres, whichever is less.

2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within one hundred (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.

3. If Article IV.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 Article IV.

and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.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, Parts 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 (1) 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 ( $\frac{1}{2}$ ) 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 five hundred (500) feet upstream 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 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 (1) 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 Article I.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 nonresidential 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 Article III.D.

3. All structures on slopes must have drainage paths around them to guide water away from the structures.

(Ord. No. 11-07, art. IV, §§ A—E, 10-11-11)

## ARTICLE V. VARIANCE PROCEDURES

**A. Establishment of Appeal Board.** The Marion Zoning Board of Appeals, as established by

the City of Marion, 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 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 floodproof 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 Article V.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;

- 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 (1) 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 Article IV.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 five (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 Article IV.B.4. of this ordinance.

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE) so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5. of this ordinance.

6. The agricultural structure must comply with the floodway encroachment provisions of Article IV.B.5. of this ordinance.

7. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed 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 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 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 one hundred (100) percent 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.

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 Article III.F.5. of this ordinance.

(Ord. No. 11-07, art. V, §§ A—I, 10-11-11)

## **ARTICLE VI. LEGAL STATUS PROVISIONS**

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 Article IX. Flood Damage Prevention Regulations, of the Marion Zoning Ordinance enacted November 14, 2006, 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 thereunder 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 Article IX of the Marion Zoning Ordinance enacted on November 14, 2006, as amended, which are not reenacted herein, are repealed.

### **A. 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.

### **B. Effective Date.**

This ordinance shall become effective upon adoption.

(Ord. No. 11-07, art. VI, §§ A, B, 10-11-11)

## CHAPTER 7

### Vested Rights to Develop Property

Section 5-7001	Scope and title.
Section 5-7002	Definitions.
Section 5-7003	Establishment and conditions of vested rights
Section 5-7004	Severability.

#### **Section 5-7001 Scope and title.**

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this chapter, which shall be known as the Vested Rights to Develop Property Ordinance. (Ord. No. 05-02 § 1, 6/14/05)

#### **Section 5-7002 Definitions.**

(a) Except as hereinafter set forth, the words, terms and phrases when used in this chapter shall have the meaning as set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004.

(b) "Site specific development plan," in addition and as a supplement to the definition set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned unit development, sketch plat or sketch plan, or other similar approval that authorizes the landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit. (Ord. No. 05-02 § 2, 6/14/05)

#### **Section 5-7003 Establishment and conditions of vested rights.**

(a) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of

the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.

(b) Except as hereinafter set forth, a vested right established by this chapter is subject to the conditions and limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.

(c) A vested right for an approved site specific development plan expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.

(d) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.

(e) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning, and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or restart the expiration period of a vested right.

(f) No sooner than three (3) months, and no later than forty-five (45) days prior to the expiration of the two-year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the authorized official or body for an annual extension of the vested right. The authorized official or body must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval. No more than five (5) annual extensions of the vested right may be approved. (Ord. No. 05-02 § 3, 6/14/05)

**Section 5-7004 Severability.**

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional. (Ord. No. 05-02 § 4, 6/14/05)

## PART 6

### Health and Sanitation

Chapter 1. General Provisions

Chapter 2. Garbage Collection and Disposal

Chapter 3. Litter

Chapter 4. Animals

## CHAPTER 1

### General Provisions

Section 6-1001	State regulations and statutes adopted.
Section 6-1002	Board of health.
Section 6-1003	Same; vacancies.
Section 6-1004	Same; compensation.
Section 6-1005	Same; powers, duties generally.
Section 6-1006	Same; rules and regulations.
Section 6-1007	Same; secretary.
Section 6-1008	Health officer.
Section 6-1009	Nuisances prohibited.
Section 6-1009.1	Duties of owners and occupants—Cutting and removal.
Section 6-1009.2	Notice to owner, etc. to cut and remove.
Section 6-1009.3	Failure to comply with notice.
Section 6-1009.4	Removal by city—Cost.
Section 6-1009.5	Work may be done by the city upon request.
Section 6-1009.6	Repeal of conflicting ordinances.
Section 6-1009.7	Background and purpose.
Section 6-1009.8	Voucher program committee.
Section 6-1009.9	Vouchers.
Section 6-1009.10	Criteria.
Section 6-1009.11	Effective date.
Section 6-1010	Notice required.
Section 6-1011	Failure to abate nuisances; notice to abate; abatement by the city; costs assessed.
Section 6-1012	Privies prohibited.
Section 6-1013	Number of persons per toilet in rental property.
Section 6-1014	Disposition of slop, waste matter, dishwater, foul water.
Section 6-1015	Certain premises to be rat-free, rat-proof.

#### Section 6-1001 State regulations and statutes adopted.

There are hereby adopted and made a part of this chapter as fully as though set out herein, all

the provisions and requirements of the rules and regulations promulgated by the executive committee of the state board of health and environmental control and the statutes of South Carolina relative thereto. Any prohibited act, if committed within the city, shall constitute a violation of this code; provided however, that any penalty for the offense committed shall not exceed the penalty prescribed in section 1-3048 or provided for elsewhere in this part. (Ord. No. 95-8, 7/25/95)

#### Section 6-1002 Board of health.

The board of health of the city shall consist of five (5) persons appointed by the mayor, by and with approval of the council.

#### Section 6-1003 Same; vacancies.

All vacancies on the board of health shall be filled by the mayor, by and with the approval of the council. (Code 1963, Sec. 10-3)

#### Section 6-1004 Same; compensation.

The members of the board of health shall serve without compensation. (Code 1963, Sec. 10-4)

#### Section 6-1005 Same; powers, duties generally.

The powers and duties of the board shall be those enumerated in this code, the South Carolina Code, 1976, and in such ordinances or acts of the legislature as are from time to time passed relative to the powers and duties of such boards.

#### Section 6-1006 Same; rules and regulations.

(a) *Adoption and approval; effect.* All rules and regulations which the board of health may, from time to time, make and cause to be published for carrying into effect its powers and functions, shall, upon approval by the council, have the force and effect of ordinances of the city. The penalties provided for any violation thereof shall be enforced and recovered in the same manner as penalties for the violation of the code.

(b) *Compliance required.* No person shall refuse or neglect to comply with any such rule or

regulation of the board of health. (Code 1963, Sec. 10-6)

**Section 6-1007 Same; secretary.**

The board of health shall elect a secretary who shall keep the minutes of their proceedings and perform such other duties as may be prescribed by the board. (Code 1963, Sec. 10-7)

**Section 6-1008 Health officer.**

The mayor shall appoint a health officer who shall perform the duties required of him by the ordinances of the city and execute the orders of the board and for that purpose shall have and exercise the powers and authority of a policeman of the city. (Code 1963, Sec. 10-8)

**Section 6-1009 Nuisances prohibited.**

(a) (1) It shall be unlawful for any person to maintain, or permit to be maintained, any premises, including buildings and lots, either as owner, lessee, permissive occupant or user thereof in any capacity, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood, junk, automobiles, or abandoned or derelict automobiles as defined by Section 8-5001 of the city code, or any other matter which is damaging or hurtful or deleterious to good health and public sanitation, is permitted or is caused to accumulate, which is or may become, a nuisance, causing injury or hurt or damage to the health or welfare of residents, or the public or causing injury or hurt or damage to neighboring property.

(2) It shall be unlawful for any person to allow, suffer or permit any building or structure, by act of God, fire, decay, or other cause, to become dangerous, unsafe, dilapidated or unsanitary as to create a hazard to the health, safety, or welfare of residents or the public, or causing injury, hurt, or damage to neighboring property.

(b) It shall be unlawful for any business to operate as a public nuisance. For purposes of this section, a business constitutes a public nuisance from one (1) or more of the following activities on

the premises of the business or in the immediate vicinity thereof, and the owner or operator of the business has actual or constructive knowledge of the activities:

(1) Frequent arrests of persons for crimes of violence, possession or sale of deadly weapons, the discharge of firearms, possession, sale or manufacture of controlled substances, excessive noise, disorderly conduct, and prostitution;

(2) An unusually high number of response calls made by law enforcement, public safety or code personnel; and,

(3) A continuous breach of peace, meaning a pattern of repeated acts or conduct which either directly disturbs the public peace or disturbs the public peace by inciting or tending to incite violence. (Ord. No. 76-9, 4/13/76, as amended by Ord. No. 79-13, 9/11/79; Ord. No. 79-48, 11/13/79; Ord. No. 6-1009, 8/9/16)

**Amendment Note:** Junk, abandoned and derelict automobiles were added to the above listing of nuisances by Ord. No. 79-48, 11/13/79.

**Section 6-1009.1 Duties of owners and occupants—Cutting and removal.**

It is unlawful for the owner and/or occupant of property to fail to cut grass, weeds, and other overgrown vegetation on property when the grass, weeds, or other overgrown vegetation is of a greater height than one (1) foot on the average, or to permit the property to serve as a breeding place for trash and litter, or as a fire hazard, any one (1) of such situations is declared to be a nuisance.

It is the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrown vegetation as often as necessary so as to comply with the provisions of this code. Excepting, however, City of Marion right of ways, easements and licenses.

Vacant lots shall be cut as many times as needed to meet the requirement of less than one (1) foot of height on average.

Heavily wooded lots where equipment cannot maneuver on the lot because of density of the area shall be trimmed within one hundred (100) feet of the street right of way and adjacent improved property and kept free of litter.

(Ord. No. 10-02, 3/9/10; Ord. No. 13-07, 7/9/13)



### **Section 6-1009.2 Notice to owner, etc. to cut and remove.**

Whenever the code enforcement officer of the city, or his duly authorized agent or representative, shall find that weeds or other overgrown vegetation greater than one (1) foot in height, on average, or permit the property to serve as a breeding place for trash or litter or as a fire hazard, any one (1) of which situations is declared to be an nuisance, the code enforcement officer may serve notice upon the owner of such land having control thereof, to comply with the provisions of this chapter. It shall be sufficient notification to deliver the notice of non-compliance to the property owner or occupant personally or to deposit a copy of such non-compliance in the United States mail properly stamped and directed to the property owner or occupant or to post a non-compliance notice upon such premises.

SEE ATTACHMENT: Form: Notice to Owner (Ord. No. 10-02, 3/9/10; Ord. No. 13-07, 7/9/13)

**Editor's note**—Form: "Notice to Owner" as referenced above, is not setout herein but can be found on file with the city.

### **Section 6-1009.3 Failure to comply with notice.**

If the person to whom the notice is directed, under the provisions of the preceding section, fails or neglects to cause such weeds or other overgrown vegetation to be cut and removed, or such debris to be removed from any such premises within ten (10) days after such notice has been served, or deposited in the United States mail, or posted upon the premises, such person shall be guilty of a misdemeanor.

(Ord. No. 10-02, 3/9/10; Ord. No. 13-07, 7/9/13)

### **Section 6-1009.4 Removal by city—Cost.**

Weeds, overgrown vegetation or debris existing on any property not removed pursuant to Section 6-1009.1 through 6-1009.6 may be removed by a duly authorized agent of the City, and the cost of doing so shall become A LIEN UPON THE PROPERTY AFFECTED AND SHALL BE COLLECTED IN THE SAME MANNER

AS MUNICIPAL TAXES ARE COLLECTED. This remedy shall be cumulative to other remedies, penalties of fines.

The city may remove weeds, overgrown vegetation either by the use of a city crew or designated contractor and the cost will become a lien upon the property and collected in the same manner as municipal taxes.

The cost of such action by the city is as follows: Two hundred dollars (\$200.00) per lot, one-half (½) acre or less; three hundred dollars (\$300.00) per lot, one-half (½) acre to two (2) acres; four hundred dollars (\$400.00) per lot, two (2) acres to five (5) acres; four hundred twenty-five dollars (\$425.00) per lot, five (5) acres and over plus one hundred dollars (\$100.00) per hour; or, designated contractor's cost that is billed to the city in addition to the cost of mailings. In the event that small equipment and/or hand labor is required to perform the cleaning of a lot, an additional fee of one hundred (\$100.00) per hour will be added to the above charges.

(Ord. No. 10-02, 3/9/10; Ord. No. 13-07, 7/9/13)

### **Section 6-1009.5 Work may be done by the city upon request.**

Upon the written request of the owner or the person in control of any lot or parcel of land covered in this section, and the payment to the city for the services, the code enforcement officer may cause a duly authorized city agent to enter upon such lands and cut and remove the weeds or overgrown vegetation or remove such debris there from. The cost of such removal if initiated by the property owner or occupant is as follows: Two hundred dollars (\$200.00) per lot, one-half (½) acre or less; three hundred dollars (\$300.00) per lot, one-half (½) acre to two (2) acres; four hundred dollars (\$400.00) per lot, two (2) acres to five (5) acres; four hundred twenty-five dollars (\$425.00) per lot, five (5) acres and over plus one hundred dollars (\$100.00) per hour; or, designated contractor's cost that is billed to the city.

(Ord. No. 10-02, 3/9/10; Ord. No. 13-07, 7/9/13)

**Section 6-1009.6 Repeal of conflicting ordinances.**

All ordinances and parts of ordinances in conflict herein are repealed to the extent necessary to give this ordinance full force and effect.

(Ord. No. 10-02, 3/9/10; Ord. No. 13-07, 7/9/13)

**Section 6-1009.7 Background and purpose.**

a. The City of Marion ("city") is an incorporated municipality located in the State of South Carolina and as such possess all powers granted municipalities by the Constitution and Laws of the State of South Carolina, including S.C. Code Ann. § 5-7-30 (Law. Co-op., 1976), as amended, relating to the regulation of streets, markets and public health.

b. After careful consideration, the city council ("council") has determined that it is in the best interest of the City as part of the implementation of the Weeds and Vegetation Ordinance adopted on March 9, 2010 to establish a voucher program to assist the low income residents of the city in order that they may comply with the Ordinance. (Ord. No. 11-06, 10/11/11)

**Section 6-1009.8 Voucher program committee.**

a. The voucher program shall be administered by a committee comprised of seven (7) members. Each member of council shall appoint one (1) member of the committee with the chairperson being appointed by the committee

b. Each appointee shall serve a two (2) year term on the committee. However, should a member of the committee fail to attend three (3) consecutive meetings of the committee without being excused by the chairperson, the chairperson shall declare missing committee member's term ended. If the chairperson declares a committee member's appointment ended, he/she shall advise council and the member of council who appointed the member whose appointment has been terminated shall appoint a replacement to serve the balance of the unexpired term of the terminated member of the committee.

(Ord. No. 11-06, 10/11/11)

**Section 6-1009.9 Vouchers.**

a. The committee shall issue vouchers as needed.

b. Each voucher shall entitle the voucher holder to have their yard/grass mowed by the city once per voucher.

(Ord. No. 11-06, 10/11/11)

**Section 6-1009.10 Criteria.**

a. The primary criteria which the committee shall consider when vouchers are issued to applicants shall be the need. In determining the need of the applicants the committee may employ and/or consider the following:

1. Any application designed or implemented by the committee;

2. Proof of the applicants low income status; and

3. Such other criteria as the committee shall consider valuable to assist it in determining the need of an applicant.

b. Vouchers shall only be issued to permanent residents of the city.

(Ord. No. 11-06, 10/11/11)

**Section 6-1009.11 Effective date.**

This Ordinance shall take effect immediately upon second reading.

(Ord. No. 11-06, 10/11/11)

**Section 6-1010 Notice required.**

Before a warrant shall be issued under section 6-1009 the chief of police shall issue a written notice to the person or persons requiring that within four (4) days after the mailing of or personal service of such notice the premises be cleared in order to abate such nuisance, and stating in the notice that if the nuisance is not so abated a warrant will be issued. (Ord. No. 76-9, 4/13/76, as amended by Ord. No. 79-49, 11/13/79)

**Amendment Note:** Ordinance No. 79-49, 11/13/79 entirely superseded the wording of the previous section.

**Section 6-1011 Failure to abate nuisances; notice to abate; abatement by the city; costs assessed.**

(a) Should any property owner, or anyone in possession of such property, fail to keep the property referred to in section 6-1009 clear of the nuisances as therein required, the chief of police may, without issuing a warrant as permitted under section 6-1010, issue a written notice to such property owner and person in possession at the last known address requiring that within ten (10) days after the mailing of, or personal service of, such notice, the premises be cleared in order to abate such nuisances, and stating in the notice that if the nuisances are not so abated the city or a contractor employed by the city may go upon the property and cause it to be cleared and to be kept clear of such nuisances, and the cost of clearing such property and keeping it clear of such nuisances shall be an assessment against the property of the owner and that the cost of such corrective action by the city of Marion shall be a lien upon the real estate and shall be collectable in the same manner as municipal taxes.

(b) Provided that anyone receiving such notice may request a hearing before the city recorder by submitting a written request for hearing within ten (10) days of their receipt of their notice from the chief of police as set forth in this section. At such hearing the property owner shall have the right to cross examine any witnesses represented by the city, present witnesses of their own and be represented by legal counsel, and further the decision of the city recorder may be appealed to the Circuit Court in the same manner as provided for by state statute and the Rules of Court for Appeals from Municipal Court to Circuit Court. All action shall be stayed pending the hearing and appeal process. (Ord. No. 76-9, 4/13/76, as amended by Ord. No. 79-50, 11/13/79; Ord. No. 80-10, Sec. 1; Ord. No. 95-8, 7/25/95; Ord. No. 00-13, 9/12/00)

**Amendment Note:** Ordinance No. 79-50, 11/13/79, added the phrase "or anyone in possession of such property under the owner" in the first sentence of the above section. The provisions concerning notice to abate were added by Ord. No. 80-10, 7/8/80.

**Section 6-1012 Privies prohibited.**

It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any open privy on any property within the city, and every toilet within the city must be connected either to the city sewer or to a septic tank of a design approved by the State Board of Health and Environmental Control; provided that in cases of extreme hardship the city may postpone the requirements of this section for periods not exceeding three (3) months from the effective date hereof; and provided that, notwithstanding the other provisions of this section, or the provisions of any other codes or ordinances of the city to the contrary, with the approval of the city supervisor or other official designated by the city property owners may use septic tanks in areas where connections to the city sewer system can be made only by means of a lift pump or pumps. (Code 1963, Sec. 10-14; as amended by Ord. No. 95-8, 7/25/95)

**Section 6-1013 Number of persons per toilet in rental property.**

Repealed by Ord. No. 95-8, 7/25/95.

**Section 6-1014 Disposition of slop, waste matter, dishwater, foul water.**

It shall be unlawful for any person to place any slop, waste matter, dishwashing or foul water in any sink, pit, pipe or gutter leading to any street, drain or ditch within the city without permission of the city council.

**Section 6-1015 Certain premises to be rat-free, rat-proof.**

All business houses where food is stored, restaurants, hotels and other places where food is served, all public structures in which food stuffs may be stored and all other business houses where rats may be harbored, shall be kept and maintained in a rat-free condition and all such structures shall be made and kept in a rat-proof condition, in order to prevent the entry of rats into and upon such premises. (Code 1963, Sec. 10-20)

## CHAPTER 2

### Garbage Collection and Disposal

Section 6-2001	Definitions
Section 6-2002	Removal of refuse or garbage
Section 6-2003	Receptacles for garbage and refuse
Section 6-2004	Placing or sweeping on street or sidewalk.
Section 6-2005	Interference with contents of receptacles.
Section 6-2006	Tree limbs, cuttings, shrubbery, etc.
Section 6-2007	Industrial and building waste.
Section 6-2008	Duty of landlords, tenants and storekeepers.
Section 6-2009	Garbage not to be dumped on lots, stable manure
Section 6-2010	Location and use of containers and receptacles.
Section 6-2011	Mayor's designee.
Section 6-2012	Garbage removal and other sanitation services and charges therefor.
Section 6-2013	Separation of yard trash and land clearing debris

#### Section 6-2001 Definitions.

(a) The words *bulk containers* shall mean a metal container of not less than two (2) cubic yards or more than eight (8) cubic yards capacity, of tight construction with doors opening on top, and on sides in the larger container, which is so constructed as to be emptied by a self-loading truck, when placed at a location easily accessible to the truck which will serve the container.

(b) The term *garbage* as used in this chapter, shall be held to mean and include all animal, fruit and other vegetable matter and all organic refuse resulting from the preparation of food.

(c) The term *refuse* as used in this chapter shall be held to mean and include grass, ashes, tin cans, metal ware, broken glass, crockery, stoneware, trash, house sweepings, paper, shavings and all non-putrescible wastes.

#### Section 6-2002 Removal of refuse or garbage.

No person, other than those under the direction of the superintendent of streets shall haul away or remove any garbage or refuse set out for collection as in this chapter provided, except by

the written consent of the council. (Code 1963, Sec. 8-2)

#### Section 6-2003 Receptacles for garbage and refuse.

(a) *As to householders:*

(1) All householders shall provide receptacles for all garbage for removal by the streets department.

(2) Household receptacles for garbage shall be

substantially made of noncorrosive material, and shall be tapered from a smaller bottom circumference to a larger top circumference, and shall be provided with tight-fitting cover and strong handles.

(3) Garbage receptacles and surrounding area shall be kept in sanitary condition and covers shall be kept on receptacles at all times except when being filled or emptied.

(4) Garbage receptacles shall not have more than 32 gallon capacity each. If one (1) container is not sufficient to hold the quantity of garbage accumulated between collections, an additional number of such containers shall be provided by the householder. Each dwelling shall have a sufficient number of receptacles to contain garbage accumulated during one (1) week.

(b) *As to commercial and other business establishments:*

(1) Any commercial establishment, retail business, hospital, clinic, church, school or club may be required to use a bulk container, individually or jointly, depending on quantity of refuse and/or garbage normally accumulated. The superintendent shall determine the need for and the size and number of any such containers, based on the quantity of refuse or garbage and the schedule of collection.

(2) The frequency of pickups, in any particular location, shall be determined by the street superintendent on the basis of the needs of the establishment and proper economy to the city, with sufficient frequency to provide adequate service.

(3) Any commercial establishment or retail business whose pickup schedule, location or volume of garbage and/or refuse does not, as determined by the superintendent, justify economical and practical service by self-loading equipment, may be required by the city to accept residential type pickup service and shall not be required to use a bulk container, but shall furnish instead garbage receptacles in like manner as is required of householders.

(4) All boxes, cartons and containers shall be broken down to their smallest possible dimensions before being deposited in receptacles or bulk containers.

(5) No discarded tires or large metal objects shall be placed in bulk containers. Discarded tires from establishments not engaged in manufacturing or recapping tires may be placed for removal by the city, segregated from other garbage or refuse upon the premises of the business or commercial establishment.

(6) City owned bulk containers shall be maintained in sanitary and proper operating condition by the City of Marion.

(c) *As to apartment buildings and complexes:*

(1) After careful consideration of number of units, type of utility service and billing therefor, pickup scheduling, volume of garbage and refuse and other pertinent factors, and after prior consultation with the person or agency responsible for any apartment building or complex, the street superintendent shall determine whether a given apartment building or complex shall be served by self-loading equipment or by utilizing ordinary householder's garbage or refuse containers. Where self-loading equipment is utilized, it shall be the joint responsibility of the person or agency responsible for the apartment building or complex and the occupants thereof to see that all garbage or refuse deriving therefrom is placed in the self-loading container at its specified location, as determined by the city, with due regard for loading conditions and convenience. Any failure to place such garbage or refuse in such self-loading container, which results in littering the premises shall be unlawful.

(2) Where apartment buildings and complexes are receiving garbage service as in case of householders, they shall be subject to the requirements of subsection (a) above.

(3) Where apartment buildings and complexes are receiving garbage service as in case of commercial or other business establishments, they shall be subject to the requirements of subsection (b) above.

#### **Section 6-2004     Placing or sweeping on street or sidewalk.**

It shall be unlawful for any person to put, place or throw any garbage or refuse or bundles thereof upon any sidewalk or in any public street, public alley or other public place in the city, or upon property of another person or agency. Such material shall be accumulated as specified in this chapter and placed in receptacles. (Code 1963, Sec. 8-4)

#### **Section 6-2005     Interference with contents of receptacles.**

No person shall overhaul, molest or interfere with the contents of any receptacles set out for removal by the city, unless by permission of the superintendent of streets. (Code 1963, Sec. 8-5)

**Section 6-2006 Tree limbs, cuttings, shrubbery, etc.**

Tree limbs, cuttings, shrubbery, etc., will be hauled at such time as trucks are available; provided that such limbs, cuttings, shrubbery, etc., are cut in four (4) foot lengths and placed on the front corner of the owner's or tenant's property nearest the street or public alley but not on any sidewalk.

**Section 6-2007 Industrial and building waste.**

Waste or refuse from manufacturing, assembling or processing operations will not be collected by the city. No building materials or refuse from building operation or landscape contract work shall be handled by city forces. All large accumulations of glass, shavings or waste material of any kind resulting from building operations shall be removed by the contractor in charge of such building operation. (Code 1963, Sec. 8-7)

**Section 6-2008 Duty of landlords, tenants and storekeepers.**

(a) It shall be the duty of each landlord, tenant or storekeeper to see that all garbage and refuse receptacles and containers, and the contents as hereinabove provided for, are set out at such place and time as may be fixed by the city.

(b) No employee of the city shall assist in any way in the performance of what has herein been set out as the duty of the landlord, tenant or storekeeper. (Code 1963, Sec. 8-8)

**Section 6-2009 Garbage not to be dumped on lots; stable manure.**

No garbage or offensive or disease-producing materials shall be dumped on any lot or space within the city for the purpose of filling or for any other purpose. Stable manure shall be removed by persons who maintain stables. (Code 1963, Sec. 8-9)

**Section 6-2010 Location and use of containers and receptacles.**

(a) *As to householders:*

(1) Garbage and refuse only shall be deposited in garbage receptacles, except as otherwise permitted by paragraph (2) next below. Such recep-

tacles shall be placed upon the property of the owner or tenant at a location preferably obscured from street view but easily accessible to the collector in removing same. Garbage receptacles shall not be placed on the sidewalk, parkway or grass plot, curb, gutter or street, or on property of another owner or tenant.

(2) Household refuse may be deposited in garbage receptacles, placed at their regular location; or dry household refuse may be placed in disposable crates, boxes or bundles, not to exceed 50 pounds each, whereupon such dry household refuse may be placed on the front corner of the property of the owner or tenant nearest the street or public alley from which pickup service is provided, or same may be placed on the parkway or grass plot between the sidewalk and curb or along and upon the curb, gutter or street abutting property of the owner or tenant, but in no case may same be placed on property of another or on public street areas adjacent thereto, or in such manner as to obstruct the free flow of pedestrian or vehicular traffic or storm drainage along any public street area. Refuse must not be mixed with tree limbs, cuttings or shrubbery. It must be separated.

(b) *As to commercial and other business establishments:*

(1) Bulk containers or other containers or receptacles of garbage or refuse from business or commercial establishments shall not be placed on the sidewalk, parkway or grass plot, curb, gutter or street, except that whenever business or commercial establishments have no accessible rear entrance or rear door, the city may in such case, when the requirements of pedestrian and vehicular traffic will reasonably so permit, designate a specified size and type of bulk container or other container or receptacle and a specified location on the sidewalk, parkway or grass plot, curb, gutter or street where same may be placed for use by such business or commercial establishment. Whenever size and practicability will so permit and the city shall so require, all such containers shall be removed to the property of the business or commercial establishment during normal business hours excepting closing hours.

(2) It shall be unlawful to burn trash in the bulk containers.

(3) Refuse set outside of containers shall not be collected.

(4) The container shall not be serviced if ready access is not available to the container.



(5) The city shall be responsible for furnishing one (1) such bulk container as required herein within the city limits. Other bulk containers shall be provided at the owner's/operator's expense.

(c) *As to apartment buildings and complexes:*

(1) Where apartment buildings and complexes are receiving garbage service as in case of householders, they shall be subject to the requirements of subsection (a) above.

(2) Where apartment buildings and complexes are receiving garbage service as in case of commercial or other business establishments, they shall be subject to the requirements of subsection (b) above. (Code 1963, Sec. 8-10)

#### **Section 6-2011 Mayor's designee.**

Whenever the mayor is vested by this chapter with discretion to act in certain matters, he may act through a designee who shall observe the same guidelines which would be applicable to the mayor.

#### **Section 6-2012 Garbage removal and other sanitation services and charges therefor.**

The city council may fix, from time to time, the rates for garbage removal and other sanitation services to business establishments, residences and other premises, and may also charge and collect such charges in combination with water and sewer service charges.

Dumpsters	
Size/Pick-up	Fee
2-1.....	\$79.00
2-2.....	122.38
4-1.....	124.95
4-2.....	209.58
4-3.....	294.03
6-1.....	169.89
6-2.....	294.84
8-1.....	214.78
8-2.....	380.38
8-3.....	547.57

#### **Rollout Carts**

Type	Fee
Residential - 1 <sup>st</sup> cart .....	\$19.75
2 <sup>nd</sup> cart .....	15.00
Commercial - 1 <sup>st</sup> cart .....	19.75
2 <sup>nd</sup> cart .....	15.00

(Ord. of 4/14/81; Ord. No. 08-06, 6/25/08; Ord. No. 09-04, 6/30/09; Ord. No. 13-05, 7/9/13)

#### **Section 6-2013 Separation of yard trash and land clearing debris.**

(1) All persons located within the city shall be and are hereby required to separate their yard trash and land clearing debris from their household and commercial garbage.

(2) No person within the city limits of the city shall:

(a) Place any yard trash or land clearing debris in any container or other receptacle not specifically labeled for collection of yard trash or land clearing debris;

(b) Place or put yard trash or land clearing debris in any residential or commercial garbage container;

(c) Dispose of yard trash or land clearing debris in such fashion as would mix yard trash and land clearing debris with other garbage or;

(d) Dispose of yard trash and land clearing debris in such a fashion as would cause said materials to be placed in a landfill not designated for yard trash and land clearing debris.

(e) No person shall knowingly mix yard trash and land clearing debris with other solid waste that is intended for collection or disposal at a solid waste landfill or resource recovery facility.

(f) No person shall knowingly mix other solid waste with yard trash and land clearing debris that is intended for collection and disposal at a composting facility. This prohibition does not apply to bags or other containers approved by the operator of the composting facility.

(g) No owner or operator of a solid waste landfill shall knowingly accept loads composed primarily of yard trash or land clearing debris unless the landfill provides and maintains a sepa-

rate waste composting facility and composts all yard trash or land clearing debris before disposal in the landfill or contracts for the composting of such waste at the facility.

(3) Any person violating any of the terms of this section shall be fined in the discretion of the city court in an amount not less than one hundred dollars (\$100), but not more than two hundred dollars (\$200). Each and every act or action constituting a violation of this section shall be considered a separate offense.

(4) Nothing contained herein shall be deemed to supersede any prosecution or remedy provided by state or federal law. (Ord. No. 93-5, 5/11/93)

## CHAPTER 3

### Litter

Section 6-3001 Littering prohibited.

Section 6-3002 Vehicles leaking or scattering load prohibited.

#### Section 6-3001 Littering prohibited.

(a) It shall be unlawful for any person to dump, leave or throw any rubbish, trash, filthy matter or offensive substance in any public place. (Code 1963, Sec. 17-17)

(b) Any person who shall, within the city limits, throw or place in any public place any glass in any shape or form, tin cans, nails, bricks, pieces of iron, sticks or any other such obstructions shall be guilty of a misdemeanor. (Code 1963, Sec. 17-18)

**State Law Reference:** For similar provisions, see S.C. Code 1976, sec. 57-7-30.

**Cross Reference:** Placing or sweeping garbage or refuse on streets or sidewalks prohibited, sec. 6-2004.

#### Section 6-3002 Vehicles leaking or scattering load prohibited.

The owner or operator of every cart or other vehicle employed in removing or carrying any dirt, sawdust, sand, coal, material liable to be blown by the wind, or any manure or filth or offensive matter of any kind or description, along or over any of the streets of the city, shall have and keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any of the streets. (Code 1963, Sec. 17-19)



**CHAPTER 4****Animals****ARTICLE A****General Provisions**

Section 6-4001	Cruelty to animals.
Section 64002	Killing, injuring, molesting birds.
Section 6-4003	Running at large prohibited.
Section 6-4003A	Dogs running at large and vicious dogs.
Section 64004	Hogs, pigs, goats prohibited; cows near dwellings, streets or sidewalks.
Section 6-4005	Cleanliness of stables, disposition of manure.
Section 6-4006	Reports, removal of dead animals and fowl.
Sections 6-4007 through 6-4020 reserved.	

**ARTICLE B****Dogs**

Section 6-4021	Running at large.
Section 6-4022	Impoundment.
Section 6-4023	Rabies inoculation required.
Section 6-4024	Tags required.
Section 6-4025	Duty of owner when dog develops symptoms of rabies.
Section 6-4026	Vicious dogs.
Section 64027	Females in heat running at large.
Sections 6-4028 through 6-4200 reserved.	

**ARTICLE C****Dangerous Dogs**

Section 6-4201	Authorization.
Section 6-4202	Purpose and intent.
Section 6-4203	Definitions.
Section 6-4204	Procedure of declaring a dog dangerous.
Section 6-4205	Notification of a dangerous dog declaration.
Section 6-4206	Hearing on dangerous dog declaration.
Section 6-4207	Appeal from dangerous dog declaration.
Section 6-4208	Keeping of dangerous dog.
Section 6-4209	Permit and tag required for a dangerous dog.
Section 6-4210	Reserved.
Section 6-4211	Notification of intent to impound.
Section 6-4212	Immediate impoundment.
Section 6-4213	Impoundment hearing.
Section 6-4214	Destruction.
Section 6-4215	Appeal from order of humane destruction.
Section 6-4216	Change of ownership.
Section 6-4217	Continuation of dangerous dog declaration.

Section 6-4218

Criminal penalties for violations.

**ARTICLE A****General Provisions****Section 6-4001 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, over-ride, overload, drive when overloaded, over-work, torture, torment, deprive of necessary food, cruelly or unmercifully beat or whip any animal or fail to provide it with proper food, drink, shelter or protection from the weather, whether such person be the owner thereof or has charge or custody of the same or not. (Code 1963, § 4-1)

**State law reference**—Cruelty to animals prohibited, S.C. Code 1976, §\* 47-1-10—47-1-170.

**Section 6-4002 Killing, injuring, molesting birds.**

It shall be unlawful to intentionally kill, shoot, attempt to shoot, trap or molest in any manner any bird or to remove the eggs from any bird's nest in the city. (Code 1963, § 4-2)

**State law references**—Killing non-game birds prohibited, S.C. Code 1976, § 5-1-30; killing mocking birds or Carolina wrens prohibited, S.C. Code 1976, § 50-11-2010; destroying birds' nests prohibited, S.C. Code 1976, § 50-11-30.

**Section 6-4003 Running 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 of the city. (Code 1963, § 4.3)

**State law reference**—Similar provisions, S.C. Code 1976, § 47-7-110

**Section 6-4003A Dogs running at large and vicious dogs.**

(a) It shall be unlawful for any dog owner or any other keeper of a dog to:

(1) Allow his dog, or a dog under his control, to run at large off of property owned, rented or controlled by such owner or other keeper of a dog.

(2) Keep a vicious or unruly dog unless under restraint by a fence, chain, leash or other means so that such dog cannot reach persons not on land owned, leased or controlled by such dog owner or such keeper of a dog.

(b) Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$25. (Ord. No. 81-9, 9/8/81)

**Section 6-4004 Hogs, pigs, goats prohibited; cows near dwellings, streets or sidewalks.**

(a) It shall be unlawful for any person to keep hogs, pigs or goats in the city.

(b) It shall be unlawful to keep cows within 100 feet of any dwelling house, or within 15 feet of any sidewalk or street within the city. (Code 1963, § 4-6)

**Cross Reference:** Unsanitary nuisances prohibited, § 6.1009.

**Section 6-4005 Cleanliness of stables, disposition of manure.**

(a) Every stable within the limits of the city shall be thoroughly cleaned out once every week, so as not to produce a health hazard or public nuisance.

(b) The manure from such stable, if left within the corporate limits, shall be spread upon arable land and ploughed under immediately or it may be exposed to the sun in thin layers upon the surface of the ground not near enough to any human habitation to be offensive or it may be placed in a tightly covered or well screened cement pit and there be treated so as to destroy the eggs and larvae of the house fly. If it be found inconvenient to make such disposal of such manure, then such manure shall be removed beyond the limits of the city. (Code 1963, Sec. 4-7(b))

**Section 6-4006 Report, removal of dead animals and fowl.**

(a) *Report.* Any person having upon his premises any dead animal or fowl shall immediately report such dead animal or fowl to the health officer.

(b) *Removal.* The owner or person having the custody or control of any animal which shall die in the city from any cause whatsoever shall remove such animal from the city in not less than 24 hours, and should such animal die upon the streets, or other public places in the city, it shall be removed not less than two (2) hours from notice thereof to the owner or person having control or custody of such animal. (Code 1963, Sec. 4-8)

**State Law Reference:** For manner of disposing of dead animals, see S.C. Code 1976, sec. 44-29-30.

Sections 6-4007 through 6-4020 reserved.

## ARTICLE B

### Dogs

#### Section 6-4021 Running at large.

No dog may run at large beyond the premises of its owner, unless in the immediate presence of and under the direct control of a responsible person. Direct control may be effected by leash, or by personal command, if the latter effectively provides direct and positive control. The requirements of this section are not altered by whether or not a dog is vicious or uninoculated. (Code 1963, Sec. 4-19(a))

#### Section 6-4022 Impoundment.

(a) The police officers of the city shall impound any dog upon the streets or public places of the city in violation of this chapter. Any vicious dog not on a leash, any uninoculated dog, and any dog, regardless of conditions, which is beyond the premises of its owner and not under direct control of a responsible person, shall be deemed at large and in violation of this section, and subject to being impounded.

(b) All dogs impounded shall be confined for at least four (4) days, unless sooner redeemed by the owner. During such time the owner shall be responsible for the keep of the dog at the rate of six dollars (\$6.00) per day plus a \$25 impoundment fee to be paid before discharge of the dog. A vicious dog may not be redeemed from impoundment. Any uninoculated dog may be discharged after inoculation and tagging, and payment of all costs thereof, plus the fee for impounding and charges for keeping the dog. Dogs not vicious and regularly inoculated and tagged may be redeemed on payment of charges for impounding and keep. Any dog not redeemed from impoundment within the four (4) days provided in this section shall be killed or disposed of as directed by the chief of police.

(c) The owner or keeper of such dog shall pay to the city the sum of six dollars (\$6.00) per day for veterinarian fees during the period such dog is so confined and observed by a veterinarian. (Code 1979, Sec. 6-4022, as amended by Ord. No. 81-8, 9/8/81)

**Section 6-4023 Rabies inoculation required.**

It shall be unlawful for any person to own or have in possession any dog which has not been inoculated against rabies within the preceding 12 months by a licensed veterinarian. (Code 1963, § 4-21)

**State Law Reference:** Municipal rabies control, S.C. Code 1976, § 47-5-210.

**Section 6-4024 Tag required.**

Any veterinarian so inoculating a dog shall deliver to the owner or person in possession of such dog a metal tag, serially numbered, which tag shall indicate inoculation against rabies and the year of such inoculation. This tag shall at all times be kept fastened to the collar of such dog and it shall be unlawful for the owner of such dog to permit the dog to be at large without such tag. (Code 1963, § 4-22)

**Section 6-4025 Duty of owner when dog develops symptoms of rabies.**

It shall be the duty of any person owning or having in his possession, any dog within the city which develops any symptoms of rabies immediately to notify the health officer of such condition; immediately to confine such dog securely in such a manner that there will be no opportunity for it to come in contact with any other animals, and to keep such dog so confined and segregated until such person is notified by the health officer that it can be again set at liberty, or until some other disposition is made of such dog by the health officer. (Code 1963, § 4-23)

**Section 6-4026 Vicious dogs.**

A vicious dog shall mean any dog which has bitten any person or which has a known propensity to attack or bite human beings, and any dog shall be deemed vicious upon proof that it has bitten or attacked any person at any time. (Code 1963, § 4-24)

**Section 6-4027 Females in heat running at large.**

It shall be the duty of the owner or any person having the control of any female to securely con-

fine her and keep her concealed from view while she is in heat or proud. (Code 1963, § 4-20, as amended by Ord. No. 91-3, 4/9/91)

**Sections 6-4028 through 6-4200 reserved.**

## ARTICLE C

### Dangerous Dogs

#### Section 6-4201 Authorization.

The ordinance codified in this article is enacted pursuant to the general police power, the authorities granted to the cities and towns by the South Carolina State Constitution and section 5-7-30 of the South Carolina State Code. (Ord. No. 02-15, 9/24/02)

#### Section 6-4202 Purpose and intent.

The purpose of the ordinance codified in this article is to promote the public health, safety and general welfare of the citizens of the City of Marion. It is intended to be applicable to "dangerous dogs" as defined herein by ensuring responsible handling by their owners through registration, confinement, and liability insurance. (Ord. No. 02-15, 9/24/02; Ord. No. 16-06, 8/9/16)

#### Section 6-4203 Definitions.

When used in the ordinance codified in this article, the following words, terms and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Animal control officer" means any person employed by the city who is authorized to investigate and enforce violations relating to animal control or cruelty under the provisions of the ordinance codified in this article or other ordinances concerning regulations of animals within the city.

(b) "At large" means that a dog is not under the direct control of the owner.

(c) "Dangerous dog" means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the perfor-

mance of their duties. The term "dangerous dog" includes any dog that according to the records of either the county animal shelter, the police department, the animal control officer, or any law enforcement agency:

1. Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property or when unprovoked, has chased or approached any person in a vicious or terrorizing manner or in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places, or upon any private property, including the property of the dog owner, where the person approached is conducting himself of peacefully and lawfully provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;

2. Has severely injured or killed a domestic animal while off the owner's property; or

3. Has been used primarily or in part for the purpose of dog fighting, or as a dog trained for dog fighting.

4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For the purpose of this section, a person is conducting himself or herself peacefully and lawfully while on their own property or upon the private property of an owner or possessor of the dog when the person is on such property in the performance of any duty imposed on such person by state or local law, or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, either express or implied.

(d) "Direct control" means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice

control shall be considered direct control when the dog is actually participating in training at a place dedicated to training or, in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

(e) "Chief" means the chief of police.

(f) "Department" means the city of Marion police department.

(g) "Impoundment" means the taking or picking up and confining of an animal by a police officer, animal control officer or any other public officer under the provisions of the ordinance codified in this article.

(h) "Muzzle" means a device constructed of strong, soft material, or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(i) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(j) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(k) "Under restraint" means that an animal is secured by a leash, led under control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises. (Ord. No. 02-15, 9/24/02; Ord. No. 16-06, 8/9/16)

#### **Section 6-4204 Procedure of declaring a dog dangerous.**

(a) An animal control officer, police officer or any adult person may request under oath that a dog be classified as dangerous as defined in section 6-4203(c) by submitting a sworn, written com-

plaint on a form approved by the chief of police. Upon receipt of such complaint the chief shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(b) At the conclusion of an investigation, the chief may:

1. Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

2. Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in section 6-4208, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the chief may cause the dog to be humanely destroyed. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4205 Notification of a dangerous dog declaration.**

(a) Within five (5) business days after declaring a dog dangerous, the chief shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in section 6-4208 of the ordinance codified in this article. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog owner.

(b) The notice shall inform the dog owner that he may request, in writing, a hearing to contest the chief's finding and designation within five (5) business days after delivery of the dangerous dog declaration notice.

(c) If the chief cannot with due diligence locate the owner of a dog that has been seized pursuant to the ordinance codified in this article, the chief shall cause the dog to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the dog, the chief may cause the dog to be humanely destroyed. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4206 Hearing on dangerous dog declaration.**

(a) The city Recorder shall hold a hearing within fifteen (15) business days after receiving the dog owner's written request for such a hearing. The Clerk shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail. The hearing shall be before the city Recorder.

(b) At a hearing, all interested persons shall be given the opportunity to present evidence on the

issue of the dog's dangerousness. Criteria to be considered in a hearing required by this section shall include but not limited to the following:

1. Provocation;
2. Severity of attack or injury to a person or domestic animal;
3. Previous aggressive history of the dog;
4. Observable behavior of the dog;
5. Site and circumstance of the incident; and
6. Statements from interested parties.

(c) A determination at a hearing that the dog is in fact a dangerous dog as defined in section 6-4203(c) shall subject the dog and its owner to the provisions of the ordinance codified in this article.

(d) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of the ordinance codified in this article. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4207 Appeal from dangerous dog declaration.**

If the Court determines that a dog is dangerous at the conclusion of a hearing conducted under section 6-4206, that decision shall be final unless the dog owner appeals to the Circuit Court in accord with the rules and statutes governing appeals from municipal courts. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4208 Keeping of dangerous dogs.**

The keeping of a dangerous dog as defined in section 6-4203(c) shall be subject to the following requirements:

(a) Leash. No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen, or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash.

(b) Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other

animals. Such muzzle shall not interfere with the dog's breathing or vision.

(c) Confinement. Except when leashed and muzzled as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light, and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

1. The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;

2. The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one and one-half (1½) feet into the ground;

3. The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own; and

4. The gate on the structure must be locked with a keyed or combination lock.

(d) Indoor Confinement. No dangerous dog shall be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(e) Signs. AU owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."

(f) Liability Insurance, Surety Bond. The owner of a dangerous dog shall present to the chief of police proof that he has procured liability insurance or a surety bond in the amount of not less than one hundred thousand (\$100,000.00) dollars covering any damage or injury that maybe caused by such dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminates or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the

liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior the expiration date of the permit period. In the event that the owner proves to the satisfaction of the chief of police that insurance is not available, he may pay a non-refundable cash fee in the amount of one thousand (\$1,000.00) dollars to the city.

(g) Animals Born of Registered Dogs. All offspring born of dangerous dogs registered with the police department also must be registered with the chief within six (6) weeks of birth.

(h) Notification of Escape. The owner or keeper of a dangerous dog shall notify the police department immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(i) Failure to Comply. It shall be unlawful for any owner of a dangerous dog registered with the police department to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in the ordinance codified in this article shall result in revocation of the dog's license and the permit providing for the keeping of such animal.

(k) It shall be unlawful for any owner of a dangerous dog registered with the police department to fail or refuse to comply with any requirement concerning the keeping of a dangerous dog shall be subject to fines in accord with section 6-421 8(a) herein. Each day of failure to comply with the ordinance codified in this article shall constitute a separate violation. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4209 Permit and tag required for a dangerous dog.**

(a) The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the police department to harbor the dog. The fee for such permits shall be one hundred (\$100.00) dollars per year.

(b) At the time the permit is issued, a red circular tag shall be issued to the owner or the dangerous dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.



(c) The permit for maintaining a dangerous dog shall be presented to an animal control or police officer upon demand. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4210 Reserved.**

**Editor's note**—Ord. No. 16-06, adopted August 9, 2016, repealed § 6-4210, which pertained to pit bull dogs presumed dangerous and derived from Ord. No. 02-15, adopted, September 24, 2002.

#### **Section 6-4211 Notification of intent to impound.**

(a) When the chief of police or animal control officer, or their designee, intends to impound a dog declared to be dangerous for violation of section 6-4208 notice shall be given to the owner or custodian of the dog, by certified mail, of the intended impoundment at least five (5) business days prior to the intended impoundment, except as provided in section 6-4212.

(b) The notice of intent to impound shall inform the owner or custodian of the dog that he may request in writing, within five (5) business days prior to the intended impoundment, a hearing to contest the intended impoundment and finding of violation.

(c) Upon request by the owner or custodian of the dog for a hearing pursuant to 6-4211(b), a hearing shall be held in the recorder's court within ten (10) business days after the request of a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog's owner or custodian requesting such hearing.

(d) If the owner or custodian requests a hearing pursuant to subsection 6-4211(b), no impoundment shall take place until conclusion of the hearing, except as authorized in section 6-4212. The hearing shall be held by the city Recorder. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4212 Immediate impoundment.**

(a) A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the chief of police or animal control officer or their designee determine such immediate impoundment is necessary for the protection of public health or safety. Such immediate

impoundment may be ordered for violation of section 6-4208 or when the dog bites a person or domestic animal.

(b) The owner or custodian of the dog immediately impounded pursuant to subsection (a) shall be notified of the impoundment by certified mail within five (5) business days after the dog's impoundment.

(c) The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

(d) Upon request by the owner or custodian of the dog for a hearing under subsection (c), a hearing shall be held in recorder's court within ten (10) business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog owner requesting the hearing. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4213 Impoundment hearing.**

(a) If after a hearing an impoundment, the court finds no violation of section 6-4208, or that the dog has not bitten an individual, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

(b) Incident to the findings and conclusions made at the impoundment hearing, the court may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:

1. Posting of bond or other proof of ability to respond in damages;
2. Specific requirements as to size, construction and design of a kennel in which to house the dog;
3. Requirements as to type and method of restraint and/or muzzling of the dog.
4. Photo identification or permanent marking of the dog for purposes of identification; and

5. Payment of reasonable fees to recover the costs incurred by the city in ensuring compliance with the ordinance codified in this article. (Ord. No. 02-15, 9/24/02)

**Section 6-4214 Destruction.**

(a) The chief of police or his designee may order the destruction of a dog that he determines to be

extremely dangerous to public health or safety, a dog that has made an extremely vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.

(b) The chief or his designee shall give written notice by certified mail of his intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within ten (10) business days after delivery of such note, a hearing to contest the intended destruction.

(c) If no hearing is requested pursuant to subsection 6-4214(b), the dog shall be destroyed pursuant to applicable provisions of law.

(d) If a hearing is requested pursuant to subsection 6-4214(b), such hearing shall be held in Recorder's court within ten (10) business days after the request; and the dog shall not be destroyed prior to the conclusion of the hearing. The hearing shall be before the city.

(e) The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the city to humanely and safely keep the animal during any legal proceeding. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4215 Appeal from order of humane destruction.**

If the court orders a dangerous dog to be humanely destroyed pursuant to section 6-4214, that decision shall be final unless the dog owner appeals to the Circuit Court in accord with the rules and statutes governing appeals from municipal court. If an appeal is timely filed, the chief shall suspend the destruction order pending the final determination of the court. The appeal shall be a civil proceeding for the purpose of affirming or reversing the court's order. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4216 Change of ownership.**

(a) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of a dog shall, within ten (10) business days after such change of ownership or residence, provide written notification to the department of animal control of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's

classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the chief of police along with the written acknowledgment by the new owner of his receipt of such notification.

(b) Any person receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of the ordinance codified in this article pertaining to liability insurance, payment of fees, and maintenance, control and ownership of a dangerous dog. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4217 Continuation of dangerous dog declaration.**

Any dog that has been declared dangerous by any agency or department of this city, another municipality, county, or state shall be subject to the provisions of the ordinance codified in this article for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county or state government shall notify the chief of police of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the city of Marion. The restrictions and conditions of maintenance of any dog declared dangerous by this city, another municipality, county or state shall remain in full force while the dog remains in the city. (Ord. No. 02-15, 9/24/02)

#### **Section 6-4218 Criminal penalties for violations.**

(a) Any owner or custodian of a dog determined to be a dangerous dog under this article who shall be found guilty of violating any of the terms of this article shall, in addition to other sanctions contained herein, be fined not less than \$100.00 nor more than \$500.00 for each violation. Each day that a violation continues shall constitute a separate violation of this article.

(b) Persons accused of violating the provision of this article shall be served with a summons or ticket advising them of each violation and the date and time thereof. The summons or ticket shall require the violator to appear in city court on a specified date and time for disposition of the charges. Any person charged with a violation under this article may request a trial by jury on the charges in city court. (Ord. No. 02-15, 9/24/02)

**PART 7****Licensing and Regulation**

Chapter 1.	Alcoholic Beverages
Chapter 2.	Fireworks
Chapter 3.	Taxicabs
Chapter 4.	Business Licensing
Chapter 5.	Other Regulations
Chapter 6.	Solicitations
Chapter 7.	Special Sales
Chapter 8.	Cable Television
Chapter 9.	Local Hospitality Tax

**CHAPTER 1****Alcoholic Beverages**

Section 7-1001	State law adopted.
Section 7-1002	Drinking in public places prohibited.
Section 7-1003	Drunkenness prohibited.
Section 7-1004	Drinking resorts prohibited.
Section 7-1005	Drinking in pool rooms prohibited.
Section 7-1006	Minors restricted in alcoholic beverage establishments.

**Section 7-1001 State law adopted.**

All the provisions and requirements of the general law of the state in regard to alcoholic liquor, as contained in section 61-11-10 et seq. or amendments or additions thereto, South Carolina Code, 1976, insofar as such provisions can have application within the city, are hereby adopted and made a part of this chapter as fully as though set out herein. It shall be unlawful for any person to fail or refuse to comply with the sections of the state law above referred to. (Code 1963, Sec. 3-1)

**Section 7-1002 Drinking in public places prohibited.**

No person shall drink any alcoholic beverage on the streets, parks or other public places in the city. (Code 1963, Sec. 3-2)

**Section 7-1003 Drunkenness prohibited.**

(a) Any person who shall, within the city limits, be found in a drunken condition in public, shall be guilty of a misdemeanor.

(b) No person shall be drunk or intoxicated in any street, public house, place of amusement or worship, or any public place in the city. (Code 1963, Sec. 3-3)

**Section 7-1004 Drinking resorts prohibited.**

All places where persons are permitted to resort for the purpose of drinking or buying alcoholic liquors, the places not licensed, are hereby declared to be nuisances.

**Editorial Note:** This section is based on Code 1963, sec. 12-48 with the penalty section deleted so as to be consistent with sec. 1-3048 of this code.

**Section 7-1005 Drinking in pool rooms prohibited.**

Repealed by Ord. No. 99-04, 3/9/99.

**Section 7-1006 Minors restricted in alcoholic beverage establishments.**

Repealed by Ord. No. 99-4, 3/9/99.

## CHAPTER 2

### Fireworks

Section 7-2000	Fireworks subject to state law.
Section 7-2001	Interstate commerce not affected by chapter.
Section 7-2002	Sale, possession, use, etc., prohibited.
Section 7-2003	Exemptions from regulations.
Section 7-2004	Paper caps exempted.
Section 7-2005	Manufacture of fireworks illegal.
Section 7-2006	Naming, labeling required.
Section 7-2007	Acts prohibited.
Section 7-2008	Violating regulations of ICC prohibited.
Section 7-2009	Place of storage by wholesalers sign required.
Section 7-2010	Storage, handling near flammable substances.
Section 7-2011	Display for retail sale; sign required.
Section 7-2012	Licensing; inspection of records.
Section 7-2013	Permits required for public displays.
Section 7-2014	Authorized days for use of fireworks.

#### Section 7-2000 Fireworks subject to state law.

The sale, use, storage, transportation, and possession of fireworks shall be regulated by state law, Sections 23-35-10 through 23-35-170 and any future amendments thereto, except as the specific provisions herein may place greater restrictions or the sale, use, or manufacture of fireworks than do the provisions contained in the state code. In any case when there is a conflict between the city ordinance and state statute the most restrictive provision will prevail. (Ord. No. 95-8, 7/25/95)

#### Section 7-2001 Interstate commerce not affected by chapter.

Nothing in this chapter shall be construed as prohibiting continuous interstate commerce through the State of South Carolina into another state, of any item of fireworks permitted by the regulations of the Interstate Commerce Commission. (Code 1963, Sec. 7-1)

#### Section 7-2002 Sale, possession, use, etc., prohibited.

(a) It shall be unlawful for any person or persons to possess, sell, offer for sale, store, transport, or use, within the city any fireworks other than the permissible fireworks herein enumerated. The permissible fireworks consist of ICC Class C, "Common Fireworks" only, and shall mean such articles of fireworks as are enumerated as ICC Class C,

"Common Fireworks" in the regulations of the Interstate Commerce Commission for the transportation of explosives and other dangerous articles and shall include the following:

(1) Roman candles whose total pyrotechnic composition shall not exceed 20 grams each in weight;

(2) Bottle type rockets whose motor is a minimum of one-half of an inch in diameter and a minimum of three inches in length, whose stabilizing stick is a minimum of fifteen inches in length, and whose total pyrotechnic composition does not exceed twenty grams each in weight; however, all bottle type rockets smaller than provided for in this item may be stored by a licensed wholesale distributor for out of state distribution only;

(3) Cylindrical fountains whose total pyrotechnic composition shall not exceed 75 grams each in weight and whose inside diameter shall not exceed three-fourths (3/4) of an inch;

(4) Cone fountains whose total pyrotechnic composition shall not exceed 50 grams each in weight;

(5) Wheels whose total pyrotechnic composition shall not exceed 60 grams in weight, for each driver unit, but there may be any number of drivers on any one (1) wheel and the inside bore of driver tubes shall not be over one-half (1/2) inch;

(6) Illuminating torches and colored fire in any form whose total pyrotechnic composition shall not exceed 100 grams each in weight;

(7) Sparklers whose total pyrotechnic composition shall not exceed 100 grams each in weight; pyrotechnic composition containing any chlorate or perchlorate shall not exceed five (5) grams;

(8) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half (1 1/2) inches in length and one-quarter (1/4) inch in diameter, and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two (2) grains each in weight; and

(9) Items composed of a combination of two (2) or more articles or devices of the above enumerated approved items.

(b) No component of any device listed in this section, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two (2) grains in weight excluding propelling or expelling charges, and all other fireworks not enumerated in this section are declared contra-

band, except as herein provided. (Code 1963, Sec. 7-2, as amended by Ord. No. 95-8, 7/25/95)

#### **Section 7-2003 Exemptions from regulations.**

Nothing in this chapter shall apply:

(1) To the shipping, sale, possession and use of fireworks for public display; and such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the city shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "Class B Special Fireworks" and shall not include such items of Commercial fireworks as Cherry Bombs, Tubular Salutes, Repeating Bombs, Aerial Bombs and Torpedoes;

(2) To the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation;

(3) To illuminating devices for photographic use;

(4) To the military or naval forces of the State or United States;

(5) To peace officers; and

(6) To the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes. (Code 1963, Sec. 7-3)

#### **Section 7-2004 Paper caps exempted.**

The term "fireworks" shall not include toy paper pistol caps which contain less than twenty-five hundredths (.25) grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale and use of these items shall be permitted at all times. (Code 1963, Sec. 7-4)

#### **Section 7-2005 Manufacture of fireworks illegal.**

It shall be illegal to manufacture fireworks of any kind or type within the city limits of the city. (Code 1963, Sec. 7-5, as amended by Ord. No. 95-8, 7/25/95)

#### **Section 7-2006 Naming, labeling required.**

Repealed by Ord. No. 95-8, 7/25/95.

#### **Section 7-2007 Acts prohibited.**

It shall be unlawful:

(1) To offer for sale or to sell permissible fireworks to children under the age of 14 years unless accompanied by a parent;

(2) To explode or ignite fireworks within 600 feet of any church, hospital, asylum or public school;

(3) To explode or ignite fireworks within 75 feet of where fireworks are stored, sold or offered for sale;

(4) To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and

(5) To place or throw any ignited fireworks into or at any motor vehicle. (Code 1963, Sec. 7-7)

#### **Section 7-2008 Violating regulations of ICC prohibited.**

It shall be unlawful to ship into or through the city, or to possess, sell or use, under any circumstances any article of fireworks that is forbidden for transportation by the Interstate Commerce Commission regulations for transportation of explosives and other dangerous articles. (Code 1963, Sec. 7-8)

#### **Section 7-2009 Place of storage by wholesalers; sign required.**

Fireworks to be sold at wholesale shall be stored in a room set aside for the storage of fireworks only. Over the entrance to this room shall be posted a sign reading, "FIREWORKS—NO SMOKING—KEEP OPEN FLAMES AWAY." (Code 1963, Sec. 7-9)

#### **Section 7-2010 Storage, handling near flammable substances.**

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate

and distinct section or department of the store.  
(Code 1963, Sec. 7-10)

**Section 7-2011 Display for retail sale; sign required.**

Repealed by Ord. No. 95-8, 7/25/95.

**Section 7-2012 Licensing; inspection of records.**

Repealed by Ord. No. 95-8, 7/25/95.

**Section 7-2013 Permits required for public displays.**

(a) Any person desiring to hold a public display of fireworks shall first secure from the city a written permit to hold such display. The permit shall be issued so that the manufacturer or wholesaler supplying the fireworks display shall retain one copy of the permit, the person putting on the display shall retain one copy, one copy shall be forwarded to the State Fire Marshall's office and the City shall retain a copy.

(b) All fireworks display material shall be purchased through a manufacturer or wholesaler licensed in the State of South Carolina who will supply insurance protection for any accidents which might take place during the display, except as otherwise provided by state law.

(c) Any display requiring shells to be fired from mortars or set pieces more than sixteen feet high shall be classified as Type A and, when such display is used, an experienced fireworks operator shall be in charge for the protection of spectators. Any display commonly called a local or family display, which includes no uncased shells and no shells larger than regular 100 aerial or set pieces larger than ten feet tall may be fired by persons putting on the display who shall assume responsibility for insurance.

(d) No commercial fireworks, such as cherry bombs, TNT, M-80's, or other domestic items of commercial fireworks of a similar type shall be considered as display fireworks.

(e) Any person who violates the provisions of this section shall be guilty of a misdemeanor as provided in Section 23-35-60 of the South Caro-

lina Code of Laws and shall be subject to the penalties contained therein. (Code 1963, Sec. 7-13, as amended by Ord. No. 95-8, 7/25/95)

**Section 7-2014 Authorized days for use of fireworks.**

No fireworks of any kind shall be used, fired, shot or discharged except:

(1) From 5:00 pm. to 11:00 p.m. on New Year's Day;

(2) 5:00 p.m. to 11:00 p.m. during the 4th of July Holidays - July 1st thru July 6th;

(3) 5:00 p.m. to 11:00 p.m. on Memorial Day;

(4) 5:00 p.m. to 11:00 p.m. on Labor Day;

(5) 5:00 p.m. to 10:00 p.m. during the Christmas Holidays - December 23rd thru December 30th; and

(6) 5:00 p.m. to 1:00 a.m. on New Year's Eve.  
(Code 1963, Sec. 17-14, as amended by Ord. No. 95-8, 7/25/95)

(Ord. No. 09-07, 11/10/09; Ord. No. 13-01, 3/12/13)

**State Law Reference:** For state laws regulating fireworks generally, see S.C. Code 1976, sec. 66-551 et seq

## CHAPTER 3

### Taxicabs

Section 7-3001	License required.
Section 7-3002	Requirements.
Section 7-3003	Issuance or rejection of license; hearings.
Section 7-3004	Suspension, cancellation of license.

#### Section 7-3001 License required.

No license shall be issued authorizing the operation of any taxicab in the city for the transportation of passengers, baggage or merchandise of any character, unless the issuance of such license has been first approved and authorized by the city council as hereinafter provided. (Code 1963, Sec. 18-1)

#### Section 7-3002 Requirements.

No taxicab for the transportation of passengers, baggage or merchandise of any character shall be operated on any public street, alley or other public way, or in any public place in the city without compliance with the following requirement:

There shall be posted in a conspicuous place on the inside of the taxicab a license issued by the city, with its corporate seal thereunto affixed, authorizing such operation.

#### Section 7-3003 Issuance or rejection of license; hearings.

No license shall be issued authorizing the operation of a taxicab in the city for the transportation of passengers, baggage or merchandise of any character, and no taxicab driver's permit as provided in section 7-3002 of this code shall be issued, except upon written application being filed therefor with the city council, and after due investigation by the city council as to the competency and fitness of the applicant. If after such due investigation and consideration the city council finds such applicant to be competent and fitted and entitled to a license or a taxicab driver's permit, as the case may be, then the issuance of such license or permit shall be approved and authorized; but if the applicant is found to be incompetent or unfitted and not entitled to a license or permit, then the application shall be rejected; but in the event of rejection the appli-

cant shall be given an opportunity to be heard, if such hearing is requested in writing within five (5) days after written notice has been sent to the applicant, by United States mail at the address stated in the application for such license or taxicab driver's permit, that the application has been rejected; and if at such hearing the applicant is found to be competent and fitted and entitled to a license or taxicab driver's permit, the city council shall reverse its former decision, and approve and authorize the issuance of such license or taxicab driver's permit, but if found incompetent and unfitted and not entitled to a license or taxicab driver's permit, then the application shall be finally rejected. (Code 1963, Sec. 18-3)

#### Section 7-3004 Suspension, cancellation of license.

Each and every license authorizing the operation of a taxicab in the city for the transportation of passengers, baggage or merchandise of any character and each and every driver's permit issued to the driver of any such taxicab shall be subject to suspension or cancellation by the city council upon good and sufficient cause being shown therefor, after opportunity for due hearing has been accorded to the owner and holder of such license or permit. (Code 1963, Sec. 18-4)



**CHAPTER 4****Business Licensing**

Section 7-4001 Business license ordinance.

**Section 7-4001 Business license ordinance.**

There is hereby adopted by reference the document cited as Business License Ordinance for Marion, South Carolina, 1981, which is effective July 1, 1981, and which is incorporated herein as if set out in full, a copy of which is on file in the office of the clerk. (Code 1979, § 7-4001, as amended by Ord. No. 79-42, 10/9/79; Ord. No. 81-1, 1/13/81; Ord. No. 83-4, 7/12/83; Ord. No. 83-6, 11/8/83; Ord. No. 84-2, 2/14/84; Ord. No. 89-3, 6/27/89; Ord. No. 91-6, 5/14/91; Ord. No. 98-1, 1/13/98; Ord. No. 02-5, 6/20/02) (Ord. No. 12-08, § 1, 11/13/12; Ord. No. 16-07, 8/9/16)

**CHAPTER 5****Other Regulations**

Section 7-5001	Wells, cisterns, shafts to be covered.
Section 7-5002	Digging wells deeper than one hundred feet.
Section 7-5003	Ponds; permit required to dig, maintain, operate.
Section 7-5004	Reserved.
Section 7-5005	Pool rooms; closing hour.
Section 7-5006	Same; location; view to be unobstructed.
Section 7-5007	Same; minors loitering, playing without consent of parent or guardian.
Section 7-5008	Bill posting.
Section 7-5009	Handbills and circulars; distributing.
Section 7-5010	Carnivals and street shows.
Section 7-5011	Sunday activities prohibited.
Section 7-5012	Public utilities required to maintain and operate business offices in city.
Section 7-5013	Use of the city's facilities and equipment.

**Section 7-5001 Wells, cisterns, shafts to be covered.**

The owners, lessees and those occupying or having possession of land or real estate in the city on which property there is a well, cistern or shaft shall keep the openings to such wells, cisterns or shafts securely covered so that no child or person can fall into the openings thereof. It shall be unlawful for any person to violate or fail to comply with, or to procure, aid or abet in the violation of any provision of this section. (Code 1963, § 12-46)

**Section 7-5002 Digging wells deeper than one hundred feet.**

The digging, boring, drilling or maintaining of any well in the city of a depth of more than 100 feet, or the deepening of any existing well to a depth of more than 100 feet, other than by the city for public purposes, without first obtaining a permit therefor from the city is prohibited and hereby declared to be unlawful. (Code 1963, § 12-47)

**Section 7-5003 Ponds; permit required to dig, maintain, operate.**

It shall be unlawful for any person or persons to dig, maintain, or operate any pond within the city, for the purposes of irrigation, watering or recreation or for any other purpose, without first obtaining a written permit from the city council to do so. (Code 1963, § 12-27)

**Section 7-5004 Reserved.****Section 7-5005 Pool rooms; closing hour.**

It shall be unlawful for any person or his agents, employees or servants, to keep any pool or billiard room within the corporate limits of the city open on any night later than 11:00 p.m. (Code 1963, Sec. 12-28)

**Section 7-5006 Same; location; view to be unobstructed.**

All pool or billiard rooms within the corporate limits of the city shall be on the ground floor of the building in which they are located. It shall be unlawful for any person, his agents, servants or employees, operating or maintaining any pool or billiard room within the corporate limits of the city to be open or maintain any pool or billiard room on any other than the ground floor of the building in which the same may be located, or to place or maintain any screen, curtain, blinds or other obstruction obstructing the view of the interior of the pool or billiard room from the streets of the city. (Code 1963, Sec. 12-29)

**Section 7-5007 Same; minors loitering, playing without consent of parent or guardian.**

It shall be unlawful for any person under 18 years of age to loiter in any pool or billiard room or to play pool or billiards in any such room in the city unless accompanied by his parent or guardian or with the written consent of his parent or guardian, which written consent must be signed by such parent or guard-

ian in the presence of the chief of police of the city. In the event the keeper of a pool or billiard room is of opinion any person desiring admission thereto is under the age of 18 years he shall require such person to certify his age in writing. It shall be a violation of this ordinance for any minor to make a false certificate as to his age or use a forged permit from his parent or guardian. (Code 1963, Sec. 12-30)

**State Law Reference:** For state law as to minors in pool rooms, see S.C. Code 1976, sec. 52-11-130.

**Section 7-5008 Bill posting.**

No person shall tack, paint or post any sign or poster on any tree, telephone post, telegraph post, electric light post, fence or building within the corporate limits of the city; provided, that this shall not apply to the posting of signs and posters by any licensed bill poster of the city on fences and buildings not situated on Main Street with the consent of the owner of the fence or building and with the approval of the mayor. (Code 1963, Sec. 12-3)

**Section 7-5009 Handbills and circulars; distributing.**

(a) Throwing handbills broadcast in public places prohibited. It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city; and it shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill in any public place to any person willing to accept such non-commercial handbill.

(b) Placing in vehicles - commercial and non-commercial handbills. It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any automobile or other vehicle. The provisions of this action shall not be deemed to prohibit the handling, transmitting or distributing of any non-commercial handbill to the owner or other occupant

of any automobile or other vehicle, who is willing to accept the same.

(c) Distribution on uninhabited or vacant private premises of commercial or non-commercial handbills. It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(d) Penalty. Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine or penalty of not more than \$50, or by imprisonment for not exceeding 30 days. (Ord. No. 78-9, 8/1/78)

**Cross Reference:** Advertising by loudspeaker or hawking prohibited, sec. 9-2001, advertising for certain sales prohibited without permit, sec. 7-7002.

#### **Section 7-5010 Carnivals and street shows.**

All carnivals or street shows by whatever name known are hereby forbidden to show, parade or otherwise engage in business in the corporate limits of the city, except upon prior written authorization of the mayor.

#### **Section 7-5011 Sunday activities prohibited.**

No tradesman, artificer, workman, laborer or other person shall do or exercise any worldly labor, business or work of their ordinary calling upon Sunday or any part thereof; provided, that this section shall not apply to work of charity or of necessity; provided, further, that this section shall not apply to any railroad, telegraph, telephone or express company traffic or business as is now or may be permitted by the laws of the state to be carried on Sunday; provided, further, that this section shall not apply to keepers of hotels and restaurants furnishing food and lodging for guests, or to the sale of drugs, cigars, tobacco, ice and milk, or the hiring of taxicabs. (Code 1963, Sec. 12-38)

**State Law Reference:** Regulation of activities on Sunday generally, S.C. Code 1976, sec. 53-1-10 through 53-1-130.

#### **Section 7-5012 Public utilities required to maintain and operate business offices in city.**

Every public utility operating in the City of Marion, South Carolina, be, and hereby is, required to maintain a business office within the corporate limits of the City of Marion for service of the public, to keep the office staffed with adequate personnel for such service, and to keep the office open during reasonable business hours for such service; provided that the foregoing requirements shall be suspended as to any such utility so long as it maintains a collection agency in the city which is satisfactory to the city and continues to pay to the city regular privilege license taxes in the same manner and on the same basis as if it maintained such a business office within the corporate limits of the city. (Code 1963, Sec. 2-5(a))

#### **Section 7-5013 Use of the city's facilities and equipment.**

The use of the city's facilities and equipment, to include fees and rental and who may qualify to use the facilities and equipment at no cost, is the responsibility of the legislative body (the council) therefore, city facilities or equipment may be occupied or used:

(a) By payment of the fees established in Section 7-5014 for the use of facilities, with the approval of the administrator;

(b) For no cost, with the approval of the mayor, in accordance with the City of Marion Facilities Rental Fee Waiver Policy, which is incorporated herein by reference; and

(c) In the case of a disaster and/or emergency, with the approval of the mayor. (Ord. No. 05-23, 11/8/05; Ord. No. 16-05, 8/9/16)

**CHAPTER 6****Solicitations**

Section 7-6001	Permit required.
Section 7-6002	Application.
Section 7-6003	Investigation and approval by mayor.
Section 7-6004	Issuance or refusal of permit; right to hearings; term.
Section 7-6005	Permit nontransferable; number of solicitors.
Section 7-6006	Revocation of permit; grounds; notice, hearing.
Section 7-6007	Reports, information required from permittees.
Section 7-6008	Yard sales.

**Section 7-6001 Permit required.**

It shall be unlawful for any person, organization, society, association or corporation, or for any agent, member or representative thereof, directly or indirectly, to solicit, property or financial assistance of any kind, to sell or offer to sell an article, tag, service emblem, publication, ticket, advertisement, subscription or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds thereof, is for a charitable, educational, patriotic or philanthropic purpose, on the streets, in any office or business building, by house to house canvass or in any other public or private place, by telephone, personal solicitation, by mail, or in any other way, in the city unless such person, organization, society, association or corporation shall have first been duly permitted as herein provided in this chapter; provided, however, that the provisions of this section shall not apply to any individual or any society, association or corporation that is organized and operated exclusively for religious, educational, philanthropic, benevolent, fraternal, charitable or reformatory purposes, not operated for pecuniary profit, where no part of the net earnings thereof inures to the benefit of any person, private shareholder or individual, and where the solicitation of such organization shall be conducted among the members thereof by other members thereof or officers thereof, voluntarily and without remuneration for such solicitation or where such solicitation may be in the form of collections or contributions at the regular exercise or services of any church, religious society, lodge, benevolent order or fraternity or similar organization, or of any branch thereof. (Code 1963, Sec. 15-1)

**Section 7-6002 Application.**

A written application for a permit to solicit for any cause as provided in section 7-6001 of this code shall be sworn to and filed with the city clerk or treasurer, and the application shall contain the following information:

(1) Name of organization or individual applying for a permit to solicit and his address or its headquarters.

(2) Names and addresses of principal officers and management if applicant is other than an individual.

(3) The purpose for which receipts derived from such solicitation are to be used.

(4) The name of the person by whom the receipts of such solicitation shall be disbursed.

(5) The name and address of the person who will be in direct charge of conducting such solicitation.

(6) An outline of the methods to be used in conducting the solicitation.

(7) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitation.

(8) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commissions or emoluments are to be expended, to whom paid and the amount thereof.

(9) A financial statement for the last preceding fiscal year of any funds collected for the purposes set out in section 7-6001 of this code by the organization or persons seeking a permit for such solicitation, such statement giving the amount of money so raised, together with the cost of raising it, and the final distribution thereof.

(10) A full statement of the character and extent of the charitable, educational or philanthropic work being done by the applicant organization within the city.

(11) Such other information as may be required by the mayor in order for him to fully determine the kind and character and worthiness of the proposed solicitation and as to whether or not such solicitation is in the interest of protecting the health, life and property of the citizens of the city and in the interest of preserving and enforcing good government and for the security of the city and its inhabitants. (Code 1963, Sec. 15-2, as amended by Ord. No. 79-43, 10/9/79)

**Section 7-6003 Investigation and approval by mayor.**

Upon receipt of an application as provided for in section 7-6002 of this code, the mayor shall make or cause to be made such investigation as shall by him be deemed necessary in regard thereto, in order to determine that such proposed solicitation is in fact to be conducted for a charitable, educational, philanthropic or patriotic purpose, and the proceeds from such solicitation shall be so used, and if the mayor shall be satisfied that such cause for which such solicitation is to be made is in fact for a charitable, educational, patriotic or philanthropic purpose and that the proceeds derived from such solicitation will be used for such purpose, and that no more than 20 percent of the gross proceeds from such solicitation shall be used in the promotion expenses of such solicitation and that such solicitation is not promoted or conducted primarily for private profit of its promoters, and that such solicitation will not be incompatible with the protection of health, life and property of the citizens of the city then he shall approve such application. (Code 1963, Sec. 15-3)

**Section 7-6004 Issuance or refusal of permit; right to hearings; term.**

Upon approval, the city clerk or treasurer shall issue a permit to such applicant for such period as the mayor may determine, not to exceed three (3) calendar months. In all cases where the mayor declines to issue a permit the applicant shall upon request be granted a hearing by the mayor or by someone designated by him. (Code 1963, Sec. 15-4, as amended by Ord. No. 79-44, 10/9/79)

**Section 7-6005 Permit nontransferable; number of solicitors.**

Any permit approved and issued under this chapter shall be nontransferable; provided, however, that this shall not prevent any permittee from using any number of solicitors as shall be reported to the mayor. (Code 1963, Sec. 15-5)

**Section 7-6006 Revocation of permit; grounds; notice, hearing.**

(a) If the mayor shall find that any agent or representative of a permittee hereunder is in any way misrepresenting the solicitation of the permittee, or is making untrue statements with regard to such solicitation, or if he shall find that such agent or representative made untrue statements in the application for the permit, or if the mayor shall find that in any way the solicitation has been conducted or is being conducted in a manner inimical to the protection of the health, life and property of the citizens of the city, and not in conformity with the intent and purpose of this chapter, the mayor shall revoke such permit.

(b) If the mayor shall find that any agent or representative of a permittee hereunder is representing in any way that the permit granted hereunder is an endorsement by the city of such solicitation, the mayor shall revoke such permit.

(c) In all instances hereunder the mayor shall give the permittee involved a minimum of 24 hours' notice in writing that a hearing is to be had on the revocation, and that at such hearing the mayor will ascertain the facts and if any of the reasons above set forth for the revocation of a permit are found to exist, the permit shall remain revoked. (Code 1963, Sec. 15-6)

**Section 7-6007 Reports, information required from permittees.**

The mayor may require, at any time, from any permittee hereunder, such reports and information that the mayor may deem necessary for the successful administration of the provisions of this chapter and the protection of the health, life and property of the citizens of the city. (Code 1963, Sec. 15-7)

**Section 7-6008 Yard sales.**

(a) All persons desiring to have a yard or rummage sale within the city limits of Marion shall be required to apply for a permit to conduct such sale. There shall be a fee of five dollars (\$5.00) for the issuance of any permit to conduct such

yard or rummage sale within the city limits of Marion. The application for the yard or rummage sale shall give the names and addresses of the persons conducting the sale, type of merchandise to be sold, and the date, time and location of the sale. Each permit shall be good for one (1) day's sale only. The permit fee shall be nonrefundable. The permit may not be transferred to another person or to another day because of weather or inability to conduct the sale on the date requested.

(b) Any person conducting a yard or rummage sale without a permit shall be in violation of the city ordinance and shall be subjected to a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00).

(c) There shall be no charge for a permit issued to any religious or charitable organization desiring to hold a yard or rummage sale.

(d) A permit for a yard or rummage sale must be obtained before 12:00 noon on the last Thursday before the yard sale. (Ord. No. 88-3, 6/14/88; Ord. No. 14-05, 7/8/14)

## CHAPTER 7

### Special Sales

Section 7-7001	Certain sales exempted.
Section 7-7002	License required.
Section 7-7003	Inventory required.
Section 7-7004	Affidavit required.
Section 7-7005	Duration of license.
Section 7-7006	Selling goods not on inventory prohibited.
Section 7-7007	Additions to stock prohibited.
Section 7-7008	Record of goods sold required.
Section 7-7009	Classification of applicants for licenses.
Section 7-7010	License fees.
Section 7-7011	Resuming business prohibited for one year.

#### Section 7-7001 Certain sales exempted.

Nothing contained in this chapter shall apply to judicial sales, or sales conducted by order of any court, or to sales made by wholesalers, jobbers or manufacturers when made in the regular course of their business as such. (Code 1963, Sec. 16-1)

#### Section 7-7002 License required.

It shall be unlawful for any person in the city to advertise or conduct any sale of goods, wares or merchandise that is represented as bankrupt, trustee, receivership, insolvent, insurance, fire, water damaged, closing out, closing stock, manufacturers, manufacturers' outlet, executors, administrators, jobbers, wholesalers, adjusters, liquidation, removal, distressed or other similar sale of foods, wares and merchandise without first obtaining from the city a license to do so and paying the prescribed fee therefor. (Code 1963, Sec. 16-2)

**Cross Reference:** Bill posting and distributing handbills prohibited, sec. 7-1001 and 7-1002.

#### Section 7-7003 Inventory required.

At the time of applying for a license such person shall file with the city treasurer an inventory containing a complete and accurate list of all the goods, wares and merchandise to be offered for sale at such sale, together with the wholesale price thereof. Such inventory shall be signed by the person seeking the license where the same is sought by an individual, by a member of the firm seeking the license where the license is

sought by a firm, and by an officer of the corporation where the license is sought by a corporation. (Code 1963, Sec. 16-3, as amended by Ord. No. 79-45, 10/9/79)

#### Section 7-7004 Affidavit required.

The person signing such inventory as required by section 7-7003 shall execute an affidavit to the effect that the inventory so submitted contains a full, true and accurate list of the goods, wares and merchandise to be offered for sale, and that the wholesale price stated therein is the true current wholesale price thereof. The affidavit shall also state whether the applicant for the license has been engaged in the sale of goods, wares and merchandise at the same location where the sale is proposed to be held and the length of time during which the applicant has been engaged in business at the location prior to applying for the license. The affidavit shall also state that the applicant will not directly or indirectly engage in the same business or any similar business under any trade name in the city for a period of one (1) year from the date of such application. (Code 1963, Sec. 16-4)

#### Section 7-7005 Duration of license.

No license shall be issued to any person to conduct a sale of the nature contemplated in sections 7-7002 through 7-7004 hereof for a period of less than 10 days nor more than 60 days. (Code 1963, Sec. 16-5)

#### Section 7-7006 Selling goods not on inventory prohibited.

During the progress of any such sale contemplated in sections 7-7002 through 7-7004, it shall be unlawful for the person conducting such sale to offer for sale any goods, wares or merchandise other than those shown by the original inventory filed with the city treasurer at the time of making application for the license (Code 1963, Sec. 16-6, as amended by Ord. No. 79-46, 10/9/79)

#### Section 7-7007 Additions to stock prohibited.

It shall be unlawful for any person to make any replenishments or additions to his stock of goods, wares or merchandise during the continuance of any such sale contemplated in sections 7-7002 through 7-7004. (Code 1963, Sec. 16-7)



**Section 7-7008 Record of goods sold required.**

The person conducting any such sale contemplated in sections 7-7002 through 7-7004 shall keep an accurate record of all articles or things sold, which record shall be available at all reasonable hours for the inspection of the city treasurer. (Code 1963, Sec. 16-8, as amended by Ord. No. 79-47, 10/9/79)

**Section 7-7009 Classification of applicants for licenses.**

Applicants under the provisions of this chapter shall be classified as itinerants and nonitinerants. Itinerants shall be those persons who shall not have been engaged in business at the location where the sale is proposed to be held for at least one (1) year immediately preceding the making of the application for the license, and nonitinerants shall be those persons who shall have been engaged in business at the location where the sale is proposed to be held for one (1) year or more, immediately preceding the making of the application for the license. (Code 1963, Sec. 16-9)

**Section 7-7010 License fees.**

The fee charged for a license to conduct a sale pursuant to the provisions of this chapter shall be as follows:

(1) *Itinerant*: For a period of 10 days, \$15 per day. For a period of more than 10 days, \$10 per day for the duration of the sale.

(2) *Nonitinerant*: \$5.00 per day for the duration of the sale. (Code 1963, Sec. 16-10, as amended by Ord. No. 79-53, 11/13/79)

**Section 7-7011 Resuming business prohibited for one year.**

Any licensee under this chapter shall be prohibited from engaging in the same business or a similar business under any trade name in the city for a period of one (1) year from the date of his application for such license. (Code 1963, Sec. 16-11)

**CHAPTER 8****Cable Television**

Section 7-8001	Definitions.
Section 7-8002	Initial review of basic cable rates.
Section 7-8003	Review or request for increase in basic cable rates.
Section 7-8004	Cable operator information.
Section 7-8005	Automatic rate adjustments.
Section 7-8006	Enforcement.

**Section 7-8001 Definitions.**

In this chapter:

“Basic cable rates” means the monthly charges for a subscription to the basic service tier and the associated equipment.

“Basic service tier” means a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all must-carry signals, all PEG channels, and all domestic television signals other than superstations.

“Benchmark” means a per channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.

“Cable Act of 1992” means the Cable Television Consumer Protection and Competition Act of 1992.

“Cable operator” means any person or group of persons:

(A) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system; or

(B) Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

“Channel” means a unit of cable service identified and selected by a channel number or similar designation.

“Cost of service showing” means a filing in which the cable operator attempts to show that the benchmark rate of the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.

“FCC” means the Federal Communications Commission.



“Initial basic cable rates” means the rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the city notifies the cable operator of the city’s qualification and intent to regulate basic cable rates.

“Must-carry signal” means the signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.

“PEG channel” means the channel capacity designated for public, education, or governmental use, and facilities and equipment for the use of that channel capacity.

“Price cap” means the ceiling set by the FCC on future increases in basic cable rates regulated by the city, based on a formula using the GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

“Reasonable rate standard” means a per channel rate that is at, or below, the benchmark or price cap level.

“Superstation” means any non-local broadcast signal secondarily transmitted by satellite. (Ord. No. 93-13, § 1, 11/9/93)

#### **Section 7-8002 Initial review of basic cable rates.**

(a) Notice. Upon the adoption of the ordinance codified in this chapter and the certification of the city by the FCC, the city shall immediately notify all cable operators in the city, by certified mail, return receipt requested, that the city intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.

(b) Cable operator response. Within 30 days of receiving notice from the city, a cable operator shall file with the city, its current rates for basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates.

(c) Expedited determination and public hearing.

(1) If the city council is able to expeditiously determine that the cable operator’s rates for the basic service tier and associated equipment are within the FCC’s reasonable rate standard, as determined by the applicable benchmark, the city council shall:

(A) Hold a public hearing at which interested persons may express their views; and

(B) Act to approve the rates within 30 days from the date the cable operator filed its basic cable rates with the city.

(2) If the city council takes no action within 30 days from the date the cable operator filed its basic rates with the city, the proposed rates will continue in effect.

(d) Extended review period.

(1) If the city council is unable to determine whether the rates in issue are within FCC’s reasonable rate standard rate based on the material before it, or if the cable operator submits a cost-of-service showing, the city council shall, within 30 days from the date the cable operator filed its basic cable rates with the city and by adoption of a formal resolution, invoke the following additional period of time, as applicable, to make a final determination:

(A) 90 days if the city council needs more time to ensure that a rate is within the FCC’s reasonable rate standard; or

(B) 150 days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.

(2) If the city council has not made a decision within the 90 or 150 day period, the city council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.

(e) Public hearing. During the extended review period and before taking action on the proposed rate, the city council shall hold at least one public hearing at which interested persons may express their views and record objections.

(f) Objections. An interested person who wishes to make an objection to the proposed initial basic rate may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the city clerk with the objector’s name and address.

(g) Benchmark analysis. If a cable operator submits its current basic cable rate schedule as being in compliance with the FCC’s reasonable rate standard, the city council shall review the rules using the benchmark analysis in accordance with the standard

form authorized by the FCC. Based on the city council's findings, the initial basic cable rates shall be established as follows:

(1) If the current basic cable rates are below the benchmark, those rates shall become the initial basic cable rates and the cable operator's rules will be capped at that level.

(2) If the current basic cable rates exceed the benchmark, the rates shall be the greater of the cable operator's per channel rate on September 30, 1992, reduced by 10 percent, or the applicable benchmark, adjusted for inflation and any change in the number occurring between September 30, 1992 and the initial date of regulation.

(3) If the current basic cable rates exceed the benchmark, but the cable operator's per channel rate was below the benchmark on September 30, 1992, the initial basic cable rate shall be the benchmark, adjusted for inflation.

(h) Cost-of-service showings. If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify an initial basic cable rates above the FCC's reasonable rate standard. The city council will review a cost-of-service submission pursuant to FCC standards for cost-of-service review. The city council may approve initial basic cable rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992 rates minus 10 percent, will prescribe the cable operator's new rates.

(i) Decision.

(1) By formal resolution. After completion of its review of the cable operator's proposed rates, the city council shall adopt its decision by formal resolution. The decision shall include one of the following:

(A) If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the city council shall approve the initial basic cable rules proposed by the cable operator; or

(B) If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the city council shall establish initial basic cable rates

that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.

(2) Rollbacks and refunds. If the city council determines that the initial basic cable rates are submitted exceed the reasonable rate standard or that the cable operator's cost-of-service showing justifies lower rates, the city council may order the rates reduced in accordance with paragraph (g) or (h) above, as applicable. In addition, the city council may order the cable operator to pay subscribers refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the city council's decision resolution.

(3) Statement of reasons for decision and public notice. If rates proposed by cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the city council must give the public notice of its decision. Public notice will be given by advertisement once in a newspaper of general circulation in the city.

(j) Appeal. The city council's decision concerning rates for the basic service tier or associated equipment, may be appealed to the FCC in accordance with applicable federal regulations. (Ord. No. 93-13, § 2, 11/9/93)

#### **Section 7-8003 Review or request for increase in basic cable rates.**

(a) Notice. A cable operator in the city who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the city and notify all subscribers at least 30 days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.

(b) Expedited determination and public hearing.

(1) If the city council is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's

reasonable rate standard, as determined by the price cap, the city council shall:

(A) Hold a public hearing at which interested persons may express their views; and

(B) Act to approve the rate increase within 30 days from the date the cable operator filed its request with the city.

(2) If the city council takes no action within 30 days from the date the cable operator filed its request with the city, the proposed rates will go into effect.

(c) Extended review period.

(1) If the city council is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the city council shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

(A) 90 days if the city council needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and

(B) 150 days if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.

(2) The proposed rate increase is tolled during the extended review period.

(3) If the city council has not made a decision within 90 or 150 day period, the city council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.

(d) Public hearing. During the extended review period and before taking action on the requested rate increase, the city council shall hold at least one public hearing at which interested persons may express their views and record objections.

(e) Objections. An interested person who wishes to make an objection to the proposed rate increase may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the city clerk with the objector's name and address.

(f) Delayed determination. If the city council is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the city council later issues a decision disapproving any portion of the increase.

(g) Price cap analysis. If a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the city council shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the city council's findings, the basic cable rates shall be established as follows:

(1) If the proposed basic cable rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable rates.

(2) If the proposed basic cable rate increase exceeds the price cap established by the FCC, the city council shall disapprove the proposed rate increase and order an increase that is in compliance with the price cap.

(h) Cost-of-service showings. If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the city council will review the submission pursuant the FCC standards for cost-of-service review. The city council may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current rate will prescribe the cable operator's new rate.

(i) Decision. The city council's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing by a person in writing at any time before the decision resolution is adopted.

(j) Refunds.

(1) The city council may order refunds of subscribers' rate payments with interest if:

(A) The city council was unable to make a decision within the extended time period as described in paragraph (c) above; and

(B) The cable operator implemented the rate increase at the end of the extended review period; and

(C) The city council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the city council disapproves any portion of the rate increase.

(2) The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the city council's decision resolution.

(k) Appeal. The city council's decision concerning rates for the basic service tier or associated equipment, may be appealed to the FCC in accordance with applicable federal regulations. (Ord. No. 93-13, § 3, 11/9/93)

#### **Section 7-8004 Cable operator information.**

(a) City may require.

(1) In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the city council may require the cable operator to produce information in addition to that submittal, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section.

(2) In cases where initial or proposed rates comply with the reasonable rate standard, the city council may request additional information only in order to document that the cable operator's rates are in accord with the standard.

(b) Request for confidentiality.

(1) A cable operator submitting information to the city council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.

(2) If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified.

(3) Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.

(4) Casual requests which do not comply with the requirements of this subsection shall not be considered.

(c) City council action. Requests which comply with the requirements of subsection (b), will be acted upon by the city council. The city council will grant the request if the cable operator presents by a preponderance of the evidence, a case for nondisclosure consistent with applicable federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from the public inspection. If the request does not present a case for nondisclosure and the city council denies the request, the city council shall take one of the following actions:

(1) If the information has been submitted voluntarily without any direction from the city, the cable operator may request that the city return the information without considering it. Ordinarily, the city will comply with this request. Only in the unusual instance that the public interest so requires, will the information be made available for public inspection.

(2) If the information was required to be submitted by the city council, the information will be made available for public inspection.

(d) Appeal. If the city denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five working days of the city council's decision, and the release of the information will be stayed pending review. (Ord. No. 93-13, § 4, 11/9/93)

#### **Section 7-8005 Automatic rate adjustments.**

(a) Annual inflation adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic service tier annually by the final GNP-PI index.

(b) Other external costs.

(1) The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceed the GNP-PI. The factors include retransmission consent fees, programming costs, state and

local taxes applicable to the provision of cable television service, and costs of franchise requirements. The total cost of an increase in a franchise fee may be automatically added to the base per channel rate, without regard to its relation to the GNP-PI.

(2) For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation or February 28, 1994, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.

(c) Notification and review. The cable operator shall notify the city at least 30 days in advance of a rate increase based on automatic adjustment items. The city shall review the increase to determine whether the item or items qualify as automatic adjustments. If the city makes no objection within 30 days of receiving notice of the increase, the increase may go into effect. (Ord. No. 93-13, § 4, 11/9/93)

#### **Section 7-8006 Enforcement.**

(a) Refunds. The city may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

(1) A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or

(2) The cable operator has failed to comply with a valid rate order issued by the city.

(b) Fines. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to a fine of \$500 for each day the cable operator fails to comply. (Ord. No. 93-13, § 6, 11/9/93)

## **CHAPTER 9**

### **Local Hospitality Tax**

Section 7-9001	Tax imposed.
Section 7-9002	Collection.
Section 7-9003	Payment.
Section 7-9004	Violation—Penalty.
Section 7-9005	Special account.
Section 7-9006	Severability.

#### **Section 7-9001 Tax imposed.**

There is hereby imposed a local hospitality tax of two percent (2%) on the gross proceeds of the sale of prepared meals and beverages in establishments within the city of Marion (hereinafter “vendor”). Payment of the hospitality tax established hereby shall be the liability of the customer. (Ord. No. 04-03 (part), 7/13/04)

#### **Section 7-9002 Collection.**

The tax imposed by this chapter shall be collected from the customer when payment for meals or beverages is tendered and shall be held in trust for the benefit of the city until remitted as provided in Section 7-9003 of this chapter. (Ord. No. 04-03 (part), 7/13/04)

#### **Section 7-9003 Payment.**

Payment of the hospitality tax established herein shall be remitted by the vendor to the city of Marion on a monthly basis, along with such return or form as may be established by the city for such purposes, not later than the twentieth day of the month and shall cover the tax due for the previous month. Any tax not timely remitted shall be subject to a penalty of five (5%) percent of the sum owed for each month or portion thereof until paid. The failure to collect from the customer the tax imposed by this chapter shall not relieve the vendor from making the required remittance. (Ord. No. 04-03 (part), 7/13/04)

**Section 7-9004 Violation—Penalty.**

The failure of any vendor subject to this chapter to remit to the city the tax imposed by the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to thirty (30) days, or both. (Ord. No. 04-03 (part), 7/13/04)

**Section 7-9005 Special account.**

There is hereby established a special account to be known as the local hospitality tax account into which the taxes remitted shall be deposited by the city and used solely for the purposes provided by law. (Ord. No. 04-03 (part), 7/13/04)

**Section 7-9006 Severability.**

This chapter is subject to the constitution and the laws of the state of South Carolina. If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (Ord. No. 04-03 (part), 7/13/04)

## PART 8

### Motor Vehicles and Traffic

Chapter 1.	General Provisions
Chapter 2.	Bicycles
Chapter 3.	Railroads
Chapter 4.	Parking
Chapter 5.	Abandoned and Derelict Motor Vehicles

## CHAPTER 1

### General Provisions

Section 8-1001	Adoption of state law.
Section 8-1002	General traffic powers and duties of chief of police.
Section 8-1003	Police to enforce chapter.
Section 8-1004	Safety council.
Section 8-1005	Same; organization and purpose.
Section 8-1006	Only licensed operators may drive vehicles.
Section 8-1007	Obedience to traffic signals.
Section 8-1008	Speed limits.
Section 8-1009	Lights to be dimmed at night.
Section 8-1010	Liability for damage to streets.
Section 8-1011	Accident report required.
Section 8-1012	Vehicles not to be operated unless taxes are paid.
Section 8-1013	Duty to submit to vehicle inspection.
Section 8-1014	Vegetation constituting traffic hazard prohibited.
Section 8-1015	Careless operation of a motor vehicle.

#### Section 8-1001 Adoption of state law.

There is hereby adopted by reference and made a part hereof as if set out in full those provisions of state law known as the Uniform Traffic Act as contained in S.C. Code, Title 56, Chapter 5.

**Editorial Note:** The cited state law may be incorporated by reference in an ordinance by municipalities, Op. Att'y Gen., No. 2460, p. 125 (1967-68). Municipalities may further regulate traffic, provided the additional regulations do not conflict with state law, see S.C. Code, 1976, Sec. 56-5-30 and 56-5-710.

#### Section 8-1002 General traffic powers and duties of chief of police.

(a) The chief of police of the city by and with the advice and consent of the city council, and except as otherwise directed by this chapter and except as otherwise directed from time to time by the city council, shall have the power and he is hereby authorized to regulate the operation and

parking of vehicles within the city by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, through or arterial streets, stop streets, "U" turns, play streets, school zones, hospital zones, loading and unloading zones, quiet zones and other signs or markers indicating the place and manner of operating or parking vehicles within the city. The chief of police shall also have power and he is hereby authorized to regulate the movement of pedestrians upon the streets and sidewalks of the city by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic. The chief of police shall also have power and he is hereby authorized to designate bus stops and taxicab stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs in such stands. The chief of police shall also have power and he is hereby authorized to designate truck routes and to regulate the parking of vehicles of various sizes and weights.

(b) The chief of police shall further have power and he is hereby authorized to secure all such necessary signs or markers to be erected or placed on any street or part of a street when he deems such action necessary.

(c) The chief of police is further empowered and authorized to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic, when, in his judgment, such action is necessary.

(d) The existence of such signs or markers at any place within the corporate limits of the city shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the chief of police and in accordance with the provisions of this section. The speed limits of the city shall be as posted.

(e) The chief of police is also hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergency or special conditions.

(f) All of the orders issued by the chief of police pursuant to this section shall be in writing and filed with the city council and the council shall have the right to rescind any such orders made by the chief of police. (Code 1963, Sec. 11-4)

**Section 8-1003 Police to enforce chapter.**

It shall be the duty of the police department to enforce this chapter, and officers of the police department are authorized to direct all traffic either in person or by visible or audible signal as provided in this chapter or as conditions may require. (Code 1963, Sec. 11-5)

**Section 8-1004 Safety council.**

The safety council shall consist of 10 members to be appointed by the city council of the City of Marion, South Carolina. The terms of office of members shall be for four (4) years. Any vacancy in membership shall be filled for the unexpired term by the city council, which shall also have the authority to remove any member for cause or written charges, after public hearing. All members shall serve without compensation but shall be reimbursed for actual expenses incurred in connection with their official duties. (Code 1963, Sec. 2-131)

**Section 8-1005 Same; organization and purpose.**

The safety council shall elect a chairman and a vice chairman from among its members. The term of the chairman and other officers shall be one (1) year with eligibility for re-election. It shall appoint a secretary, who may be a member of the safety council or an officer or employee of the governing authority. The safety council shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings and determinations; and shall meet at the call of the chairman and at such time as the chairman or the council may determine. All meetings of the safety council at which official action is taken shall be open to the public, and all records of the council shall be public records. The council will make recommendations from time to time as it may deem desirable for the safety of the citizens and residents of the City of Marion as well as visitors and others using its streets and highways. (Code 1963, Sec. 2-132)

**Section 8-1006 Only licensed operators may drive vehicles.**

No vehicle shall be operated within the city limits other than by a properly licensed driver.

**Section 8-1007 Obedience to traffic signals.**

Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary traffic signs and signals within the city limits.

**Section 8-1008 Speed limits.**

(a) General rule. All persons operating a vehicle within the city shall drive said vehicle within the city limits at a speed that is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed must be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use care.

(b) Maximum speed limit. Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, the maximum speed limit within the city shall be 30 miles per hour unless otherwise posted. (Ord. 95-8, 7/25/95)

**State Law Reference:** For prima facie speed limits, see S.C. Code 1976, Sec. 56-5-1540.

**Section 8-1009 Lights to be dimmed at night.**

All vehicles driving within the city at night shall do so with lights depressed or dimmed. (Code 1963, Sec. 11-63)

**Section 8-1010 Liability for damage to streets.**

Any person driving or moving any vehicle, object or contrivance upon any street within the city or street structure within the city shall be liable for all damages which such street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, objects or contrivance, or whether such damage is a result of operating, driv-



ing or moving any vehicle or contrivance weighing in excess of the maximum as provided by state law, but authorized by special permit issued pursuant to Section 55-5-4170 of the State Code of Laws. Whenever such driver is not the owner of such vehicle, object or contrivance, but is operating, driving or moving it with the express or implied permission of such owner, the owner and driver shall be jointly and separately liable for any such damage. Such damage may be recovered in any civil action brought by the city or authority in control of such street. (Code 1963, Sec. 11-23, as amended by Ord. No. 95-8, 7/25/95)

**State Law Reference:** For liability for damage to highways resulting from illegal operations, see S.C. Code 1976, Sec. 56-5-4230.

#### **Section 8-1011 Accident report required.**

At any time that any operator of a motor vehicle or other individual is required by state law to file an accident report with the State Highway Department, that operator or individual shall simultaneously file with the police department for the city a duplicate copy of said accident report for any accident occurring within the city limits of the city. (Ord. No. 95-8, 7/25/95)

**State Law Reference:** For accidents generally, see S.C. Code, 1976, Sec. 56-5-1210 — 56-5-1360.

#### **Section 8-1012 Vehicles not to be operated unless taxes are paid.**

(a) It shall be unlawful for any resident of the City of Marion, South Carolina, to own and operate, or allow to be operated, upon the public streets or ways of the city, any motor vehicle on which personal property taxes due to the city are delinquent and unpaid. (Code 1963, 11-66(a))

(b) Personal property taxes assessed against any motor vehicle owned by any resident of the City of Marion, South Carolina, shall be delinquent when such taxes are past due and unpaid and have gone into execution as provided for by the ordinances of the city. (Code 1963, Sec. 11-66(b))

#### **Section 8-1013 Duty to submit to vehicle inspection.**

No person driving a vehicle shall refuse to submit such vehicle to an inspection and test of its equipment and mechanical condition when required to do so by the city or an authorized officer or employee of the city.

**State Law Reference:** For inspections by state officers, see S.C. Code 1976, Sec. 56-5-5320.

#### **Section 8-1014 Vegetation constituting traffic hazard prohibited.**

(a) No person shall allow or permit any kind of vegetation to grow or be upon his premises within the corporate limits of the city at such a location and in such a manner as to be an unreasonable obstruction to the view of travelers upon the streets of the city, thereby making the same a traffic hazard.

(b) The chief of the police department, upon notice of the failure of any person to comply with the requirements of the preceding paragraph shall at once notify the person so violating to clean up his premises within 10 days. Any person violating this section, or any person failing or refusing to correct such violation within 10 days after notice as provided for, shall be guilty of a misdemeanor.

(c) Upon the failure of any person to correct such violation as provided in the preceding paragraph, within 10 days after notice, weather permitting, then the city may enter upon the premises of the person offending and may cause the correction of such violation by cutting and removing the objectionable vegetation or the objectionable portion or portions thereof, from the premises, and may charge the expense thereof to the owner of the premises, and such expense shall be assessed thereon and collected by the city. (Code 1963, Sec. 11-25)

**Cross Reference:** Weeds and vegetation, section 6-1002 et seq.

#### **Section 8-1015 Careless operation of a motor vehicle.**

It shall be unlawful for any person to operate any vehicle without care and caution and full regard for

safety of persons or property. Any person failing to do so shall be guilty of careless driving or riding. The operation of any vehicle when the same or any of its appliances are not in proper or safe condition shall be prima facie evidence of careless driving or riding. Careless operation is unlawful and may be a lesser included offense of "reckless driving." The penalty for violating this section shall not exceed that amount authorized as the limits of the municipal court's jurisdiction plus any costs and assessments imposed by the State of South Carolina. (Ord. No. 94-3, 2/8/94)

## CHAPTER 2

### Bicycles

Section 8-2001	Applicability of regulations to bicycles.
Section 8-2002	Rights and duties of bicyclists generally.
Section 8-2003	Riding on roadways and bicycle paths.
Section 8-2004	Clinging to vehicles prohibited.
Section 8-2005	Carrying articles.
Section 8-2006	Lamps and reflectors on bicycle.
Section 8-2007	Brake on bicycle.
Section 8-2008	Violation of article.

#### Section 8-2001 Applicability of regulations to bicycles.

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to exceptions stated herein. (Code 1963, Sec. 11-129, as amended by Ord. No. 95-8, 7/25/95)

#### Section 8-2002 Rights and duties of bicyclists generally.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle provided by state law. (Code 1963, Sec. 11-130, as amended by Ord. No. 95-8, 7/25/95)

#### Section 8-2003 Riding on roadways and bicycle paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts or roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (Code 1963, Sec. 11-131, as amended by Ord. No. 95-8, 7/25/95)

**Section 8-2004 Clinging to vehicles prohibited.**

No person riding upon any bicycle, coaster, roller skates, sled or vehicle shall attach it or them or himself to any vehicle upon a roadway. (Code 1963, Sec. 11-135, as amended by Ord. No. 95-8, 7/25/95)

**Section 8-2005 Carrying articles.**

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars. (Ord. 1963, Sec. 11-136 as amended by Ord. No. 95-8, 7/25/95)

**Section 8-2006 Lamps and reflectors on bicycle.**

Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. (Ord. No. 95-8, 7/25/95)

**Section 8-2007 Brake on bicycle.**

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (Ord. No. 95-8, 7/25/95)

**Section 8-2008 Violation of article.**

Any person who does any act forbidden herein or fails to perform any act required in these sections shall be subject to a fine not to exceed \$500.00. (Ord. No. 95-8, 7/25/95)

**CHAPTER 3****Railroads**

Section 8-3001	Obstructing streets.
Section 8-3002	Cars running down grade.
Section 8-3003	Unauthorized riding on train being shifted.

**Section 8-3001 Obstructing streets.**

It shall be unlawful to stop any engine or train of cars so as to obstruct any street within the city for more than five (5) minutes at a time. It shall be unlawful to stop any part of a railroad train across any of the streets of the city without having attached thereto a locomotive. (Code 1963, Sec. 14-1)

**State Law Reference:** Railroads obstructing streets prohibited, S.C. Code 1976, Sec. 58-17-4080.

**Section 8-3002 Cars running down grade.**

No cars, not attached to a locomotive, are to be allowed to run down grade on any of the railroad tracks within the city unless such cars are in the custody of an engineer or someone competent to run such cars; such cars be equipped with proper brakes, and shall be brought to a full stop before crossing any street crossing. (Code 1963, Sec. 14-2)

**Section 8-3003 Unauthorized riding on train being shifted.**

It shall be unlawful for any person not in the employment of the railroad or not having a ticket to ride upon any freight or passenger train while such train is being shifted within the city limits. (Code 1963, Sec. 14-3)

**CHAPTER 4****Parking**

Section 8-4001	Prohibited in specified places, moving into prohibited area or away from curb.
Section 8-4002	Manner of parallel parking.
Section 8-4003	Angle parking by long vehicles prohibited.
Section 8-4004	Duty to park within marked space.
Section 8-4005	Double parking prohibited.
Section 8-4006	Police may order removal of parked vehicles.
Section 8-4007	Limited parking zones.
Section 8-4008	Handicapped parking.

**Section 8-4001 Prohibited in specified places; moving into prohibited area or away from curb.**

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
  - (2) In front of a public or private driveway, or so near thereto as to interfere with the unobstructed use of such driveway;
  - (3) Within an intersection;
  - (4) Within 15 feet of a fire hydrant;
  - (5) On a crosswalk;
  - (6) Within 20 feet of a crosswalk at an intersection;
  - (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located on the side of a roadway;
  - (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless indicated for a different length by official signs or markings;
  - (9) Within 50 feet of the nearest rail of a railroad crossing;
  - (10) Within 20 feet of the driveway entrance to any fire station, or on the side of a street opposite the entrance to any fire station within 75 feet of such entrance;
  - (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (13) At any place where official signs prohibit stopping.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Code 1963, Sec. 11-76)

**State Law Reference:** For similar provision, see S. C. Code 1976, Sec. 56-5-2530.

**Section 8-4002 Manner of parallel parking.**

Except as otherwise provided, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right-hand curb. (Code 1963, Sec. 11-77)

**State Law Reference:** For similar provision, see S. C. Code 1976, Sec. 50-5-2560.

**Section 8-4003 Angle parking by long vehicles prohibited.**

No vehicle over 16 feet in length, including any projecting object or attachment of any nature, shall stand, stop or park in any space where the lines or markers on the street indicate that parking in that area shall be at an angle with the curb. (Code 1963, Sec. 11-78)

**State Law Reference:** For authority to permit angle parking, see S. C. Code 1976, Sec. 56-5-2550.

**Section 8-4004 Duty to park within marked space.**

Where parking lanes or spaces are indicated by lines or markers placed or drawn upon the streets, it shall be unlawful for any person to stop, stand or park any vehicle outside of the lane or space indicated by such lines or markers as parking space. (Code 1963, Sec. 11-79)

**Section 8-4005 Double parking prohibited.**

No person shall double park upon any street in the city. (Code 1963, Sec. 11-80)

**State Law Reference:** Double parking prohibited, S. C. Code 1976, Sec. 56-5-2530.

**Section 8-4006 Police may order removal of parked vehicles.**

In all cases of emergency, or unusual hazard, every police officer is empowered to direct the removal of any parked or standing vehicle. (Code 1963, Sec. 11-81)

### **Section 8-4007 Limited parking zones.**

No operator of any vehicle shall cause or permit his vehicle to remain parked for a period of more than one hour in the following locations within the City of Marion:

(1) That portion of Main Street lying between Dozier Street and Railroad Avenue;

(2) That portion of Railroad Avenue laying between Academy Street and Wheeler Street;

(3) That portion of Manning Street and Manning Street extension lying between Academy Street and Wheeler Street;

(4) That portion of Fairlee Street lying between Academy Street and Wheeler Street;

(5) That portion of Harlee Street lying between Main Street and Pine Street;

(6) That portion of Witcover Street lying between Main Street and Academy Street;

(7) That portion of Arch Street lying between Main Street and Pine Street;

(8) That portion of Dozier Street lying between Academy Street and Pine Street.

Provided, however, that this restriction does not apply to vehicles parked in front of any house or residence on the above-named streets. (Ord. No. 75-1, 3/11/75, Sec. 1)

**Cross Reference:** For powers of police chief regarding parking generally, Sec. 8-1002.

### **Section 8-4008 Handicapped parking.**

(a) Any person who is handicapped as defined in this section or any person who regularly transports a handicapped person shall be allowed to park in those parking places specifically reserved for handicapped persons, as specifically marked by distinguishing letters or signs. As a condition of this privilege, a vehicle transporting a handicapped person shall display a distinguishing parking sticker or placard to be designed by the council. Such parking stickers or placards shall display such information as the council deems necessary for enforcement purposes. Any person who is handicapped as defined in this section may make application for such a sticker through the treasurer's office of the city. Such application may be made by mail or in person, and must be accompanied by a physician's certificate that the applicant is handicapped as defined in this section. Only one sticker and/or placard will be issued to each qualified applicant.

(b) The parking sticker described herein shall be displayed by affixing or placing it on the back

left window. The placard will be placed on the driver's side of the front windshield of the vehicle transporting the handicapped person. When the sticker or placard is so displayed, all parking rights and privileges extended to vehicles displaying the parking sticker or placard, pursuant to subsection (a) of this section shall be applicable to the vehicle.

(c) For the purposes of this section, "handicapped" shall mean any person who is totally blind, has a disability of incoordination resulting from brain, spinal or peripheral nerve damage, has an amputation of one or more of the lower extremities, has an obvious physical disability that requires the use of a wheelchair, braces, walker, crutches, prosthetic devices or any person who, in the opinion of a licensed physician, has a physical impairment which renders them restricted in their ability to move about freely, to include but not limited to, persons of advanced age, or persons with respiratory, heart or circulatory difficulties.

(d) Any person or persons without this sticker or placard designation indicated herein who parks in reserved parking places within the corporate limits of the city designated as being reserved for handicapped persons shall be deemed to be in violation of this section and upon conviction of such offense shall be fined \$20; provided, however, that no person or persons who has a license tag, placard, sticker or other emblem displayed on their vehicle, which indicates a handicapped condition, whether a South Carolina motorist or a motorist from another state, shall be subject to such fine. (Ord. No. 85-7, 12/10/85)

## CHAPTER 5

### Abandoned and Derelict Motor Vehicles

**Editorial Note:** The provisions of this chapter were originally enacted as new sections 8-1015 through 8-1023 of the code. They were moved at the discretion of the editor and codified as a separate chapter due to the length of the provisions and to avoid confusion in references within the ordinance to other sections.

**Historical Note:** The provisions of this chapter, unless otherwise indicated, are derived from Ord. No. 79-14, 9/11/79.

Section 8-5001	Definitions.
Section 8-5002	Declaration of public interest.
Section 8-5003	Duties of chief of police.
Section 8-5004	Abandoned and derelict motor vehicles subject to removal and disposal.
Section 8-5005	Colored tags shall be attached to vehicles; notice to owners and lienholders; sale of vehicles.
Section 8-5006	Right of entry on property to enforce chapter.
Section 8-5007	Unlawful to tamper with, remove or destroy colored tags.
Section 8-5008	Chapter not applicable to certain vehicles.
Section 8-5009	Penalties for abandoning vehicle.

#### Section 8-5001 Definitions.

For the purposes of this chapter:

(1) *Motor vehicle* means every device by which a person or property may be transported or drawn upon a highway by mechanical means.

(2) *Abandoned vehicle* means a motor vehicle that is inoperable or is left unattended on public property for more than 72 hours, or a motor vehicle that has remained illegally on private or public property for a period of more than seven (7) days without the consent of the owner or person in control of the property.

(3) *Derelict vehicle* means a motor vehicle:

a. Whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the State Highway Department;

b. whose major parts have been removed so as to render the motor vehicle inoperable and incapable of passing inspection as required under existing standards;

c. manufacturer's serial plates, motor vehicle identification numbers, license number plates and any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner;

d. whose registered and legal owner of record disclaims ownership or releases his rights there-to; or

e. which is more than seven (7) years old and does not bear a current license as required by the State Highway Department.

(4) *Demolisher* means any person, firm or corporation whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck to dismantle such a motor vehicle.

(5) *Department* means the city police department.

(6) *Colored tag* means any type of notice affixed to an abandoned or derelict motor vehicle advising the owner or the person in possession that it has been declared an abandoned or derelict motor vehicle and will be treated as such. The tag shall be of sufficient size to be easily discernable and shall contain such information as the chief of police deems necessary to carry out the provisions of this chapter.

(7) *Vehicle recycling* means the process whereby discarded motor vehicles are collected and then processed by shredding, bailing or shearing to produce processed scrap iron and steel.

(8) *Salvage yard* means a business or a person who holds a license issued by the South Carolina Tax Commission required of all retailers, possesses 10 or more derelict motor vehicles, regularly engages in buying and selling used motor vehicle parts and owns the necessary equipment to transport wrecked and derelict motor vehicles.

#### **Section 8-5002 Declaration of public interest.**

Abandoned and derelict motor vehicles constitute a hazard to the health and welfare of the people in the city in that such motor vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well being of children and other citizens. It is therefore in the public interest that the present accumulation of abandoned and derelict motor vehicles be eliminated and that the future abandonment of such motor vehicles be prevented.

#### **Section 8-5003 Duties of chief of police.**

The chief of police is vested with the power and is charged with the duties of administering the provisions of this chapter. The police department may adopt such rules and regulations as may be necessary to carry out the provisions of this chapter.

#### **Section 8-5004 Abandoned and derelict motor vehicles subject to removal and disposal.**

All abandoned and derelict motor vehicles shall be subject to removal from public or private property and disposed of in accordance with the provisions of this chapter.

#### **Section 8-5005 Colored tags shall be attached to vehicles; notice to owners and lienholders; sale of vehicles.**

(a) When any motor vehicle is derelict or abandoned, the chief of police shall cause a colored tag to be placed on the motor vehicle which shall be notice to the owner, the person in possession of the motor vehicle or any lienholder that it is considered to be derelict or abandoned and is subject to forfeiture to the city.

(b) (1) In addition, if the owner of the vehicle is a resident of the city, the chief of police shall cause to be personally served on the said owner a notice notifying the owner that the vehicle is considered to be abandoned or derelict and is subject to forfeiture to the city; that unless the vehicle is removed or satisfactorily repaired, licensed and placed in running condition within 10 days the vehicle shall be removed to a designated place to be sold; and that the owner or other proper person has the right to request a hearing prior to removal of the vehicle by submitting a written request for a hearing to the chief of police within 10 days from the date of service of the notice. If the registered owner cannot be located after due diligence or if the owner resides at an address outside the city limits then the said notice shall be sent by certified mail, return receipt requested to the last known address of the registered owner. In addition to serving the registered owner, notice shall also be given to the owner of the property on which the vehicle is located, in instances where the vehicle is located on private property, and notice shall also be given to lienholders of record. Notice to the property owner shall be given by personal service if the property owner can be located within the city limits. Notice to non-resident property owners or those who cannot be found and notice to lienholders shall be made by certified mail, return receipt requested.

(2) The notice placed on the vehicles and sent to the parties in interest shall read as follows:

You are hereby notified that the below described motor vehicle located at \_\_\_\_\_

in the City of Marion is considered to be a derelict/abandoned vehicle and is subject to forfeiture to the City of Marion under Section 8-5000 et. seq. of the City Code of Marion. Unless the vehicle is removed from the City of Marion or placed in proper running condition with valid license and current inspection within ten (10) days from your receipt of this notice the vehicle will be taken to the Marion County Jail to be sold at public auction. **YOU HAVE THE RIGHT TO REQUEST A HEARING IN THIS MATTER BY MAKING A WRITTEN REQUEST FOR HEARING TO THE CHIEF OF POLICE OF MARION WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS NOTICE.** If no action is taken by you and you fail to request a hearing within ten (10) days from your receipt of this notice the vehicle will be removed to the County Jail for sale. The vehicle is identified as (make) \_\_\_\_\_, (year) \_\_\_\_\_, (model) \_\_\_\_\_, (serial number) \_\_\_\_\_.

(3) In the event the registered owner of the vehicle cannot be located by personal service or by certified mail, the notice required herein shall be served by publication of the notice in a newspaper of general circulation in the city. The notice shall be published once a week for three (3) consecutive weeks and may contain multiple listings of owners and/or vehicles. Unless a hearing is requested or the vehicle is removed or brought into compliance with this section within 10 days from the date of the last publication, the vehicle may be removed by the city to the county jail for sale.

(c) All hearings provided for in this section shall be held in the Records Court for the City of Marion before the city recorder. Any adverse ruling may be appealed to a court of proper jurisdiction in Marion County.

(d) After the motor vehicle is removed, but prior to any sale, the chief of police shall notify in writing, by registered or certified mail, return receipt requested, the person in whose name the motor vehicle was last registered and all lienholders of record at the last address reflected in the State Highway Department's records or a more current address, if known, that the motor

vehicle is being held for sale. The notice shall designate the place where the vehicle is being held and the date and time of sale. The notice shall state that if the vehicle is not redeemed prior to the sale by paying all costs of removal and storage the vehicle shall be sold at public auction. The proceeds of the sale shall be deposited in the general fund of the city. This notice shall be mailed not less than 14 days nor more than 30 days prior to the sale date.

(e) In addition to the written notice in section (d), prior to the sale of any vehicles hereunder there shall be public notice of the sale of such vehicles by publication in a newspaper of general circulation in the city. The notice of sale shall, when possible, contain the name and address of the owner and all record lienholders of the vehicle, the year, make, model and serial number of the vehicle. The notice shall further state that the vehicle may be redeemed by the owner by paying all costs of removal, storage and service of notice charges at any time prior to the sale of the vehicle and shall further state the time, place and method of sale of the vehicle if not redeemed. The publication may contain multiple listings. This notice shall be published on two consecutive publishing days and the first publication shall be not more than 20 days nor less than 14 days prior to the sale date.

(f) Any notice sent by mail or any newspaper notice published shall contain the following if it is obtainable: the owner's name, the year, make, model and serial number of the motor vehicle. (Ord. No. 79-14, 9/11/79, as amended by Ord. No. 86-6, 8/12/86)

**Amendment Note:** Ord. No. 86-6 rewrote the above section in its entirety to delete differences in handling based on the value of the vehicle and to provide more detailed notice requirements.

#### **Section 8-5006      Right of entry on property to enforce chapter.**

All officers of the department are authorized to go on public or private property for the purposes of enforcing this chapter.

#### **Section 8-5007      Unlawful to tamper with, remove or destroy colored tags.**

It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed on any motor vehicle in compliance with this



chapter and any person found guilty of this provision shall, upon conviction, be subject to a fine not exceeding \$100.

**Section 8-5008 Chapter not applicable to certain vehicles.**

The provisions of this chapter shall not apply to motor vehicles classified as antiques and registered pursuant to state statute, those exempted from registration pursuant to state statute, those motor vehicles reported as stolen in accordance with state statute unless any such motor vehicle presents some safety or health hazard or constitutes a nuisance.

**Section 8-5009 Penalties for abandoning vehicle.**

Any person who abandons a motor vehicle either on public or private property shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00. (Ord. No. 95-8, 7/25/95)

## PART 9

### Offenses

Chapter 1. General Provisions

Chapter 2. Noises

Chapter 3. Juveniles

## CHAPTER 1

### General Provisions

Section 9-1001	Misdemeanors under state law.
Section 9-1002	Breach of peace/disorderly conduct.
Section 9-1003	Disorderly houses, bawdy houses
Section 9-1004	Profane language.
Section 9-1005	Indecent conduct.
Section 9-1006	Peeping Toms.
Section 9-1007	Property; injuring; destroying.
Section 9-1008	Trespassing
Section 9-1009	Litering
Section 9-1010	Firearms and air rifles
Section 9-1011	Abandoned iceboxes, etc.
Section 9-1012	Use of official frequencies.
Section 9-1013	Breaking, removing street lights.
Section 9-1014	Spitting in public places.
Section 9-1015	Fortune-telling, palmistry, etc.
Section 9-1016	Gambling, generally.
Section 9-1017	Same; slot machines, punch boards, other devices
Section 9-1018	Religious worship; disturbing.

#### Section 9-1001 Misdemeanors under state law.

Any act the commission of which constitutes a misdemeanor under the laws of the state is prohibited within the city, and any prohibited act, if committed within the city, shall constitute a violation of this code; provided however, that the penalty for the offense committed shall not exceed the penalty prescribed in section 1-3048.

**State Law Reference:** Crimes and offenses, S.C. Code Title 16.

#### Section 9-1002 Breach of peace/disorderly conduct.

It shall be unlawful for any person

(1) To disturb, intend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct.

(2) To fight in a public place or challenge another person in a public place to fight.

(3) To maliciously or willfully disturb another person by loud and unreasonable noise.

(4) To use offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

(5) To intentionally disrupt any lawful assembly or meeting of persons without lawful authority.

(6) To intentionally obstruct vehicular or pedestrian traffic without lawful authority. (Ord. No. 95-8, 7/25/95)

**State Law Reference:** Conduct prohibited, S.C. Code 1976, sec. 16-17-530.

#### Section 9-1003 Disorderly houses, bawdy houses.

It shall be unlawful for any person to keep a disorderly house or a bawdy house within the city limits. (Code 1963, Sec. 12-11)

#### Section 9-1004 Profane language.

It shall be unlawful to use vulgar, profane or indecent language in any public street or other public place, or in any public place of business open to public patronage. (Ord. No. 95-8, 7/25/95)

#### Section 9-1005 Indecent conduct.

It shall be unlawful for any person to expose his person or make any indecent gestures to others. (Ord. No. 95-8, 7/25/95)

#### Section 9-1006 Peeping Toms.

It shall be unlawful for any person to look or peep into any window, door, skylight or other opening in a house, room or building for the purpose of wrongfully observing the actions or invading the privacy of the occupants of any such house, room or building within the city.

**State Law Reference:** For similar provision, see S.C. Code 1976, sec 16-17-470

#### Section 9-1007 Property; injuring, destroying.

It shall be unlawful for any person to in any way willfully injure or destroy the personal or real property of another.

**Section 9-1008 Trespassing.**

It shall be unlawful for any person within the corporate limits to enter upon the lands of another after receiving notice from the owner or tenant prohibiting the same.

**Section 9-1009 Loitering.**

It shall be unlawful for any person to beg, be idle or loiter on the sidewalks or streets of the city, on private or public property or to congregate with others in such a manner as to obstruct same.

**Section 9-1010 Firearms and air rifles.**

It shall be unlawful for any person to discharge within the city limits any firearm of any kind, or any air rifle, gas operated gun, pump gun, pellet gun, or any gun of like character. (Code 1963, Sec. 12-43)

**Section 9-1011 Abandoned iceboxes, etc.**

Any person who abandons or discards any icebox, refrigerator, ice chest or other type of airtight container of a capacity sufficient to contain a child, who neglects prior to such abandonment to remove the door, lid or other device for the closing thereof, and any owner, lessee or other person in charge of property who knowingly permits any abandoned icebox, refrigerator, ice chest or other type of airtight container to remain thereon accessible to children without removing the door, lid or other closing device therefrom, shall be guilty of a misdemeanor. (Code 1963, Sec. 12-1)

**Section 9-1012 Use of official frequencies.**

It shall be unlawful for anyone except federal, state, county or city agents or agencies to own, lease or operate within the corporate limits of the city any receiving or sending radio unit which is on the same frequency as the police and fire two-way radio hookup of the city. (Code 1963, Sec. 12-47)

**Section 9-1013 Breaking, removing street lights.**

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb from any of the street lights within the corporate limits of the city. (Code 1963, Sec. 17-3)

**Section 9-1014 Spitting in public places.**

It shall be unlawful for any person to spit on any sidewalk or on the walls or floors of any public building in the city. (Code 1963, Sec. 10-21)

**Section 9-1015 Fortune-telling, palmistry, etc.**

It shall be unlawful to engage in the business, trade or profession of fortune-telling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means, or to offer to tell fortunes, or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession in the city. (Code 1963, Sec. 12-14)

**Section 9-1016 Gambling; generally.**

(a) It shall be unlawful for any person to engage in any game of chance or to make use of any cards or of any device commonly known as a gambling device whatsoever for the purpose of gain within the city.

(b) It shall also be unlawful for any person to knowingly permit any gambling on any premises maintained by that person.

(c) Any person gambling within the city or keeping a gambling house therein, or engaging in any game of chance for money or gain, or betting on the same, or betting upon a game that is being played, or will be played, shall be guilty of a misdemeanor. (Code 1963, Sec. 12-15)

**Section 9-1017 Same; slot machines, punch boards, other devices.**

It shall be unlawful for any person to keep on his premises or operate or permit to be kept on his premises or operated within the city any vending or slot machine, punchboard, pullboard or other device pertaining to games of chance of whatever name or kind, including such machines, boards or other devices that display different pictures, words, or symbols, at different plays or different numbers, whether in words or figures or, which deposit tokens or coins at irregular intervals or in varying numbers to the player or in the machine. But the provisions of this section shall not extend to coin-operated nonpayout pin tables with free play feature or to automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin deposited therein and in which there is no element of chance. (Code 1963, Sec. 12-16)

**Section 9-1018 Religious worship; disturbing.**

No person shall within the corporate limits of the city wilfully and maliciously disturb or interrupt any meeting, society, assembly or congregation, convened for the purpose of religious worship, or shall enter such meeting while in a state of intoxication or shall use or sell spirituous liquors, or use blasphemous, profane or obscene language at or near the place of meeting. (Code 1963, Sec. 12-34)

## CHAPTER 2

### Noises

Section 9-2001      Certain noises prohibited.

#### Section 9-2001      Certain noises prohibited.

The creation and continuation of any loud, disturbing and unnecessary noises in the city is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as disturb the quiet and peace of any citizen of the city. The following acts among others are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

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

(2) *Radios, phonographs, musical instruments.* The playing of any radio, phonograph, juke box 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 response of any person in any dwelling, hotel or other residence.

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

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

(6) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine,

stationary internal combustion engine, motor boat engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

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

(8) *Building operations.* The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on week days, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the chief of police.

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

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

(11) *Bells or gongs.* The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof.

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

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

(14) *Loudspeakers or amplifiers on vehicles.* The use of any mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles for advertising or other purposes, except by special permission of the mayor.

(15) *Business noises at night near residences.* The operation of any garage, filling station,

auto repair business, taxicab business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy or 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 in any dwelling, hotel, boardinghouse or other type of residence.

(16) *Hours for noisy instruments, loudspeakers.* No outside loudspeaker, radio, phonograph, piccolo or other loudspeaking or noisy instrument shall be operated after 10:00 p.m. on any day from and including Monday to and including Saturday, nor at any time on Sunday; provided, however, that at no time shall the volume of any such outside instrument be unreasonable so that the noise therefrom will be disturbing to residents of the neighborhood.

## CHAPTER 3.

### Juveniles\*

Section 9-3001	Definitions
Section 9-3002	Curfew for juveniles
Section 9-3003	Exceptions.
Section 9-3004	Parental supervision.
Section 9-3005	Enforcement of ordinance
Section 9-3006	Penalties.

#### Section 9-3001 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

*Emergency* means a sudden unforeseen crisis that requires immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Juvenile* or *minor* is any unemancipated, unmarried, person under the age of seventeen (17) or sixteen (16) years or less.

*Knowingly* means to act with an awareness, full knowledge and deliberation. This definition includes knowledge that a parent should reasonably be expected to have regarding the whereabouts of a juvenile in that parent's legal custody.

*Parent* or *guardian* refers to:

- (1) A biological or adoptive parent of a child;
- (2) A foster parent;
- (3) A guardian generally authorized to act as the child's parent;
- (4) Other person eighteen (18) years of age or older, authorized by the parent by a court order, or by the court appointed guardian to have the care and custody of the minor;

\***Editor's note**—Ord. No. 08-07, §§ 1-6, adopted Nov. 11, 2008 did not specifically amend the Code, therefore, these provisions have been added as Ch. 3, §§ 9-3001—9-3006, at the editor's discretion.

(5) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.

*Public place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, sidewalks, rights-of-way, schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades and similar areas that are open to the use of the public.

(Ord. No. 08-07, § 1, 11/11/08)

#### Section 9-3002 Curfew for juveniles.

It shall be unlawful for any juvenile to loiter, idle, wander, stroll, play, pleasure ride, park or be in or on any type of vehicle whatsoever, or be or remain in, on or about any public street, highway, road, alley, park, playground, or other public grounds, public places and public buildings, vacant lots, places of amusement or entertainment, unsupervised places in the city, or on the premises of any establishment within the City of Marion during the hours of midnight (12:00 p.m.) through 6:00 a.m.

(Ord. No. 08-07, § 2, 11/11/08)

#### Section 9-3003 Exceptions.

The following paragraphs shall constitute valid exceptions to the operations of this chapter:

- (1) When the juvenile is accompanied by a parent;
- (2) When the juvenile is accompanied by an adult who has been authorized by a parent of that juvenile to take the parent's place for a specified period of time, a specified purpose within a specified area;
- (3) When the juvenile is on an errand at the direction of the parent of that juvenile without any detour or stop;
- (4) When the juvenile is returning home by a direct route within one (1) hour of the end of a

school activity or an activity of a religious or voluntary association, or a public place of entertainment like a movie or sporting event;

(5) When the juvenile is, with parental consent, engaged in normal interstate or intrastate travel through the city or travel that originates and/or terminates in the city;

(6) When the juvenile is married;

(7) When a juvenile is involved in, or attempting to remedy, alleviate, or respond to an emergency;

(8) When the juvenile is attending an official school, religious, or other social or recreational activity supervised by adults and sponsored by the city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;

(9) When the juvenile is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer; and

(10) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

(Ord. No. 08-07, § 3, 11/11/08)

#### **Section 9-3004 Parental supervision.**

A parent having legal custody of a juvenile shall not knowingly permit or by inefficient control allow a juvenile to be in any public place within the City of Marion under circumstances not constituting an exception to, or are beyond the scope of this chapter. This requirement is intended to enforce a reasonable community standard of parental responsibility by holding the parent accountable. Therefore, it shall be no defense that a parent is completely indifferent to the conduct or whereabouts of their child.

(Ord. No. 08-07, § 4, 11/11/08)

#### **Section 9-3005 Enforcement of ordinance.**

(a) If a police officer reasonably believes that a juvenile is in a public place in violation of the ordinance, the officer shall notify the suspected

juvenile that the officer believes the person is in violation of the ordinance and shall require the juvenile to provide his name, age, address, telephone number and contact information for his or her parent or legal guardian. The officer shall use his best judgment to determine the age of the suspected juvenile in the absence of convincing evidence such as a driver's license, passport, or birth certificate.

(b) The police officer shall issue a written warning advising the juvenile that he is in violation of the ordinance and order the juvenile to promptly go home.

(c) When a juvenile has received one previous written warning for violation of the ordinance or a police officer has reasonable grounds to conclude that the juvenile has engaged in delinquent conduct, the police officer shall transport the juvenile to the police station where the parent or guardian and the juvenile shall be questioned regarding the circumstances which led to the juvenile being taken to the police station.

(d) Once a parent or guardian has come to claim the juvenile and the appropriate information has been gathered and recorded, the juvenile shall be released to the custody of the parent. If the parent cannot be located, or if the parent refuses to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities. The juvenile may be temporarily entrusted to an adult, neighbor or other person who will assume the responsibility of caring for the child on behalf of the parent pending the availability or arrival of the parent or guardian.

(e) After the first violation of the ordinance by a juvenile, the chief of police shall send written notice to the parent or guardian by certified mail with a warning that subsequent violation will result in full enforcement of the ordinance.

(f) In any event, the police officer shall file a written report with the chief of police within twenty-four (24) hours of the ordinance violation. The reports shall be as simple as is reasonable and may be completed by police department personnel other than sworn police officers.

(Ord. No. 08-07, § 5, 11/11/08)



**Section 9-3006 Penalties.**

(a) If, after a warning notice pursuant to Section 9-3005 of a first violation by a juvenile, a parent violates Section 9-3004 (parental supervision) in connection with a second violation by the juvenile, it shall be regarded as a first offense by the parent. A first offense fine for a parent shall be fifty dollars (\$50). A second offense fine shall be one hundred dollars (\$100). For a third offense and each offense after, the fine shall be five hundred dollars (\$500) and/or up to thirty (30) days imprisonment or both. The municipal court judge shall sentence the parent to pay this fine upon a guilty finding.

(b) The custodial parent of the juvenile shall be liable for all costs incurred by the city for providing personnel to remain in the custody of a juvenile who has been detained for curfew violations if the parent fails to collect the juvenile within one (1) hour after being notified that the city is detaining the juvenile for curfew violation. The amount to be paid by the parent to the city shall be placed at the employee's hourly rate plus the cost of benefits.

(c) The parent or legal guardian having custody of a juvenile shall be liable for any fine or condition of restitution or reparation imposed by a court upon a curfew violator, when the curfew violator has not paid the fine or made restitution or reparation within the time ordered by the court, and further provided that the parent or legal guardian has been made a party defendant in all enforcement proceedings against the curfew violator and shall be served with all citations, summons, complaints, notices, and any other documents required to be served on the curfew violator defendant.

(d) Any juvenile who violates the provisions of the Ordinance more than three times shall be reported by the chief of police to the juvenile authorities as a juvenile in need of supervision.  
(Ord. No. 08-07, § 6, 11/11/08)

<b>Ordinance Date</b>	<b>Number</b>	<b>Subject</b>	<b>Section</b>	<b>Disposition</b>
4/10/79	79-2	Loan Ratified		NC
5/8/79	79-3	Alcoholic Beverages		R
5/8/79	79-4	Charge on Returned Checks		1-5008
6/12/79	79-5	Tax Levy	1	1-5002
			2	1-5003
			3	1-5004
			4	1-5005
6/19/79	79-6	Fire Prevention Code		R
6/19/79	79-7	Gas Code		R
6/19/79	79-8	Technical Codes		R
6/19/79	79-9	Water Rates		R
6/19/79	79-10	Sewer Rates		R
7/10/79	79-11	Code Adopting Ordinance		p. vi
8/14/79	79-12	Zoning		5-4001
9/11/79	79-13	Nuisances		6-1009
9/11/79	79-14	Abandoned Vehicles		8-5001 et
9/17/79	79-15	Annexation		NC
10/9/79	79-16	City Attorney's Compensation		1-4023
10/9/79	79-17	City Attorney's Attendance at Council Meetings		1-4024
10/9/79	79-18	Council Meetings		1-3002
10/9/79	79-19	Council Meetings		1-3001
10/9/79	79-20	Council Voting		1-3003
10/9/79	79-21	Minutes of Council		1-3004
10/9/79	79-22	Citizen Appearance Before Council		1-3005
10/9/79	79-23	Council Agenda		1-3006
10/9/79	79-24	Special Committees		1-3007

<b>Ordinance Date</b>	<b>Number</b>	<b>Subject</b>	<b>Section</b>	<b>Disposition</b>
10/9/79	79-25	Ordinances		1-3022
10/9/79	79-26	Rules of Construction		1-3042
10/9/79	79-27	Clerk; Treasurer; Appointment; Terms		1-4001
10/9/79	79-28	Treasurer's Bond		1-4002
10/9/79	79-29	Duties of Clerk and Treasurer		1-4003
10/9/79	79-30	City Seal		1-4004
10/9/79	79-31	Budget Adopted		1-5002
10/9/79	79-32	Budget Administration		1-5005
10/9/79	79-33	Expenditures		1-5006
10/9/79	79-34	Delinquent Taxes and Penalties		1-5023
10/9/79	79-35	Classification and Compensation Plans		1-6001
10/9/79	79-36	Personnel Policies		1-6003
10/9/79	79-37	Fire Department Regulations		2-2002
10/9/79	79-38	Fire Prevention Code		2-2021
10/9/79	79-39	Technical Codes		5-1001
10/9/79	79-40	Electrical Code		5-1002
10/9/79	79-41	Gas Code		5-1003
10/9/79	79-42	Business Licenses		7-4001
10/9/79	79-43	Solicitor's Permits		7-6002
10/9/79	79-44	Solicitor's Permits		7-6004
10/9/79	79-45	Special Sale Inventories		7-7003
10/9/79	79-46	Special Sale Items		7-7006
10/9/79	79-47	Special Sale Records		7-7008
11/13/79	79-48	Nuisances; Maintenance		6-1009
11/13/79	79-49	Notice to Abate Nuisances		6-1010

<b>Ordinance Date</b>	<b>Number</b>	<b>Subject</b>	<b>Section</b>	<b>Disposition</b>
11/13/79	79-50	Refusal to Abate Nuisances		6-1011
11/13/79	79-51	Sewer Extensions		R
11/13/79	79-52	Water Extensions		R
11/13/79	79-53	Special Sale License Fees		7-1010
12/27/79	79-54	Readoption of Code		p. viii.1
3/21/80	80-1	Electric Service Agreement		See note. Title 4, Ch. 3
5/13/80	80-2	Water Use		4-1011 et seq.
5/13/80	80-3	Sewer Use		4-1121 et seq.
5/13/80	80-4	Business Licenses		7-4001
5/13/80	80-5	Business Licenses		7-4001
5/27/80	80-6	Budget: Tax Levy		1-5002 et seq.
6/10/80	80-7	Technical Codes		5-1001
6/10/80	80-8	Gas Code: Unsafe Buildings		5-1003
6/10/80	80-9	Fire Prevention Code		2-2021
7/8/80	80-10	Nuisances		6-1011
7/15/80	80-11	Zoning		5-4001
7/15/80	80-12	Zoning		5-4001
8/12/80	80-14	Water Rates		4-1071 to 4-1073, 4-1081
8/12/80	80-15	Sewer Rates		4-1163, 4-1164, 4-1177, 4-1178
8/12/80	80-16	Employee Health and Life Insurance		NC, See 1-6003
9/9/80	80-17	Tree Commission		<del>5-5001</del> et seq.
9/9/80	80-18	Building Code		5-1001
11/11/80	80-19	Municipal Court		1-7001 et seq.
12/9/80	80-20	Readopting Ordinance		p. x.1

<b>Ordinance</b>	<b>Number</b>	<b>Subject</b>	<b>Disposition</b>
1/13/81	81-1	Business Licenses	7-4001
2/10/81	81-2	Electrical Code	5-1002
4/14/81	81-3	Water System	NC
4/14/81	81-4	Utility Rates	NC
4/14/81	81-5	Garbage Service Charges	6-2012
6/16/81	81-6	Tax Levy	1-5002 et seq.
6/29/81	81-7	Utility Rates	4-1081 to 4-1083, 4-1178
9/8/81	81-8	Dogs; Impoundment	6-4022
9/8/81	81-9	Dogs at Large	6-4003A
12/22/81	81-10	Annexation	NC
12/22/81	81-11	Readopting Ordinance	Page x.iii
4/27/82	82-1	Annexation	NC
4/27/82	82-2	Tax Levy	1-5002 et seq.
5/11/82	82-3	Cemetery Fees	3-2001
5/11/82	82-4	Water Rates	4-1081
5/11/82	82-5	Sewer Rates	4-1178
7/13/82	82-6	Technical Codes	5-1001
7/13/82	82-7	Gas Code; Unsafe Buildings	5-1003
7/13/82	82-8	Fire Prevention Code	2-2021
7/13/82	82-9	Swimming Pool Code	7-5004
12/14/82	82-10	Readopting ordinance	Page x.v
3/8/83	83-1	Grievance procedure	<del>1-6003</del>
4/12/83	83-2	Sewer use and fees	4-1122, 4-1134, 4-1173, 4-1176, 4-1178, 4-1179, 4-1221
5/3/83	83-3	Budget adoption	1-5002 et seq.

<b>Ordinance</b>	<b>Number</b>	<b>Subject</b>	<b>Disposition</b>
7/12/83	83-4	Business licenses	7-4001
11/8/83	83-5	Zoning	5-4001
11/8/83	83-6	Business licenses	7-4001
11/30/83	83-7	Readopting ordinance	p. x.vii
12/13/83	83-8	Zoning	5-4001
2/14/84	84-1	Telephone franchise fees	NC
2/14/84	84-2	Business licenses	7-4001
5/8/84	84-3	Personnel	1-6001, 1-6003
6/2/84	84-4	Purchasing	1-5025 et seq.
6/26/84	84-5	Budget; tax levy	1-5002 et seq.
9/12/84	84-6	Purchasing; tie bids	1-5032
10/9/84	84-7	Telephone franchise	NC
5/15/85	85-1	Budget; tax levy	1-5002 et seq.
9/10/85	85-2	Electrical code	5-1002
9/10/85	85-3	Unsafe buildings code	5-1003
9/10/85	85-4	Fire prevention code	2-2021
9/10/85	85-5	Swimming pool code	7-5004
9/10/85	85-6	Building, housing, plumbing and mechanical codes	5-1001
12/10/85	85-7	Handicapped parking	8-4008
12/10/85	85-8	Readopting ordinance	p. x.ix
2/11/86	86-2	Annexation	NC
3/11/86	86-3	Annexation	NC
3/11/86	86-4	Sewer Use	4-1121, 4-1122 et sq., 4-1131, 4-1134, 4-1143, 4-1166 et seq., 4-1173, 4-1121 et seq.
6/16/86	86-5	Tax Levy	1-5002 et seq.
8/12/86	86-6	Abandoned Vehicles	8-5005

<b>Ordinance Date</b>	<b>Number</b>	<b>Subject</b>	<b>Dispositions</b>
10/14/86	86-7	Flood plain management standard	R
10/14/86	86-8	Drought management	4-1241 et seq.
12/9/86	86-9	Zoning	5-4001
12/9/86	86-10	Annexation	NC
12/9/86	86-11	Readopting Ordinance	p.x.xi
2/17/87	87-1	Annexation	NC
2/17/87	87-2	Annexation	NC
4/27/87	87-3	Flood damage prevention	5-6-1 et seq.
4/27/87	87-4	Drought response	4-1249
5/12/87	87-5	Electrical code	5-1002
6/9/87	87-6	Zoning; PP District	5-4001
6/9/87	87-7	Property conveyance to rescue squad	NC
6/15/87	87-8	Tax levy	1-5002 to 1-5005
6/15/87	87-9	Sewer charges	4-1178
6/15/87	87-10	Water rates	4-1081
7/21/87	87-11	Borrowing	NC
7/21/87	87-12	Sale of railroad property	NC
7/21/87	87-13	Meter readings	4-1018
7/21/87	87-14	Reconnection fees	4-1084
7/21/87	87-15	Late charges	4-1085
7/21/87	87-16	Water applications	4-1013
8/21/87	87-17	Sale of Bluff St. property	NC
8/21/87	87-18	Sale of Godbold St. property	NC

<b>Ordinance Date</b>	<b>Number</b>	<b>Subject</b>	<b>Dispositions</b>
9/8/87	87-19	Annexation	NC
9/8/87	87-20	Rezoning	NC
9/17/87	87-21	Annexation	NC
9/17/87	87-22	Zoning amendment	5-4001
9/17/87	87-23	Rezoning	NC
9/17/87	87-24	Rezoning	NC
11/30/87	87-25	Borrowing	NC
12/8/87	87-26	Rezoning	NC
12/8/87	87-27	Readoption of code	p. x.xiii
1/12/88	88-1	Sewer system penalties	4-1224
3/8/88	88-2	Water rates	4-1081
6/14/88	88-3	Yard sales	7-6008
6/14/88	88-4	Bad check charge	1-5008
6/14/88	88-5	Tax levy; budget	1-5002 to 1-5005
6/22/88	88-6	Short-term loan	NC
8/9/88	88-7	Annexation	NC
11/15/88	88-8	Rezoning	NC
11/29/88	88-9	Borrowing	NC
12/13/88	88-10	Land sale and conveyance	NC
12/13/88	88-11	Readopting ordinance	p. x.xv



**ORDINANCE COMPARATIVE TABLE**  
**(Beginning with Supplement No. 11, 7-90)**

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Section This Code</b>
89-3	6/27/89		7-4001
89-4	6/27/89	1-3	1-5002-1-5004
		4	1-5002
		5	1-5005
89-5	8/ 8/89		1-5004
89-8	12/12/89	1, 2	Readopts Code, p. x.xvii
90-5	5/ 8/90		1-5054
90-7	6/27/90	1-3	1-5002-1-5004
		4	1-5022
		5	1-5005
90-10	7/10/90	1	4-108(a)
90-11	7/10/90	1	4-1178
90-12	8/14/90	1, 2	5-6005(1), (2)
		3	Added 5-6005(3)
		4-6	Rnbd 5-6005(3)-(5) as (4)-(6)
		7	Added 5-6005(7)
		8-11	Rnbd 5-6005(6)-(9) as (8)-(11)
		12-14	Added 5-6005(12)-(14)
		15-20	Rnbd 5-6005 (10)-(15) as (15)-(20)
		21	Added 5-6005(21)
		22	Rnbd 5-6005(21) as (22)
		23	Added 5-6005(23)
		24-27	Rnbd 5-6005(17)-(20) as (24)-(27)
		28, 29	Added 5-6005(28), (29)
		30, 31	Rnbd 5-6005(21), (22) as (30), (31)
		32	Added 5-6005(32)
		33	Rnbd 5-6005(23) as (33)
		34	Added 5-6005(34)
		35	Rnbd 5-6005(24) as (35)
		36	5-6018
		37	5-6041(10)
		38	5-6042(5)
		39	5-6043
		40	5-6045
90-13	8/14/90	1	4-1121(42)
		2	4-1121(51)
		3	4-1153
		4	4-1167
		5	4-1224(b)
		6	4-1225
90-17	12/11/90	1, 2	Readopts Code, p. x.xvii
91-1	3/12/91		1-1001
91-2	3/19/91	1-8	1-8004
91-3	4/9/91		6-4027
91-6	5/14/91		7-4001
91-7	6/11/91	1	5-1003
91-8	6/11/91	1	5-1001
91-9	6/11/91	1	2-2021
91-10	6/11/91	1	3-2001
		2	3-2003
91-11	6/11/91	1	4-1073
91-12	6/11/91	1	4-1177
91-13	6/11/91		4-1013
91-14	6/11/91		5-6035
91-15	6/11/91		3-2007

## Ordinance Comparative Table

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91-18	10/ 8/91	1		4-1179
91-21	12/10/91	1, 2		Readopts Code, p. x.xxi
92-1	1/14/92			1-1001
92-4	5/12/92	1		4-1121(42)
		2—4		4-1121(51)—(53)
		5		4-1122(c)(2), (4), (20)—(23)
		6		4-1127
		7		4-1167A
92-10	11/25/92			1-3051
92-11	11/25/92	1, 2		Readopts Code, p. x.xxiii
93-1	1/19/93	2	Amds	4-1081, 4-1178
93-4	5/11/93		Adds	4-1101
93-5	5/11/93		Adds	6-2013
93-10	8/10/93	1	Amds	5-1002
93-13	11/9/93	1—6	Adds	7-8001—7-8006
93-15	12/14/93			Readopts Code, p. x.xxv
94-3	2/ /94		Adds	8-1015
94-7	8/10/93		Adds	2-1010
94-8	9/13/94		Adds	1-6004
94-9	9/20/94		Amds	1-5023
94-13	12/13/94			Readopts Code, p. x.xxvii
95-1	4/11/95		Amds	4-1081, 4-1178
95-2	4/11/95		Adds	4-1180
95-3	4/18/95		Amds	1-8004(c)
95-4	6/13/95		Amds	1-8004(b)
95-7	7/25/95		Amds	1-5030
			Rpld	1-5031
			Amds	1-5032
			Amds	1-5033
			Amds	1-5034
			Amds	1-5035
			Amds	1-5045
			Adds	1-5055
95-8	7/25/95		Amds	1-1001
			Rnbs	1-1001 to be 1-1002
			Rpld	1-2008
			Amds	1-3048
			Amds	1-4022
			Amds	1-5031
			Amds	1-5005
			Amds	1-7009
			Amds	2-1001, 2-1002
			Rpls	2-1003, 2-1005, 2-1009
			Amds	2-2001, 2-2002
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			Rpls	3-1007
			Amds	3-1008
			Amds	4-1121(2), 4-1248
			Adds	5-1005
			Amds	6-1001, 6-1012
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			Amds	7-1006
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			Amds	7-2002(2), 7-2005
			Rpld	7-2006, 7-2011, 7-2012

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			Amds	7-2013, 7-2014
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			Amds	8-1008, 8-1010, 8-1011, 8-2001, 8-2002, 8-2003, 8-2004, 8-2005
			Adds	8-2006, 8-2007, 8-2008, 8-5009
			Amds	9-1002, 9-1004, 9-1005
95-9A	11/14/95		Adds	1-4031
95-12	12/12/95	1, 2		Readopts Code, p. x.xxix
96-3		1	Amds	1-5002
		2	Amds	1-5003
		3	Amds	1-5004
		4	Amds	1-5022
		5	Amds	1-5005
96-5	8/13/96	1—4	Amds	5-2002
96-8	12/10/96	1, 2		Readopts Code, p. x.xxxi
97-1	1/14/97		Amds	1-5008
97-3	2/11/97		Amds	1-6001
97-4	2/11/97		Amds	4-1081, 4-1178
97-9	9/16/97	2(7)	Amds	1-8004(f)
		5	Rpld	1-8003
97-12	11/11/97		Adds	3-1008(o)
97-17A	12/9/97	1, 2		Readopts Code p. x.xxxiii
98-1	1/13/98		Amds	7-4001
98-7	5/12/98		Amds	4-1081
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98-12	12/8/98		Amds	4-1180
98-13	12/8/98			Readopts Code p. x.xxxiv
99-3	1/12/99		Amds	1-3001—1-3011
			Amds	1-3021—1-3027
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99-9	5/11/99		Adds	2-2008
99-10	6-8-99	1	Amds	1-5002
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99-19	10/12/99		Amds	1-6001, 1-6003
99-20	10/12/99		Amds	1-5004, 1-5022
99-21	11/9/99		Adds	1-5023(b)
99-22	11/9/99		Amds	1-5004
99-24	12/14/99	1, 2		Readopts Code p. x.xxxvii
00-2	6/22/00	1	Amds	1-5002
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01-7	10/9/01		Amds 1-2004
01-11	12/11/01	1, 2	Readopts Code p. x.xli
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03-07	10/14/03		Amds 3-2005
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			Added 1-5032(c)(i)
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1-7	1-3044	2-83	S1-4003
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2-15	1-8005	2-115	1-5005
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2-17	1-2003	2-122	5-3002
2-18	1-2006	2-123	5-3003
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2-20	R	2-132	8-1005
2-21	R	3-1	7-1001
2-22	R	3-2	7-1002
2-23	1-2007	3-3	7-1003
2-24	R	4-1	6-4001
2-25	S1-5006	4-2	6-4002
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2-37	1-3002	4-4	R
2-38	1-3003	4-5	R
2-39	S1-3004	4-6	6-4004
2-40	1-3005	4-7	S6-4005
2-41	1-3006	4-8	6-4006
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2-43	1-4024	4-19b	S6-4022
2-44	S1-4003	4-20	6-4027
2-45	1-3008	4-21	6-4023
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7-6	R	9-44	R
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7-8	7-2008	9-56	R
7-9	7-2009	9-57	R
7-10	7-2010	9-58	R
7-11	7-2011	9-59	R
7-12	R	9-60	R
7-13	7-2013	9-61	R
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8-3	S6-2003	9-75	R
8-4	6-2004	9-86	R
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8-7	6-2007	9-89	R
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8-10	6-2010	10-3	6-1003
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9-3	R	10-10	6-1009
9-4	R	10-11	6-1010
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9-6	R	10-13	R
9-7	R	10-14	6-1012
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9-9	R	10-16	6-1014
9-10	R	10-17	R
9-11	R	10-18	S3-1005
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9-14	R	10-21	9-1014
9-15	R	10-22	R
9-16	R	10-23	4-1005
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9-18	R	11-2	R
9-19	R	11-3	R
9-20	R	11-4	8-1002
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9-33	R	11-7	R
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9-38	R	11-12	R
9-39	R	11-13	S8-1002
9-40	R	11-14	R
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9-42	R	11-16	R

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11-22	R	12-9a	3-2001
11-23	8-1010	12-9b	3-2002
11-24	8-1011	12-9c	3-2003
11-25	8-1014	12-9d	3-2004
11-35	S8-1003	12-9e	3-2005
11-36	R	12-9f	3-2006
11-37	R	12-10	3-1013
11-38	R	12-11	9-1003
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11-53	R	12-16	9-1017
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11-55	R	12-18	7-5009
11-56	R	12-19	R
11-57	R	12-20	S9-1004
11-58	R	12-21	S9-1005
11-59	R	12-22	R
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11-62	R	12-26	S9-1007
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11-64	R	12-28	7-5005
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11-82	8-4007	12-37	R
11-113	R	12-38	7-5011
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USE OF INDEX: This index is designed for user ease. To locate information found in this code, formulate a specific question. The key words in that question then become guides for using the index. In the event you do not locate the desired information on your first attempt, the following checklist may help.

(1) Cross references (when needed) are always located at the beginning of entries. Have you overlooked any?

(2) Frequently initial questions are too general. Reformulating a more specific question may help.

(3) Information on officials can be found two ways. The entry for an official's name contains general duties as well as conditions of his office, such as compensation and tenure. Duties assigned to him by ordinances on specific subjects will be found under those subjects.

(4) Definitions can be located under the "DEFINITIONS" main heading or in specific subject areas through the subheading "Definitions of terms."

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