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Citizens may sign to speak in person at the Council Meeting before the regular meeting starts on the Public Comments Sign in Sheet outside the Council Chambers Doors to address County Services and Operations. Presentations are limited to 3 minutes per person, and total input is limited to 30 minutes. Written comments must be submitted by 1PM on the meeting date by emailing [comments@jaspercountysc.gov](mailto:comments@jaspercountysc.gov) (Ordinance #08-17)

To participate in a **Public Hearing for a specific agenda item**, email written public comments to [comments@jaspercountysc.gov](mailto:comments@jaspercountysc.gov) by 1:00PM on Monday, August 18, 2025, or sign in on the colored Public Hearing Sign in Sheet outside the Council Chambers Doors before the meeting starts. Public Hearing comments are limited to 3 minutes per person.

Agenda support (e-packet) can be found at:

<https://www.jaspercountysc.gov/government/council/county-council-agendas-e-packets-and-minutes/>

For more information, call 843-717-3696. Instructions may also be found at the Jasper County website [www.jaspercountysc.gov](http://www.jaspercountysc.gov)



# JASPER COUNTY COUNCIL COUNCIL MEETING

Jasper County Clementa C. Pinckney Government Bldg.  
358 3<sup>rd</sup> Avenue, Ridgeland, SC 29936

Monday, August 18, 2025

## AGENDA

### 5:00PM Workshop

➤ *Please silence your phones during the Workshop*

Call the Workshop to Order by Chairman Kemp:

- Fire Service Consolidation / Millage Reallocation
- General Discussion

Adjourn Workshop:

### 6:00PM Council Meeting

1. Call the Council Meeting to Order by Chairman Kemp

**Clerk's Report of Compliance with the Freedom of Information Act:** *In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting and the meeting agenda were posted at least 24 hours prior to the meeting on the County Council Building at a publicly accessible place, on the county website, and a copy of the agenda was provided to the local news media and all person's or organizations requesting notification.*

2. Pledge of Allegiance and Invocation:

3. *Swearing in Ceremony:*

*Swearing in Ceremony by Harry Williams to Councilman Gene Ceccarelli*

4. Approval of the Regular Agenda:

5. Approval of the minutes of 04.21.2025:

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6. CHAIRMAN KEMP'S COMMENTS:

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6A.

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**CITIZEN COMMENTS:**

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Open Floor to the Public per Ordinance Number #08-17 Any citizen of the County may sign to speak in person at the Council Meeting (before the Council Meeting's 6:00PM start time on the Sign-In Sheet on the Podium), to address Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes per person and total public input will be limited to 30 minutes.

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**RESOLUTIONS**

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7. **Andrew Fulghum** - Consideration of a Resolution [#R-2025-47](#) Adopting Airport Leasing Policy Principles and Directives to County Staff to Incorporate the Policy Directives Into Lease Documents, Appropriate Ordinances and/or Resolutions Regarding the Ridgeland Claude Dean Airport, and Matters Related Thereto. *(Tabled at the 07.21.2025 meeting)*

8. **Andrew Fulghum** - Consideration of a Resolution [#R-2025-49](#) To Authorize The Jasper County Administrator to Execute a Surrender of Premises, Equipment Use, Transfer and Transition Agreement with its First Addendum by and between Jasper County, Jasper County Sheriff, and Jasper Animal Rescue Mission Regarding Animal Services and Related Matters.

9. **Kimberly Burgess** – Consideration Of Resolution [#R-2025-50](#) Resolution of Jasper County Council to approve consideration and approval of the purchase of a 8.5' X 28' Cargo Trailer from Lee Transport Equipment under South Carolina Contract #440031296 as provided by Section 2-445 "Use Of State Contracts", of the Jasper County Purchasing and Contracting Ordinance.

10. **Kimberly Burgess** – Consideration Of Resolution [#R-2025-51](#) Finding That Normal Daily Operations of the Jasper County Clerk of Court Are Affected by the Necessity for the Expedient Installation and Replacement of Door Locks and an Alarm System at the Courthouse and that Normal Daily Operations at the Levy-Limehouse Community Center are affected by the necessity for the expedient installation and replacement of a Fire Alarm/Suppression System and pursuant to Section 2-412 of the Jasper County Code of Ordinances which allows for Emergency Procurement where normal daily operations are affected, and authorizing the County Administrator or his Designee to execute the necessary documents to obtain the services on behalf of Jasper County, and matters related thereto.

11. **Jack Casey and Kristy Hogsed of CCBCC** – Consideration of Resolution [#R-2025-52](#) Committing to Negotiate a Fee-In-Lieu of *Ad Valorem* Taxes Agreement between Jasper County and CCBCC Operations, LLC; Identifying the Project; and other matters related thereto.


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**PUBLIC HEARINGS, ORDINANCES AND ACTION ITEMS**


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12. **Brittany Ward** – [Public Hearing](#) and Consideration of the [2<sup>nd</sup> Reading](#) of Ordinance [#O-2025-20](#) of Jasper County Council to amend the Jasper County Code Of Ordinances to Establish Penalties, Authorize the Enforcement of the Code, and other matters related thereto by Amending the Following Chapters: Chapter 1 General Provisions; Chapter 3 Animals; Chapter 4 Alcoholic Beverages; Chapter 6 Buildings And Building


Regulations; Chapter 8 Businesses; Chapter 9 Civil Emergencies; Chapter 10 Nuisances, Junkyards, Noise, And Litter; Chapter 18 Offenses And Miscellaneous Provisions; And Chapter 25 Streets, Sidewalks, And Public Places. *(1<sup>st</sup> reading 07.21.2025)*

13. **Lisa Wagner** – **Public Hearing** and Consideration of the **2<sup>nd</sup> Reading** of Ordinance **#O-2025-21** to amend Article 9:6, Accessory Structures, of the Jasper County Zoning Ordinance, to Allow Increased Building Sizes For Accessory Structures in the Residential, Rural Preservation, and Resource Conservation Zoning Districts. *(1<sup>st</sup> Reading 07.21.2025)* Link to Documents:  [Zoning Text Amendment - Accessory Structures](#)

14. **Lisa Wagner** – **Public Hearing** and Consideration of the **2<sup>nd</sup> Reading** of Ordinance **#O-2025-22** to amend the Official Zoning Map of Jasper County so as to Transfer Two Properties Located Along Speedway Boulevard and Purrysburg Road, Bearing Jasper County Tax Map Numbers 039-00-01-040 And 039-00-01-041 from the Community Commercial and Residential Zoning District to the Community Commercial Zoning District on the Jasper County Official Zoning Map. *(1<sup>st</sup> Reading 07.21.2025)* Link to Documents:  [Zoning Map Amendment - Speedway Blvd. and Purrysburg Rd](#)

15. **Lisa Wagner** – **Public Hearing Only** of Ordinance **#O-2025-23** to amend the Official Zoning Map of Jasper County so as to Transfer a Property Consisting of Approximately 264.53 Acres and Bearing Jasper County Tax Map Number 052-00-03-012, From The Rural Preservation Zone to the Resource Extraction on the Jasper County Official Zoning Map. *(1<sup>st</sup> Reading 07.21.2025)* Link to Documents:  [Zoning Map Amendment - Heritage Road](#)

16. **Lisa Wagner** – **Public Hearing** and Consideration of the **2<sup>nd</sup> Reading** Of Ordinance **#O-2025-24** to amend the Jasper County Code Of Ordinances, Chapter 25 – Article III, Naming And Addressing Of Roads, Section 123 Definitions, (1) County Road And (2) Private Road, So As To Correct Definitions Due To Scrivener Errors Contained In Ordinance Number #O-2025-12. *(1<sup>st</sup> Reading 07.21.2025)* Link to Documents:  [Staff Report - Chapter 25, Article III, Naming and Addressing of Roads.scriveners error](#)

17. **Lisa Wagner** - **Public Hearing** and Consideration of the **3<sup>rd</sup> Reading** of Ordinance **#O-2025-07** to amend the Official Zoning Map of Jasper County so as to Transfer a Property Located at 139 Hartwell Avenue, Bearing Jasper County Tax Map Number 080-03-00-019 From The Mixed Business Zoning District to the General Commercial Zoning District on the Jasper County Official Zoning Map. *(1<sup>st</sup> Reading 03.03.2025; Public Hearing And 2<sup>nd</sup> Reading 03.17.2025)* Link to Documents:  [Zoning Map Amendment - 139 Hartwell Avenue](#)

18. **Chairman Kemp** – Consideration of the **3<sup>rd</sup> Reading** of Ordinance **#O-2025-19** to amend and add a New Subsection to the Jasper County SC Code of Ordinances, Chapter 26 Taxation, Article 1 In General. *(1<sup>st</sup> Reading 07.21.2025; Public Hearing And 2<sup>nd</sup> Reading 07.21.2025)*

19. **Andrew Hogue of DLA Piper** – **Public Hearing** and Consideration of the **2<sup>nd</sup> Reading** of Ordinance **#O-2025-25** Authorizing the Execution and Delivery of Amended and Restated Fee-In-Lieu Of Tax Agreements by and between CP Hardeeville, LLC, CPH Parcel A Owner, LLC, CPH Parcel B Owner, LLC, CPH Parcel C Owner, LLC, and Jasper County, South Carolina With Respect To Certain Economic Development

Property in the County, Whereby Such Property Will Be Subject to Certain Payments In Lieu Of Taxes; and other matters relating thereto. (Project Clarius) (1<sup>st</sup> Reading 07.21.2025)

20. **Kimberly Burgess** – **Public Hearing** and Consideration of the **2<sup>nd</sup> Reading** of Ordinance **#O-2025-26** Amending the Business License Ordinance of the County of Jasper to Update the Class Schedule as Required by Act 176 Of 2020. (1<sup>st</sup> Reading 07.21.2025)

21. **Kimberly Burgess** – Consideration and Approval of Woods Dendy Architects, LLC Change Order in the Amount Of \$3,910 To Provide Professional Services Related to the Architectural and Engineering Services for the Preparation of Construction Documents for Additional Outlets for Pratt Memorial Library.

22. **Kimberly Burgess** – Consideration and Approval of the Receipt of a Grant from The South Carolina Department of Public Safety for the School Fiscal Year 2025 – 2026 in the Amount Of \$628,843 for the Period 7/1/2025 – 6/30/2026.

23. **Andrew Fulghum** – Consideration and Approval of a Request to Name a Public Building and Appointment of Committee to Evaluate the Request and Make Report and Recommendation to Council.

24. **Jack Casey and Kristy Hogsed of CCBCC** – Consideration of the **1<sup>st</sup> Reading** of Authorizing the Execution and Delivery of a Fee-In-Lieu of *Ad Valorem* Taxes by and between Jasper County, South Carolina and CCBCC Operations, LLC, to Provide for Payment of a Fee-In-Lieu of Taxes; and other related matters.

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25. Administrator's Report:

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26. **For Public Information** (this is an item that County Council voted on previously at the last meeting, but the estimates were not received in time for the e-packet delivery):

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Item: **Septic Tank Estimates which were received for the Septic Tank Installation at Grays Community Park**

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27. Councilmember Comments and Discussion:

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28. Executive Session SECTION 30-4-70.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body – **County Attorney; Legal Advice on a Personnel Matter; Airport Commission Appointment;**

(2) Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related to pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary

situations involving the assertion against the agency of a claim – [Personnel: Attorney Position Update; Class Action Regarding Ultra Processed Foods--Litigation; Litigation Update; Southern Health Partners Inc.; Tax Map #s 087-00-05-009, 087-00-05-008, 063-27-02-002, and 063-16-14-001](#)

ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS. **PLEASE BE ADVISED THERE MAY BE VOTES BASED ON ITEMS FROM THE EXECUTIVE SESSION.**

#### Return to Open Session

- 28.1 Action coming out of Executive Session

*\*Council may act on any item appearing on the agenda including items discussed in executive session.*

#### 29. Adjournment:

***Special Accommodations Available Upon Request to Individuals with Disabilities***, please contact the Jasper County ADA & Civil Rights Coordinator, ***Tisha Williams*** in person at 358 Third Avenue, Ridgeland, South Carolina, by telephone at ***(843) 717-3690*** or via email at [jcadministrator@jaspercountysc.gov](mailto:jcadministrator@jaspercountysc.gov) no later than 48 hours prior to the scheduled meeting

AGENDA

ITEM #

Workshop Topic:

**Fire Service Consolidation /  
Millage Reallocation**



POPE FLYNN  
GROUP

# Fire Service Consolidation in Jasper County

1

August 18, 2025



## Options for Fire Service in SC

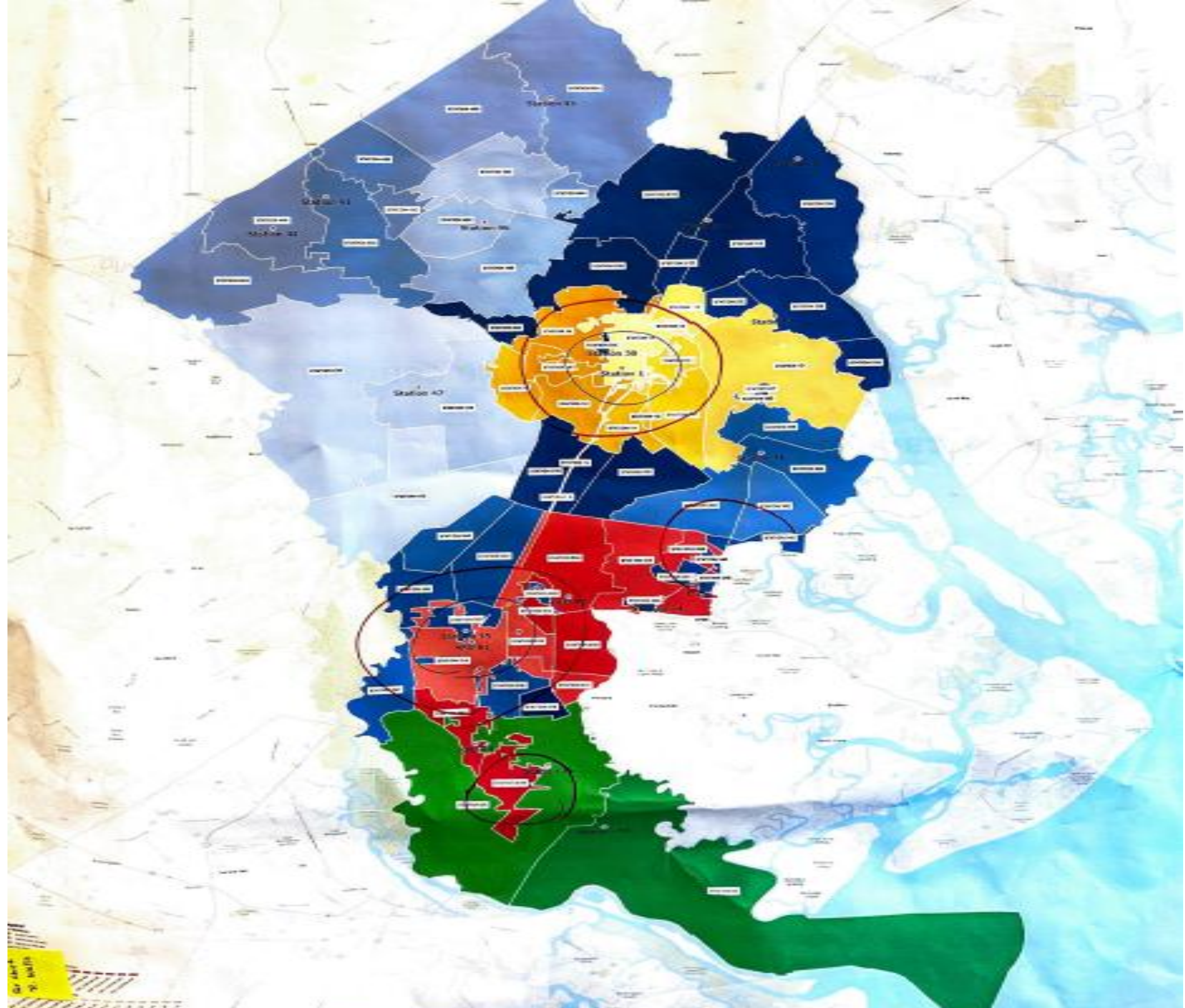
1. Municipal/City Fire Service
2. County Fire Service
  - Special Districts under Sections 4-9-30, or 4-19-10 et seq.
  - Post Home Rule (1973) authority to serve
3. Non-Profit Departments

# Counties

- Counties may create: (i) county-wide (unincorporated) fire districts under §4-9-30(5)(a)(iii); (ii) smaller petition/freeholder fire districts under §4-9-30(5)(a)(i) & (ii); or (iii) fire service areas under §4-19-10 *et seq.*
- They are excluded from providing fire service in areas where fire protection is then being furnished by some other political subdivision.
- Service boundaries are set by the county.
- Counties may by agreement serve areas where fire protection service is furnished by another political subdivision.



# Service in Jasper County



## Service in Jasper County

### Current Fire Providers/Districts

- Town of Ridgeland
- Ridgeland Vicinity FSA (County-created)
- City of Hardeeville
- Hardeeville Vicinity FSA(County-created)
- Cherry Point FSA (County-created, levies separate millage)
- Levy FSA (County-created, recently consolidated with former non-profit department)
- Rural Jasper County FSA (County-created, d/b/a Jasper County Fire-Rescue)



# County Service Considerations

1. County service/consolidation
  - Procurement/Budgeting/Asset Ownership/Audit
  - Municipal Service and Extraterritorial Service
2. Volunteers v. Paid Staff
3. Taxes v. Fees
  - Consolidate Millage Levy
4. Special Districts exempt from debt limit. See Article X, Section 12 of S.C. Constitution
  - Outstanding Debt – See Cherry Point (1926(B))
  - Consolidated Debt Issuance
5. Contract Renewal – Leverage to be compliant tied to funding (Creation/Termination of FSAs)
6. Governance
  - Only Levy FPD has an independent Board. All others are administrative divisions

# Consolidating/Terminating All Existing FSAs

## Considerations – Controlled by County (See Title 4, Chapters 9 or 19)

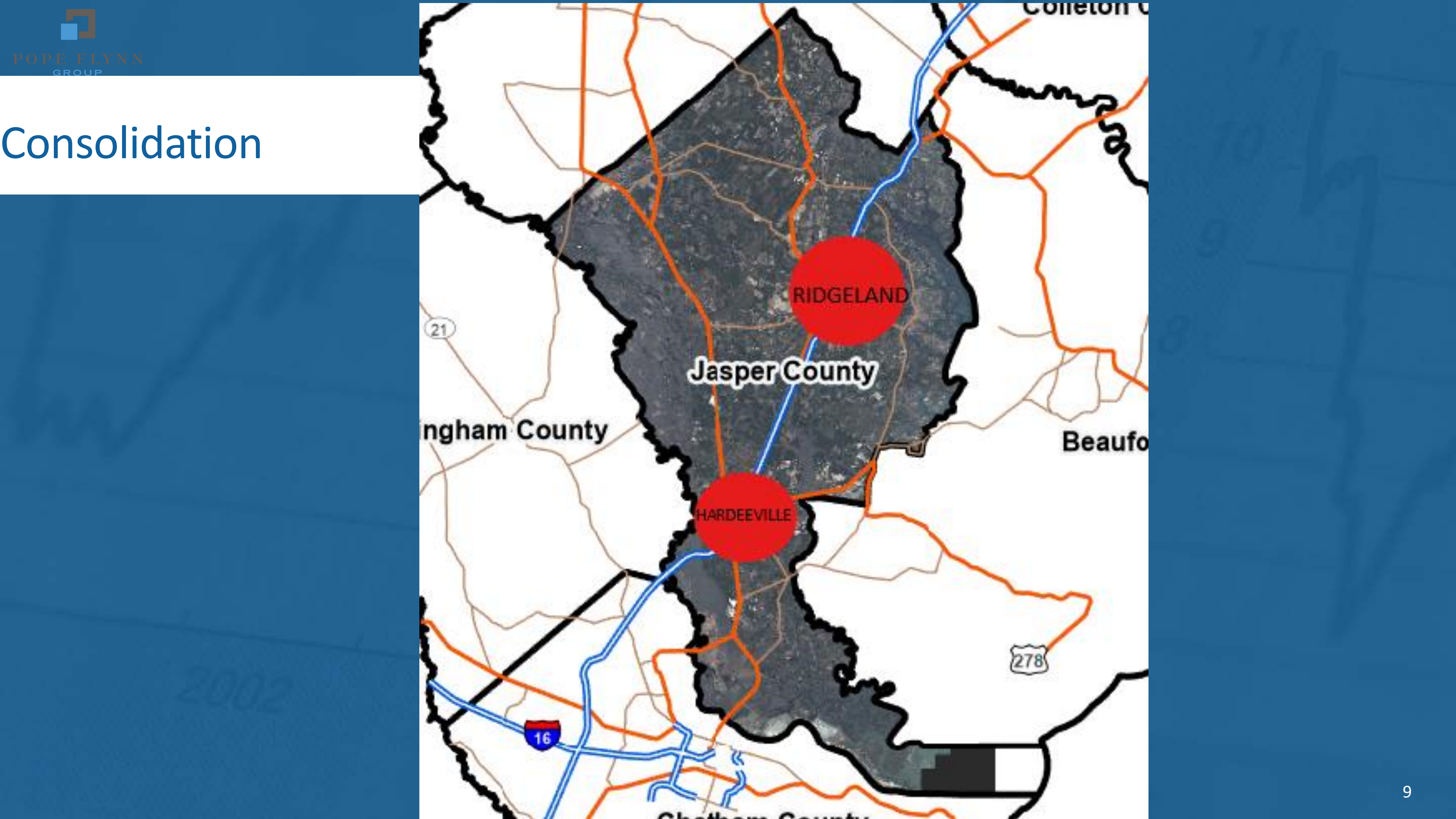
1. Type of entity is important
2. Outstanding Debt – Refunding/New Money
3. New tax millage or fees?
4. Growth/ISO Rating
5. Appointed by County or Admin. Division of the County
6. Transition of employees/assets
7. Title of property (real and personal)
8. Timing (i.e. budget)
9. Retention/Recruitment

# Contracting with a City

## Considerations

1. Payment for Service (allocation of collections)
2. Separate City District (“Donut”) v. Service Area contract with County-wide Fire District
3. Paying for Capital/Bonds
4. Term of Agreement/Renewal<sup>8</sup>
5. Governance, EMS, Site Responsibilities
6. Full Consolidation to Create County-wide Fire Service





# Consolidation



# Taxes

Type of Millage	Millage Levy	Estimated Collections*
Operating Millage	138	\$43.815mm
Debt Millage	<u>12</u>	<u>3.810mm</u>
<b>Total Millage**/**</b>	150	\$47.625mm

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\* Value of 1 Mill (Full-county) is currently estimated at \$317,500

\*\* Cherry Point FPD levies 31 additional mills

\*\*\* Total Emergency Services budget is \$13.5mm

# Taxes

Type of Millage	FY 2026 Millage	FY 2027 Millage*
County Operating Millage	145	<div>-13 → 132</div>
Cherry Point Operating Millage**	31	<div>-31 → 0</div>
Debt Millage	5	5
Consolidated Fire Millage***/***	0	<div>12 → 25</div>
<b>Total Operating Millage</b>	150/181	<div>13 → 162</div>

- \* Reduces millage burden on cities, Hardeeville/Ridgeland, by 13 mills
- \*\* Only payable within Cherry Point FPD; goes away upon consolidation, resulting in net 19 mill reduction for former Cherry Point taxpayers
- \*\*\* Taxes in Unincorporated Areas of Jasper County Increase by 12 mills
- \*\*\*\*One Mill estimated to collect \$133k (excludes Hardeeville and Ridgeland, but includes Cherry Point), so 25 mills will generate \$3.325mm for unincorporated area

# Questions?



12

Lawrence Flynn  
lflynn@popeflynn.com  
(803) 354-4902

AGENDA

ITEM # 3

Swearing In Ceremony

for

Councilman

Gene Ceccarelli

AGENDA

ITEM # 5





# JASPER COUNTY COUNCIL **COUNCIL MEETING**

Jasper County Clementa C. Pinckney Government Bldg.  
358 3rd Avenue, Ridgeland, SC 29936

**Monday, April 21, 2025**

**Minutes**

## **5:00 PM – Workshop:**

The Workshop was called to order by the Chairman.

- **Broad River Euhaw Planning Area - Proposed Overlay District and Zoning**

Mr. Tedder discussed the history of this issue and the moratorium. He noted that that the County had hired Denise Grabowski to assist with this matter. He noted that the issue of the proposed overlay zoning and what this would entail. He also discussed conservation efforts and what this entailed. Ms. Wagner reviewed information on this issue. She also passed out a printed version of the proposed zoning changes and discussed those with Council.

- **Resolution #R-2025-29 a Resolution Approving, For Purposes of Section 147(F) of the Internal Revenue Code of 1986, as Amended (The “Code”), the Issuance of Not To Exceed \$855,000,000 Tax-Exempt Bonds To Be Issued By The National Finance Authority For The Benefit Of Novant Health, Inc.**

Mr. Fulghum discussed this issue and explained it for Council. He noted that this was for Coastal Carolina Hospital and that it requires a public hearing and vote of Council so they can get their financing. It was noted that this did not affect the County Government. He noted that Novant, owner of Coastal Carolina Hospital had a requirement of any state or political subdivision (the County) within whose boundaries the project to be financed is located must have approved the financing of the project. He noted that Novant has requested that the County Council approve the financing and refinancing of the Project and the issuance of the Bonds.

**Motion to adjourn:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed.

For more information on this Workshop please go to our YouTube Channel for the video go to [https://www.youtube.com/channel/UCBmloqX05cKAsHm\\_ggXCJIA](https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA) .

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**Officials Present:** Chairman John Kemp, Vice Chairman Joey Rowell, Councilman Chris VanGeison and Councilman Joe Arzillo

Minutes - 04.21.2025

**Staff Present:** County Administrator Andrew Fulghum, Clerk to Council Wanda Giles, County Attorney David Tedder, Kimberly Burgess, Lisa Wagner, Chief Russell Wells, and Videographer Jonathan Dunham.

The Clerk's Report of Compliance with the Freedom of Information Act was read as follows: In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting and the meeting agenda were posted at least 24 hours prior to the meeting on the County Council Building at a publicly accessible place, on the county website, and a copy of the agenda was provided to the local news media and all person's or organizations requesting notification.

## **6:00 PM – Meeting:**

### **1. Call the Meeting to Order by Chairman Kemp.**

The Clerk's Report of Compliance with the Freedom of Information Act was read as follows: In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting and the meeting agenda were posted at least 24 hours prior to the meeting on the County Council Building at a publicly accessible place, on the county website, and a copy of the agenda was provided to the local news media and all person's or organizations requesting notification.

### **2. Pledge of Allegiance and Invocation:**

The Pledge to the Flag was given and the Invocation was given by Councilman Rowell

### **3. Approval of the Consent Agenda Items: (See item # 4)**

### **4. Approval of the Regular Agenda:**

Chairman Kemp noted that he would like to amend the regular agenda to remove the Consent Agenda. He stated that he would also like to add a public hearing and remove agenda items numbered 12, 14 and 22 from the agenda. He noted that they were removing item # 12 since they found out it was not a single source, and they are still negotiating. He said that item # 14 and item # 22 were going to be removed because they are still negotiating on those items.

**Motion to approve the regular agenda with the amendments as stated by the Chairman:** Councilman Rowell

**Second:** Councilman Arzillo

**Vote:** Unanimous

The motion passed.

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## **PRESENTATION**

**5. Bill Hager, State Representative District 122** – Representative Hager was available to discuss the going on in Columbia. He noted that he had been heavily involved with a new energy policy for the State and it is through the House and Senate. He noted that it would be going to the Governor's desk before too long. He discussed the need for this energy policy and how that would help the State of South Carolina. He noted that they had been working on the Education Oversight Committee and increased the teacher's pay this year. He noted that

they had passed a couple of bills that protect children on the Internet. Chairman Kemp congratulated him on being the Chairman of the Delegation and thanked him for being there.

**6. Dean Moss, Port Royal Sound Foundation** – Mr. Dean Moss, former Chairman of the Port Royal Sound Foundation was present along with current Chairman Graham McBride, Executive Director Jody Hayward, and Director of Conservation, Courtney Kimmel. He noted that they were there to present the Jasper County Council with a Map of the Port Royal Sound. He noted that it is one of the most pristine and beautiful estuaries on the East Coast. He said they hoped that this map would serve as a reminder that conserving the Port Royal Sound is important for everyone. He discussed the mission of the Port Royal Sound Foundation the and growth in Jasper County. He thanked the Council for considering the best possible future scenarios for Jasper County and particularly the Port Royal Sound Watershed.

**7. Andrew Fulghum - Termination of Building Resilient Infrastructure and Communities (BRIC) Grant for Jasper County's Stormwater Drainage Study**

Mr. Fulghum noted that at this time last year they had announced the receipt of a 1.25-million-dollar grant from FEMA. He noted that it was a Building resilient Infrastructure and Communities (BRIC) Grant, was a 75/25 match for storm water drainage and management, specifically the project was to conduct a countywide stormwater management plan. He noted that the grant was accepted, solicited for proposals, and recommended a firm which was approved by Council. He said that earlier this month they learned that the FEMA program had been cancelled, and the funds would not be received. He said there may be other sources of funding to complete all or portions of the work. He noted that staff was reviewing all options and would be returning to the Council when they had exhausted that effort. He also noted that at this time no work had been started.

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**8. Chairman Kemp's comments:** He noted that when he started here, and became Chairman, that he gave each of them a keychain that said, "Remember why we were voted in". He noted that he wanted to thank the Councilmembers because they are asking questions and trying to make the right decisions. He thanked them for their support and for doing the right thing.

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**CITIZEN COMMENTS**

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**Open Floor to the Public per Ordinance Number #08-17 Any citizen of the County may sign to speak in person at the Council Meeting (before the Council Meeting's 6:00PM start time on the Sign-In Sheet on the Podium), to address Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes per person and total public input will be limited to 30 minutes.**

Phillip Malphrus noted his concerns over the restrictions that the RP10 implies.

Cathy DeCourcy noted that she liked the RP10 zoning.

Jacqueline Scott of Levy Road thanked Council for the paving but noted she still had concerns. She asked them to reconsider Freedom Parkway.

Betty Frazier discussed the Coosawhatchie Community Center.

Kathy Malphrus noted that people should have the right to deed over just one acre of land and expressed her concerns.

Grant McClure of Coastal Conservation wanted to extend his support for the RP10 in the Euhaw District.



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## RESOLUTIONS

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**9. Kimberly Burgess** – Consideration regarding Resolution [#R-2025-28](#) pursuant to Section 2-415 (a) of the Jasper County Code of Ordinances, exempting the proposed purchase of goods and/or services required to provide safety equipment for Detention Center employees, including body cameras and tasers, from the bidding and other requirements of the Jasper County Purchasing and Contracting Ordinance and authorizing the County Administrator to create the contracts and obtain the services on behalf of Jasper County, and matters related thereto. *(This item was tabled at the 04.07.2025 meeting; Public hearing held on 04.07.2025)*

Ms. Burgess was present to review and address the request for the consideration of Resolution #R-2025-28 pursuant to Section 2-415 (a) of the Jasper County Code of Ordinances, exempting the proposed purchase of goods and/or services required to provide safety equipment for Detention Center employees, including body cameras and tasers, from the bidding and other requirements of the Jasper County Purchasing and Contracting Ordinance and authorizing the County Administrator to create the contracts and obtain the services on behalf of Jasper County.

**Motion to table to the next budget workshop:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed.

**10. Andrew Fulghum** – Consideration of Resolution [#R-2025-29](#) a Resolution Approving, For Purposes of Section 147(F) of The Internal Revenue Code of 1986, as Amended (The “Code”), The Issuance of Not To Exceed \$855,000,000 Tax-Exempt Bonds to be Issued by the National Finance Authority for the Benefit of Novant Health, Inc.

Mr. Fulghum was present to review and address the request for the consideration of Resolution #R-2025-29 a Resolution Approving, for purposes of Section 147(F) of the Internal Revenue Code of 1986, as Amended (The “Code”), the issuance of not to exceed \$855,000,000 Tax-Exempt Bonds to be issued by the National Finance Authority for the benefit of Novant Health, Inc.

**Motion to approve:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed.

**11. Kimberly Burgess** – Consideration of Resolution [#R-2025-31](#) Authorizing The Redemption Of The Remaining Outstanding St. Peters Parish/Jasper County Public Facilities Corporation Installment Purchase Revenue Bonds (County Office Building Projects), SERIES 2014; The Delivery Of A Conditional Notice Of Redemption And Certain Other Instruments By Jasper County, South Carolina; And Other Matters Relating Thereto.

Ms. Burgess was present to review and address the request for the consideration of Resolution #R-2025-31 authorizing the redemption of the remaining outstanding St. Peters Parish/Jasper County Public Facilities

Corporation Installment Purchase Revenue Bonds (County Office Building Projects), SERIES 2014; the delivery of a Conditional Notice of Redemption and Certain Other Instruments by Jasper County, South Carolina.

**Motion to approve:** Councilman VanGeison

**Second:** Councilman Rowell

**Vote:** Unanimous

The motion passed.

12. Kimberly Burgess and Chief Wells – Consideration of Resolution [#R-2025-32](#) Authorizing the Sole Source Procurement of Pediatric Medication Software. This item was removed from the agenda.

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## PUBLIC HEARINGS, ORDINANCES AND ACTION ITEMS

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13. **David Tedder** – Consideration of the **3<sup>rd</sup> Reading** of Ordinance [#O-2025-09](#) to amend and Re-number the Jasper County Code of Ordinances, Chapter 2 *Administration*, Article II *County Council*, Division 1, *Generally*, being codified as Sections 2-31 through Section 2-33C, Repealing as of July 1, 2025 Ordinance 08-20 Adopting the Jasper County Personnel Policies and Procedures Manual, as Amended, and Adding a New Section 2-72 in Article III, *Officers and Employees*, Regarding the Adoption of Personnel System Policies and Procedures. (*1<sup>st</sup> reading 03.17.2025; 2<sup>nd</sup> reading and public hearing 04.07.2025*)

Mr. Tedder was present to review and address the request for the consideration of the 3<sup>rd</sup> Reading of Ordinance #O-2025-09 to amend and Re-number the Jasper County Code of Ordinances, Chapter 2 *Administration*, Article II *County Council*, Division 1, *Generally*, being codified as Sections 2-31 through Section 2-33C, Repealing as of July 1, 2025 Ordinance 08-20 Adopting the Jasper County Personnel Policies and Procedures Manual, as Amended, and Adding a New Section 2-72 in Article III, *Officers and Employees*, Regarding the Adoption of Personnel System Policies and Procedures.

**Motion to approve:** Councilman Rowell

**Second:** Councilman Arzillo

**Vote:** Unanimous

The motion passed.

14. **David Tedder** – Consideration of the **1<sup>st</sup> Reading** of Ordinance [#O-2025-10](#) authorizing the sale to 719 Holdings, LLC of 2.158 acre parcel, more or less, being subdivided out of the original 19.09 acre Parcel identified as Parcel B as shown on a Plat recorded at Plat Book 27 at Page 80, being a portion of tax parcel 048-00-01-005, and to authorize the Jasper County Administrator to execute such contracts, amendments, deeds and other documents as may be necessary and appropriate to effect the sale to 719 Holdings, LLC, or its assigns, and matters related thereto. (*Public Hearing Only 04.07.2025*)

This item was removed from the agenda.

15. **David Tedder** – Consideration of the **2<sup>nd</sup> Reading** of Ordinance [#O-2025-11](#) to amend the Jasper County Code of Ordinances by repealing Chapter 28, *Utilities*, Articles II through IV in their entirety and replacing them with a new Article II. (*1<sup>st</sup> reading 04.07.2025*)

Mr. Tedder was present to review and address the request for the consideration of the 2<sup>nd</sup> Reading of Ordinance #O-2025-11 to amend the Jasper County Code of Ordinances by repealing Chapter 28, *Utilities*, Articles II through IV in their entirety and replacing them with a new Article II.

**Motion to approve:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed.

**16. Lisa Wagner** – Consideration of the **3<sup>rd</sup> Reading** of Ordinance **#O-2025-06** to amend the Official Zoning Map of Jasper County so as to transfer two properties located at 345 Gassie Orr Road, bearing Jasper County Tax Map Numbers 020-00-03-006 and 020-00-03-102 from the Rural Preservation Zoning District to the Residential Zoning District on the Jasper County Official Zoning Map. *(1st reading 03.03.2025; public hearing 03.17.2025; 2<sup>nd</sup> reading 03.17.2025)*

Ms. Wagner was present to review and address the request for consideration of the 3<sup>rd</sup> Reading of Ordinance #O-2025-06 to amend the Official Zoning Map of Jasper County so as to transfer two properties located at 345 Gassie Orr Road, bearing Jasper County Tax Map Numbers 020-00-03-006 and 020-00-03-102 from the Rural Preservation Zoning District to the Residential Zoning District on the Jasper County Official Zoning Map.

She noted that this was a request for a Zoning Map Amendment to have a property designated as Residential. The subject properties consist of 11.35 acres and are identified by TMS #s 020-00-03- 006 & 020-00-03-102. The property is located at 345 Gassie Orr Road in Pineland. Both parcels are currently zoned Rural Preservation.

The intent is to combine the subject properties with two adjacent parcels and then reconfigure the four (4) original parcels to five (5) parcels. The adjacent parcels are owned by the applicant and are zoned Residential. The Jasper County Land Development Regulations prohibit creating new parcels in different zoning districts to prevent additional properties from being split-zoned. According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as “Rural Conservation”. The Rural Conservation areas seek to protect and promote the character of Jasper County that largely exists today outside of the municipalities. The adjacent parcels are zoned Rural Preservation and Residential. Adjacent land uses are residential and vacant property. The subject property is accessed by Gassie Orr Road, which is a county-maintained dirt road. She noted that the Planning Commission reviewed this application at their meeting on February 11, 2025, and recommends approval to have the property designated as Residential.

**Motion to approve:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed.

**17. Lisa Wagner** – Consideration of the **3<sup>rd</sup> Reading** of Ordinance **#O-2025-07** to amend the Official Zoning Map of Jasper County so as to transfer a property located at 139 Hartwell Avenue, bearing Jasper County Tax Map Number 080-03-00-019 from the Mixed Business Zoning District to the General Commercial Zoning District on the Jasper County Official Zoning Map. *(1st reading 03.03.2025; public hearing 03.17.2025; 2<sup>nd</sup> reading 03.17.2025)*

Ms. Wagner was present to review and address the request for consideration of the 3<sup>rd</sup> Reading of Ordinance #O-2025-07 to amend the Official Zoning Map of Jasper County so as to transfer a property located at 139 Hartwell Avenue, bearing Jasper County Tax Map Number 080-03-00-019 from the Mixed Business Zoning District to the General Commercial Zoning District on the Jasper County Official Zoning Map.

This is a zoning map amendment request to have a property designated as General Commercial. The subject property consists of .96 acres and is located at 139 Hartwell Avenue. The property is currently zoned Mixed Business and is part of a commercial subdivision known as Argent Business Park. The property is developed with a commercial building that was built for flex space. The end user intends to use the space as an event center, which is not allowed in Mixed Business. However, an event center is allowed in General Commercial. The property was originally zoned General Commercial, and the zoning was changed to Mixed Business at the end of 2016.

At the March 3, 2025 Council Meeting, there were concerns about whether or not there is enough parking for an event center. Currently, there are 10 parking spaces in front of the building and available parking behind the building. Although the parking spaces behind the building need to be clearly delineated, the space behind the building will provide an additional 10 – 12 parking spaces. The property owner has spoken to the business next door to see if they can utilize their additional parking spaces behind their building since most events will not be held during regular business hours. Article 12:1.3 of the Jasper County Zoning Ordinance allows Shared Parking as outlined below:

*Article 2:1.3 Shared Parking: Shared use of required nonresidential parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing with the building and zoning permit application:*

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

She noted that while staff is working with the property owner to address the individual use of the proposed event center, the re-zoning request should be considered based on whether or not the zoning designations is supported by the Comprehensive Plan, whether or not the zoning designation is a compatible zoning district based on the built environment, are the allowed uses in General Commercial compatible with the area.

According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as a Commercial Node, which is appropriate for businesses, offices, retail, and multi-family use. The adjacent parcels are zoned General Commercial, Mixed Business and Rural Preservation. Adjacent land uses are commercial development and vacant property. Multi-family apartments are nearby. The subject property is accessed by Hartwell Avenue, which is a privately maintained road serving Argent Business Park. Hartwell Avenue is located off of Argent Blvd, which is a minor arterial road and is maintained by the state. The Planning Commission reviewed this application at their meeting on February 11, 2025 and recommended approval to have the property designated as General Commercial.

**Motion to table to the next meeting:** Councilman Arzillo

**Second:** Councilman Rowell

**Vote:** Unanimous

The motion passed.

**18. Andrew Fulghum – Request to enter into Intergovernmental Agreement (IGA) with Beaufort, Colleton and Hampton Counties – Community Development Block Grant (CDBG) for Planning Services provided by the Lowcountry Council of Governments.**

Mr. Fulghum was present to review and discuss the request for consideration of the request to enter into Intergovernmental Agreement (IGA) with Beaufort, Colleton and Hampton Counties – Community Development Block Grant (CDBG) for Planning Services provided by the Lowcountry Council of Governments. He noted that they apply for this grant as a group. He asked that they approve this request and allow the County Administrator to authorize the County Administrator to execute it.

**Motion to approve to enter into Intergovernmental Agreement (IGA) with Beaufort, Colleton and Hampton Counties – Community Development Block Grant (CDBG) for Planning Services provided by the Lowcountry Council of Governments:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed.

**19. Kimberly Burgess - Consideration of Appointments to the Jasper County Accommodations Tax Advisory Committee.**

Ms. Burgess was present to review and address the request for consideration of appointments to the Jasper County Accommodations Tax Advisory Committee. She noted that each year they must have an Accommodations Tax Advisory Committee. She noted that they have a slate of volunteers who have agreed to participate in the accommodations tax disbursement process as a member of the Jasper County Accommodations Tax Advisory Committee. Staff recommended that the Council accept the slate of volunteers to serve as members of the Jasper County Accommodations Tax Advisory Committee for the FY 2025 – 2026.

**Motion to approve:** Councilman Arzillo

**Second:** Councilman Rowell

**Vote:** Unanimous

The motion passed.

**20. Chief Wells – Consideration of an acquisition of replacement of EMS Stretchers for two ambulances.**

Chief Wells was present to review and address the request for consideration of an acquisition of replacement of EMS Stretchers for two ambulances. The Emergency Services Division is seeking authorization in the procurement of two (2) Stryker patient cots. He discussed how the cots work and how it improves patient safety and staff safety. He noted that their current fleet of ambulances utilizes the Stryker Power-LOAD system. The stair chairs we utilize have a tracked system and provide for improved patient & staff safety. Councilman Arzillo asked how many we have in the fleet currently. We currently have money in our budget for this acquisition. He noted that this was a budgeted item. Chief Wells mentioned that they noted that there are currently 8 in the fleet.

**Motion to approve:** Councilman Rowell

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed

**21. Jim Iwanicki – Consideration of bid recommendation of a container and compactor bid for the purchase of three (3) containers and two (2) compactors for use at the solid waste collection centers and to authorize the County Administrator or his designee to execute all documents necessary to complete the purchase.**

Mr. Iwanicki was present to review and address the request for consideration of bid recommendation of a container and compactor bid for the purchase of three (3) containers and two (2) compactors for use at the solid waste collection centers and to authorize the County Administrator or his designee to execute all documents necessary to complete the purchase.

**Motion to approve:** Councilman Arzillo

**Second:** Councilman VanGeison

**Vote:** Unanimous

The motion passed

**22. Kimberly Burgess – Consideration of proposal recommendation for armed security services for the Jasper County Judicial Building, 967 W. Adams Street, Ridgeland, South Carolina and to authorize the County Administrator or his designee to execute all documents necessary to obtain the services.**

This item was removed from the agenda.

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**23. Administrator's Report:** Mr. Fulghum reviewed the information from his report. There were no Action Items requiring a vote from the Council in the Administrator's Report

Mr. Fulghum discussed the 4<sup>th</sup> Tolling Agreement and what that information consisted of and provided a short history of the previous Tolling Agreements. Chairman Kemp noted that they needed a motion to authorize the Chairman to execute the 4<sup>th</sup> Tolling Agreement regarding the Multi County Business Park Litigation with Nickel Plate LLC.

**Motion to approve the information as stated by the Chairman on the 4<sup>th</sup> Tolling Agreement:** Councilman Rowell

**Second:** Councilman Arzillo

**Vote:** Unanimous

The motion passed

**24. Approval of the Minutes 03.03.2025**

**Motion to approve:** Councilman Arzillo

**Second:** Councilman Rowell

**Vote:** Unanimous

The motion passed.

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**25. Councilmember Comments and Discussion:** Councilmember Comments were given but there were no comments that required action.

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**26. Executive Session SECTION 30-4-70.**

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body – [Staff Personnel Policy](#)
- (2) Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related to pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim – [Tax Map # 063-24-01-003; Jasper Telfair PDD and Development Agreement \(DA\)](#)
- (5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by a public body – [Project Quartz](#)

**Motion to go into Executive Session:** Councilman VanGeison

**Second:** Councilman Rowell

**Vote:** Unanimous

The motion passed.

**ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS. PLEASE BE ADVISED THERE MAY BE VOTES BASED ON ITEMS FROM THE EXECUTIVE SESSION.**

**Return to Open Session**

**Motion to return to regular session:** Councilman Rowell

**Second:** Councilman Arzillo

**Vote:** Unanimous

The motion passed.

- **26.1 Action coming out of Executive Session:** None

**27. Adjournment:**

**Motion to adjourn:** Councilman VanGeison

**Second:** Councilman Rowell

**Vote:** Unanimous

The motion passed and the meeting adjourned.

For more information on this meeting please go to our YouTube Channel for the video go to [https://www.youtube.com/channel/UCBmloqX05cKAsHm\\_ggXCJIA](https://www.youtube.com/channel/UCBmloqX05cKAsHm_ggXCJIA) .

[Minutes - 04.21.2025](#)

**Respectfully submitted:**

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Wanda H. Giles  
Clerk to Council

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John A. Kemp  
Chairman



AGENDA

ITEM

Chairman's Comments

AGENDA

ITEM

Citizen Comments

AGENDA

ITEM # 7

**STATE OF SOUTH CAROLINA  
JASPER COUNTY**

**RESOLUTION NUMBER R-2025-47**

**RESOLUTION OF JASPER COUNTY COUNCIL**

**ADOPTING AIRPORT LEASING POLICY PRINCIPLES AND DIRECTIVES TO  
COUNTY STAFF TO INCORPORATE THE POLICY DIRECTIVES INTO  
LEASE DOCUMENTS, APPROPRIATE ORDINANCES AND/OR  
RESOLUTIONS REGARDING THE RIDGELAND CLAUDE DEAN AIRPORT,  
AND MATTERS RELATED THERETO**

**WHEREAS**, Jasper County Council has previously adopted policies and approved documents to be used in the leasing of grounds used for hangar operations, most recently by Ordinance 2019-14, adopted June 18, 2019, Ordinance 19-22, adopted November 4, 2019, and Ordinance O-2023-02, adopted June 20, 2023, which included, among other things, terms and conditions for lease renewals and new leases and disposition of the hangar improvements at the end of the lease term; and

**WHEREAS**, since the adoption of those policies and documents, issues have arisen which include being formally directed by the Federal Aviation Administration (the “FAA”) to undertake a Corrective Action Plan to bring the Ridgeland Claude Dean Airport (the “Airport”) into compliance with the Grant Assurances agreed to by the County when it accepted federal funding, including asserting control of the airport premises and the areas being leased, and making the airport as self-sufficient financially as possible; and

**WHEREAS**, for more than a year, county staff has been assessing the status of leases for hangar spaces at the Airport, including their respective expiration dates, payment status, and whether the specific lease contained a variant of what is typically referred to as a “reverter” clause, by which the physical improvements comprising the hangar either become the property of the County at the end of the extended lease in exchange for the

lease being of a sufficiently lengthy term at reduced rental rates to allow for recovery by the hangar owner of the costs of installing the hangar improvements, or may be removed by the hangar owner within the time limits initially included in the lease; and.

**WHEREAS**, having completed a systematic analysis of the status of the hangar leases at the Airport, staff has provided a listing of the current hangar leases and their status to Council, and in conjunction with assistance from the FAA staff, including direct communications with FAA advisors, created a framework by which the existing hangars are grouped based on the existence or not of valid lease agreements and the type of reversion (or not) that is or was included in the particular lease for the hangar; and

**WHEREAS**, County Council with staff assistance has examined the appropriate factors identified by the FAA as useful in determining a self-sustaining rental structure for the Airport, and determined the rates for hangar rentals and ground leases should be modified; and

**WHEREAS**, County Council has examined and discussed the classification of leases at the Airport, the proposed terms and conditions for leasing each of the hangars within each category, and the rate structure contained in the attached Exhibit “A,” entitled “Categories of Leases at the Ridgeland Claude Dean Airport and Leasing Policies as to Each with Rental Rates July 2025,” and determined that it is in the best interests of Jasper County and its citizens to adopt these as policies of the County to be included in all replacement leases for expired or expiring leases at the Airport in order to bring the Airport into compliance with the FAA Grant Assurances and to operate the Airport in accordance with good business practices, including setting rental rates at a level better suited to make the Airport more self-sufficient;

**NOW, THEREFORE, BE IT RESOLVED**, adopting the foregoing premises as part of this Resolution, that the matters contained in the attached Exhibit A are adopted by

County Council as fundamental policies and principles by which leases of the ground and hangars themselves will be governed, and the hangar owners and tenants allowed to operate at the Airport, including the rate structures as contained therein; and

**FURTHER RESOLVED**, that the County Attorney is directed to cause the creation of such new lease templates as are necessary to incorporate these terms and conditions, and to amend such provisions of Ordinance 19-14, Ordinance 19-22, and Ordinance O-2023-02 as may be necessary to implement these policies and adopt the new lease templates, including amending the Aviation Leasing Policy with Reversionary Policy adopted by Ordinance O-2023-02; and

**BE IT FURTHER RESOLVED** the Council directs the County Administrator and County Attorney to undertake such legal actions as may be necessary for the County to take possession of those hangar properties that were installed on Airport property pursuant to leases providing the improvements were to be the property of the County if not removed by the tenant within the time allotted in the lease or by Exhibit A, in the event the tenant in possession fails to enter into a new hangar lease as provided in Exhibit “A”.

**ADOPTED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, and effective immediately, by Jasper County Council duly assembled.**

\_\_\_\_\_  
**John A. Kemp, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Wanda H. Giles, Clerk to Council**

Reviewed for form and draftsmanship by the Jasper County Attorney.

\_\_\_\_\_  
**David L. Tedder**

\_\_\_\_\_  
**Date**

**CATEGORIES OF LEASES AT THE RIDGELAND CLAUDE DEAN  
AIRPORT  
AND  
LEASING POLICIES AS TO EACH WITH RENTAL RATES JULY 2025**

**A. EXPIRED GROUND LEASES WITH A REVERSION TO THE COUNTY AT LEASE END**

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1. If you had a lease with a reversionary clause to the County and the lease expired prior to 2018 and has not been replaced by the County, the hangar owner will be allowed a sixty day period to enter into a new hangar rental as set forth below. The hangar improvements are confirmed to be the property of the County in accordance with the terms of the expired lease, unless, at the County's option, it requests removal at the tenant's expense because of environmental or other considerations as set forth in G.1 below.
2. The current hangar tenant will be offered a one-year hangar rental, renewable four times at tenant's request for a period totaling five years at the airport self-sustaining rate as defined below, subject to annual CPI adjustment each year and a re-setting of the self-sustaining rate after three years. The lease terms will include, as set forth below, provisions regarding general maintenance of the improvements, insurance requirements, and ownership disclosures.
3. At the end of the fourth renewal term, the tenant may request another annual renewal at then current airport self-sustaining rates, provided, however, the request is subject to there not being a waiting list for hangar space. It is the County's option to lease it on a year to year basis to former tenant at then current self-sustaining rates, or lease it to other parties who are on a waiting list.
4. The ability to extend the rental beyond the first term, as well as avoiding termination of the lease during either the initial or extended term, is conditioned upon the tenant being in compliance with airport rules and regulations, the terms and conditions of the lease, as well as being in compliance with County ordinances and regulations, including applicable business licensing if applicable.
5. There will be no assignment or subletting of the rental agreement.
6. Rentals will be as-is in their present condition. Any repairs are at the option of the tenant, with no obligation for repairs or maintenance on the County. The rental may be terminated without penalty should the premises become unsuitable for its intended use.

7. County hangar rental agreement templates and rental rates will be approved by County Council

**B. EXPIRED GROUND LEASES WITHOUT A REVERSION TO THE COUNTY AT LEASE END**

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1. If there is a prior lease without a reversion clause to the County, and it expired prior to 2018 and has not been replaced by the County, the hangar owner will be allowed a sixty day period to remove the hangar improvements, with the alternative to enter into a new one-year ground lease with up to 4 annual renewals without a reversionary clause to the County subject to compliance with the terms and conditions of A.2 and A.4 above, allowing for a 60 day period to remove the improvements at the end of the additional lease terms.
2. If not removed initially or at lease end, the improvements become, at the County's option, property of the County. If the improvements are not accepted by the County, the improvements will be removed at the expense of the tenant as set forth in G.1 below. If the improvements are accepted by the County, it is the County's option to rent the hangar on a year to year basis through a hangar rental agreement to former tenant at then current self-sustaining rates, or rent it to other parties who are on a the current hangar rental waiting list.
3. The lease rate for the new or extended lease is to be the "airport self-sustaining rate (defined below), subject to annual CPI adjustment each year and a re-setting of the self-sustaining rate every third year. The lease terms will include, as set forth below, provisions regarding maintenance of the improvements at tenant's expense and leasehold, insurances, and ownership disclosures.
4. The ability to extend the lease beyond the first term, as well as avoiding termination of the lease during either the initial or extended term, is conditioned upon the tenant being in compliance with airport rules and regulations, the terms and conditions of the lease, as well as being in compliance with County ordinances and regulations, including applicable business licensing if applicable.
5. There will be no assignment or subletting of the Lease for a period extending beyond the end of the lease term; lease will terminate if assigned or sublet without authorization from County.
6. If you believe there are circumstances that justify a longer term, you may apply for a variance but need to provide justification that Council may or may not accept.
  - One may request a longer term if there were recent improvements that have not been amortized.



- Another basis for a longer term is the desire to make substantial improvements.
7. In any case, leases as extended by A.6 will terminate no later than ten years from 2025.

**C. GROUND LEASES WITH A REVERSION TO THE COUNTY AT LEASE END RENEWED FROM 2018 TO 2021**

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1. If you had a prior lease with a 60 day removal clause that was replaced by the County using the prior set of leases in effect 2018 to 2021 that included an automatic reversionary clause to the County, you can request a replacement lease without the reversionary clause to the County in exchange for a shortening of the lease with term and rates consistent with the rates and terms of A .4 through A.7 above, allowing the choice to remove or offer to the County at the end of that period. If the improvements are not accepted by the County, the improvements will be removed at the expense of the tenant as set forth in G.1 below. In either case, no assignments or subletting will be approved beyond ten years from year 1 of the lease.

**D. GROUND LEASES WITHOUT A REVERSION TO THE COUNTY AT LEASE END RENEWED FROM 2018 TO 2021**

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1. If you had a prior lease without any reversionary clause to the County that was replaced by the County using the 2018 to 2021 set of leases that included a reversionary clause to the County, you can request the lease be replaced by a lease without a reversionary clause to the County for a term for the lesser of ten years or what remains on the lease with term and rates set in the existing lease, subject to annual CPI adjustment with other terms to be consistent with the rates and terms of A .4 through A.7 above, allowing the choice to remove or offer to the County at the end of that period. If the improvements are not accepted by the County, the improvements will be removed at the expense of the tenant as set forth in G.1 below. In either case, no assignments or subletting will be approved beyond ten years from year 1 of the lease.

**E. OCCUPIERS WITHOUT ANY LEASE**

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1. if you do not have a lease, and the prior lease expired more than five years ago or there was no prior lease, the hangar improvements are confirmed to be the property of the County unless, at the County's option, it requests removal at the current tenant's/occupant's

expense because of environmental or other considerations as set forth in G.1 below. You may request a year to year hangar rental agreement calculated at the “airport self-sustaining” rate from the County as defined below. Rental of the hangar is conditioned upon the tenant being in compliance with airport rules and regulations, the terms and conditions of the agreement, as well as being in compliance with County ordinances and regulations, including applicable business licensing if applicable.

## **F. ASSIGNMENTS AND SUBLETTING OF EXISTING LEASES**

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1. Existing ground leases that have a term longer than ten years (including extensions) may continue in force so long as the original lessee owns the hangar and is the lessee. Authorization for assignments and subletting will be limited to a term that does not extend beyond ten years from year 1 of the lease to be contained in a replacement lease substituting lessees and containing then current lease terms.

## **2. IMPORTANT GENERAL TERMS OF ALL LEASES**

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1. All ground leases will require the premises and hangar be kept in good and serviceable condition, weather tight and leak free, and if the hangars are eligible for removal, or required by the County to be removed, such will be done in such a manner as to surrender the property free of waste and debris and environmental issues, with the removal to be completed prior to termination or expiration of the lease, leaving the pad in place if requested by the County. If the hangar improvements are being transferred to the County, the property will be surrendered to the County in good condition, repair, working order and appearance, free of waste and debris and environmental issues. The County will not purchase Improvements at the expiration of any agreement.
2. All hangar rentals will be as-is in their present condition. Any repairs are at the option of the tenant, with no obligation for repairs or maintenance on the County. The rental may be terminated without penalty should the premises become unsuitable for its intended use.
3. There will not be ground lease assignments or subletting available for terms lasting more than 10 years from year 1 of any of the ground leases. Unauthorized assignments or subletting will result in termination of the lease. Assignments and subleases are at the County’s sole discretion, and are subject to the assignee or sublessee meeting financial responsibility requirements to the County’s satisfaction.
8. All leases will contain general terms addressing insurance, subrogation, compliance with FAA assurances and requirements, responsibilities during hurricanes and other disasters,

disclosure of principals of companies, partnerships and corporations (collectively companies), and personal guarantees of company obligations. County hangar rental agreement templates and rental rates will be approved by County Council.

### 3. **AIRPORT HANGAR RENTAL RATES**

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County Council will determine the rental rates for hangars, including the use/value of the hangar calculated to make the Airport as self-sufficient as possible utilizing the FAA Guidelines and Grant Assurances, as determined from time to time by County Council on recommendation of Airport staff or a professional appraisal. All appropriate factors, including reasonable methodologies that may include, but are not limited to, historic cost valuation, direct negotiation with aeronautical users, or objective determinations of fair market value, comparable terms of other similar facilities on the Airport and/or other similar facilities at other comparable Airports in the region, shall be taken into account in establishing the rental rates and charges. There are two general rate classifications; one for ground leases where the hangar improvements are still the property of the tenant, and the other for hangars that are the property of the County.

- a. **AIRPORT SELF-SUSTAINING RATE FOR HANGAR RENTALS.** Hangar is property of the County)

County Council has, with staff assistance, completed a survey of the size, condition and type of existing hangar structures. Based upon costs of maintenance and operations at the Airport, and a comparative survey of rental rates of county-owned hangars at other airports in reasonable commercial proximity to the Airport, it was determined that the rate should be based upon a square footage rental.

Fiscal Year 2026 is \$0.40 per square foot per month (\$4.80 annually), payable on a quarterly basis in advance with a security deposit equal to one quarter's rental.

(e.g., a 1460 sq. ft. hangar would have a monthly rental of \$584.00 (annual rental of \$7,008.00) with a security deposit of \$1,752.00.

- b. **AIRPORT SELF-SUSTAINING RATE FOR HANGAR GROUND LEASES** (Hangar still the Property of Tenant)

Council, with staff assistance, has determined the appropriate rate to make the Airport as self-sufficient as possible. The rate is likewise based on a square footage basis.

Fiscal Year 2026 is \$0.135 per square foot per month (\$1.62 per square foot per annum), payable on a quarterly basis in advance with a security deposit equal to one quarter's rental.

(e.g., a 1460 sq. ft. hangar would have a monthly rental of \$197.10 (annual rental of \$2,365.20) with a security deposit of \$591.30.

AGENDA

ITEM # 8

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**RESOLUTION R-2025-49**

**A RESOLUTION  
OF JASPER COUNTY COUNCIL**

**TO AUTHORIZE THE JASPER COUNTY ADMINISTRATOR TO EXECUTE A SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND TRANSITION AGREEMENT WITH ITS FIRST ADDENDUM BY AND BETWEEN JASPER COUNTY, JASPER COUNTY SHERIFF, AND JASPER ANIMAL RESCUE MISSION REGARDING ANIMAL SERVICES AND RELATED MATTERS**

**WHEREAS**, Jasper County has previously entered into an Intergovernmental Agreement with Beaufort County (IGA) which, among other things, provides for temporary assistance with staffing and operating its animal shelters by Beaufort County, through its Animal Services Department and partner organizations, replacing the Jasper County Animal Rescue Mission (JARM) as the animal shelter operator and service provider; and

**WHEREAS**, in order to provide for the orderly transfer of possession of the premises used as an animal shelter at 401 Carter's Mill Road, Jasper County, South Carolina (the Premises) and the most efficient disposition of the personal property located at the Premises which belong to JARM, a document entitled "SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND TRANSITION AGREEMENT WITH ITS FIRST ADDENDUM BY AND BETWEEN JASPER COUNTY, JASPER COUNTY SHERIFF, AND JASPER ANIMAL RESCUE MISSION (Agreement and Addendum) has been negotiated and prepared for adoption and execution by the respective Parties, with a specimen copy being attached as Exhibit "A" hereto, which addresses the relative responsibilities of the Parties and payment for certain items; and

**WHEREAS**, pursuant to the terms of the IGA with Beaufort County, physical control of the animal shelter began on August 1, 2025, and after an initial assessment, it

appears the best interests and welfare of the animals may be served by a temporary closure of the facilities at the Premises, with housing to be provided at Beaufort County's facilities while a more permanent solution is finalized, which may include either a Jasper County replacement facility or a joint venture facility with Beaufort County; and

**WHEREAS**, Jasper County Council finds, after public hearing, that it is in the best interest of the citizens and residents of Jasper County for the County Council to authorize the execution of the Agreement and First Addendum with the Jasper County Administrator authorized to execute the Intergovernmental Agreement on behalf of Jasper County, as well as exploring with Beaufort County the feasibility of a joint venture facility and in the interim, the housing of animals at the Beaufort County facility while the more permanent solution is finalized.

**NOW THEREFORE BE IT RESOLVED** by the Jasper County Council in Council duly assembled and by the authority of the same:

1. Jasper County Council adopts the foregoing premises as findings, and further finds that it is in the best interest of the County and its citizens, and approves the attached specimen SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND TRANSITION AGREEMENT WITH ITS FIRST ADDENDUM BY AND BETWEEN JASPER COUNTY, JASPER COUNTY SHERIFF, AND JASPER ANIMAL RESCUE MISSION (Agreement and First Addendum) for execution by the County Administrator on behalf of Jasper County, with allowance granted to make any such grammatical or non-substantial edits as the County Attorney may recommend prior to execution.
2. That County Council authorizes the payment to Jasper County Animal Rescue Mission the total sum of \$70,533.00 as detailed in the First Addendum, representing \$42,200.00 for personal property and \$28,333.00 for services and operational reimbursement, with payment to be made from the funds appropriated for operation of the animal shelter in the 2026 County Budget, Department 090, Line Item 5065; and the County Administrator is directed to take such other and further actions as may be recommended by the County Attorney and/or the Chief Financial Officer, including but

not limited to preparing an amendment to the 2026 Budget Ordinance in due course, if such should be necessary or advisable.

3. The County Administrator is authorized to engage in discussions with Beaufort County to determine whether on a temporary basis, it is desirable to process and house animals from Jasper County at the existing Beaufort County facilities rather than the facilities located at 401 Carter's Mill Road in Ridgeland while a more permanent solution is finalized, as well as exploring with Beaufort County the opportunities to enter into an agreement for a joint venture that could include construction of a facility in Beaufort County to accommodate Jasper County animals
4. This Resolution shall take effect upon approval by Council, with the Intergovernmental Agreement to be effective upon the final party thereto executing and delivering the Intergovernmental Agreement to the other parties.

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**John A. Kemp**  
**Chairman of Jasper County Council**

**ATTEST:**

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**Wanda Giles**  
**Clerk to Council**

**Adopted:** \_\_\_\_\_

It is required that the following Exhibit be attached:

SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND TRANSITION  
AGREEMENT WITH ITS FIRST ADDENDUM BY AND BETWEEN JASPER COUNTY,  
JASPER COUNTY SHERIFF, AND JASPER ANIMAL RESCUE MISSION

Reviewed for form and draftsmanship by the Jasper County Attorney.

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**David L. Tedder**

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**Date**





**EXHIBIT “A”**

**SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND  
TRANSITION AGREEMENT WITH ITS FIRST ADDENDUM BY AND  
BETWEEN JASPER COUNTY, JASPER COUNTY SHERIFF, AND JASPER  
ANIMAL RESCUE MISSION**

**SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND  
TRANSITION AGREEMENT BY AND BETWEEN JASPER COUNTY, JASPER  
COUNTY SHERIFF, AND JASPER ANIMAL RESCUE MISSION**

WHEREAS, Jasper County Animal Rescue Mission (JARM) has previously leased from Jasper County certain premises used as an animal shelter at 401 Carter's Mill Road, Jasper County, South Carolina (the Premises), and is still in possession of the Premises although the formal lease has expired; and

WHEREAS, JARM has remained in possession for the purposes of providing animal shelter and animal control purposes to Jasper County; and

WHEREAS, Jasper County and Beaufort County have entered into an Intergovernmental Agreement by which Beaufort County will assist with animal control and shelter needs in Jasper County through utilization of its resources, including its Animal Services Department; and

WHEREAS, the Jasper County Sheriff provides animal control enforcement and related services by virtue of State statutes and County ordinances, and is entering into this Agreement in furtherance of those authorities and responsibilities; and

WHEREAS, as part of the provision of services by Beaufort County, it is necessary and desirable for Jasper County and/or the Jasper County Sheriff to take possession of the Premises and provide for its operation under the auspices of Jasper County and/or the Jasper County Sheriff to facilitate the implementation of the Intergovernmental Agreement; and

WHEREAS, in order to transition in an orderly fashion from JARM providing the traditional animal control and shelter functions to utilization of Beaufort County resources and assistance to provide Jasper County and the Jasper County Sheriff with animal control intake, medical treatment, and sheltering of animals, it is necessary and desirable to agree on a process by which to transfer possession of the animal shelter premises from JARM while continuing to provide for the and protection of animals already housed at the animal shelter and in the custody of JARM;

NOW THEREFORE, IT IS AGREED by Jasper Animal Rescue Mission (JARM), Jasper County (County), and the Jasper County Sheriff (Sheriff) as follows:

1. Physical possession and occupancy of the animal shelter located at 401 Carter's Mill Road, Jasper County, South Carolina (the Premises), will be given to the County by JARM on (or before if otherwise agreed) at 9:00 a.m. Friday, August 1, 2025.
2. Prior to or contemporaneous with the transfer of possession, JARM shall provide a schedule/inventory of its personal property located on or within the Premises, specifying 1) which personal property items thereof will be removed prior to the August 1 transfer date, 2) which personal property items will remain on the Premises for the temporary use by the County, the Sheriff, or Beaufort County and its/their employees, agents, and affiliate organizations (collectively and individually, as the context requires, the New Animal Service Provider) engaged in animal control and shelter operations for a period not to exceed 30 days to accommodate the substitution or replacement of such equipment by the New Service Provider, ensuring for the uninterrupted care of the animals at the shelter; and 3) personal property items which have been identified by JARM and the New Service Provider for purchase by the New Animal Service Provider from JARM upon mutually agreeable pricing.
3. Prior to the transfer of possession, medical supplies, including any regulated Schedule drugs located on site will be inventoried, and arrangements made for either the purchase by the New Service Provider or their removal from the Premises, all of which is to be in compliance with State and Federal requirements.
4. Contemporaneously with the transfer of possession, JARM shall provide the Sheriff and/or Beaufort County Animal Control the digitized medical records (the Shelter Love database) for the animals being released by JARM to the New Animal Service Provider, as well as the appropriate documents evidencing the transfer of ownership and control of the animals being released by JARM to the New Animal

Service Provider, including but not limited to such evidences of surrender of the animal to JARM and the assignment of same to the New Animal Service Provider. In the event the data transfer requires technical and/or software purchase for conversion and transfer, either directly from the provider or by purchase of the database license from JARM, Jasper County agrees to reimburse upon invoice from Beaufort County such sums as may be necessary to accomplish the transfer, not to exceed \$12,000.00.

5. Items which have been identified for temporary use will be removed by JARM on a mutually agreeable schedule to be devised on or before August 15, 2025, with such removals to occur during normal business hours, Monday through Friday, unless otherwise mutually agreed subsequent to this Agreement's execution.
6. Prior to or as soon as practical to the transfer of possession on August 1, 2025, the County will take appropriate steps to have the utilities serving the Premises transferred from JARM to the County, including making arrangements for a telephone number to be associated with the animal shelter, either by transfer of the present number used by JARM for the shelter or obtaining a new phone number separate and distinct.
7. The County and JARM agree and acknowledge the Premises are being surrendered in an "as-is" condition, and at this time there are no claims for property damage by either against the other. Both parties agree to take reasonable steps to minimize and disturbance or damage to the Premises incident to the removal of any property identified in Paragraph 5 above.
8. The parties hereto agree to undertake reasonable efforts to publicize on their respective websites and social media sites information regarding the transfer of possession and service responsibilities in an effort to minimize disruptions in the provision of these animal care services.

9. Each party to this Agreement (which, in the case of JARM, shall mean its officers and the members of the Board, and in the case of the County, its Council Members, Administrators and Department Heads) agrees, during the Term of this Agreement and thereafter, to refrain from Disparaging (as defined below) the other party or parties, or any of their directors, officers, agents, representatives or employees, either orally or in writing. Nothing in this paragraph shall preclude any party from making truthful statements that are reasonably necessary to comply with applicable law, regulation or legal process, or to defend or enforce a party's rights under this Agreement. For purposes of this Agreement, "Disparaging" means making remarks, comments or statements, whether written or oral, that impugn the character, integrity, reputation, abilities of the person being disparaged, or of the practices and procedures of the parties.

In witness whereof the parties here to have caused this Agreement to be executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

WITNESSES AS TO  
JASPER ANIMAL RESCUE MISSION

**JASPER      ANIMAL      RESCUE  
MISSION**

By:

\_\_\_\_\_  
, Chairman

\_\_\_\_\_

\_\_\_\_\_

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

WITNESSES AS TO  
JASPER COUNTY SHERIFF

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WITNESSES AS TO  
JASPER COUNTY:

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**JASPER COUNTY SHERIFF**

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**Chris Malphrus**  
Sheriff

**JASPER COUNTY**

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**Andrew Fulghum**  
County Administrator

**FIRST ADDENDUM TO SURRENDER OF PREMISES, EQUIPMENT USE,  
TRANSFER AND TRANSITION AGREEMENT BY AND BETWEEN JASPER  
COUNTY, JASPER COUNTY SHERIFF, AND JASPER ANIMAL RESCUE  
MISSION**

WHEREAS, Jasper Animal Rescue Mission (JARM), Jasper County (County), and the Jasper County Sheriff (Sheriff) have contemporaneously entered into a SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND TRANSITION AGREEMENT (Agreement) by which the possession of the Jasper County Animal Shelter (Shelter) and operations of the animal shelter was transferred from JARM to Jasper County and the Sheriff, who have entered into a separate Intergovernmental Agreement with Beaufort County to operate the Shelter on a temporary basis while a more permanent arrangement is negotiated and implemented; and

WHEREAS the Agreement provided for a listing of equipment and other personal property that was to be either sold or donated to Jasper County to facilitate the operation of the Shelter, as well as property that was to ultimately be removed by JARM (see paragraph 2 of the Agreement); and

WHEREAS, the attached EXHIBITS describe with particularity those items and the price for each, as applicable; and

WHEREAS, the Parties wish to further address the costs of operation of the Shelter by JARM for the period prior to the date of surrender of possession of the Premises, determined and agreed to be the one month of July, 2025, being \$28,333.00, representing one-twelfth (1/12) of \$340,000.00 annual funds appropriated by Jasper County for Fiscal Year 2025-2026; and

WHEREAS, it is the desire of the parties to memorialize in this FIRST ADDENDUM TO SURRENDER OF PREMISES, EQUIPMENT USE, TRANSFER AND TRANSITION AGREEMENT BY AND BETWEEN JASPER COUNTY, JASPER COUNTY SHERIFF, AND JASPER ANIMAL RESCUE MISSION (First Addendum) such listing, pricing, timing for removal, payment for services and related matters;

NOW THEREFORE, it is agreed by the Parties hereto that the following Exhibits setting forth the disposition of the personal property at the Shelter (and pricing, as applicable) are approved, as well as the amount of compensation for the services of JARM in operating the Shelter prior to the surrender of possession; and

FURTHER AGREED that Jasper County will take formal action by separate Resolution and/or Ordinance of Jasper County approving the Agreement and this Addendum, and directing the payment to JARM 1) of the sum of \$42,200.00 for the purchase price of the items being sold to Jasper County or the New Service Provider as detailed on Exhibit A-



1, and 2) the sum of \$28,333.00 for the services rendered by JARM prior to the surrender of the Premises; and

IT IS FURTHER AGREED that JARM will take such official actions as are necessary to deliver a Bill of Sale and/or such other documentation as may be necessary or desirable to effect the Agreement and Addendum.

In witness whereof the parties here to have caused this Agreement to be  
executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

WITNESSES AS TO  
JASPER ANIMAL RESCUE MISSION

\_\_\_\_\_  
\_\_\_\_\_

**JASPER ANIMAL RESCUE  
MISSION**

By:

\_\_\_\_\_, Chairman

WITNESSES AS TO  
JASPER COUNTY SHERIFF

\_\_\_\_\_  
\_\_\_\_\_

**JASPER COUNTY SHERIFF**

\_\_\_\_\_  
**Chris Malphrus**  
Sheriff

WITNESSES AS TO  
JASPER COUNTY:

\_\_\_\_\_  
\_\_\_\_\_

**JASPER COUNTY**

\_\_\_\_\_  
**Andrew Fulghum**  
County Administrator

**EXHIBIT A-1**  
**PROPERTY BEING SOLD**

18 - European Kennels @ 900/ea.	\$16,200.00
14 - 4X8 Holding Kennels @ \$400/ea.	\$5,600.00
Lot of HDPE Dividers	\$5,000
Lot of Stainless Steel Puppy Kennels	\$6,000.00
1 3-bowl Stainless Steel Sink	\$600.00
1 Stainless Steel Grooming Sink	\$500.00
1 Shorline Scale	\$300.00
1 12,000BTUH Portable A/C Unit	\$800.00
1 8'X20' Conex Box (Storage)	\$1,700.00
Fencing Services by Hilton Head Fence at the facility	\$5,500.00
<b>TOTAL</b>	<b>\$42,200.00</b>

**EXHIBIT A-2**  
**PROPERTY BEING DONATED BY JARM**

6 VHF Radios for onsite communication valued at \$500.00

6 Landline Cordless phone set.

All plastic carriers and any other material/supplies located in Conex box #2

All wire crates and any other material/supplies located in Conex box #1

Artificial Turf that was recently placed in outside Puppy Pen valued at \$800.00

Metal Dividers that were installed in Dog Isolation valued at \$800.00

2 Plastic Deck Boxes used to house blankets for the Winter months.

1 Push lawn mower, working.

2 Pressure Washers, 1 working, 1 unknown.

Several brand new cooling fans for the facility.

3 brand new Dog Igloo Houses valued at \$250/ea.

Renovations to 3 rooms within the building valued at \$2,500.00

3 Office Desks and associated file cabinets.

Any food left in the Food Shed.

Any material or supplies left in the Equipment Shed.

Any material/supplies left in the White Shed.

Any cleaning supplies left at the facility.

Any medications left at the facility.

**EXHIBIT A-3**  
**PROPERTY BEING REMOVED BY JARM**

3 computers and 1 printer/scanner.

2 - drawer SAFE in Manager's Office

AGENDA

ITEM # 9

**STATE OF SOUTH CAROLINA  
JASPER COUNTY**

**RESOLUTION NUMBER R-2025-50**

**RESOLUTION OF JASPER COUNTY COUNCIL TO  
APPROVE THE PROCUREMENT OF A CARGO TRAILER  
FOR JASPER COUNTY AND THE JASPER COUNTY  
SHERIFF DEPARTMENT UNDER A STATE CONTRACT  
PURSUANT TO THE JASPER COUNTY PURCHASING AND  
CONTRACTING ORDINANCE, AND MATTERS RELATED  
THERETO**

**WHEREAS**, the Sheriff Department would like to purchase a cargo trailer to be used as a mobile command center; and

**WHEREAS**, the Sheriff Department reached out to three vendors for pricing; and

**Whereas**, one of the vendors, Lee Transport Equipment, has a state contract (4400031296) for the purchase of trailers; and

**WHEREAS**, Section 2.445, Article V Purchasing and Contracting Ordinance of Jasper County Code of Ordinances provides for the use of state contracts as follows, “(t)he chief purchasing officer, may independent of the requirements of bid process of this article, procure supplies, services, or construction items through the contract established by the purchasing division of the State of South Carolina as provided for in South Carolina Code section 11-35-10 et seq. (State Consolidated Procurement Code); and

**WHEREAS**, the chief purchasing officer has determined that Lee Transport Equipment has a contract with the purchasing division of the State of South Carolina and, additionally, Lee Transport Equipment has provided the lowest quotation for the purchase of the cargo trailer that will meet the Sheriff Department’s requirements; and

**WHEREAS**, there are sufficient funds in the current fiscal year 2026 Sheriff Department budget in the Capital Outlay line item (010-057-3752) for the purchase from Lee Transport Equipment not to exceed \$26,000 (including applicable sales tax); and

**NOW THEREFORE, BE IT RESOLVED** by Jasper County Council, in the council duly assembled and by the authority of the same that Jasper County Council hereby is of the belief and finds that the requirements of Article V, Sec. 2-

445 are met and hereby approve the purchase of a 8.5' x 28' cargo trailer for use by the Sheriff Department as a mobile command center, as described in Exhibit A; and

**BE IT FURTHER RESOLVED THAT**, the County Council authorizes the County Administrator, Mr. Andrew Fulghum, to execute the purchase agreement.

**SIGNATURES FOLLOW**

This Resolution No. R- 2025-50 made this 18th day of August 2025.

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**John A. Kemp**  
**Chairman**

**ATTEST:**

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**Wanda H. Giles**  
**Clerk to Council**

Reviewed for form and draftsmanship by the Jasper County Attorney.

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**David L. Tedder**

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**Date**

P.O. 2026-00000 188



Exhibita A

Custom Quotation For:  
JASPER COUNTY SHERIFF'S OFFICE

Personal Contact:  
MICHAEL ATWOOD

1300 BLUFF ROAD COLUMBIA, SC 29201  
PHONE# 877-799-7860 WEBSITE: [WWW.LEETRANSPORT.NET](http://WWW.LEETRANSPORT.NET)

Quote # JG-07232025-B-1  
Date: 8/4/2025  
Phone #

PRICING:

SC STATE CONTRACT FOR TRAILERS 4400031296

FURNISH ONLY:

ENCLOSED 8.5' X 28' CARGO TRAILER WITH (2) ROOF MOUNTED A/C UNITS  
2-5/16" BALL COUPLER, REAR RAMP DOOR, PASSENGER SIDE ACCESS DOOR  
GRAY ALUMINUM EXTERIOR COLOR, 6.5' INTERIOR HEIGHT, (2) 5.2K AXLES (9,950 GVWR)  
WITH ALL OPTIONS LISTED BELOW:

Options:

29 2310	LUAN CEILING LINER (LFT)	\$ -
1 2312	NOSECAP & REAR HEADER ENCLOSURE	\$ -
29 2320	INSULATED WALLS 16" CENTERS (LFT)	\$ -
29 2315	INSULATED CEILING 24" CENTERS (LFT)	\$ -
1 5628	HERCU 828HT 6.5' S/W HGT	\$ -
1 4992	POLYCOR EXTERIOR COLOR UPGRADE	\$ -
1 4013	8.5' WIDE RAMP DOOR PACKAGE 6.5' SW	\$ -
4075	RAMP DOOR W/FLAP 8.5' WIDE (6.5SW)	\$ -
6044	RECESSED FLOOR 5000# D-RING-INSTALL	\$ -
1 4738	ELECTRICAL PACKAGE B	\$ -
2415	30 AMP 110V BREAKER BOX WITH LIFELINE	\$ -
2405	LED LIGHT 110V	\$ -
2420	RECEPTACLE 110V (INTERIOR)	\$ -
2425	RECEPTACLE 110V W/GFI (EXTERIOR)	\$ -
2430	WALL SWITCH (110V)	\$ -
1 2419	50 AMP BOX IPO 30 AMP BOX	\$ -
2 4882	ROOF AIR-15,000 BTU	\$ -
2 4981	HEAT STRIP FOR A/C	\$ -

FOB LEE TRANSPORT EQUIPMENT - 1300 BLUFF RD. COLUMBIA, SC 29201

SALES TAX WILL APPLY UNLESS TAX EXEMPT

Quoted prices good for 30 days.  
Payments over \$3,000 made on a card will incur a 3% processing fee.

Customers chassis covered with primary coverage insurance while  
in the care and the custody of L.T.E. Product Liability insurance carried.

Chassis: CA: Paint:

Other Data:

Tax Exempt No Terms: Delivery Date:  
Accepted By Date:

Net Price: \$ 23,850.00  
Discount:  
State Sales Tax:  
Total Price: \$ 23,850.00

Lee Transport Equipment, Inc.  
JILL GLOVER



FOR INFORMATION ONLY

## TOTAL TRAILERS

Landry Moore  
573-545-3065 ext.200



Trailer to comeplete 6/6/25

## 24' Command / Response Trailer w/ Generator

Stock#: 2201070	Year: 2025	Manufacturer: Total Trailer
Width: 102" or 8'6"	Length: 288" or 24'0"	Height: 84" or 7'0"
Weight: 5950	GVWR: 9990	Payload: 4040
Color: WHITE	#Axles: 2	Axle Capacity: 5200.00
URL: <a href="https://totaltrailers.com/24-command-response-trailer-w-generator-NGKp.html">https://totaltrailers.com/24-command-response-trailer-w-generator-NGKp.html</a>		

Price	\$85,000.00
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Freight to 29936: \$1,450

## Description

Total: \$86,174.00

### 8.5 x 24 Command / Response Trailer

AXLE - 5200# - TORSION - EZ LUBE HUBS - ELECTRIC BRAKES  
AXLE SPACING - SPREAD AXLE  
ALL TUBE CONSTRUCTION  
COUPLER - A-FRAME - 2-5/16" - 10,000#  
CROSS MEMBERS - FLOOR - 16" O/C  
CROSS MEMBERS - ROOF - 16" O/C - 1" X 3"  
CROSS MEMBERS - WALL - CS - 16" O/C - 1" X 1.5"  
CROSS MEMBERS - WALL - RS - 16" O/C - 1" X 1.5"  
FLOOR DESIGN - FLAT  
FRAME - 5"  
FRAME - FULL PERIMETER - ALUMINUM  
FRAME PROTECTION - SKID PLATES  
FRAME PROTECTION - BOGEY WHEELS  
FRONT DESIGN - FLAT  
TANK - FUEL - GAS - 24 GALLON - END FILL - IN FRAME  
JACK - TONGUE - TOP WIND - 5000# - ZINC  
JACK - STABILIZER - SCISSOR - 24" - 5000#  
TIRE/WHEEL - ST225/75R15/LRE - RADIAL ON ALUMINUM - W/STAINLESS STEEL LUGNUTS  
SPARE TIRE/WHEEL - ST225/75R15/LRE - RADIAL ON ALUMINUM  
TONGUE - EXTENDED TRIPLE TUBE - 12"  
FRAMING - BATHROOM - S2 - SIDE WALL  
TRUCK PLUG - 7 WAY - BUMPER PULL  
AWNING - 12V WITH ALUMINUM WEATHERSHIELD - 21' - POLAR WHITE - ONYX VINYL FABRIC  
AWNING CENTER SUPPORT CRADLE  
EXTERIOR ALUMINUM - STANDARD COLOR  
COLOR: POLAR WHITE  
EXTERIOR FASTENER - SCREWLESS

EXTERIOR ALUMINUM THICKNESS - .030  
FENDERETTES - AL  
GRAVEL GUARD - ATP - 24" - WITH J RAIL  
ROOF - ONE PIECE - ALUMINUM  
TRIM - VERTICALS - FRONT & TOP RADIUS - STAINLESS STEEL W/ CAST CORNERS - POLISHED  
TRIM - HEADER - REAR - COLOR MATCHED  
TRIM - VERTICALS - REAR - COLOR MATCHED  
TRIM - RUB RAIL - UPPER - ALUMINUM - 4"  
TRIM - RUB RAIL - LOWER - ALUMINUM - 7"  
VENT - ROOF - 12V  
WINDOW - EGRESS W/ SLIDER AND SCREEN - 36"W X 24"H - ROADSIDE  
WINDOW SHADE - DAY/NIGHT - 38"W X 26"H - WHITE  
USED FOR: WINDOW - EGRESS W/ SLIDER AND SCREEN - 36"W X 24"H - ROADSIDE  
WINDOW - SLIDER W/ SCREEN - 36"W X 24"H - CURBSIDE  
WINDOW SHADE - DAY/NIGHT - 38"W X 26"H - WHITE  
USED FOR: WINDOW - SLIDER W/ SCREEN - 36"W X 24"H - CURBSIDE  
WINDOW - SLIDER W/ SCREEN - 36"W X 24"H - ROADSIDE  
WINDOW SHADE - DAY/NIGHT - 38"W X 26"H - WHITE  
USED FOR: WINDOW - SLIDER W/ SCREEN - 36"W X 24"H - ROADSIDE DOORS  
DOOR - REAR RAMP - PREMIUM - CONTINUOUS ALUMINUM HINGE - 2400# RATED MAX LOAD - 4000#  
RAMP DOOR EXTERIOR - REAR - COLOR MATCHED  
TRANSITION FLAP - TPO - GRAY COIN - 16"L  
RAMP DOOR FLOORING - REAR - TPO - GRAY COIN  
DOOR LATCH - BAR LOCK - ALUMINUM  
HASP - STAINLESS STEEL - FOR CAM BARS/BAR LOCKS ON RAMP DOOR  
DOOR - ENTRANCE - 405 SERIES - 36" X 78" - FMVSS LOCK  
GAS SHOCK ON ENTRANCE DOOR  
STEP - SLIDE IN/OUT - NON-SLIP GRID - ALUMINUM - 36"  
DOOR ACCESSORIES - ADD TINTED WINDOW TO ENTRANCE DOOR  
DOOR - FUEL - CAST ALUMINUM - LOCKABLE  
INTERIOR HEIGHT - 7.5'  
CABINET CONFIGURATION - BATHROOM  
CABINET COLOR: POLAR WHITE  
CABINET - ALUMINUM - VANITY - W/ ALUMINUM COUNTER TOP  
CABINET - ALUMINUM - LINEN CLOSET  
BATHROOM HARDWARE  
MIRROR - 16"W X 20"H  
INTERIOR CEILING - SCREWLESS ALUMINUM  
COVE COLOR: POLAR WHITE  
CEILING COLOR: POLAR WHITE (STANDARD)  
SPRING BOX COLOR: POLAR WHITE  
INSULATION - CEILING - FIBERGLASS BATTEN - R-11  
INTERIOR WALLS - SCREWLESS ALUMINUM - OVER PLYWOOD - 3/8"  
WALL COLOR: POLAR WHITE (STANDARD)  
SAME MATERIAL IN BATHROOM AREA  
INSULATION - WALLS - EPS - 1" - R-3  
BUBBLE FOIL R-0 INSULATION BETWEEN WALL CROSS MEMBERS WHERE WIRING PRESENT  
NOT RECOMMENDED FOR EXTREME HOT OR COLD TEMPERATURES  
FLOORING - TPO - GRAY COIN24  
FIRE EXTINGUISHER - 2.5# BC  
SMOKE DETECTOR  
CO DETECTOR  
SOFA - FOLD UP SLEEPER - 7' - BLACK  
D-RINGS - 5000# - RECESSED  
WHEEL BOX - SMOOTH AL  
ELECTRICAL  
BATTERY - 12V AGM (930 CA, 775 CCA)

BATTERY - 12V AGM (930 CA, 775 CCA)  
BREAKER BOX - 50 AMP - 120V ONLY - 60 AMP CONVERTER - 12V FUSE PANEL - INTELI-POWER UNIT  
SWITCH - POWER CUT-OFF - MANUAL - 12V  
POWER INLET - MOTORBASE - 50A - W/ SHORE CORD - 25'  
LIGHT - SCENE - LED - HIGH OUTPUT - 12V - NON-RECESSED - 7" X 3" - CHROME BEZEL  
SWITCH - WALL - 12V  
RECEPT - INTERIOR - 120V - 15A  
GFCI PROTECTED WHERE REQUIRED BY CODE  
RECEPT - EXTERIOR - 120V - 15A - GFI PROTECTED  
RECEPT - INTERIOR - 120V - 15A  
LIGHT - DOME - LED - 12V - NON-RECESSED  
SWITCH - WALL - DIMMER - 12V  
LIGHT - RECTANGULAR - LED - 14" - 12V - SURFACE MOUNT  
SWITCH - WALL - 3 WAY - 12V  
USED FOR: LIGHT - RECTANGULAR - LED - 14" - 12V - SURFACE MOUNT  
SWITCH - RELAY - 12V - 30A  
LIGHT - DOME - LED - 12V - NON-RECESSED  
SWITCH - WALL - 12V  
USED FOR: BATHROOM LIGHT  
GENERATOR - COMMERCIAL - 7.0 KW ONAN - GAS - (120V / 240V)  
REMOTE START  
FUEL GAUGE  
GENERATOR COMPARTMENT - TONGUE MOUNTED - ATP  
EXPANDED METAL ON FLOOR OF COMPARTMENT  
INCLUDES 405 SERIES DOUBLE DOORS - VENTED  
INCLUDES GALVANIZED LINER FOR FRONT WALL OF TRAILER ONLY  
GEN BOX & DOORS BUILT TO FIT SPECIFIC SIZE OF GEN  
TRANSFER SWITCH - AUTO - 50A  
MICROWAVE - 0.9 CU. FT. - 900W - OVEN  
INCLUDES: 20A RECEPT - DEDICATED - 120V  
ELECTRONICS  
TV ANTENNA PREP  
OMNIDIRECTIONAL DIGITAL ROOF MOUNT ANTENNA  
12V INPUT SWITCH  
EXTERIOR COAX CABLE INLET  
16" X 14" WALL BACKER PLATE FOR TV MOUNT  
SINK - SINGLE BOWL - OVAL - STAINLESS STEEL - 13.25" X 10.5" X 5" - W/ FAUCET  
PLUMBING - THREE SEASON - HEATERS - (3) TANK AND LINE SYSTEM  
TOILET - RV STYLE  
TANKS NOT INCLUDED  
SEWER HOSE AND HOLDER - 10'  
WATER - CITY AND GRAVITY FILL  
WATER PUMP - 3.0 GPM - 12V - W/ WINTERIZING TAP  
TANK - WATER - FRESH - 48 GALLON  
TANK SIZE MAY VARY BASED ON LOCATION OF TANKS  
TANK - WATER - BLACK - 42 GALLON  
TANK SIZE MAY VARY BASED ON LOCATION OF TANKS  
MONITOR PANEL - 2 TANK, BATTERY, WATER PUMP SWITCH - WHITE  
HEATING & AIR CONDITIONING  
A/C W/ HEAT STRIP - 13,500 BTU - LOW PROFILE - 10.5" - WHITE - W/ MANUAL CONTROLS  
HEATER - WALL MOUNT - 120V - 1500W - 5120 BTU - ELECTRIC - CHROME GRILL  
CABINET - ALUMINUM - LOWER - ALUMINUM COUNTERTOP - 40"H X 24"D  
CABINET - ALUMINUM - UPPER - 18"H X 14"D - W/ RADIUS LOWER EDGE - TOP HINGED DOORS AND GAS  
COUNTERTOP - LAMINATE - FLIP UP - 112W X 24"D  
REFRIGERATOR - 4.3 CU. FT.-120V ONLY  
INSTALLED IN BASE CABINET - NOT INCLUDED  
INCLUDES DEDICATED 15 AMP RECEPT

19.92"W X 32.91"H X 22"D

SPARE TIRE MOUNT - UNDER FRAME - SLIDEOUT



## Trailer Ranch LLC

1370 Five Chop Rd

Orangeburg, S.C. 29115

803-747-2793

### BILL OF SALE

Jared Phillips  
US

Customer code  
Email  
Phone

Jared-4W3B  
jphillips@jaspercountysc.gov  
843-540-5372

### Quote #586

1 May 2025 12:14pm | Trailer Ranch LLC

Served by: Meta Williams

Register: Main Register

1	Forest River CargoMate 8.5x28 (330867) Disc: 6.074% / \$1,584.50 off	@ \$24,500.00	\$24,500.00 <del>\$24,084.50</del>
1	A/C Install	@ \$1,800.00	\$1,800.00
	Subtotal		\$26,300.00
	Total Tax (s.c. sales tax, 7%)		\$1,841.00
TOTAL 2 items			\$28,141.00
TOTAL SAVINGS			\$1,584.50
TO PAY			\$28,141.00

THANK YOU SO MUCH FOR YOUR BUSINESS! WE HOPE YOU HAVE A WONDERFUL DAY!!

\_\_\_\_\_ PO

## NEW 2025 Forest River 8.5x28 Car / Racing Trailer



[Previous](#)[Next](#)











Sales Price **\$24,500**

~~MSRP: \$28,091~~

~~PRICE: \$28,091~~

**SAVINGS: \$3,591**

**TOTAL SAVINGS: \$3,591**

Sale

Stock #: 330867

Location: Orangeburg, SC

Status: Available

(803) 747-2793 Request Info [Print](#)

## UNIT SPECS

### Description Details

8.5x28 Race Trailer

On sale for \$24,500.00

Reg price is \$28,000.00

Lenders available for financing

2-5200# 6-lug axles

10400# GVWR

Pewter in color

Spread Tandem Axle

Cabinet Pkg

Finished Int

Wet Sound System Inside and out

Carpeted 36" up

LED lighting inside and out

Financing Available!!!

MSRP is \$28,091.00

Call 803-747-2793 for more info

# AGENDA

## ITEM # 10

**STATE OF SOUTH CAROLINA  
JASPER COUNTY**

**RESOLUTION NUMBER R-2025-51**

**RESOLUTION OF JASPER COUNTY COUNCIL**

**RESOLUTION** finding that normal daily operations of the Jasper County Clerk of Court are affected by the necessity for the expedient installation and replacement of door locks and an alarm system at the Courthouse and that normal daily operations at the Levy-Limehouse Community Center are affected by the necessity for the expedient installation and replacement of a fire alarm/suppression system and pursuant to Section 2-412 of the Jasper County Code of Ordinances which allows for emergency procurement where normal daily operations are affected, and authorizing the County Administrator or his designee to execute the necessary documents to obtain the services on behalf of Jasper County, and matters related thereto.

**WHEREAS**, the necessity for the expedient installation and replacement of door locks and an alarm system at the Jasper County Courthouse to correct a life safety situation and to further prevent the closure of the building by the Ridgeland Fire Marshall has or will affect the normal daily operations of the Courthouse; and

**WHEREAS**, the necessity for the expedient installation and replacement of the fire alarm/suppression system at the Levy-Limehouse Community Center which was delayed because of the sale of the original alarm system company to another company and the assumption of the contract by the new company has affected the normal daily operation of the Levy-Limehouse Community Center; and

**WHEREAS**, immediate procurement for the installation and replacement of the door locks and alarm system is imperative to the normal operation of the Jasper County Courthouse, as well as the prevention of a potential threat to employees and to public safety; and

**WHEREAS**, immediate procurement for the installation and replacement of the fire alarm/suppression system is imperative to the normal operation of the Levy-Limehouse Community Center, as well as the prevention of a potential threat the public safety; and

**WHEREAS**, Section 2-412 of the Jasper County Code of Ordinance provides the chief purchasing officer, with the concurrence of the county administrator, may make or authorize others to make emergency procurement where normal daily operations are affected; and

**WHEREAS**, it is the opinion of the Jasper County Clerk of Court and the chief purchasing officer with the concurrence of the county administrator, that emergency procurement of the change out of door locks and the installation and replacement of the alarm system is imperative to the normal daily and safe operation of the Jasper County Courthouse; and

**WHEREAS**, it is the opinion of the Jasper County Parks and Recreation Director, the Jasper County Information Technology Director and the chief purchasing officer with the concurrence of the county administrator, that emergency procurement of the installation and replacement of the alarm system is imperative to the normal daily and safe operation of the Jasper County Levy-Limehouse Community Center; and

**NOW THEREFORE, BE IT RESOLVED** by Jasper County Council, in the council duly assembled and by the authority of the same that Jasper County Council hereby is of the belief and finds that it is in the best interest of the County and its citizens to approve the requested emergency procurement as provided in the Jasper County Purchasing Ordinance as follows:

- Jasper County Courthouse replacement and installation of door locks not to exceed \$10,000 with funds from Contractual Services budget line item 83-5095, and
- Jasper County Courthouse replacement and installation of alarm system not to exceed \$13,200 with funds from Contractual Services budget line item 83-5095, and
- Jasper County Levy-Limehouse Community Center replacement and installation of fire alarm/suppression system not to exceed \$13,000 with funds from Park Development line item 78-5040; and

**FURTHER RESOLVED**, the County Administrator or his designee is authorized to execute contract and/or purchase documents as are customary and usual; and

**SIGNATURES FOLLOW**

This Resolution No. R- 2025-51 made this 18th day of August, 2025.

---

**John A. Kemp**  
**Chairman**

**ATTEST:**

---

**Wanda H. Giles**  
**Clerk to Council**

Reviewed for form and draftsmanship by the Jasper County Attorney.

---

**David L. Tedder**

---

**Date**

FOR INFORMATION ONLY

Ship To

Jasper County Clerk of Court  
265 Russell Street  
Ridgeland, SC 29936

Bill To

Jasper County Clerk of Court  
P.O. Box 248  
Ridgeland, SC 29936

**Purchase Order**  
No. 2025-00001220

DATE 07/07/2025

VENDOR 1140 - BRADLEY LOCK & KEY SHOP

**Reprint Purchase Order**

Contact

BRADLEY LOCK & KEY SHOP  
24 STATE ST., EAST  
SAVANNAH, GA 31401-0000

PURCHASE ORDER NUMBER MUST APPEAR ON  
ALL INVOICES, SHIPPERS, BILL OF LADING AND  
CORRESPONDENCE

DELIVER BY  
SHIP VIA  
FREIGHT TERMS

PAGE 1 of 1

ORIGINATOR: Robert Horton

REFERENCE #

QUANTITY	UNIT	DESCRIPTION	STATUS	UNIT COST	TOTAL COST
1.0000	Each	Update Locks at Courthouse, COC - Update Locks at Courthouse, COC 010-063-2405 - CONTRACTUAL SERVICES 10,320.00  Total Cost \$10,320.00 Amount Voided \$0.00 Amount Expensed \$0.00 Amount Encumbered \$10,320.00 Amount Discounted \$0.00 Amount Remaining \$10,320.00	Open	10,320.0000	\$10,320.00
SUBTOTAL					\$10,320.00
SALES TAX					\$0.00
TOTAL DUE					\$10,320.00

*Kimberly Burgess*

Special Instructions



## Estimate

BRADLEY LOCK AND KEY

24 E State Street

Savannah, GA 31401

912-232-2148

bradleyslockandkey@gmail.com

INVOICE NUMBER	PO	DATE
	2025-00001220	05/28/25

Name: Jasper County

Address:

Phone:

Email:

QUANTITY	DESCRIPTION	UNIT PRICE	Total
(1)	Service Charge - Ridgeland, SC	\$130.00	\$130.00
(4)	Trilogy Keypad locks - single sided commercial grade. Supplied and installed	\$800.00	\$3,200.00
(2)	Amsec Keypad Safe locks - converting old mechanical to electronic. Requiring plate to be built	\$450.00	\$900.00
(3)	Panic Hardware Trims with LSA Cylinders supplied and installed on existing panic hardware	\$395.00	\$1,185.00
(8)	Grade 2 Levers in 26D with 2 3/4" backset supplied and installed	\$140.00	\$1,120.00
(3)	LSA Mortise Cylinders 1 1/2" supplied and installed	\$110.00	\$330.00
(2)	Double cylinder deadbolts Grade 2 with LSA Cylinders. Supplied and installed	\$140.00	\$280.00



(5)	Passage Levers in 26D with 2 3/4" backset supplied and installed	\$125.00	\$625.00
(30)	LSA cylinders in 26D supplied and installed - keyed to customers keying system	\$85.00	\$2,550.00
	<b>Total Amount:</b>		<b>\$10,320.00</b>

  
 063-2905

\* 35% Tille IVD  
 \$ 3,612<sup>00</sup>  
 PD # 2025-0001220



# SOUTHEASTERN SYSTEM TECHNOLOGIES

May 28, 2025

Jasper County Courthouse  
265 Russell Street  
Ridgeland, SC 29936

Project: Fire Alarm System Smoke Detector Relocation and installation

## QUOTATION

We are pleased to provide the following quotation for the relocation and installation of the courtroom smoke detectors.

Scope:

- Relocate (6) ceiling mounted smoke detectors bases from above the lighting fixtures.
- Install (6) new Notifier FSP-951\_IV smoke detectors in new locations.
- Provide testing and certification of new devices.

Included:

- (6) Notifier FSP-951-IV Smoke Detectors
- Scaffold and scaffold installation

**Total Project Price \$5,960.00**

**\* Terms and Conditions:**

1. Southeastern System Technologies is hereinafter referred to as "Southeastern".
2. Net of our invoices is due within 30 days with approved credit.
3. This quotation is valid for 30 days from the quote date.
4. Issuance of notice to proceed, contract, purchase order or verbal agreement constitutes full agreement and acceptance of this quotation, and its terms and conditions shall prevail over any other verbal or written agreement, purchase order or contract.

---

*Equal Opportunity Employer*

Prepared By: Sean Clark, Branch Manager

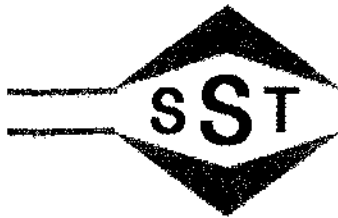
By signing below, I accept the above written quotation:

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_

#063-2405



# SOUTHEASTERN SYSTEM TECHNOLOGIES

May 28, 2025

Jasper County Courthouse  
265 Russell Street  
Ridgeland, SC 29936

Project: Intrusion System

## QUOTATION

We are pleased to provide the following quotation for the installation of a Honeywell commercial wireless intrusion system for your property. This proposal provides for a turn-key installation.

### Included:

- (1) Honeywell Vista-128BPT Commercial Burglar Alarm
- (1) Telguard TG-4 Commercial Cellular Communicator
- (2) Honeywell 6160RF Alpha Numeric keypads
- (1) Honeywell 5881ENM Wireless Receiver
- (6) Honeywell 56816 Commercial Wireless Door Contacts
- (5) Honeywell 5800PIR-COM Commercial Motion Detectors
- (1) ADI OE-OUTDSIREN Exterior Siren
- (2) Power Sonic PS-1270 Batteries
- (Lot) West Penn 25244 Plenum Cable
- (Lot) Installation, programming and testing
- (Lot) Demo of existing intrusion system equipment.

**Total Project Price \$6,226.00**

### \* Terms and Conditions:

1. Southeastern System Technologies is hereinafter referred to as "Southeastern".
2. Net of our invoices is due within 30 days with approved credit.
3. This quotation is valid for 30 days from the quote date.
4. Issuance of notice to proceed, contract, purchase order or verbal agreement constitutes full agreement and acceptance of this quotation, and its terms and conditions shall prevail over any other verbal or written agreement, purchase order or contract.

*Equal Opportunity Employer*

Prepared By: Sean Clark, Branch Manager

By signing below, I accept the above written quotation:

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_

*Robert Keith Horton - Clerk of Court*

*063-2405*

**RIDGELAND, SC**

JASPER COUNTY VOUCHER

**DATE:** July 28th 2025

**REMIT TO:**

## Alarm, Fire & Security

**PO Box 7972**

**Hilton Head Island, SC 29938**

ACCT. N 078-5040 PO # 142

	Total of project is \$12,629 for Levy Center		
	Per Earl Bostick authorization		
	Deposit requested is \$2,752		
TOTAL	\$9,877 remaining		



078-5040

PO 142

2026 Fiscal Yr.

Date: **TUESDAY, JULY 1ST 2025** Proposal: **2025.2.142**  
Customer: **Jasper County Rec. Dep.** Ref: **Replace Fire Alarm**  
**358 Third Avenue, Ridgeland SC 29936**  
Location: **470 Mitchell's Ct, Hardeeville SC 299927**  
Project Title: **Levy Limehouse Community Center Fire Alarm Replacement**

**Scope of Work**

AFS is pleased to submit the proposal to provide the materials and labor for demolition of the existing fire alarm system and installation of a new code compliant system. This will include the installation of pathways, backboxes, wiring, field devices, and FACP.

**General Notes & Exclusions**

This proposal is for the work described above, any additional work will be performed with additional costs agreed to in advance.

EXCLUSIONS: Any and all Fire Watch regardless of situation. Any 120VAC work. Any Duct Detectors. Any BDA system. This proposal excludes overtime costs, all work will be completed during normal business hours.

**Proposal Price**

**Alarm, Fire & Security, LLC is pleased to provide this proposal for your consideration in the amount of**  
**TWELVE THOUSAND SIX HUNDRED AND TWENTY NINE DOLLARS \$ 12,629**  
**for the installation of the system(s) for the project at the above referenced property.**

50% down at signing \$2,752 ✓ 50% upon turnover \$6,315  
The above \$2,752.00 reflects the \$3563.00 already deposited by the customer for this project (\$6315 - \$3563 = \$2752)

All system components furnished by AFS will include a limited warranty in accordance with the applicable manufacturer's period, including labor are warranted for a period of one (1) year, unless otherwise specified, against all defects in equipment manufacturing and workmanship. Limited warranty excludes acts of God, fire, vandalism, theft or damages by unauthorized or unqualified personnel. This quotation shall remain firm for a period of thirty (30) days from the proposal date, price is based upon delivery of equipment, materials and labor within (1) year from date of acceptance.



## ALARM, FIRE & SECURITY

POST OFFICE BOX 7972 HILTON HEAD ISLAND SC 29928  
PH 843 842 6100

### Terms and Conditions

Customers will be required to establish an account for payment arrangements and will be contacted by our accounting department prior to commencement of work. Upon the award of a contract or purchasing agreement resulting from the acceptance of this proposal, as submitted or revised, the purchaser agrees to be solely responsible for all charges and expenses contained therein, including changes to the contract scope ordered by purchaser. Payments shall be invoiced and due (30) days from date of invoice in accordance with the terms and conditions as mentioned above. Failure to pay any and all invoices, as submitted, the company reserves the right to withdraw our labor, materials, tools and/or withhold any materials not previously paid for from the site and withdraw from the project until the account is satisfied.

Pricing is limited to the equipment or materials pertaining to the installation of system as listed in the scope of work. Any alterations or requested quantities greater than agreed upon must be presented in writing to AFS and are subject to price increases based on the additional devices installed. Upon notice to the customer with documentation provided, pricing for products may be adjusted to reflect an increase in cost of raw goods and materials. Unless set forth in the scope of work customer agrees to coordinate high voltage wiring, connections or terminations to equipment or devices. Electrical permits, associated PE approval and additional fees are not included unless listed in the "scope of work". The provided price assumes that building plans or CAD files are attainable, in the event they are unavailable a separate price will be provided for design, unless specifically referenced in the scope of work. Any reference to monitoring is included for pricing purposes and are pursuant to a contract agreement. If agreement extends beyond (1) year, customer acknowledges AFS may increase pricing upon notice. Unless specifically stated in the scope of work AFS is not responsible to inspect for compliance with laws or regulations unless specifically stated in the scope of work. The customer acknowledges that additional costs may occur upon Authority Having Jurisdiction requiring additional equipment or services are to be provided. Customer will be notified of any additional equipment or devices found defective during repairs/ installation not listed in the Scope of Work will be notified separately and submitted for approval prior to any work.

AFS shall have the right to change or make substitutions provided that system performance will not be affected. AFS shall abide by OSHA rules and regulations to ensure a safe work environment. Unless given notification prior to this agreement, customer acknowledges that hazardous materials or conditions do not exist in areas of work including permit confined space, toxic materials or asbestos. Unless specifically explained in this agreement, customer shall be responsible for testing or disposal of hazardous materials with exception to equipment or device related to proposed systems. AFS has the right to postpone all work if hazardous conditions exist until working areas are discovered safe or made safe by customer.

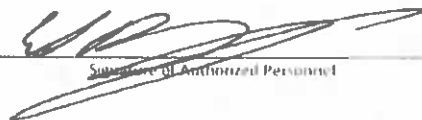
Customer Acknowledges that all work to be performed by AFS shall be during normal business hours between 7:00 am to 5:00 pm Monday through Friday excluding company holidays. General Liability insurance policies in excess of \$5,000,000.00 is not included in this proposal. Customer agrees to provide AFS with access to all areas of the facility for the equipment related to Systems for the repair or installations. Any delays or interference cause by inaccessibility or other trades, customer shall be responsible for additional cost. Customer is to provide, if need, a secured staging area or adequate space for storage of project related materials, tools and equipment. This agreement assumes the systems covered equipment or devices are in maintainable and working condition. This project is not intended to limit our right to terminate services for any other legitimate reason but is merely intended to notify purchaser of our right to terminate in the event purchaser fails to abide by the terms of this agreement.

The above \$2,752.00 reflects the \$3563.00 already deposited by the customer for this project (\$6315 - \$3563 = \$2752)

Sincerely,

Jim Blandin

[jimb@afshhi.com](mailto:jimb@afshhi.com)



Signature of Authorized Personnel

Printed Name of Authorized Personnel

7/24/25

Date

Date



# Jasper County Fire-Rescue

## Office of the Fire Marshal

P.O. Box 1509, Ridgeland, SC 29936  
Office: (843) 726-7607 Fax: (843) 726-7966

03/13/24

### Levy Limehouse Community Center

470 Mitchells Ct  
Hardeeville, SC 29927

**Inspection #** 3679

**Inspection Type:** Annual/Periodic

**Property #:** 8000077

**Occupancy Type:** Assembly

### Building Services

Regulation	Violation	Due Date
1) 2018 IFC Chapter 6 Section 604	Emergency lighting tested	03/29/24

#### Compliance

Emergency illumination shall be provided in utility rooms, sprinkler rooms and around electrical panels

2) 2018 Chapter 6 Section 607	Commercial cooking hoods cleaned and tagged by qualified individuals	03/29/24
-------------------------------------	--	----------

#### Compliance

Commercial cooking hoods shall be cleaned, inspected and maintained with table 607.3.3.1

### Fire Protection

Regulation	Violation	Due Date
3) 2018 IFC Chapter 9 Section 907	Fire Alarm System	03/13/24

#### Compliance

Fire alarm systems shall be maintained, tested and monitored

**Inspector Remark:** Could not find panel

**Contact:**

**Phone:**

**Email:**

---

## Fire Service Features

Regulation	Violation	Due Date
4) 2018 IFC Chapter 5 Section 506	Knox box required	03/29/24
<b>Compliance</b> An approved key box, know as a Knox Box shall be installed <b>Inspector Remark:</b> Knoxbox.com		

---

## Means of Egress

Regulation	Violation	Due Date
5) 2018 IFC Chapter 10 Section 1031	Exits are free from obstructions/impediments	03/29/24
<b>Compliance</b> <b>Inspector Remark:</b> Difficult to open back door		
6) 2018 IFC Chapter 10 Section 1004	Occupant load is posted in Assembly occupancies	03/29/24
<b>Compliance</b>		

---

Contact:

Phone:

Email:



## Inspection History

Inspection Date	Status	Inspected By
02/28/24	Violations Found	Inspector Fields



Jasper County Fire-Rescue  
Morgan Fields  
Fire and Life Safety Inspector

1800 Gray Hwy  
Ridgeland, SC 29936  
mfields@jaspercountysc.gov

Office: 843-726-7607  
Cell Phone: 843-626-6174



Jasper County Fire-Rescue  
David Scheuener  
Fire Marshal

P. O. Box 1928  
1219 Gray Hwy  
Ridgeland, SC 29936  
dscheuener@jaspercountysc.gov

Cell: 843-626-4527  
Office: 843-726-7607  
Fax: 843-726-7685

### Inspector Fields

#### Legal penalties for failing to comply or correct violations or conditions:

The contents of this report provide notice of violations observed through the inspection process. All noted code violation (s) are to be corrected within 30 days of Notice or by the re-inspection date provided. If the noted violation (s) are not corrected within the provided timeframe, a subpoena or County Summons may be issued for you to appear before the Jasper County Magistrate Court.

Under Jasper County Ordinances the violation is not corrected or removed within thirty (30) days, the owner or responsible party, "is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. No fine imposed pursuant to this chapter may be suspended to less than \$250.00. No sentence of imprisonment imposed pursuant to this chapter may be suspended." (Sec. 10-30, Ord. No. 17-09, § 4, 5-1-17)

#### To appeal Violations Notices related to Fire Inspection for Violations of Fire Code:

Per South Carolina Code of Laws §23-9-70: Such occupant or owner may, within thirty days, appeal to the State Fire Marshal, who shall, within ten days of receiving notice of the appeal, during which time the order appealed from shall be stayed, review the order and file his decision. The appeal period shall not be allowed if the building or any other structure is deemed to be an imminent danger pursuant to Section 23-9-160. A person who feels himself aggrieved by any order or affirmed order of the State Fire Marshal may, within thirty days after the making or affirming of such order, appeal to an administrative law judge, as provided under Article 5, Chapter 23, Title 1, for review of such order and it shall be heard at the first convenient day. In the event a final order entered pursuant to this chapter is not complied with within a period of thirty days from date of service of such final order then the State Fire Marshal shall cause the hazard to be remedied by repair or demolition, and all offensive materials and dangerous conditions removed, at the joint and several expense of the occupant or owner of such building or premises.

#### To appeal Violations noticed related to Code Compliance Enforcement:

Per Jasper County Ordinance Section 10-32: The responsible person, owner or occupant, or the lien holder of the property aggrieved by a finding of public nuisance or other decision or assessment by the compliance official may appeal the decision by written request stating the reasons therefore, filed with the compliance official within ten days after service by certified mail or personal service of the notice of public nuisance or other decision or assessment. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this Code does not apply, the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause undue hardship.

For additional information or questions, contact the Office of the Fire Marshal at 843-726-7607

Contact:

Phone:

Email:

AGENDA

ITEM # 11

SOUTH CAROLINA

)

A RESOLUTION

)

JASPER COUNTY

)

**COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF *AD VALOREM* TAXES AGREEMENT BETWEEN JASPER COUNTY AND CCBCC OPERATIONS, LLC; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO**

WHEREAS, Jasper County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“Act”) to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”) with respect to economic development property, as defined in the Act;

WHEREAS, CCBCC Operations, LLC, an entity whose name cannot be publicly disclosed at this time (“Sponsor”), desires to invest capital in the County in order to expand its distribution facility in the County (“Project”);

WHEREAS, the Project is anticipated to result in an investment of approximately \$7,400,000 in taxable real and personal property; and

WHEREAS, as an inducement to the Sponsor locate the Project in the County, the Sponsor has requested that the County negotiate an agreement (“Agreement”), which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property, as defined in the Act.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

**Section 1.** This Resolution is an inducement resolution for this Project for purposes of the Act.

**Section 2.** County Council agrees to enter into the Agreement, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property. The further details of the FILOT Payments and the agreement will be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

**Section 3.** County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

**Section 4.** This Resolution is effective after its approval by the County Council.

RESOLVED: \_\_\_\_\_

JASPER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair, Jasper County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk to County Council

# AGENDA

## ITEM # 12

**STATE OF SOUTH CAROLINA, COUNTY OF JASPER**  
**ORDINANCE # 2025-\_\_\_\_\_**

**AN ORDINANCE OF JASPER COUNTY COUNCIL TO AMEND THE JASPER COUNTY CODE OF ORDINANCES TO ESTABLISH PENALTIES, AUTHORIZE THE ENFORCEMENT OF THE CODE, AND OTHER MATTERS RELATED THERETO BY AMENDING THE FOLLOWING CHAPTERS: CHAPTER 1 GENERAL PROVISIONS; CHAPTER 3 ANIMALS; CHAPTER 4 ALCOHOLIC BEVERAGES; CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS; CHAPTER 8 BUSINESSES; CHAPTER 9 CIVIL EMERGENCIES; CHAPTER 10 NUISANCES, JUNKYARDS, NOISE, AND LITTER; CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS; AND CHAPTER 25 STREETS, SIDEWALKS, AND PUBLIC PLACES**

**WHEREAS**, the Jasper County Council (“*County Council*”) periodically reviews the Jasper County Code of Ordinances (the “*Code*”) for continued relevance, compliance with federal and state regulations, and potential adjustments that are necessary as Jasper County (“*County*”) continues to grow; and,

**WHEREAS**, the County Council recognizes that portions of the Code may from time to time become invalid or no longer applicable, or may need enhancement or revision in order to address the needs of the County; and,

**WHEREAS**, the County has experienced an increase in population and development amend the Code to address issues concerning the ability for the County to enforce the Code and obtain the desired compliance; and,

**WHEREAS**, pursuant to the powers and authorities granted to counties under Home Rule Act of 1975, and specifically Title 4, Chapter 9 of the Code of Laws of South Carolina, counties may establish agencies, departments, and positions in the county in accordance with § 4-9-30 of the Code of Laws of South Carolina “as may be necessary and proper to provide services of local concern for public purposes”; and,

**WHEREAS**, County Council, upon review and recommendation of its administrative staff and outside legal counsel has determined that these and related matters require that the Code be updated to create an alternative civil process through creation and adoption of an Administrative Citation process, provide for a more uniform process for administering and enforcing provisions of the Code, provide for consistency in penalties for violations of the Code, and matters related thereto; and,

**WHEREAS**, County Council and administration has held multiple work sessions regarding these matters, and has determined that a comprehensive restructuring of Code Enforcement is warranted, requiring multiple amendments to various Chapters of the Code, including: Chapter 1, *In General*; Chapter 3, *Animals*; Chapter 4, *Alcoholic Beverages*; Chapter 6, *Buildings and Building Regulations*; Chapter 8, *Businesses*, Chapter 9, *Civil Emergencies*; Chapter 10, *Nuisances*, Chapter 18, *Offenses and Miscellaneous Provisions*, and Chapter 25, *Naming and Addressing of Roads*;

The specific desired amendments to the Code are set forth in Exhibit A, attached hereto and incorporated herein by reference, where the additions are underlined and the removed language is stricken through; and

**NOW THEREFORE, BE IT ORDAINED**, by the Jasper County Council duly assembled and by the authority of the same:

1. Jasper County Council, incorporating the premises as set forth above in the recitals, hereby amends the Jasper County Code of Ordinances by incorporating all of the amendments as detailed and set forth in Exhibit "A", attached hereto and incorporated herein by reference, where the additional terms are underlined and the removed terms are stricken through in the particular Chapters, Articles, and Sections to be amended by this Ordinance
2. If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.
3. This ordinance and all amendments shall take effect following a public hearing and approval from Jasper County Council.

\_\_\_\_\_  
John A. Kemp.  
*Jasper County Council Chairman*

ATTEST:

\_\_\_\_\_  
Wanda H. Giles  
*Clerk to Council*

ORDINANCE: O-2025-\_\_

First Reading:  
Second Reading:  
Public Hearing:  
Adopted:

Reviewed for form and draftsmanship by the Jasper County Attorney.

\_\_\_\_\_  
David Tedder

\_\_\_\_\_  
Date

## Chapter 1 GENERAL PROVISIONS

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

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

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than other more general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In the construction of this Code and of all ordinances and resolutions of the county, all things and places therein referred to shall, unless a contrary intention appears, be construed to mean things and places situated in the county or employed by or appertaining to the county.

*Administrative Citation.* A formal written legal notice issued in response to a violation of the Jasper County Code and as further defined and described in Section 1-8 of the Jasper County Code.

*Administrator.* The term "administrator" or "county administrator" means the county administrator of Jasper County, South Carolina.

*And; or.* The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it.

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

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

*Code.* Reference to "this Code" or "the Code" means the Jasper County Code as designated in section 1-1.

*Code Enforcement Officer ("CEO")* means a law enforcement officer, or an appointed and commissioned official entrusted with administering or enforcing the Jasper County Code pursuant to appointments made by County Council under the authority of § 4-9-145 of the Code of Laws of South Carolina.

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

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

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

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

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

*Floodplain Manager* means the individual appointed by the County Administrator to be responsible for administering and enforcing the County Floodplain Ordinance, Chapter 6 Article IV of the Code.

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

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

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

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



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

*Number.* Words used in the singular shall include the plural and words used in the plural shall include the singular number.

*Oath; swear; sworn.* The term "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."

*Officer; official.* Whenever reference is made to any officer or official the reference will be taken to be ~~to~~ such officer or official of Jasper County who the County Administrator has provided the authority to in order to administer the Jasper County Code and ensure compliance.

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

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

*Personal property.* The term "personal property" includes every species of property except real property.

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

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

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

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

*Shall; may.* The word "shall" is mandatory; the word "may" is permissive.

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

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

*State.* The term "state" means the State of South Carolina.

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

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

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

*Week.* The term "week" means seven days.

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

*Year.* The term "year" means a calendar year.

## **Sec. 1-8. Administrative Citations; General Penalty; continuing violations.**

### **(a) Administrative Citation.**

- i. General Application. Whenever in the Code or in any Ordinance an act is prohibited or is declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, and the Code specifically provides the authority for the issuance of an Administrative Citation,

then the Official or Code Enforcement Officer may at their discretion issue an Administrative Citation pursuant to this Section.

ii. Violations. When the Official or Code Enforcement Officer finds that a Person has violated, or continues to violate, a provision of the Code subject to Administrative Citations, then the Official or Code Enforcement Officer has the authority to issue an Administrative Citation at their discretion. Issuance of an Administrative Citation shall not be a bar against, or a prerequisite for, taking any other action against the Person found to be in violation of the Code.

iii. Warning of Violation. When the Official or Code Enforcement Officer determines that a violation of the Code has occurred, they may issue at their discretion a warning of an Administrative Citation to the person responsible for the violation or upon the real or personal property related to the violation. A warning notice of violation is not a prerequisite to the issuance of a first administrative citation or any other penalty. The warning shall identify the Code or Ordinance section violated, a description of the violation and how it can be corrected. The warning shall specify a time and date by which the violation shall be corrected.

iv. Administrative Citations.

A. Content of Administrative Citation. The Administrative Citation must be issued on a form approved by the Official and shall contain the following information:

1. Date, location and approximate time of violation; and,
2. The Code Section violated and a brief description of the violation; and,
3. The amount of the penalty; and,
4. Instructions for payment of the penalty, the time period or specific date by which it shall be paid and consequences for a failure to pay the penalty within the specified time period; and,
5. Instructions on how to protest the Administrative Citation; and,
6. The name or a numerical identifier of the Official or Code Enforcement Officer who is administering the Administrative Citation.

B. Service of Administrative Citation. The Administrative Citation shall be deemed served upon the Person in violation if one (1) of the following have been fulfilled:

1. If the Person is present at the time of the violation then the Official or Code Enforcement Officer shall attempt to obtain their signature on and provide a copy of the Administrative Citation to the Person; or,
2. If the Person is not present, is otherwise unavailable at the time of the violation, or refuses to personally accept a copy of the Administrative Citation, then the Official or Code Enforcement Officer shall post a copy of the citation either: (1) in a conspicuous location on the real or personal property where the violation occurred; or (2) deliver a copy of the Administrative Citation to the County's last known address for the Person if said address is within the jurisdictional of the County; or,
3. If the Person has authorized delivery of written notices by electronic mail under the Chapter associated with the violation stated on the Administrative Citation, then the Citation may be delivered by electronic mail to the address on file with the County.

C. Administrative Citation Penalties.

1. Amount of Fee. Any person in violation of the Code and subject to an Administrative Citation shall be subject to the Administrative Fees in addition to any penalties or fees provided for in the Code. The Administrative Fees are established as follows:
  - a. One Hundred (\$100) Dollars for the first infraction;
  - b. Two Hundred Fifty (\$250) Dollars for a second infraction within one (1) year of the first infraction; and,
  - c. Five Hundred (\$500) Dollars for a third infraction within one (1) year of the second infraction

The above fees may be assessed on a per violation basis. If the violation is not corrected within twenty-four (24) hours of receiving the first Administrative Citation, then additional Administrative Citations may be issued every twenty-four (24) hours until corrected unless pursuant to Subsection 2 below a specific time period to remedy the violation has been established.

2. Time Period to Remedy Violation. The Code Enforcement Officer, or other Official authorized in the Code to issue Administrative Citations, may authorize a specific time period, not to exceed thirty (30) days, for the Person in violation of the Code to remedy the violation without receiving any additional penalties.

- D. Administrative Protest. A Person desiring to dispute an Administrative Citation must file a written protest within fifteen (15) calendar days to the Official as described on the Citation, for the Official to reconsider issuance of the Administrative Citation. The written protest must request the reasons for the protest and contain any additional documents or other evidence the protestor desires to be considered by the Official. The reasons for protest shall be based on a claim that (1) the true intent of the Code or the rules legally adopted hereunder have been incorrectly interpreted; (2) the provision of the Code referenced does not apply; (3) the requirements of the Code are adequately satisfied by other means; or (4) that the strict application of any requirement of this Code would cause undue hardship. The written request shall also include any and all contact information for the protestor.

The filing of a written protest shall stay the requirement to pay any fee associated with the violation until a final decision is made and the protestor receives a written determination from the County.

Failure to file a notice of protest in writing within the established time period shall constitute a waiver of the right to protest the Administrative Citation. Upon receipt of a written protest, the Official may: (1) dismiss the Administrative Citation at their discretion; or (2) convene a hearing on the matter pursuant to the procedures established in this Section.

1. Notice of Protest Hearing. By way of the contact information provided on the written protest, the County Administrator, or their designee, shall either orally or in writing advise the protestor of the location, date and time of the hearing. Notice of the hearing must be provided at least two (2) business days prior to the hearing, excluding County recognized holidays and weekends.
2. Protest Hearing Officer. If a hearing is required, the County Administrator shall appoint a hearing officer. The hearing officer shall not be the individual who issued the Administrative Citation or their immediate supervisor. The hearing officer shall either (1) dismiss the Administrative Citation and provide a written justification for dismissal and provide a copy to the County and the protestor; (2) request additional documents or information from the Official

or Code Enforcement Officer and may continue the hearing in order to review said documents or information; or (3) uphold the Administrative Citation at issue.

3. *Protest Hearing Procedure.* The protest hearing established in this Section shall be held as soon as practical but in any event no later than ten (10) business days after the County receives the written protest. The hearing shall be informally conducted by the appointed hearing officer. The Code Enforcement Officer, or other Official, who issued the Administrative Citation shall present the facts and circumstances that resulted in a conclusion that a violation existed. The protestor shall be given the opportunity to present evidence to the hearing officer in the course of the hearing. Neither party shall have the right of cross-examination, but the hearing officer may make inquiries of the witnesses and representatives, or allow cross examination if they so desire in their sole discretion. The protest hearing shall be recorded and transcribed at the expense of the requesting party. If the violation has been cured at the time of the protest hearing, the hearing officer shall have discretion to waive the administrative fee.
4. *Failure to Appear.* The failure of a Person to appear at the Administrative Protest hearing shall constitute a forfeiture of the protest and the Administrative Citation shall be fully enforceable.
5. *Final Decision.* The hearing officer shall provide the Official, or Code Enforcement Officer, and the Person who submitted the protest a written final determination which shall include a written decision and justification for the determination. The written decision shall be the final decision of the County on a protest of an Administrative Citation and the associated Administrative fee.

- v. In addition to an Administrative Citation, violations of the Code remain subject to all other penalties and remedies permitted under the Code or other applicable law. The Administrative Citation authorized by this Section shall be in addition to any other remedies available at law or in equity for a violation of the Code, and is not a required prerequisite for any other enforcement action authorized by the Code.

(b) *General Penalty.* Whenever in the Code, or in any ordinance or resolution of the County, any act is prohibited, declared to be unlawful, an offense, or misdemeanor; or the failure to do any act is declared to be unlawful, an offense, or a misdemeanor; and either this Section is directly referenced or no specific penalty is provided for the violation thereof, then the said violation of the Code, or any such ordinance or resolution, shall be subject to being found guilty of a misdemeanor and subject to a fine not exceeding Five Hundred (\$500) Dollars or imprisonment not exceeding thirty (30) days, or both. Whenever in this Code, or in any ordinance or resolution of the county, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or any such ordinance or resolution, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days.

- i. *Separate Offense.* ~~Each day a~~Any violation of this Code or any such ordinance, resolution, rule, regulation or order ~~shall that~~ continues for a period of 24 hours shall constitute, except where otherwise provided, a separate offense.
- ii. *Summons for Enforcement.* There shall be made available to the Code Enforcement Officer and Sheriff's Department official of the county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80. The form shall comply with the requirements of S.C. Code Ann. Section 56-7-80 (1976).
  - A. The Code Enforcement Officer and Sheriff's Department official shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.

- B. Any Code Enforcement Officer or Sheriff's Department official issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons into the applicable Code Enforcement Department Director or the appropriate Sheriff's Department official within one business day. Failure to comply will not affect the validity of any charge or conviction.
- C. The Code Enforcement Department and Sheriff's Office shall be responsible for keeping the summons forms which have been turned in by code enforcement and law enforcement officers in a manner which will allow for an annual audit of the summons forms.

(c) Remedies Not Exclusive. The remedies provided within this Chapter for violations of the Code are not exclusive and shall not prohibit pursuit of any other remedies available in law or equity.

(d) Severability. Should any section, clause or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part declared to be unconstitutional or invalid; each section, clause or provision hereof being declared severed.

## **Chapter 3 ANIMALS**

### **Sec. 3-1. Animal ordinance; penalties.**

(a) The county hereby adopts as ordinances of the county the provisions of chapters one through seven of Title 47 of the S.C. Code of Laws of 1976, as amended.

(b) Enforcement. The county sheriffs department shall have the authority to enforce these ordinance in its entirety, and Code Enforcement Officers may issue the Administrative Citations as provided for in this Chapter. Tickets or warrants issued by the sheriffs department under the authority of this section shall cite this section, together with title, chapter and section number of the State Code violation which the sheriffs department agent contends has been violated. Nothing contained in this section shall be construed to require the county to assume any responsibility allocated to the state or any of its subdivisions by Title 47, nor is this section intended to supplant state enforcement of any provision in Title 47. This section shall be construed as concurrent with existing state law and state law enforcement.

(c) Administrative Citations, Penalties and Remedies.

- i. Administrative Citation. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation and the fines as established in Code Section 1-8(a).
- ii. Penalties. Any violation of this Chapter is subject to Code Section 1-8(b) but shall not exceed the lesser of the penalty provisions of the incorporated state law offense, or the enforcement authority of the county magistrate. Funds received by the county for violations of the Jasper County Animal Ordinance shall be deposited to the general funds of the county, except for any portion required by state law to be allocated to the state, or any subdivision thereof.
- iii. Remedies. In addition to any of the fees or penalties provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business. Specifically, any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

## **Chapter 4 ALCOHOLIC BEVERAGES**

**Sec. 4-3. Enforcement, Administrative Citation, Penalties/~~warning~~, and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the penalties provided for in this Section.

(a) *Enforcement.* Unless otherwise provided herein, Code Enforcement Officers, and Jasper County Sheriff's Office have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

(b) *Administrative Citations.* Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. *Administrative Fines.* Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. *In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.*

(c) *Penalty.* The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. ~~Violations of the provisions of this chapter 4 shall subject the offender to the penalties as provided in section 1-8 of the Jasper County Code of Ordinances.~~ Persons in control of the establishment, whether owners, controlling officers, lessees, managers, or employees shall be liable for violation of this chapter, and individually subject to the penalty provisions of section 1-8(b). ~~Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed or continued.~~

- i. *Patrons and Guests.* Patrons and guests who violate this ~~ordinance~~ Chapter's provisions concerning leaving the premises shall be subject to the penalty provisions of ~~s~~Section 1-8(b); provided, however, should the patron or guest have made arrangements for transportation off the premises and such transportation not yet arrived as of the expiration of the grace period provided in ~~s~~Section 4-2 of this ~~e~~Chapter, such patron or guest shall be given a warning instead of a violation upon providing some proof of the arrangement for transportation.

(d) *Additional Remedies.* The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. *Business License.* ~~In addition, a~~Any business establishment found to be in violation of this chapter shall be subject to having its business license registration suspended or revoked in accordance with ~~procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance~~ the Business License Ordinance established in Chapter 8 of the Code.

## **Chapter 6 BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE II. TECHNICAL CODES**

#### **DIVISION 1. GENERALLY**

#### **Sec. 6-34. Violations; penalties.**

(a) *Penalty.* The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. ~~The violation of any of the codes or regulations adopted pursuant to the provisions of this article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-8(b). Each day such violation shall continue shall be deemed a separate offense.~~ In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this article, the codes department director or other appropriate authority of the county, ~~or any adjacent or neighboring property owner who would be damaged by such violation may~~, in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

(b) Nothing in this article or in the codes adopted in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this article.

#### *DIVISION 4. GATE ACCESS PROGRAM*

##### **Sec. 6-123. ~~Responsibility.~~ Administration and Enforcement.**

The county fire marshal is charged with the overall responsibility for administering, coordinating and implementing the requirements set forth in this division. Unless otherwise provided herein, the County Fire Marshal or a Code Enforcement Officer have the authority to enforce all provisions of this Article. The named enforcement officers in this Section are empowered to issue Administrative Citations and Uniform Summons for criminal violations to persons violation any provision of this Article.

##### **Sec. 6-126. ~~Violation a misdemeanor.~~ Administrative Citation, Penalty, and Remedies.**

Violation of any provision of this division shall be a misdemeanor punishable as provided in section 1-8.

(a) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(b) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(c) Additional Remedies. The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. Business License. Any business establishment found to be in violation of this Article shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

#### *ARTICLE IV. FLOOD DAMAGE PREVENTION*

##### *DIVISION 1. GENERAL STANDARDS*

##### **Sec. 6-150. Administrative Citation and Penalties for violation.**

(a) Violation of the provisions of this article 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 pursuant to Code Section 8-1.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) *Penalty.* Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(d) *Additional Remedies.* The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. *Business License.* Any business establishment found to be in violation of this Article shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

### *DIVISION 3. ADMINISTRATION*

#### **Sec. 6-174. Administrative procedures.**

(b) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, 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 pursuant to Code Section 8-1.

### *ARTICLE V. PROPERTY MAINTENANCE*

#### **Sec. 6-202. ~~Appointment of DSR-Enforcement~~; fees.**

(a) The development services representative (DSR) identified in the county zoning ordinance § 19:1 and his designees, or Code Enforcement Officer shall enforce this article under the overall control of the county administrator.

(b) *Fees.* The fees for activities and services performed by the DSR in carrying out responsibilities under this article shall be adopted by resolution of council.

#### **Sec. 6-205. Stop work order.**

(a) *Authority.* Whenever the DSR finds any work regulated by this article being performed in a manner contrary to the provisions of this article or in a dangerous or unsafe manner, the DSR is authorized to issue a stop work order.

(b) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, a party in interest or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(c) *Emergencies.* Where an emergency exists, the DSR shall not be required to give a written notice prior to stopping the work.

(d) *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~guilty of a misdemeanor and subject to penalty as provide by law.~~ deemed a violation of this Article.

#### **Sec. 6-206. Violations.**

(a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this article.

(b) *Notice of violation.* The DSR shall serve a notice of violation or order in accordance with section 6-207(c).

(c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 6-207 shall be deemed guilty or a misdemeanor and the violation shall be deemed a strict liability offense. If



the notice of violation is not complied with, the DSR shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this article or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction of such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

- (d) *Violation penalties.* Any person, who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state laws or the county Code. ~~Each day~~ Every 24 hours that a violation continues after due notice has been served shall be deemed a separate offense. The violation of the provisions of this Article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.
- (e) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the county attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy or utilization of a dwelling structure or premises, or to stop an illegal act.

## **Chapter 8 BUSINESSES**

### **ARTICLE I. IN GENERAL**

**Sec. 8-1. Enforcement of Chapter; Administrative Citations; Penalties, Remedies; conflict with other laws.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the remedies and penalties provided for in this Section.

- (a) Enforcement. Unless otherwise provided her herein, the County Administrator or their designee, Code Enforcement Officers, and the License Official or their designee have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and unform summons for criminal violations to persons violating any provision of this Chapter.
- (b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).
  - i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
  - ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.
- (c) Penalty. ~~The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter, and pursuant to the authority provided by S.C. Code 1976 §22-3-550 as amended, is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Pursuant to S.C. Code 1976, § 22-3-550, as amended, any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$500.00 and/or imprisonment not exceeding 30 days. Each day of the violation shall constitute a separate offense. Additionally, the county may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense.~~
- (d) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense. Whenever it shall come to the attention of the County Administrator or their designee, or the County's license coordinator that any provision of these regulations has been or is being violated, the license coordinator may, on behalf of, and in the name of, the county, immediately institute suit and prosecute the same to final judgment. ~~Further, should any business establishment stand in violation of the provisions of this ordinance, either for non payment of the required license fee or in violation of any of the provisions herein for more than 30 days after proper notice as described herein, the license coordinator shall cause~~

~~the doors to the business to be padlocked until such time as the violation is remedied. Any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked.~~

- (e) In interpreting and applying the provisions of these regulations, the requirements shall be considered as the basic requirements for the provision of business licenses within the jurisdiction of the county. It is not the intent of these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon a business or require other restrictions which may appertain to a business greater than those imposed by the other resolutions, rules or regulations, or by any easements, covenants or agreements, or by any ordinances, the provisions of these regulations shall prevail.

## ***ARTICLE II. LICENSES***

### **Sec. 8-44. Denial of license.**

The license official may deny a license to an applicant when the license official determines:

- (1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents;
- (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- (4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the county or in another jurisdiction;
- (5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the county of any tax or fee, including but not limited to, any fee associated with the issuance and receipt of an Administrative Citation;
- (6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- (7) The license for the business or for a similar business of the licensee in the county or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal ~~as herein provided~~ as described in Section 8.46 Appeals. Denial shall be written with reasons stated.

### **Sec. 8-45. Suspension or revocation of license.**

When the license official determines:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article;
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- (4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or

- (6) A licensee is delinquent in the payment to the county of any tax or fee, including but not limited to, any fee associated with the issuance and receipt of an Administrative Citation.

The license official may give written notice to the licensee or the person in control of the business within the county by personal service or mail that the license is suspended pending a single hearing before council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this article.

**Sec. 8-49. ~~Violations.~~ Reserved.**

~~Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.~~

**ARTICLE III. GAMING DEVICES**

**Sec. 8-102. ~~Penalty for violation of article.~~ Reserved.**

~~Any person violating any provisions of this article shall be deemed guilty of an offense and shall be subject, upon conviction, to punishment in accordance with section 1-8. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for in this article.~~

**Chapter 9 CIVIL EMERGENCIES**

**ARTICLE I. IN GENERAL**

**Sec. 9-5. Enforcement of Chapter, Administrative Citations, Penalties and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the penalties and remedies provided for in this Section.

(a) Enforcement. Unless otherwise provided herein, Code Enforcement Officers and the County Fire Chief have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

- i. Fire Emergency Authority. The County Fire Chief may designate individuals with authority to direct and control traffic at the scene of any fire or emergency in the County and enforce the laws of this State and County relating to the following of fire-apparatus, or rescue or emergency vehicles, the crossing of fire hose, and interfering with firemen, rescue or emergency responders in the discharge of their duties in connection with a fire, rescue or emergency responders in the same manner as provided for the enforcement of such laws by law enforcement officers.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) Penalties. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(d) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the Court may decide as prescribed by state law for each offense.

i. Business Licenses. Pursuant to the authority provided in Chapter 8 of the Code, whenever it shall come to the attention of the County Administrator or their designee, or the County's license coordinator that any provision of this Chapter has been or is being violated, the license coordinator may, on behalf of, and in the name of, the County, immediately institute suit and prosecute the same to final judgment. ~~Further, should any business establishment stand in violation of the provisions of this Chapter for more than 30 days after proper notice as described in Chapter 8 of the Code, the license coordinator shall cause the doors to the business to be padlocked until such time as the violation is remedied. Any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked.~~

### ***ARTICLE III. COUNTY EMERGENCY SERVICES***

#### **Sec. 9-61. ~~Enforcement.~~ Willful Obstruction.**

It shall be unlawful for any reason to violate any of the provisions of this act or the regulation issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency services in the enforcement of the provisions of this act, or any regulation issued thereunder. Any person found in violation of this ~~article.~~ Section shall be guilty of a misdemeanor.

### ***ARTICLE VI. OFFENSES AND MISCELLANEOUS PROVISIONS***

#### ***DIVISION 1. PROHIBITED ACTS; INTERFERENCE WITH FIRE APPARATUS OR SCENE; HAZARDOUS MATERIALS***

#### **Sec. 9-102. Code adopted.**

- (a) The most recently promulgated edition of the Standard Fire Protection Code is hereby adopted for the Jasper County Fire-Rescue District.
- (b) In the event that any matters in said code are contrary to existing ordinances of the county, the ordinances adopting the aforementioned Code and amendments thereto shall prevail. Provisions of said ordinances not inconsistent with the Code remain in full force and effect for Jasper County, South Carolina.
- (c) When reference is made in the Standard Fire Protection Code to the duties of officials named therein, that designated official in Jasper County, South Carolina, is the deputy administrator for emergency services who shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.
- (d) Violations of ~~said~~ the Standard Fire Protection Code shall be a violation of this article.

#### **Sec. 9-103. ~~Penalty for violation.~~ Reserved.**

~~Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not less than \$500.00 or 30 day of confinement.~~

#### ***DIVISION 2. OPEN BURNING; NOTIFICATION; PENALTIES***

#### **Sec. 9-125. Fires shall be prohibited as follows.**

- (a) The county fire chief and or his/her designee, may prohibit open burning during such times as may be necessary depending upon atmospheric conditions, local weather patterns, or other such circumstances as would exist to make open burning hazardous.
- (b) The only materials that may be lawfully burned as permitted in section 9-123 above, are those vegetative materials which shall have originated on the site in which they are proposed to be included in any open burning. All other materials or items are prohibited from being burned on properties located within the unincorporated areas of Jasper County, which materials shall include, but not be limited to; asphalt and asphaltic materials, paint, plastics, metals,

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treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

**Sec. 9-130. Enforcement and penalties.**

Enforcement of this division shall fall under the jurisdiction of both the Jasper County Fire Marshal's Office, officers of the Jasper County Sheriff's Office and Jasper County Codes Enforcement shall have the authority to exercise full discretion in deciding whether to issue a warning, subpoena or a citation when investigating complaints that arise under this division. ~~Any violation of this division may be punishable by a fine of up to \$500.00, or up to 30 days imprisonment.~~

**CHAPTER 10 NUISANCES, JUNKYARDS, NOISE, AND LITTER**  
**ARTICLE I. IN GENERAL**

**Sec. 10-2. ~~Compliance officer/code enforcement officer official duties and powers.~~ Enforcement and Administering .**

(a) Enforcement. Unless otherwise provided herein Code Enforcement Officers, Litter Control Officers, and the County Fire Chief have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

(b) In General.

- (1) The director of planning and building services, or his or her designee, including where required by statute to be the building ~~compliance officer(s)~~ Code Enforcement Officer, other appropriately appointed officials administering or enforcing codes regulating buildings and constructions services, the county litter control officer(s), as applicable, officers of the sheriff's department, and other appropriately appointed officials administering or enforcing codes pursuant to appointments made by county council under the authority of § 4-9-145 of the Code of Laws of South Carolina (hereinafter generically "~~compliance officer~~" or "codes enforcement officer") shall enforce the provisions of this Code (meaning the Code of Ordinances of Jasper County, South Carolina) and applicable state statutes. If a ~~compliance officer~~ Code Enforcement Officer determines that any of the provisions of any article of this chapter is being violated, he or she shall enforce the requirements of the ordinance by any and all lawful means. The ~~compliance officer~~ Code Enforcement Officer is not generally required to warn a violator before the issuance of an ordinance summons or the institution of enforcement procedures, except as other ordinances may provide for such warning. The ~~compliance officer~~ Code Enforcement Officer may invoke a single course of enforcement or parallel courses of enforcement in his discretion as the exigencies of the circumstances demand.
- (2) Administrative and interpretive authority. The ~~compliance officer~~ Code Enforcement Officer, with the consent of the county administrator, shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of the applicable codes; and to secure the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.
- (3) Inspections. The ~~compliance officer~~ Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. The ~~compliance officer~~ Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The ~~compliance officer~~ Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. The ~~compliance officer~~ Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this Code. The ~~compliance officer~~ Code Enforcement Officer shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

(4) *Right of entry, permissive and by warrant.*

- a. The ~~compliance officer~~ Code Enforcement Officer shall, after proper presentment of identification and notification, have the right and authority to go onto the grounds of any premises within the unincorporated county at any reasonable time for the purpose of making inspections to ascertain if the premises are in compliance with this chapter.
- b. The ~~compliance officer~~ Code Enforcement Officer, county health officer, or any other appropriate county official shall, after proper presentment of identification and notification, have the right and authority to enter premises after receiving permission from a responsible person within the unincorporated county at any reasonable time for the purpose of making inspections to ascertain if the premises are in compliance with this chapter.
- c. If any responsible person owning or residing in the premises shall refuse to allow the county official to enter onto any grounds or enter into any premises in the unincorporated county for the purposes of conducting the inspection as provided in this section, the county official shall make no entry, but shall withdraw and make application to the magistrate's court for an administrative search warrant to be issued.
- d. An administrative search warrant can be obtained if there is a showing that reasonable administrative or legislative standards are in place for the issuance of the administrative warrant and the conduct of the search. For the purposes of establishing reasonable standards, and for securing an administrative search warrant, the requesting official must affirm that:
  1. The relevant codes, regulations or statutes are in place pertaining to the property;
  2. The requesting official has attempted peaceful entry or has sought permission to enter for the limited purpose of code inspection;
  3. Permission has been denied;
  4. There exist facts and circumstances that lead the affiant to believe, based upon his education, training or experience, that code violations exist that could impact fire laws, or could pose imminent danger to the occupant;
  5. The stated object and purpose of the search must be adequately specific so that the reasonableness of the scope of the search is not expanded past regulatory purposes; and
  6. The search warrant shall not be used as a pretext for a criminal search.
- e. The magistrate's court judge for the county is hereby authorized to issue administrative search warrants to allow the code enforcement officer, county health officer, or any other appropriate county official to enter any premises within the unincorporated county under the terms and conditions as deemed by the municipal court judge.
- f. A law enforcement officer must accompany the official to the premises to assist in the safer execution of the administrative search warrant under the provisions of this section.
- g. It shall be unlawful for any person having control of any premises for which an administrative search warrant has been issued to prohibit the entry onto the premises by the person as authorized.
- h. Where a violation is in clear view from a public road or adjoining property, on which permission has been granted to enter, the officer, employee or agent of the county may issue a summons for the violation.

**Sec. 10-3. Administrative Citations, Penalties and Remedies.**

(a) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).

- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(b) Penalties. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Every 24 hours that the violation continues to exist shall constitute a separate violation.

- i. Litter Violation Penalty. For violations of Article III of this Chapter, in addition to the fine or term of imprisonment, the court may also impose eight hours of litter-gathering labor for a first conviction, 16 hours of litter-gathering labor for a second conviction, and 24 hours of litter-gathering labor for a third or subsequent conviction, all under the supervision of the court; or such other term of litter-gathering labor or public service as the court deems appropriate.

(c) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the Court may decide as prescribed by state law for each offense.

- i. Business License. Any business establishment found to be in violation of this chapter shall be subject to having its business license registration suspended or revoked in accordance with procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance.
- ii. Separate Costs. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this Chapter shall be separate and apart from any inspection costs and cleanup or abatement costs incurred by the County in abating said nuisance or any violation of this Chapter; and shall be in addition to all other remedies available to the county under state law and local ordinances. The County may place a mechanics lien on any property associated with said costs associated with this Section.

## **ARTICLE II. NUISANCES**

### **DIVISION 1. GENERALLY**

#### **Sec. 10-21. Definitions.**

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

~~Compliance officer~~ or means a law enforcement officer, the county planning and building services director, anyone qualified he or she designates to act in such capacity on his behalf or anyone designated as such by the county administrator, including the code enforcement official or other county employee or official as may be designated in writing by the county administrator or sheriff to enforce the provisions of this chapter, and other appropriately appointed officials administering or enforcing codes pursuant to appointments made by council under the authority of § 4-9-145 of the Code of Laws of South Carolina.

#### **Sec. 10-25. Abatement procedure/compliance order.**

- (a) Whenever the ~~compliance officer~~ Code Enforcement Officer determines that any property is maintained in violation of one or more of the provisions of this chapter, he or she shall serve on one or more of the responsible parties a written compliance order citing:
  - (1) The date and location of the violation;
  - (2) The section of the Code violated and a brief description of the violation;
  - (3) The actions required to correct the violation or abate the condition;
  - (4) The time period after which the county will enter the property to abate the conditions.
- (b) The time period for abatement shall be at least 30 days, unless it is determined by the ~~compliance officer~~ Code Enforcement Officer that the conditions constitute an imminent threat to the public health, safety or welfare. The ~~compliance officer~~ Code Enforcement Officer may grant an extension of 180 days or less upon good cause, provided

the responsible party signs a written agreement to abate the nuisance within a time certain. The board of zoning appeals may grant a one-time extension of 180 days or less in addition to the time provided by the ~~compliance officer~~ Code Enforcement Officer where the board deems such extension is warranted.

- (c) If a person fails or refuses to discharge the duties imposed by section 10-25, the county may concurrently serve an administrative notice to abate a public nuisance upon the owner or occupant and demand that compliance must be achieved within the time specified in the notice. The county shall determine the individual, firm or corporation or lien holder who, from the records in the unincorporated county tax assessor's office, appears to be the titled owner or lien holder of the property and cause a written notice of public nuisance to be served on such individual, firm or corporation or lien holder by:
  - (1) Personal service as attested to by affidavit of service; or by
  - (2) Copy mailed to such owner or lien holder at such place or address by United States certified mail return receipt requested; or
- (d) If the whereabouts of the responsible persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the serving of the compliance order may be made by publishing it once each week for two consecutive weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to 30 days and shall indicate the nature of the violation, identification of the property affected, with date of posting, and contact information, which shall serve as notice to the public.

#### **Sec. 10-26. Voluntary correction.**

- (a) *Applicability.* This section applies when the designated ~~compliance official (hereinafter compliance officer)~~ code enforcement officer determines that a violation of an ordinance or regulation has occurred or is occurring.
  - (1) *General.* The ~~compliance officer~~ Code Enforcement Officer shall pursue a reasonable attempt to secure voluntary correction by causing written notice to be given to the person responsible for the violation where possible, or to the owner of record at the public address of record or 9-1-1 address, explaining the violation and the abatement and appeals process.

#### **Sec. 10-30. Penalties-Reserved.**

- (a) ~~Enforcement of this article's provisions may be accomplished upon the institution of criminal process by way of uniform traffic ticket, county ordinance summons or warrant made only by a law enforcement officer or appropriate government official, including compliance or code enforcement officers. Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. No fine imposed pursuant to this chapter may be suspended to less than \$250.00. No sentence of imprisonment imposed pursuant to this chapter may be suspended. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any inspection costs and cleanup or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~
- ~~(b) Each day that the nuisance continues to exist shall constitute a separate violation.~~
- (c) ~~Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the compliance official, shall be made pursuant to section 10-32.~~

#### **Sec. 10-32. Appeal procedures; hearing.**

- (a) The responsible person, owner or occupant, or the lien holder of the property aggrieved by a finding of public nuisance or other decision or assessment by the ~~compliance official~~ Code Enforcement Officer may appeal the decision by written request stating the reasons therefore, filed with the ~~compliance official~~ Code Enforcement Officer within ten days after service by certified mail or personal service of the notice of public nuisance or other decision or assessment. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this Code does not apply, the requirements of this Code



are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause undue hardship.

- (b) *Appeal of finding of nuisance.* The county administrator shall appoint a hearing officer or, upon request of the appellant, a hearing panel to hear the appeal. This appeal stays the public abatement until such time as the matter is heard and decided by the hearing officer or panel unless an emergency abatement as authorized by the county administrator is necessary to preserve public health, safety or welfare. The appeal must be received by the county administrator before the time specified in the notice. The appeal may be faxed or emailed to the county administrator. The written demand shall include a contact number, either phone or facsimile in order for the person to be informed of the hearing location, date and time. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.
- (c) *Failure to appeal.* Failure to timely appeal constitutes a waiver of the right to appeal the existence of a public nuisance.
- (d) *Appeal of assessment.* Further, in those instances where the nuisance has been abated by the unincorporated county after the required notice of subsection 10-26(b), the owner or occupant of the property who has been served with a notice of assessment pursuant to section 10-29 of this article may make a written demand to the county administrator for a hearing to review the cost of the abatement. This appeal stays the attachment of the lien until such time as the matter is heard and decided by the hearing officer or hearing panel. The appeal of the assessment must be received by the county administrator within five business days of the appellant's receipt of the notice of assessment. The written demand shall include a contact number, either phone or facsimile in order for the person to be informed of the hearing location, date and time. In an appeal of the assessment of costs, no testimony shall be permitted on the issue of the existence of the public nuisance.
- (e) *Failure to appeal assessment.* Failure to timely appeal constitutes a waiver of the right to appeal the assessment of costs.
- (f) *Notice of the hearing.* By way of the contact numbers provided in the written demand, the county administrator shall orally advise the owner of the location, date and time of the hearing. Notice of the hearing must be provided at least two business days prior to the hearing, excluding county recognized holidays and weekends.
- (g) *Time and manner of hearing.* The hearings as allowed under this section shall be held as soon as practical but in any event no later than five business days after receipt of the appeal, excluding county recognized holidays and weekends. The hearing shall not be conducted under the strict rules of evidence. The hearing shall be informally conducted by the hearing officer or panel. If a panel has been appointed, the panel shall elect one of its members to act as chairperson. The ~~compliance officer~~ Code Enforcement Officer shall present the facts and circumstances that resulted in a conclusion that a nuisance existed. The owner, occupant or lien holder, or their agents, representatives or attorneys shall be given the opportunity to present evidence to the hearing officer in the course of the hearing. Neither party shall have the right of cross-examination, but the hearing officer or panel may make inquiries of the witnesses and representatives, or allow cross examination if they so desire in their sole discretion. The proceedings shall be recorded and transcribed at the expense of the party so requesting. When the nuisance has been abated by the county and the person has appealed the assessment of the administrative fee and actual costs, the hearing officer or panel shall have discretion to waive the administrative fee or the public cost of abating a nuisance, in whole or in part, if, in the course of the hearing and reviewing the decision, the hearing officer or panel finds that justice and equity require such waiver or that any of the following did not conform to the provisions of this article:
  - (1) The notice to remove the nuisance;
  - (2) The work performed in abating the nuisance;
  - (3) The computation of charges.
- (h) The hearing officer, or if there is a hearing panel by majority vote of members present, shall render a decision based on findings of fact and application of the standards herein. The decision of the hearing officer or panel is the final decision of the county, and shall be delivered orally to the appellant on the date of the hearing, and then, if requested, written and mailed to the address provided. The hearing officer or panel shall affirm, modify, or reverse the decision of the ~~compliance officer~~ Code Enforcement Officer, or grant a one-time extension of no more than 180 days additional to the time period already provided by the ~~compliance officer~~ Code Enforcement Officer for abatement.

- (i) *Administration.* The planning and building services director shall cause the ~~compliance officer~~ Code Enforcement Officer to take immediate action in accordance with the decision of the board.
- (j) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to appeal to the circuit court, provided such person has standing under the general rules regarding standing determinations in judicial review proceedings. The factual findings of the hearing officer or appeals panel shall be deemed findings of fact subject to the same judicial deference given findings of facts by the zoning board of appeals, and the review shall be a record review, not a review *de novo*.
- (k) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the hearing officer or panel.

### **ARTICLE III. LITTERING**

#### **Sec. 10-52. ~~Enforcement.~~ Evidence of Littering.**

- (a) ~~All animal and environmental control officers, litter control officers, codes enforcement officers, the director of the county public works department, and all certified officers of the sheriff's office are empowered to enforce the provisions of this article.~~
- (b) ~~The named enforcement officers are empowered to issue citations to persons violating any provision of this article.~~
- (c) ~~All of the named enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter. In addition, the mailing by registered mail of such process to his/her last place of residence shall be deemed as personal service upon the person charged.~~
- (d) Evidence shall be prima facie evidence if:
  - (1) ~~If~~ the throwing, dumping, or depositing of litter was done from a motor vehicle or boat, except a motor bus, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle or boat; nonetheless, the owner of the vehicle or boat remains liable pursuant to section 10-51(b)(3) above, but only one fine may be assessed for each instance of littering.
  - (2) ~~If~~ litter discarded can be identified with a person's name, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the person whose name appears on the litter.

#### **Sec. 10-53. ~~Penalties.~~ Reserved.**

- (a) ~~Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for a period of not less than two days nor more than 30 days. No fine imposed pursuant to this section may be suspended to less than \$200.00. No sentence of imprisonment imposed pursuant to this section may be suspended.~~
- (b) ~~In addition to the fine or term of imprisonment, the court may also impose eight hours of litter gathering labor for a first conviction, 16 hours of litter gathering labor for a second conviction, and 24 hours of litter gathering labor for a third or subsequent conviction, all under the supervision of the court; or such other term of litter gathering labor or public service as the court deems appropriate.~~
- (c) ~~In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a conviction for a violation of this chapter shall be separate and apart from any cleanup or abatement costs incurred by the county in abating said littering; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~

#### **Sec. 10-54. Administrative Determination Appeals.**

~~Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals.~~ Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the ~~compliance official~~ Code Enforcement Officer or director of planning and building services, shall be made pursuant to section 10-332.

## **ARTICLE IV. NOISE**

### **Sec. 10-62. Citation of violators.**

The county sheriff's office, in cooperation with county government, shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article. The violation of this Article is hereby declared to be a misdemeanor, and upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Every 24 hours that the violation continues to exist shall constitute a separate violation.

### **Sec. 10-64. Penalties. Reserved.**

~~(a) Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. No fine imposed pursuant to this chapter may be suspended to less than \$100.00. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any inspection costs or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~

### **Sec. 10-65. Appeals.**

Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a ~~nuisance noise~~, or an administrative decision or assessment by the ~~compliance official~~ County Sheriff's Office, shall be made pursuant to section 10-332.

## **ARTICLE V. JUNKYARDS/VEHICLE GRAVEYARDS**

### **Sec. 10-74 Administration and enforcement.**

- ~~(a) The county planning and building services and public works departments shall be charged with the enforcement of this article.~~
- (b) The responsible person, owner or operator of a place of business, or the owner or occupant of a non-business property, who commits or permits acts in violation of the provisions of this article shall be sent a written notice by certified mail to bring the activity or property into compliance with the provisions of this article within 90 days of the receipt of such notice. Failure to comply within the specified time limit shall be deemed to be an offense against such chapter, and if such operation or condition shall continue or be permitted to exist subsequent to the expiration of the time limit specified within the notification, each day thereafter shall constitute a separate offense, without necessity of an additional written notice to bring the property into compliance being mailed.

### **Sec. 10-75. Penalties.**

- ~~(a) Every violation of any provision of this article shall subject the offender to a fine of not more than \$500.00 and/or imprisonment for not more than 30 days. Each such offender shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. No fine imposed pursuant to this chapter may be suspended to less than \$250.00.~~
- (b) In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Should the county elect to have the site cleared and bill to property owner for the work, and the owner/operator fail to pay for the clean-up, the county may elect to file a mechanics' lien on the property for the amount owed. In addition, the county may, at any time subsequent to written notice of a violation, elect to utilize the additional enforcement actions provided in section 10-25.

- ~~(c) Any punishment including fines imposed pursuant to a criminal conviction for a violation of this article shall be separate and apart from any inspection costs or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~
- ~~(d) An individual violating the provisions of this chapter regarding junked appliances, trash, or vehicles on his non-business property, or dumping same on rights of way or others property shall likewise be deemed guilty of a misdemeanor having a fine not to exceed \$500.00 and/or imprisonment for 30 days, each day the violation continues may be deemed a separate offense, and may likewise be subject to a proceeding by the county to compel compliance with the provisions of this article under section 10-25.~~

## **Sec. 10-76. Appeals.**

Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the ~~compliance official~~ Code Enforcement Officer, shall be made pursuant to section 10-32.

## **Chapter 18 OFFENSES AND MISCELLANEOUS PROVISIONS**

### **ARTICLE I. IN GENERAL**

**Sec. 18-1. ~~Ordinance summons for enforcement of county ordinances.~~ Enforcement, Administrative Citation, Penalties and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the remedies and penalties provided for in this Section.

- ~~(a) There shall be made available to the code enforcement officers and sheriff's department of the county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80. The form shall be substantially the same as the form which is attached to the ordinance from which this section is derived as attachment A, which is incorporated as part of this section by reference. For purposes of this section, any employee of the department of public works is a code enforcement officer for the purposes of any littering, dumping or animal control ordinance.~~
- ~~(b) The finance department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.~~
- ~~(c) Any officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons in to the finance department within one business day. Failure to comply will not affect the validity of any charge or conviction.~~
- ~~(d) The finance department shall be responsible for keeping the summons forms which have been turned in by law enforcement officers in a manner which will allow for an annual audit of the summons forms.~~
- (a) Enforcement. Unless otherwise provided her herein, Code Enforcement Officers and the Sheriff's Office have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.
- (b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).
- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
  - ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter, and pursuant to the authority provided by S.C. Code 1976 §22-3-550 as amended, is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

#### **Sec. 18-2. Use of public boat landings.**

- (a) *Restrictions.* All public boat landings in the county shall not be used for camping, parking camper trailers, or the erection of tents, except at those landings where camping or parking is specifically authorized and signs to that effect are posted.
- (b) ~~*Penalty.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in accordance with section 1-8.~~

#### **Sec. 18-4. Tampering with certain signs and traffic control devices.**

- (d) ~~*Violations and penalties.* Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and shall be punished to the maximum jurisdictional limit of the magistrate's court.~~ Persons shall be deemed guilty of a separate offense, as provided for in Section 18-1 of this Chapter, for each sign which has been tampered with as described in this Section.

### ***ARTICLE II. ELECTRONIC COMMUNICATIONS   RESERVED.***

#### ***DIVISION 1. ELECTRONIC COMMUNICATIONS WHILE DRIVING A MOTOR VEHICLE.***

#### **~~Sec. 18-26. Electronic communications while operating a motor vehicle.~~**

##### ~~(a) Definitions:~~

~~*Electronic communications device* means an electronic device used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.~~

~~*Electronic message* means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.~~

~~(b) *Prohibited while driving.* It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle on the streets and roads within the county; provided however, a violation described in this section shall not be a basis for a custodian arrest or a seizure of the electronic communications device in question.~~

~~(c) *Exceptions.* This section shall not apply to a person operating a motor vehicle while:~~

~~(1) Off the traveled portion of a roadway;~~

~~(2) Using an electronic communication device in a hands-free, voice-activated, or voice-operated mode that allows the driver to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function;~~

~~(3) Summoning medical or other emergency assistance; or~~

~~(4) Using a citizens band radio, commercial two-way radio communication device, in-vehicle security, or amateur or ham radio device.~~

~~(d) *Exemptions.* The provisions contained within this section shall not apply to public safety personnel employed by a federal, state, county or municipal organization who are utilizing an electronic communication device during the course and scope of their official duties.~~

~~(e) *Penalty.* A person who violates this section is guilty of misdemeanor distracted driving and, upon conviction, shall be fined \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for a third or subsequent offense. This fine is subject to all applicable court costs, assessments, and surcharges.~~

### ***ARTICLE III. ENHANCED 911 EMERGENCY TELEPHONE SYSTEM***

#### **Sec. 18-55. ~~Penalties.~~ Violations.**

~~Any person who shall violate any provision of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction of such offense, may be fined not more than \$500.00 or imprisoned for not more than 30 days, and in addition, shall pay all costs and expenses involved in the case. Every 24 hours~~ Each and every day or portion thereof during which any violation continues shall be considered a separate offense.

### ***ARTICLE IV. HAZARDOUS MATERIALS ORDINANCE***

#### **Sec. 18-75. Official's right of entry.**

- (a) The appropriate official designated by the county administrator or his authorized representative may at all reasonable times request access to any building whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the provisions of this article and, if denied, and a belief exists as to probable cause that hazardous materials are present, then such official shall obtain a search warrant to allow inspection of the premises.
- (b) If an emergency appears to exist, the county may petition for a court order enjoining the owner or occupant of the premises for conduction business or storing product in question.
- (c) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the county administrator, or a duly authorized agent, for the purpose of inspections pursuant to this article. ~~Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced to a \$500.00 fine or 30 days in jail for each offense. Failure to comply with this Section shall be deemed a violation.~~

#### **Sec. 18-80. ~~Enforcement and a~~ Administration.**

- (a) The Jasper County Emergency Management Department will be responsible for administration of this ~~ordinance~~ Article and maintaining registration.

#### **Sec. 18-82. Notices and orders.**

Whenever the fire marshal or a duly authorized agent designated by the county administrator finds in any building or upon any premises dangerous or hazardous conditions or materials, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke or explosion.

#### **Sec. 18-83. ~~Violations and penalties.~~**

- (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this article, who fails to rectify any existing violation of this article on premises under ~~his~~ their control, or who fails to take immediate action to abate a violation of this article when ordered or notified to do so by the appropriate official designated by the county administrator or his duly authorized representative, shall be guilty of a separate violation for each existing issue related to the premises or vehicle. ~~misdemeanor, and sentenced to a \$500.00 fine or 30 days in jail for each offense.~~

- (b) Any person failing to register material(s), ~~or~~ pay registration/fee(s) or renewal fee(s) covered by this article is in violation of the article and each shall be considered a separate violation. ~~is subject to the penalties and fees as previously outlined in section 18-81(a).~~

### ***ARTICLE V. PROTECTION OF HISTORICAL AND ARCHAEOLOGICAL SITES***

#### **Sec. 18-104. ~~Penalty~~ Violations.**

- (a) It shall be unlawful for any person to damage or cause to be damaged any area, structure, or artifact on a documented significant archaeological/historical site located within the county limits, without prior written permission from the

county administrator or an appointed designee. Each such act of damage or disturbance shall constitute a separate offense. Documented sites are listed in section 18-103.

- (b) It shall be unlawful for any person to knowingly damage or remove from the ground any artifact located on any archaeological or historical site as defined above herein. The damaging or removal of each such article shall constitute a separate offense.
- (c) ~~Each violation of this section shall be punishable by a fine of not less than \$200.00 or incarceration of up to 30 days. Any artifact recovered pursuant to a violation of this section shall upon conviction be held by the sheriff pending determination of proper disposition. This violation and penalty shall be in addition to any violation or penalty for trespass, larceny, or damage to real or personal property.~~

## **Chapter 25 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

### **ARTICLE II. 2018 OMNIBUS ROAD ORDINANCE FOR THE NAMING OF ROADS, THE MAINTENANCE OF EXISTING ROADS, THE ACCEPTANCE OF ROADS AND THE STANDARDS FOR ROAD CONSTRUCTION**

#### ***DIVISION 5. ENCROACHMENT PERMITS***

##### **Sec. 25-93. Violations.**

Anyone who encroaches on the right-of-way of a county maintained highway, street or road without securing an encroachment permit or who fails to adequately restore the road and right-of-way after an encroachment shall be deemed a violation of this Chapter. ~~guilty of a misdemeanor, and shall be subject to the general penalty provisions of this code (See section 25-101). Each day~~ Every 24 hours that the unauthorized encroachment exists, or that the inadequacy exists following notification, shall be considered a separate offense.

#### ***ARTICLE III. NAMING AND ADDRESSING OF ROADS***

##### **Sec. 25-134. ~~Enforcement~~ Violation.**

Owners or occupants of buildings which are not in compliance with the provisions of this article shall be notified and required to meet the requirements herein within 60 days from the date of notification. A warning notice will be issued after the 60 days if the requirements have not been met. The owner or occupant shall be in violation of this Article if there is a failure to ~~who does not~~ voluntarily comply with this article within 30 days after delivery ~~of~~ and a warning notice by registered or certified mail ~~shall be subject to criminal prosecution. Any person found violating a provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or 30 days imprisonment or both; and if such violation continues, each day's violation shall be a separate offense. Violation of this article may also be enforced by seeking a civil court order to compel compliance of civil remedies against the violator.~~

## Chapter 1 GENERAL PROVISIONS

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

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

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than other more general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In the construction of this Code and of all ordinances and resolutions of the county, all things and places therein referred to shall, unless a contrary intention appears, be construed to mean things and places situated in the county or employed by or appertaining to the county.

*Administrative Citation.* A formal written legal notice issued in response to a violation of the Jasper County Code and as further defined and described in Section 1-8 of the Jasper County Code.

*Administrator.* The term "administrator" or "county administrator" means the county administrator of Jasper County, South Carolina.

*And; or.* The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it.

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

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

*Code.* Reference to "this Code" or "the Code" means the Jasper County Code as designated in section 1-1.

*Code Enforcement Officer ("CEO")* means a law enforcement officer, or an appointed and commissioned official entrusted with administering or enforcing the Jasper County Code pursuant to appointments made by County Council under the authority of § 4-9-145 of the Code of Laws of South Carolina.

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

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

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

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

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

*Floodplain Manager* means the individual appointed by the County Administrator to be responsible for administering and enforcing the County Floodplain Ordinance, Chapter 6 Article IV of the Code.

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

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

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

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



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

*Number.* Words used in the singular shall include the plural and words used in the plural shall include the singular number.

*Oath; swear; sworn.* The term "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."

*Officer; official.* Whenever reference is made to any officer or official the reference will be taken to be ~~to~~ such officer or official of Jasper County who the County Administrator has provided the authority to in order to administer the Jasper County Code and ensure compliance.

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

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

*Personal property.* The term "personal property" includes every species of property except real property.

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

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

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

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

*Shall; may.* The word "shall" is mandatory; the word "may" is permissive.

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

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

*State.* The term "state" means the State of South Carolina.

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

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

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

*Week.* The term "week" means seven days.

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

*Year.* The term "year" means a calendar year.

~~*Administrative Citation.* A formal written legal notice issued in response to a violation of the Jasper County Code and as further defined and described in Section 1-8 of the Jasper County Code.~~

~~*Code Enforcement Officer ("CEO")* means a law enforcement officer, or an appointed and commissioned official entrusted with administering or enforcing the Jasper County Code pursuant to appointments made by County Council under the authority of § 4-9-145 of the Code of Laws of South Carolina.~~

~~*Floodplain Manager* means the individual appointed by the County Administrator to be responsible for administering and enforcing the County Floodplain Ordinance, Chapter 6 Article IV of the Code.~~

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**Sec. 1-8. Administrative Citations; General Penalty; continuing violations.**

**(a) Administrative Citation.**

- i. General Application. Whenever in the Code or in any Ordinance an act is prohibited or is declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, and the Code specifically provides the authority for the issuance of an Administrative Citation, then the Official or Code Enforcement Officer may at their discretion issue an Administrative Citation pursuant to this Section.
- ii. Violations. When the Official or Code Enforcement Officer finds that a Person has violated, or continues to violate, a provision of the Code subject to Administrative Citations, then the Official or Code Enforcement Officer has the authority to issue an Administrative Citation at their discretion. Issuance of an Administrative Citation shall not be a bar against, or a prerequisite for, taking any other action against the Person found to be in violation of the Code.
- iii. Warning of Violation. When the Official or Code Enforcement Officer determines that a violation of the Code has occurred, they may issue at their discretion a warning of an Administrative Citation to the person responsible for the violation or upon the real or personal property related to the violation. A warning notice of violation is not a prerequisite to the issuance of a first administrative citation or any other penalty. The warning shall identify the Code or Ordinance section violated, a description of the violation and how it can be corrected. The warning shall specify a time and date by which the violation shall be corrected.
- iv. Administrative Citations.
  - A. Content of Administrative Citation. The Administrative Citation must be issued on a form approved by the Official and shall contain the following information:
    1. Date, location and approximate time of violation; and,
    2. The Code Section violated and a brief description of the violation; and,
    3. The amount of the penalty; and,
    4. Instructions for payment of the penalty, the time period or specific date by which it shall be paid and consequences for a failure to pay the penalty within the specified time period; and,
    5. Instructions on how to protest the Administrative Citation; and,
    6. The name or a numerical identifier of the Official or Code Enforcement Officer who is administering the Administrative Citation.
  - B. Service of Administrative Citation. The Administrative Citation shall be deemed served upon the Person in violation if one (1) of the following have been fulfilled:
    1. If the Person is present at the time of the violation then the Official or Code Enforcement Officer shall attempt to obtain their signature on and provide a copy of the Administrative Citation to the Person; or,
    2. If the Person is not present, is otherwise unavailable at the time of the violation, or refuses to personally accept a copy of the Administrative Citation, then the Official or Code Enforcement Officer shall post a copy of the citation either: (1) in a conspicuous location on the real or personal property where the violation occurred; or (2) deliver a copy of the Administrative Citation to the County's last known address for the Person if said address is within the jurisdictional of the County; or,

3. If the Person has authorized delivery of written notices by electronic mail under the Chapter associated with the violation stated on the Administrative Citation, then the Citation may be delivered by electronic mail to the address on file with the County.

C. Administrative Citation Penalties.

1. Amount of Fee. Any person in violation of the Code and subject to an Administrative Citation shall be subject to the Administrative Fees in addition to any penalties or fees provided for in the Code. The Administrative Fees are established as follows:
  - a. One Hundred (\$100) Dollars for the first infraction;
  - b. Two Hundred Fifty (\$250) Dollars for a second infraction within one (1) year of the first infraction; and,
  - c. Five Hundred (\$500) Dollars for a third infraction within one (1) year of the second infraction

The above fees may be assessed on a per violation basis. If the violation is not corrected within twenty-four (24) hours of receiving the first Administrative Citation, then additional Administrative Citations may be issued every twenty-four (24) hours until corrected unless pursuant to Subsection 2 below a specific time period to remedy the violation has been established .

2. Time Period to Remedy Violation. The Code Enforcement Officer, or other Official authorized in the Code to issue Administrative Citations, may authorize a specific time period, not to exceed thirty (30) days, for the Person in violation of the Code to remedy the violation without receiving any additional penalties.

- D. Administrative Protest. A Person desiring to dispute an Administrative Citation must file a written protest within fifteen (15) calendar days to the Official as described on the Citation, for the Official to reconsider issuance of the Administrative Citation. The written protest must request the reasons for the protest and contain any additional documents or other evidence the protestor desires to be considered by the Official. The reasons for protest shall be based on a claim that (1) the true intent of the Code or the rules legally adopted hereunder have been incorrectly interpreted; (2) the provision of the Code referenced does not apply; (3) the requirements of the Code are adequately satisfied by other means; or (4) that the strict application of any requirement of this Code would cause undue hardship. The written request shall also include any and all contact information for the protestor.

The filing of a written protest shall stay the requirement to pay any fee associated with the violation until a final decision is made and the protestor receives a written determination from the County.

Failure to file a notice of protest in writing within the established time period shall constitute a waiver of the right to protest the Administrative Citation. Upon receipt of a written protest, the Official may: (1) dismiss the Administrative Citation at their discretion; or (2) convene a hearing on the matter pursuant to the procedures established in this Section.

1. Notice of Protest Hearing. By way of the contact information provided on the written protest, the County Administrator, or their designee, shall either orally or in writing advise the protestor of the location, date and time of the hearing. Notice of the hearing must be provided at least two (2) business days prior to the hearing, excluding County recognized holidays and weekends.

2. Protest Hearing Officer. If a hearing is required, the County Administrator shall appoint a hearing officer. The hearing officer shall not be the individual who issued the Administrative Citation or their immediate supervisor. The hearing officer shall either (1) dismiss the Administrative Citation and provide a written justification for dismissal and provide a copy to the County and the protestor; (2) request additional documents or information from the Official or Code Enforcement Officer and may continue the hearing in order to review said documents or information; or (3) uphold the Administrative Citation at issue.
  3. Protest Hearing Procedure. The protest hearing established in this Section shall be held as soon as practical but in any event no later than ten (10) business days after the County receives the written protest. The hearing shall be informally conducted by the appointed hearing officer. The Code Enforcement Officer, or other Official, who issued the Administrative Citation shall present the facts and circumstances that resulted in a conclusion that a violation existed. The protestor shall be given the opportunity to present evidence to the hearing officer in the course of the hearing. Neither party shall have the right of cross-examination, but the hearing officer may make inquires of the witnesses and representatives, or allow cross examination if they so desire in their sole discretion. The protest hearing shall be recorded and transcribed at the expense of the requesting party. If the violation has been cured at the time of the protest hearing, the hearing officer shall have discretion to waive the administrative fee.
  4. Failure to Appear. The failure of a Person to appear at the Administrative Protest hearing shall constitute a forfeiture of the protest and the Administrative Citation shall be fully enforceable.
  5. Final Decision. The hearing officer shall provide the Official, or Code Enforcement Officer, and the Person who submitted the protest a written final determination which shall include a written decision and justification for the determination. The written decision shall be the final decision of the County on a protest of an Administrative Citation and the associated Administrative fee.
- v. In addition to an Administrative Citation, violations of the Code remain subject to all other penalties and remedies permitted under the Code or other applicable law. The Administrative Citation authorized by this Section shall be in addition to any other remedies available at law or in equity for a violation of the Code, and is not a required prerequisite for any other enforcement action authorized by the Code.

(b) General Penalty. Whenever in the Code, or in any ordinance or resolution of the County, any act is prohibited, declared to be unlawful, an offense, or misdemeanor; or the failure to do any act is declared to be unlawful, an offense, or a misdemeanor; and either this Section is directly referenced or no specific penalty is provided for the violation thereof, then the said violation of the Code, or any such ordinance or resolution, shall be subject to being found guilty of a misdemeanor and subject to a fine not exceeding Five Hundred (\$500) Dollars or imprisonment not exceeding thirty (30) days, or both. ~~Whenever in this Code, or in any ordinance or resolution of the county, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or any such ordinance or resolution, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days.~~

- i. Separate Offense. ~~Each day a~~ Any violation of this Code or any such ordinance, resolution, rule, regulation or order ~~shall that continues for a period of 24 hours~~ shall constitute, except where otherwise provided, a separate offense.
- ii. Summons for Enforcement. There shall be made available to the Code Enforcement Officer and Sheriff's Department official of the county an ordinance summons which complies with the requirements of S.C.

Code 1976, § 56-7-80. The form shall comply with the requirements of S.C. Code Ann. Section 56-7-80 (1976). ~~and substantially similar to the form attached to Ordinance No. 2025-11 which is hereby incorporated by reference as attachment A, which is incorporated as part of this section by reference. For purposes of this section, any employee of the department of public works is a code enforcement officer for the purposes of any littering, dumping or animal control ordinance.~~

- A. The Code Enforcement Officer and Sheriff's Department official shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.
- B. Any Code Enforcement Officer or Sheriff's Department official issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons into the applicable Code Enforcement Department Director or the appropriate Sheriff's Department official within one business day. Failure to comply will not affect the validity of any charge or conviction.
- C. The Code Enforcement Department and Sheriff's Office shall be responsible for keeping the summons forms which have been turned in by code enforcement and law enforcement officers in a manner which will allow for an annual audit of the summons forms.

(c) Remedies Not Exclusive. The remedies provided within this Chapter for violations of the Code are not exclusive and shall not prohibit pursuit of any other remedies available in law or equity.

(d) Severability. Should any section, clause or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part declared to be unconstitutional or invalid; each section, clause or provision hereof being declared severed.

### Chapter 3 ANIMALS

#### Sec. 3-1. Animal ordinance; penalties.

(a) The county hereby adopts as ordinances of the county the provisions of chapters one through seven of Title 47 of the S.C. Code of Laws of 1976, as amended.

(b) Enforcement. The county sheriffs department shall have the authority to enforce these ordinance in its entirety, and Code Enforcement Officers may issue the Administrative Citations as provided for in this Chapter. Tickets or warrants issued by the sheriffs department under the authority of this section shall cite this section, together with title, chapter and section number of the State Code violation which the sheriffs department agent contends has been violated. Nothing contained in this section shall be construed to require the county to assume any responsibility allocated to the state or any of its subdivisions by Title 47, nor is this section intended to supplant state enforcement of any provision in Title 47. This section shall be construed as concurrent with existing state law and state law enforcement.

(c) Administrative Citations, Penalties and Remedies.

- i. Administrative Citation. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation and the fines as established in Code Section 1-8(a).
- ii. Penalties. Any violation of this Chapter is subject to Code Section 1-8(b) but shall not exceed the lesser of the penalty provisions of the incorporated state law offense, or the enforcement authority of the county magistrate. Funds received by the county for violations of the Jasper County Animal Ordinance shall be deposited to the general funds of the county, except for any portion required by state law to be allocated to the state, or any subdivision thereof.
- iii. Remedies. In addition to any of the fees or penalties provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person

or commercial business. Specifically, any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

#### **Chapter 4 ALCOHOLIC BEVERAGES**

**Sec. 4-3. Enforcement, Administrative Citation, Penalties/warning, and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the penalties provided for in this Section.

(a) Enforcement. Unless otherwise provided herein, Code Enforcement Officers, and Jasper County Sheriff's Office have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. ~~Violations of the provisions of this chapter 4 shall subject the offender to the penalties as provided in section 1-8 of the Jasper County Code of Ordinances.~~ Persons in control of the establishment, whether owners, controlling officers, lessees, managers, or employees shall be liable for violation of this chapter, and individually subject to the penalty provisions of section 1-8(b). ~~Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed or continued.~~

- i. Patrons and Guests. Patrons and guests who violate this ~~ordinance~~ Chapter's provisions concerning leaving the premises shall be subject to the penalty provisions of ~~a~~Section 1-8(b); provided, however, should the patron or guest have made arrangements for transportation off the premises and such transportation not yet arrived as of the expiration of the grace period provided in ~~a~~Section 4-2 of this ~~e~~Chapter, such patron or guest shall be given a warning instead of a violation upon providing some proof of the arrangement for transportation.

(d) Additional Remedies. The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. Business License. ~~In addition, a~~Any business establishment found to be in violation of this chapter shall be subject to having its business license registration suspended or revoked in accordance with ~~procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance~~ the Business License Ordinance established in Chapter 8 of the Code.

#### **Chapter 6 BUILDINGS AND BUILDING REGULATIONS**

##### **ARTICLE II. TECHNICAL CODES**

###### **DIVISION 1. GENERALLY**

**Sec. 6-34. Violations; penalties.**

(a) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. ~~The violation of any of the codes or regulations adopted pursuant to the provisions of this article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished~~

~~in accordance with section 1-8(b). Each day such violation shall continue shall be deemed a separate offense.~~ In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this article, the codes department director or other appropriate authority of the county, ~~or any adjacent or neighboring property owner who would be damaged by such violation may,~~ in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

(b) Nothing in this article or in the codes adopted in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this article.

#### *DIVISION 4. GATE ACCESS PROGRAM*

##### **Sec. 6-123. Responsibility-Administration and Enforcement.**

The county fire marshal is charged with the overall responsibility for administering, coordinating and implementing the requirements set forth in this division. Unless otherwise provided herein, the County Fire Marshal or a Code Enforcement Officer have the authority to enforce all provisions of this Article. The named enforcement officers in this Section are empowered to issue Administrative Citations and Uniform Summons for criminal violations to persons violation any provision of this Article.

##### **Sec. 6-126. ~~Violation a misdemeanor.~~ Administrative Citation, Penalty, and Remedies.**

~~Violation of any provision of this division shall be a misdemeanor punishable as provided in section 1-8.~~

(a) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(b) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(c) Additional Remedies. The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. Business License. Any business establishment found to be in violation of this Article shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

#### *ARTICLE IV. FLOOD DAMAGE PREVENTION* *DIVISION 1. GENERAL STANDARDS*

##### **Sec. 6-150. Administrative Citation and Penalties for violation.**

(a) Violation of the provisions of this article 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 pursuant to Code Section 8-1.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

ii.

(c) Penalty. Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(d) Additional Remedies. The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. Business License. Any business establishment found to be in violation of this Article shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

#### *DIVISION 3. ADMINISTRATION*

#### **Sec. 6-174. Administrative procedures.**

(b) Stop-work orders. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, 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 pursuant to Code Section 8-1.

#### *ARTICLE V. PROPERTY MAINTENANCE*

#### **Sec. 6-202. ~~Appointment of DSR Enforcement;~~ fees.**

(a) The development services representative (DSR) identified in the county zoning ordinance § 19:1 and his designees, or Code Enforcement Officer shall enforce this article under the overall control of the county administrator.

(b) Fees. The fees for activities and services performed by the DSR in carrying out responsibilities under this article shall be adopted by resolution of council.

#### **Sec. 6-205. Stop work order.**

(a) Authority. Whenever the DSR finds any work regulated by this article being performed in a manner contrary to the provisions of this article or in a dangerous or unsafe manner, the DSR is authorized to issue a stop work order.

(b) Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, a party in interest or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(c) Emergencies. Where an emergency exists, the DSR shall not be required to give a written notice prior to stopping the work.

(d) Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~guilty of a misdemeanor and subject to penalty as provide by law;~~ deemed a violation of this Article.

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**Sec. 6-206. Violations.**

- (a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this article.
- (b) *Notice of violation.* The DSR shall serve a notice of violation or order in accordance with section 6-207(c).
- (c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 6-207 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the DSR shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this article or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction of such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) *Violation penalties.* Any person, who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state laws or the county Code. ~~Each day~~ Every 24 hours that a violation continues after due notice has been served shall be deemed a separate offense. The violation of the provisions of this Article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.
- (e) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the county attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy or utilization of a dwelling structure or premises, or to stop an illegal act.

**Chapter 8 BUSINESSES**  
**ARTICLE I. IN GENERAL**

**Sec. 8-1. Enforcement of Chapter; Administrative Citations; Penalties, Remedies; conflict with other laws.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the remedies and penalties provided for in this Section.

- (a) *Enforcement.* Unless otherwise provided her herein, the County Administrator or their designee, Code Enforcement Officers, and the License Official or their designee have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.
- (b) *Administrative Citations.* Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).
  - i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
  - ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.
- (c) *Penalty.* The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter, and pursuant to the authority provided by S.C. Code 1976 §22-3-550 as amended, is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Pursuant to S.C. Code 1976, § 22-3-550, as amended, any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$500.00 and/or imprisonment not exceeding 30 days. Each day of the violation shall constitute a separate offense. Additionally, the county may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense.

- (d) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense. Whenever it shall come to the attention of the County Administrator or their designee, or the County's license coordinator that any provision of these regulations has been or is being violated, the license coordinator may, on behalf of, and in the name of, the county, immediately institute suit and prosecute the same to final judgment. ~~Further, should any business establishment stand in violation of the provisions of this ordinance, either for non-payment of the required license fee or in violation of any of the provisions herein for more than 30 days after proper notice as described herein, the license coordinator shall cause the doors to the business to be padlocked until such time as the violation is remedied. Any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked.~~
- (e) In interpreting and applying the provisions of these regulations, the requirements shall be considered as the basic requirements for the provision of business licenses within the jurisdiction of the county. It is not the intent of these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon a business or require other restrictions which may appertain to a business greater than those imposed by the other resolutions, rules or regulations, or by any easements, covenants or agreements, or by any ordinances, the provisions of these regulations shall prevail.

## **ARTICLE II. LICENSES**

### **Sec. 8-44. Denial of license.**

The license official may deny a license to an applicant when the license official determines:

- (1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents;
- (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- (4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the county or in another jurisdiction;
- (5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the county of any tax or fee, including but not limited to, any fee associated with the issuance and receipt of an Administrative Citation;
- (6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- (7) The license for the business or for a similar business of the licensee in the county or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal ~~as herein provided~~ as described in Section 8.46 Appeals.  
Denial shall be written with reasons stated.

### **Sec. 8-45. Suspension or revocation of license.**

When the license official determines:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article;

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- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- (4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or
- (6) A licensee is delinquent in the payment to the county of any tax or fee, including but not limited to, any fee associated with the issuance and receipt of an Administrative Citation.

The license official may give written notice to the licensee or the person in control of the business within the county by personal service or mail that the license is suspended pending a single hearing before council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this article.

**Sec. 8-49. Violations. Reserved.**

~~Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.~~

***ARTICLE III. GAMING DEVICES***

**Sec. 8-102. Penalty for violation of article. Reserved.**

~~Any person violating any provisions of this article shall be deemed guilty of an offense and shall be subject, upon conviction, to punishment in accordance with section 1-8. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for in this article.~~

***Chapter 9 CIVIL EMERGENCIES***  
***ARTICLE I. IN GENERAL***

**Sec. 9-5. Enforcement of Chapter, Administrative Citations, Penalties and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the penalties and remedies provided for in this Section.

(a) Enforcement. Unless otherwise provided herein, Code Enforcement Officers and the County Fire Chief have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

- i. Fire Emergency Authority. The ~~Ce~~county ~~f~~Fire ~~e~~Chief may designate individuals with authority to direct and control traffic at the scene of any fire or emergency in the County and enforce the laws of this State and County relating to the following of fire-apparatus, or rescue or emergency vehicles, the crossing of fire hose, and interfering with firemen, rescue or emergency responders in the discharge of their duties in connection with a fire, rescue or emergency responders in the same manner as provided for the enforcement of such laws by law enforcement officers.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).

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- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) Penalties. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(d) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the Court may decide as prescribed by state law for each offense.

i. Business Licenses. Pursuant to the authority provided in Chapter 8 of the Code, whenever it shall come to the attention of the County Administrator or their designee, or the County's license coordinator that any provision of this Chapter has been or is being violated, the license coordinator may, on behalf of, and in the name of, the County, immediately institute suit and prosecute the same to final judgment. ~~Further, should any business establishment stand in violation of the provisions of this Chapter for more than 30 days after proper notice as described in Chapter 8 of the Code, the license coordinator shall cause the doors to the business to be padlocked until such time as the violation is remedied. Any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked.~~

### **ARTICLE III. COUNTY EMERGENCY SERVICES**

#### **Sec. 9-61. ~~Enforcement.~~ Willful Obstruction.**

It shall be unlawful for any reason to violate any of the provisions of this act or the regulation issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency services in the enforcement of the provisions of this act, or any regulation issued thereunder. Any person found in violation of this ~~article~~ Section shall be guilty of a misdemeanor.

### **ARTICLE VI. OFFENSES AND MISCELLANEOUS PROVISIONS**

#### ***DIVISION 1. PROHIBITED ACTS; INTERFERENCE WITH FIRE APPARATUS OR SCENE; HAZARDOUS MATERIALS***

#### **Sec. 9-102. Code adopted.**

- (a) The most recently promulgated edition of the Standard Fire Protection Code is hereby adopted for the Jasper County Fire-Rescue District.
- (b) In the event that any matters in said code are contrary to existing ordinances of the county, the ordinances adopting the aforementioned Code and amendments thereto shall prevail. Provisions of said ordinances not inconsistent with the Code remain in full force and effect for Jasper County, South Carolina.
- (c) When reference is made in the Standard Fire Protection Code to the duties of officials named therein, that designated official in Jasper County, South Carolina, is the deputy administrator for emergency services who shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.
- (d) Violations of ~~said~~ the Standard Fire Protection Code shall be a violation of this article.

#### **Sec. 9-103. ~~Penalty for violation.~~ Reserved.**

~~Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not less than \$500.00 or 30 day of confinement.~~

#### ***DIVISION 2. OPEN BURNING; NOTIFICATION; PENALTIES***

**Sec. 9-125. Fires shall be prohibited as follows.**

- (a) The county fire chief and or his/her designee, may prohibit open burning during such times as may be necessary depending upon atmospheric conditions, local weather patterns, or other such circumstances as would exist to make open burning hazardous.
- (b) The only materials that may be lawfully burned as permitted in section 9-123 above, are those vegetative materials which shall have originated on the site in which they are proposed to be included in any open burning. All other materials or items are prohibited from being burned on properties located within the unincorporated areas of Jasper County, which materials shall include, but not be limited to; asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

**Sec. 9-130. Enforcement and penalties.**

Enforcement of this division shall fall under the jurisdiction of both the Jasper County Fire Marshal's Office, officers of the Jasper County Sheriff's Office and Jasper County Codes Enforcement shall have the authority to exercise full discretion in deciding whether to issue a warning, subpoena or a citation when investigating complaints that arise under this division. ~~Any violation of this division may be punishable by a fine of up to \$500.00, or up to 30 days imprisonment.~~

**CHAPTER 10 NUISANCES, JUNKYARDS, NOISE, AND LITTER**  
**ARTICLE I. IN GENERAL**

**Sec. 10-2. ~~Compliance officer/code enforcement officer official duties and powers.~~ Enforcement and Administering .**

(a) Enforcement. Unless otherwise provided herein Code Enforcement Officers, Litter Control Officers, and the County Fire Chief have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

**(b) In General.**

- (1) The director of planning and building services, or his or her designee, including where required by statute to be the building ~~compliance officer(s)~~ Code Enforcement Officer, other appropriately appointed officials administering or enforcing codes regulating buildings and constructions services, the county litter control officer(s), as applicable, officers of the sheriff's department, and other appropriately appointed officials administering or enforcing codes pursuant to appointments made by county council under the authority of § 4-9-145 of the Code of Laws of South Carolina (hereinafter generically "~~compliance officer~~" or "codes enforcement officer") shall enforce the provisions of this Code (meaning the Code of Ordinances of Jasper County, South Carolina) and applicable state statutes. If a ~~compliance officer~~ Code Enforcement Officer determines that any of the provisions of any article of this chapter is being violated, he or she shall enforce the requirements of the ordinance by any and all lawful means. The ~~compliance officer~~ Code Enforcement Officer is not generally required to warn a violator before the issuance of an ordinance summons or the institution of enforcement procedures, except as other ordinances may provide for such warning. The ~~compliance officer~~ Code Enforcement Officer may invoke a single course of enforcement or parallel courses of enforcement in his discretion as the exigencies of the circumstances demand.
- (2) Administrative and interpretive authority. The ~~compliance officer~~ Code Enforcement Officer, with the consent of the county administrator, shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of the applicable

codes; and to secure the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

- (3) *Inspections.* The ~~compliance officer~~ Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. The ~~compliance officer~~ Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The ~~compliance officer~~ Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. The ~~compliance officer~~ Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this Code. The ~~compliance officer~~ Code Enforcement Officer shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.
- (4) *Right of entry, permissive and by warrant.*
- a. The ~~compliance officer~~ Code Enforcement Officer shall, after proper presentment of identification and notification, have the right and authority to go onto the grounds of any premises within the unincorporated county at any reasonable time for the purpose of making inspections to ascertain if the premises are in compliance with this chapter.
  - b. The ~~compliance officer~~ Code Enforcement Officer, county health officer, or any other appropriate county official shall, after proper presentment of identification and notification, have the right and authority to enter premises after receiving permission from a responsible person within the unincorporated county at any reasonable time for the purpose of making inspections to ascertain if the premises are in compliance with this chapter.
  - c. If any responsible person owning or residing in the premises shall refuse to allow the county official to enter onto any grounds or enter into any premises in the unincorporated county for the purposes of conducting the inspection as provided in this section, the county official shall make no entry, but shall withdraw and make application to the magistrate's court for an administrative search warrant to be issued.
  - d. An administrative search warrant can be obtained if there is a showing that reasonable administrative or legislative standards are in place for the issuance of the administrative warrant and the conduct of the search. For the purposes of establishing reasonable standards, and for securing an administrative search warrant, the requesting official must affirm that:
    1. The relevant codes, regulations or statutes are in place pertaining to the property;
    2. The requesting official has attempted peaceful entry or has sought permission to enter for the limited purpose of code inspection;
    3. Permission has been denied;
    4. There exist facts and circumstances that lead the affiant to believe, based upon his education, training or experience, that code violations exist that could impact fire laws, or could pose imminent danger to the occupant;
    5. The stated object and purpose of the search must be adequately specific so that the reasonableness of the scope of the search is not expanded past regulatory purposes; and
    6. The search warrant shall not be used as a pretext for a criminal search.
  - e. The magistrate's court judge for the county is hereby authorized to issue administrative search warrants to allow the code enforcement officer, county health officer, or any other appropriate county official to enter any premises within the unincorporated county under the terms and conditions as deemed by the municipal court judge.
  - f. A law enforcement officer must accompany the official to the premises to assist in the safer execution of the administrative search warrant under the provisions of this section.

- g. It shall be unlawful for any person having control of any premises for which an administrative search warrant has been issued to prohibit the entry onto the premises by the person as authorized.
- h. Where a violation is in clear view from a public road or adjoining property, on which permission has been granted to enter, the officer, employee or agent of the county may issue a summons for the violation.

**Sec. 10-3. Administrative Citations, Penalties and Remedies.**

(a) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(b) Penalties. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Every 24 hours that the violation continues to exist shall constitute a separate violation.

- i. Litter Violation Penalty. For violations of Article III of this Chapter, in addition to the fine or term of imprisonment, the court may also impose eight hours of litter-gathering labor for a first conviction, 16 hours of litter-gathering labor for a second conviction, and 24 hours of litter-gathering labor for a third or subsequent conviction, all under the supervision of the court; or such other term of litter-gathering labor or public service as the court deems appropriate.

(c) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the Court may decide as prescribed by state law for each offense.

- i. Business License. Any business establishment found to be in violation of this chapter shall be subject to having its business license registration suspended or revoked in accordance with procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance.
- ii. Separate Costs. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this Chapter shall be separate and apart from any inspection costs and cleanup or abatement costs incurred by the County in abating said nuisance or any violation of this Chapter; and shall be in addition to all other remedies available to the county under state law and local ordinances. The County may place a mechanics lien on any property associated with said costs associated with this Section.

***ARTICLE II. NUISANCES***  
***DIVISION 1. GENERALLY***

**Sec. 10-21. Definitions.**

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

~~Compliance officer or means a law enforcement officer, the county planning and building services director, anyone qualified he or she designates to act in such capacity on his behalf for anyone designated as such by the county administrator, including the code enforcement official or other county employee or official as may be designated in writing by the county administrator or sheriff to enforce the provisions of this chapter, and other appropriately appointed officials administering or enforcing codes pursuant to appointments made by council under the authority of § 4-9-145 of the Code of Laws of South Carolina.~~

**Sec. 10-25. Abatement procedure/compliance order.**

- (a) Whenever the ~~compliance officer~~ Code Enforcement Officer determines that any property is maintained in violation of one or more of the provisions of this chapter, he or she shall serve on one or more of the responsible parties a written compliance order citing:
- (1) The date and location of the violation;
  - (2) The section of the Code violated and a brief description of the violation;
  - (3) The actions required to correct the violation or abate the condition;
  - (4) The time period after which the county will enter the property to abate the conditions.
- (b) The time period for abatement shall be at least 30 days, unless it is determined by the ~~compliance officer~~ Code Enforcement Officer that the conditions constitute an imminent threat to the public health, safety or welfare. The ~~compliance officer~~ Code Enforcement Officer may grant an extension of 180 days or less upon good cause, provided the responsible party signs a written agreement to abate the nuisance within a time certain. The board of zoning appeals may grant a one-time extension of 180 days or less in addition to the time provided by the ~~compliance officer~~ Code Enforcement Officer where the board deems such extension is warranted.
- (c) If a person fails or refuses to discharge the duties imposed by section 10-25, the county may concurrently serve an administrative notice to abate a public nuisance upon the owner or occupant and demand that compliance must be achieved within the time specified in the notice. The county shall determine the individual, firm or corporation or lien holder who, from the records in the unincorporated county tax assessor's office, appears to be the titled owner or lien holder of the property and cause a written notice of public nuisance to be served on such individual, firm or corporation or lien holder by:
- (1) Personal service as attested to by affidavit of service; or by
  - (2) Copy mailed to such owner or lien holder at such place or address by United States certified mail return receipt requested; or
- (d) If the whereabouts of the responsible persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the serving of the compliance order may be made by publishing it once each week for two consecutive weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to 30 days and shall indicate the nature of the violation, identification of the property affected, with date of posting, and contact information, which shall serve as notice to the public.

**Sec. 10-26. Voluntary correction.**

- (a) *Applicability.* This section applies when the designated ~~compliance official (hereinafter compliance officer)~~ code enforcement officer determines that a violation of an ordinance or regulation has occurred or is occurring.
- (1) *General.* The ~~compliance officer~~ Code Enforcement Officer shall pursue a reasonable attempt to secure voluntary correction by causing written notice to be given to the person responsible for the violation where possible, or to the owner of record at the public address of record or 9-1-1 address, explaining the violation and the abatement and appeals process.

**Sec. 10-30. ~~Penalties. Reserved.~~**

- (a) ~~Enforcement of this article's provisions may be accomplished upon the institution of criminal process by way of uniform traffic ticket, county ordinance summons or warrant made only by a law enforcement officer or appropriate government official, including compliance or code enforcement officers. Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. No fine imposed pursuant to this chapter may be suspended to less than \$250.00. No sentence of imprisonment imposed pursuant to this chapter may be suspended. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any~~



inspection costs and cleanup or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.

- ~~(b) Each day that the nuisance continues to exist shall constitute a separate violation.~~
- (c) Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the compliance official, shall be made pursuant to section 10-32.

#### **Sec. 10-32. Appeal procedures; hearing.**

- (a) The responsible person, owner or occupant, or the lien holder of the property aggrieved by a finding of public nuisance or other decision or assessment by the ~~compliance official~~ Code Enforcement Officer may appeal the decision by written request stating the reasons therefore, filed with the ~~compliance official~~ Code Enforcement Officer within ten days after service by certified mail or personal service of the notice of public nuisance or other decision or assessment. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this Code does not apply, the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause undue hardship.
- (b) *Appeal of finding of nuisance.* The county administrator shall appoint a hearing officer or, upon request of the appellant, a hearing panel to hear the appeal. This appeal stays the public abatement until such time as the matter is heard and decided by the hearing officer or panel unless an emergency abatement as authorized by the county administrator is necessary to preserve public health, safety or welfare. The appeal must be received by the county administrator before the time specified in the notice. The appeal may be faxed or emailed to the county administrator. The written demand shall include a contact number, either phone or facsimile in order for the person to be informed of the hearing location, date and time. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.
- (c) *Failure to appeal.* Failure to timely appeal constitutes a waiver of the right to appeal the existence of a public nuisance.
- (d) *Appeal of assessment.* Further, in those instances where the nuisance has been abated by the unincorporated county after the required notice of subsection 10-26(b), the owner or occupant of the property who has been served with a notice of assessment pursuant to section 10-29 of this article may make a written demand to the county administrator for a hearing to review the cost of the abatement. This appeal stays the attachment of the lien until such time as the matter is heard and decided by the hearing officer or hearing panel. The appeal of the assessment must be received by the county administrator within five business days of the appellant's receipt of the notice of assessment. The written demand shall include a contact number, either phone or facsimile in order for the person to be informed of the hearing location, date and time. In an appeal of the assessment of costs, no testimony shall be permitted on the issue of the existence of the public nuisance.
- (e) *Failure to appeal assessment.* Failure to timely appeal constitutes a waiver of the right to appeal the assessment of costs.
- (f) *Notice of the hearing.* By way of the contact numbers provided in the written demand, the county administrator shall orally advise the owner of the location, date and time of the hearing. Notice of the hearing must be provided at least two business days prior to the hearing, excluding county recognized holidays and weekends.
- (g) *Time and manner of hearing.* The hearings as allowed under this section shall be held as soon as practical but in any event no later than five business days after receipt of the appeal, excluding county recognized holidays and weekends. The hearing shall not be conducted under the strict rules of evidence. The hearing shall be informally conducted by the hearing officer or panel. If a panel has been appointed, the panel shall elect one of its members to act as chairperson. The ~~compliance officer~~ Code Enforcement Officer shall present the facts and circumstances that resulted in a conclusion that a nuisance existed. The owner, occupant or lien holder, or their agents, representatives or attorneys shall be given the opportunity to present evidence to the hearing officer in the course of the hearing. Neither party shall have the right of cross-examination, but the hearing officer or panel may make inquiries of the witnesses and representatives, or allow cross examination if they so desire in their sole discretion. The proceedings shall be recorded and transcribed at the expense of the party so requesting. When the nuisance has been abated by the county and the person has appealed the assessment of the administrative fee and actual costs, the hearing officer or panel shall have

discretion to waive the administrative fee or the public cost of abating a nuisance, in whole or in part, if, in the course of the hearing and reviewing the decision, the hearing officer or panel finds that justice and equity require such waiver or that any of the following did not conform to the provisions of this article:

- (1) The notice to remove the nuisance;
  - (2) The work performed in abating the nuisance;
  - (3) The computation of charges.
- (h) The hearing officer, or if there is a hearing panel by majority vote of members present, shall render a decision based on findings of fact and application of the standards herein. The decision of the hearing officer or panel is the final decision of the county, and shall be delivered orally to the appellant on the date of the hearing, and then, if requested, written and mailed to the address provided. The hearing officer or panel shall affirm, modify, or reverse the decision of the ~~compliance officer~~ Code Enforcement Officer, or grant a one-time extension of no more than 180 days additional to the time period already provided by the ~~compliance officer~~ Code Enforcement Officer for abatement.
- (i) *Administration.* The planning and building services director shall cause the ~~compliance officer~~ Code Enforcement Officer to take immediate action in accordance with the decision of the board.
- (j) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to appeal to the circuit court, provided such person has standing under the general rules regarding standing determinations in judicial review proceedings. The factual findings of the hearing officer or appeals panel shall be deemed findings of fact subject to the same judicial deference given findings of facts by the zoning board of appeals, and the review shall be a record review, not a review *de novo*.
- (k) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the hearing officer or panel.

### ***ARTICLE III. LITTERING***

#### **Sec. 10-52. Enforcement- Evidence of Littering.**

- (a) ~~All animal and environmental control officers, litter control officers, codes enforcement officers, the director of the county public works department, and all certified officers of the sheriff's office are empowered to enforce the provisions of this article.~~
- (b) ~~The named enforcement officers are empowered to issue citations to persons violating any provision of this article.~~
- (c) ~~All of the named enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter. In addition, the mailing by registered mail of such process to his/her last place of residence shall be deemed as personal service upon the person charged.~~
- (d) ~~Evidence shall be p~~Prima facie evidence ~~if:~~
- (1) ~~If~~the throwing, dumping, or depositing of litter was done from a motor vehicle or boat, except a motor bus, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle or boat; nonetheless, the owner of the vehicle or boat remains liable pursuant to section 10-51(b)(3) above, but only one fine may be assessed for each instance of littering.
  - (2) ~~If~~ litter discarded can be identified with a person's name, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the person whose name appears on the litter.

#### **Sec. 10-53. Penalties. Reserved.**

- (a) ~~Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for a period of not less than two days nor more than 30 days. No fine imposed pursuant to this section may be suspended to less than \$200.00. No sentence of imprisonment imposed pursuant to this section may be suspended.~~
- (b) ~~In addition to the fine or term of imprisonment, the court may also impose eight hours of litter gathering labor for a first conviction, 16 hours of litter gathering labor for a second conviction, and 24 hours of litter gathering labor for a~~

third or subsequent conviction, all under the supervision of the court; or such other term of litter gathering labor or public service as the court deems appropriate.

- (e) ~~In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a conviction for a violation of this chapter shall be separate and apart from any cleanup or abatement costs incurred by the county in abating said littering; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~

#### **Sec. 10-54. Administrative Determination Appeals.**

~~Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the compliance official Code Enforcement Officer or director of planning and building services, shall be made pursuant to section 10-332.~~

### ***ARTICLE IV. NOISE***

#### **Sec. 10-62. Citation of violators.**

The county sheriff's office, in cooperation with county government, shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article. The violation of this Article is hereby declared to be a misdemeanor, and upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Every 24 hours that the violation continues to exist shall constitute a separate violation.

#### **Sec. 10-64. Penalties. Reserved.**

- (a) ~~Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. No fine imposed pursuant to this chapter may be suspended to less than \$100.00. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any inspection costs or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~

#### **Sec. 10-65. Appeals.**

Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a ~~nuisance~~ noise, or an administrative decision or assessment by the ~~compliance official~~ County Sheriff's Office, shall be made pursuant to section 10-332.

### ***ARTICLE V. JUNKYARDS/VEHICLE GRAVEYARDS***

#### **Sec. 10-74 ~~Administration and enforcement.~~**

- (a) ~~The county planning and building services and public works departments shall be charged with the enforcement of this article.~~
- (b) The responsible person, owner or operator of a place of business, or the owner or occupant of a non-business property, who commits or permits acts in violation of the provisions of this article shall be sent a written notice by certified mail to bring the activity or property into compliance with the provisions of this article within 90 days of the receipt of such notice. Failure to comply within the specified time limit shall be deemed to be an offense against such chapter, and if such operation or condition shall continue or be permitted to exist subsequent to the expiration of the time limit

specified within the notification, each day thereafter shall constitute a separate offense, without necessity of an additional written notice to bring the property into compliance being mailed.

#### Sec. 10-75. Penalties.

- ~~(a) Every violation of any provision of this article shall subject the offender to a fine of not more than \$500.00 and/or imprisonment for not more than 30 days. Each such offender shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. No fine imposed pursuant to this chapter may be suspended to less than \$250.00.~~
- (b) In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Should the county elect to have the site cleared and bill to property owner for the work, and the owner/operator fail to pay for the clean-up, the county may elect to file a mechanics' lien on the property for the amount owed. In addition, the county may, at any time subsequent to written notice of a violation, elect to utilize the additional enforcement actions provided in section 10-25.
- ~~(c) Any punishment including fines imposed pursuant to a criminal conviction for a violation of this article shall be separate and apart from any inspection costs or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~
- ~~(d) An individual violating the provisions of this chapter regarding junked appliances, trash, or vehicles on his non-business property, or dumping same on rights of way or others property shall likewise be deemed guilty of a misdemeanor having a fine not to exceed \$500.00 and/or imprisonment for 30 days, each day the violation continues may be deemed a separate offense, and may likewise be subject to a proceeding by the county to compel compliance with the provisions of this article under section 10-25.~~

#### Sec. 10-76. Appeals.

Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the ~~compliance official~~ Code Enforcement Officer, shall be made pursuant to section 10-32.

### Chapter 18 OFFENSES AND MISCELLANEOUS PROVISIONS

#### ARTICLE I. IN GENERAL

Sec. 18-1. ~~Ordinance summons for enforcement of county ordinances.~~ Enforcement, Administrative Citation, Penalties and Remedies. Unless otherwise provided herein, violations of any provision of this Chapter are subject to the remedies and penalties provided for in this Section.

- ~~(a) There shall be made available to the code enforcement officers and sheriff's department of the county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80. The form shall be substantially the same as the form which is attached to the ordinance from which this section is derived as attachment A, which is incorporated as part of this section by reference. For purposes of this section, any employee of the department of public works is a code enforcement officer for the purposes of any littering, dumping or animal control ordinance.~~
- ~~(b) The finance department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.~~
- ~~(c) Any officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons in to the finance department within one business day. Failure to comply will not affect the validity of any charge or conviction.~~
- ~~(d) The finance department shall be responsible for keeping the summons forms which have been turned in by law enforcement officers in a manner which will allow for an annual audit of the summons forms.~~

- (a) Enforcement. Unless otherwise provided her herein, Code Enforcement Officers and the Sheriff's Office have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and unform summons for criminal violations to persons violating any provision of this Chapter.
- (b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).
- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
  - ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.
- (c) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter, and pursuant to the authority provided by S.C. Code 1976 §22-3-550 as amended, is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

**Sec. 18-2. Use of public boat landings.**

- (a) Restrictions. All public boat landings in the county shall not be used for camping, parking camper trailers, or the erection of tents, except at those landings where camping or parking is specifically authorized and signs to that effect are posted.
- (b) ~~Penalty. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in accordance with section 1-8.~~

**Sec. 18-4. Tampering with certain signs and traffic control devices.**

- (d) ~~Violations and penalties. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and shall be punished to the maximum jurisdictional limit of the magistrate's court.~~ Persons shall be deemed guilty of a separate offense, as provided for in Section 18-1 of this Chapter, for each sign which has been tampered with as described in this Section.

**ARTICLE II. ELECTRONIC COMMUNICATIONS   RESERVED.**  
**DIVISION 1. ELECTRONIC COMMUNICATIONS WHILE DRIVING A MOTOR VEHICLE.**

**~~Sec. 18-26. Electronic communications while operating a motor vehicle.~~**

~~(a) Definitions:-~~

~~Electronic communications device means an electronic device used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.~~

~~Electronic message means a self contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.~~

~~(b) Prohibited while driving. It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle on the streets and roads within the county; provided however, a violation described in this section shall not be a basis for a custodian arrest or a seizure of the electronic communications device in question.~~

~~(c) Exceptions. This section shall not apply to a person operating a motor vehicle while:-~~

- ~~(1) —Off the traveled portion of a roadway;-~~

~~(2) Using an electronic communication device in a hands free, voice activated, or voice operated mode that allows the driver to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function;~~

~~(3) Summoning medical or other emergency assistance; or~~

~~(4) Using a citizens band radio, commercial two way radio communication device, in vehicle security, or amateur or ham radio device.~~

~~(d) Exemptions. The provisions contained within this section shall not apply to public safety personnel employed by a federal, state, county or municipal organization who are utilizing an electronic communication device during the course and scope of their official duties.~~

~~(e) Penalty. A person who violates this section is guilty of misdemeanor distracted driving and, upon conviction, shall be fined \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for a third or subsequent offense. This fine is subject to all applicable court costs, assessments, and surcharges.~~

### **ARTICLE III. ENHANCED 911 EMERGENCY TELEPHONE SYSTEM**

#### **Sec. 18-55. Penalties. Violations.**

~~Any person who shall violate any provision of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction of such offense, may be fined not more than \$500.00 or imprisoned for not more than 30 days, and in addition, shall pay all costs and expenses involved in the case. Every 24 hours. Each and every day or portion thereof during which any violation continues shall be considered a separate offense.~~

### **ARTICLE IV. HAZARDOUS MATERIALS ORDINANCE**

#### **Sec. 18-75. Official's right of entry.**

- (a) The appropriate official designated by the county administrator or his authorized representative may at all reasonable times request access to any building whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the provisions of this article and, if denied, and a belief exists as to probable cause that hazardous materials are present, then such official shall obtain a search warrant to allow inspection of the premises.
- (b) If an emergency appears to exist, the county may petition for a court order enjoining the owner or occupant of the premises for conduction business or storing product in question.
- (c) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the county administrator, or a duly authorized agent, for the purpose of inspections pursuant to this article. ~~Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced to a \$500.00 fine or 30 days in jail for each offense. Failure to comply with this Section shall be deemed a violation.~~

#### **Sec. 18-80. Enforcement and Administration.**

- (a) The Jasper County Emergency Management Department will be responsible for administration of this ~~ordinance~~ Article and maintaining registration.

#### **Sec. 18-82. Notices and orders.**

Whenever the fire marshal or a duly authorized agent designated by the county administrator finds in any building or upon any premises dangerous or hazardous conditions or materials, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke or explosion.

#### **Sec. 18-83. Violations and penalties.**

- (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this article, who fails to rectify any existing violation of this article on premises under ~~his~~ their control, or who fails to take immediate action to abate a

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violation of this article when ordered or notified to do so by the appropriate official designated by the county administrator or his duly authorized representative, shall be guilty of a separate violation for each existing issue related to the premises or vehicle, misdemeanor, and sentenced to a \$500.00 fine or 30 days in jail for each offense.

(b) Any person failing to register material(s), ~~or pay registration fee(s) or renewal fee(s)~~ covered by this article is in violation of the article and each shall be considered a separate violation. ~~is subject to the penalties and fees as previously outlined in section 18-81(a).~~

#### **ARTICLE V. PROTECTION OF HISTORICAL AND ARCHAEOLOGICAL SITES**

##### **Sec. 18-104. Penalty Violations.**

- (a) It shall be unlawful for any person to damage or cause to be damaged any area, structure, or artifact on a documented significant archaeological/historical site located within the county limits, without prior written permission from the county administrator or an appointed designee. Each such act of damage or disturbance shall constitute a separate offense. Documented sites are listed in section 18-103.
- (b) It shall be unlawful for any person to knowingly damage or remove from the ground any artifact located on any archaeological or historical site as defined above herein. The damaging or removal of each such article shall constitute a separate offense.
- (c) ~~Each violation of this section shall be punishable by a fine of not less than \$200.00 or incarceration of up to 30 days. Any artifact recovered pursuant to a violation of this section shall upon conviction be held by the sheriff pending determination of proper disposition. This violation and penalty shall be in addition to any violation or penalty for trespass, larceny, or damage to real or personal property.~~

#### **Chapter 25 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

#### **ARTICLE II. 2018 OMNIBUS ROAD ORDINANCE FOR THE NAMING OF ROADS, THE MAINTENANCE OF EXISTING ROADS, THE ACCEPTANCE OF ROADS AND THE STANDARDS FOR ROAD CONSTRUCTION**

##### ***DIVISION 5. ENCROACHMENT PERMITS***

##### **Sec. 25-93. Violations.**

Anyone who encroaches on the right-of-way of a county maintained highway, street or road without securing an encroachment permit or who fails to adequately restore the road and right-of-way after an encroachment shall be deemed a violation of this Chapter, guilty of a misdemeanor, and shall be subject to the general penalty provisions of this code (See section 25-101). ~~Each day~~ Every 24 hours that the unauthorized encroachment exists, or that the inadequacy exists following notification, shall be considered a separate offense.

#### **ARTICLE III. NAMING AND ADDRESSING OF ROADS**

##### **Sec. 25-134. Enforcement Violation.**

Owners or occupants of buildings which are not in compliance with the provisions of this article shall be notified and required to meet the requirements herein within 60 days from the date of notification. A warning notice will be issued after the 60 days if the requirements have not been met. The owner or occupant shall be in violation of this Article if there is a failure to who does not voluntarily comply with this article within 30 days after delivery ~~of~~ <sup>to</sup> a warning notice by registered or certified mail ~~shall be subject to criminal prosecution. Any person found violating a provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or 30 days imprisonment or both; and if such violation continues, each day's violation shall be a separate offense. Violation of this article may also be enforced by seeking a civil court order to compel compliance of civil remedies against the violator.~~

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## Chapter 1 GENERAL PROVISIONS

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

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

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than other more general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In the construction of this Code and of all ordinances and resolutions of the county, all things and places therein referred to shall, unless a contrary intention appears, be construed to mean things and places situated in the county or employed by or appertaining to the county.

*Administrative Citation.* A formal written legal notice issued in response to a violation of the Jasper County Code and as further defined and described in Section 1-8 of the Jasper County Code.

*Administrator.* The term "administrator" or "county administrator" means the county administrator of Jasper County, South Carolina.

*And; or.* The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it.

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

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

*Code.* Reference to "this Code" or "the Code" means the Jasper County Code as designated in section 1-1.

*Code Enforcement Officer ("CEO")* means a law enforcement officer, or an appointed and commissioned official entrusted with administering or enforcing the Jasper County Code pursuant to appointments made by County Council under the authority of § 4-9-145 of the Code of Laws of South Carolina.

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

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

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

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

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

*Floodplain Manager* means the individual appointed by the County Administrator to be responsible for administering and enforcing the County Floodplain Ordinance, Chapter 6 Article IV of the Code.

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

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

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

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



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

*Number.* Words used in the singular shall include the plural and words used in the plural shall include the singular number.

*Oath; swear; sworn.* The term "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."

*Officer; official.* Whenever reference is made to any officer or official the reference will be taken to be ~~to~~ such officer or official of Jasper County who the County Administrator has provided the authority to in order to administer the Jasper County Code and ensure compliance.

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

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

*Personal property.* The term "personal property" includes every species of property except real property.

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

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

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

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

*Shall; may.* The word "shall" is mandatory; the word "may" is permissive.

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

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

*State.* The term "state" means the State of South Carolina.

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

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

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

*Week.* The term "week" means seven days.

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

*Year.* The term "year" means a calendar year.

## **Sec. 1-8. Administrative Citations; General Penalty; continuing violations.**

### **(a) Administrative Citation.**

- i. General Application. Whenever in the Code or in any Ordinance an act is prohibited or is declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, and the Code specifically provides the authority for the issuance of an Administrative Citation,

then the Official or Code Enforcement Officer may at their discretion issue an Administrative Citation pursuant to this Section.

ii. Violations. When the Official or Code Enforcement Officer finds that a Person has violated, or continues to violate, a provision of the Code subject to Administrative Citations, then the Official or Code Enforcement Officer has the authority to issue an Administrative Citation at their discretion. Issuance of an Administrative Citation shall not be a bar against, or a prerequisite for, taking any other action against the Person found to be in violation of the Code.

iii. Warning of Violation. When the Official or Code Enforcement Officer determines that a violation of the Code has occurred, they may issue at their discretion a warning of an Administrative Citation to the person responsible for the violation or upon the real or personal property related to the violation. A warning notice of violation is not a prerequisite to the issuance of a first administrative citation or any other penalty. The warning shall identify the Code or Ordinance section violated, a description of the violation and how it can be corrected. The warning shall specify a time and date by which the violation shall be corrected.

iv. Administrative Citations.

A. Content of Administrative Citation. The Administrative Citation must be issued on a form approved by the Official and shall contain the following information:

1. Date, location and approximate time of violation; and,
2. The Code Section violated and a brief description of the violation; and,
3. The amount of the penalty; and,
4. Instructions for payment of the penalty, the time period or specific date by which it shall be paid and consequences for a failure to pay the penalty within the specified time period; and,
5. Instructions on how to protest the Administrative Citation; and,
6. The name or a numerical identifier of the Official or Code Enforcement Officer who is administering the Administrative Citation.

B. Service of Administrative Citation. The Administrative Citation shall be deemed served upon the Person in violation if one (1) of the following have been fulfilled:

1. If the Person is present at the time of the violation then the Official or Code Enforcement Officer shall attempt to obtain their signature on and provide a copy of the Administrative Citation to the Person; or,
2. If the Person is not present, is otherwise unavailable at the time of the violation, or refuses to personally accept a copy of the Administrative Citation, then the Official or Code Enforcement Officer shall post a copy of the citation either: (1) in a conspicuous location on the real or personal property where the violation occurred; or (2) deliver a copy of the Administrative Citation to the County's last known address for the Person if said address is within the jurisdictional of the County; or,
3. If the Person has authorized delivery of written notices by electronic mail under the Chapter associated with the violation stated on the Administrative Citation, then the Citation may be delivered by electronic mail to the address on file with the County.

C. Administrative Citation Penalties.

1. Amount of Fee. Any person in violation of the Code and subject to an Administrative Citation shall be subject to the Administrative Fees in addition to any penalties or fees provided for in the Code. The Administrative Fees are established as follows:
  - a. One Hundred (\$100) Dollars for the first infraction;
  - b. Two Hundred Fifty (\$250) Dollars for a second infraction within one (1) year of the first infraction; and,
  - c. Five Hundred (\$500) Dollars for a third infraction within one (1) year of the second infraction

The above fees may be assessed on a per violation basis. If the violation is not corrected within twenty-four (24) hours of receiving the first Administrative Citation, then additional Administrative Citations may be issued every twenty-four (24) hours until corrected unless pursuant to Subsection 2 below a specific time period to remedy the violation has been established.

2. Time Period to Remedy Violation. The Code Enforcement Officer, or other Official authorized in the Code to issue Administrative Citations, may authorize a specific time period, not to exceed thirty (30) days, for the Person in violation of the Code to remedy the violation without receiving any additional penalties.

- D. Administrative Protest. A Person desiring to dispute an Administrative Citation must file a written protest within fifteen (15) calendar days to the Official as described on the Citation, for the Official to reconsider issuance of the Administrative Citation. The written protest must request the reasons for the protest and contain any additional documents or other evidence the protestor desires to be considered by the Official. The reasons for protest shall be based on a claim that (1) the true intent of the Code or the rules legally adopted hereunder have been incorrectly interpreted; (2) the provision of the Code referenced does not apply; (3) the requirements of the Code are adequately satisfied by other means; or (4) that the strict application of any requirement of this Code would cause undue hardship. The written request shall also include any and all contact information for the protestor.

The filing of a written protest shall stay the requirement to pay any fee associated with the violation until a final decision is made and the protestor receives a written determination from the County.

Failure to file a notice of protest in writing within the established time period shall constitute a waiver of the right to protest the Administrative Citation. Upon receipt of a written protest, the Official may: (1) dismiss the Administrative Citation at their discretion; or (2) convene a hearing on the matter pursuant to the procedures established in this Section.

1. Notice of Protest Hearing. By way of the contact information provided on the written protest, the County Administrator, or their designee, shall either orally or in writing advise the protestor of the location, date and time of the hearing. Notice of the hearing must be provided at least two (2) business days prior to the hearing, excluding County recognized holidays and weekends.
2. Protest Hearing Officer. If a hearing is required, the County Administrator shall appoint a hearing officer. The hearing officer shall not be the individual who issued the Administrative Citation or their immediate supervisor. The hearing officer shall either (1) dismiss the Administrative Citation and provide a written justification for dismissal and provide a copy to the County and the protestor; (2) request additional documents or information from the Official

or Code Enforcement Officer and may continue the hearing in order to review said documents or information; or (3) uphold the Administrative Citation at issue.

3. *Protest Hearing Procedure.* The protest hearing established in this Section shall be held as soon as practical but in any event no later than ten (10) business days after the County receives the written protest. The hearing shall be informally conducted by the appointed hearing officer. The Code Enforcement Officer, or other Official, who issued the Administrative Citation shall present the facts and circumstances that resulted in a conclusion that a violation existed. The protestor shall be given the opportunity to present evidence to the hearing officer in the course of the hearing. Neither party shall have the right of cross-examination, but the hearing officer may make inquiries of the witnesses and representatives, or allow cross examination if they so desire in their sole discretion. The protest hearing shall be recorded and transcribed at the expense of the requesting party. If the violation has been cured at the time of the protest hearing, the hearing officer shall have discretion to waive the administrative fee.
4. *Failure to Appear.* The failure of a Person to appear at the Administrative Protest hearing shall constitute a forfeiture of the protest and the Administrative Citation shall be fully enforceable.
5. *Final Decision.* The hearing officer shall provide the Official, or Code Enforcement Officer, and the Person who submitted the protest a written final determination which shall include a written decision and justification for the determination. The written decision shall be the final decision of the County on a protest of an Administrative Citation and the associated Administrative fee.

- v. In addition to an Administrative Citation, violations of the Code remain subject to all other penalties and remedies permitted under the Code or other applicable law. The Administrative Citation authorized by this Section shall be in addition to any other remedies available at law or in equity for a violation of the Code, and is not a required prerequisite for any other enforcement action authorized by the Code.

(b) *General Penalty.* Whenever in the Code, or in any ordinance or resolution of the County, any act is prohibited, declared to be unlawful, an offense, or misdemeanor; or the failure to do any act is declared to be unlawful, an offense, or a misdemeanor; and either this Section is directly referenced or no specific penalty is provided for the violation thereof, then the said violation of the Code, or any such ordinance or resolution, shall be subject to being found guilty of a misdemeanor and subject to a fine not exceeding Five Hundred (\$500) Dollars or imprisonment not exceeding thirty (30) days, or both. ~~Whenever in this Code, or in any ordinance or resolution of the county, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or any such ordinance or resolution, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days.~~

- i. *Separate Offense.* ~~Each day a~~Any violation of this Code or any such ordinance, resolution, rule, regulation or order ~~shall that~~ continues for a period of 24 hours shall constitute, except where otherwise provided, a separate offense.
- ii. *Summons for Enforcement.* There shall be made available to the Code Enforcement Officer and Sheriff's Department official of the county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80. The form shall comply with the requirements of S.C. Code Ann. Section 56-7-80 (1976).
  - A. The Code Enforcement Officer and Sheriff's Department official shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.

- B. Any Code Enforcement Officer or Sheriff's Department official issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons into the applicable Code Enforcement Department Director or the appropriate Sheriff's Department official within one business day. Failure to comply will not affect the validity of any charge or conviction.
- C. The Code Enforcement Department and Sheriff's Office shall be responsible for keeping the summons forms which have been turned in by code enforcement and law enforcement officers in a manner which will allow for an annual audit of the summons forms.

(c) Remedies Not Exclusive. The remedies provided within this Chapter for violations of the Code are not exclusive and shall not prohibit pursuit of any other remedies available in law or equity.

(d) Severability. Should any section, clause or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part declared to be unconstitutional or invalid; each section, clause or provision hereof being declared severed.

### **Chapter 3 ANIMALS**

#### **Sec. 3-1. Animal ordinance; penalties.**

(a) The county hereby adopts as ordinances of the county the provisions of chapters one through seven of Title 47 of the S.C. Code of Laws of 1976, as amended.

(b) Enforcement. The county sheriffs department shall have the authority to enforce these ordinance in its entirety, and Code Enforcement Officers may issue the Administrative Citations as provided for in this Chapter. Tickets or warrants issued by the sheriffs department under the authority of this section shall cite this section, together with title, chapter and section number of the State Code violation which the sheriffs department agent contends has been violated. Nothing contained in this section shall be construed to require the county to assume any responsibility allocated to the state or any of its subdivisions by Title 47, nor is this section intended to supplant state enforcement of any provision in Title 47. This section shall be construed as concurrent with existing state law and state law enforcement.

(c) Administrative Citations, Penalties and Remedies.

- i. Administrative Citation. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation and the fines as established in Code Section 1-8(a).
- ii. Penalties. Any violation of this Chapter is subject to Code Section 1-8(b) but shall not exceed the lesser of the penalty provisions of the incorporated state law offense, or the enforcement authority of the county magistrate. Funds received by the county for violations of the Jasper County Animal Ordinance shall be deposited to the general funds of the county, except for any portion required by state law to be allocated to the state, or any subdivision thereof.
- iii. Remedies. In addition to any of the fees or penalties provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business. Specifically, any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

### **Chapter 4 ALCOHOLIC BEVERAGES**

**Sec. 4-3. Enforcement, Administrative Citation, Penalties/~~warning~~, and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the penalties provided for in this Section.

(a) *Enforcement.* Unless otherwise provided herein, Code Enforcement Officers, and Jasper County Sheriff's Office have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

(b) *Administrative Citations.* Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. *Administrative Fines.* Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. *In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.*

(c) *Penalty.* The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. ~~Violations of the provisions of this chapter 4 shall subject the offender to the penalties as provided in section 1-8 of the Jasper County Code of Ordinances.~~ Persons in control of the establishment, whether owners, controlling officers, lessees, managers, or employees shall be liable for violation of this chapter, and individually subject to the penalty provisions of section 1-8(b). ~~Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed or continued.~~

- i. *Patrons and Guests.* Patrons and guests who violate this ~~ordinance~~ Chapter's provisions concerning leaving the premises shall be subject to the penalty provisions of ~~s~~Section 1-8(b); provided, however, should the patron or guest have made arrangements for transportation off the premises and such transportation not yet arrived as of the expiration of the grace period provided in ~~s~~Section 4-2 of this ~~e~~Chapter, such patron or guest shall be given a warning instead of a violation upon providing some proof of the arrangement for transportation.

(d) *Additional Remedies.* The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. *Business License.* ~~In addition, a~~Any business establishment found to be in violation of this chapter shall be subject to having its business license registration suspended or revoked in accordance with ~~procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance~~ the Business License Ordinance established in Chapter 8 of the Code.

## Chapter 6 BUILDINGS AND BUILDING REGULATIONS

### ARTICLE II. TECHNICAL CODES

#### DIVISION I. GENERALLY

#### **Sec. 6-34. Violations; penalties.**

(a) *Penalty.* The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. ~~The violation of any of the codes or regulations adopted pursuant to the provisions of this article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-8(b).~~ Each day such violation shall continue shall be deemed a separate offense. In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this article, the codes department director or other appropriate authority of the county, ~~or any adjacent or neighboring property owner who would be damaged by such violation may~~, in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

(b) Nothing in this article or in the codes adopted in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this article.

#### *DIVISION 4. GATE ACCESS PROGRAM*

##### **Sec. 6-123. ~~Responsibility.~~ Administration and Enforcement.**

The county fire marshal is charged with the overall responsibility for administering, coordinating and implementing the requirements set forth in this division. Unless otherwise provided herein, the County Fire Marshal or a Code Enforcement Officer have the authority to enforce all provisions of this Article. The named enforcement officers in this Section are empowered to issue Administrative Citations and Uniform Summons for criminal violations to persons violation any provision of this Article.

##### **Sec. 6-126. ~~Violation a misdemeanor.~~ Administrative Citation, Penalty, and Remedies.**

Violation of any provision of this division shall be a misdemeanor punishable as provided in section 1-8.

(a) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(b) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(c) Additional Remedies. The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. Business License. Any business establishment found to be in violation of this Article shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

#### ***ARTICLE IV. FLOOD DAMAGE PREVENTION***

##### ***DIVISION 1. GENERAL STANDARDS***

##### **Sec. 6-150. Administrative Citation and Penalties for violation.**

(a) Violation of the provisions of this article 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 pursuant to Code Section 8-1.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) *Penalty.* Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(d) *Additional Remedies.* The county attorney is authorized to pursue any additional or alternative civil remedies as available and appropriate to ensure timely and ongoing compliance with this chapter, as well as seeking administrative or judicial relief to have such activities to be deemed a public nuisance.

- i. *Business License.* Any business establishment found to be in violation of this Article shall be subject to having its business license registration suspended or revoked in accordance with the Business License Ordinance established in Chapter 8 of the Code.

### *DIVISION 3. ADMINISTRATION*

#### **Sec. 6-174. Administrative procedures.**

(b) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, 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 pursuant to Code Section 8-1.

### *ARTICLE V. PROPERTY MAINTENANCE*

#### **Sec. 6-202. ~~Appointment of DSR-Enforcement~~; fees.**

(a) The development services representative (DSR) identified in the county zoning ordinance § 19:1 and his designees, or Code Enforcement Officer shall enforce this article under the overall control of the county administrator.

(b) *Fees.* The fees for activities and services performed by the DSR in carrying out responsibilities under this article shall be adopted by resolution of council.

#### **Sec. 6-205. Stop work order.**

(a) *Authority.* Whenever the DSR finds any work regulated by this article being performed in a manner contrary to the provisions of this article or in a dangerous or unsafe manner, the DSR is authorized to issue a stop work order.

(b) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, a party in interest or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(c) *Emergencies.* Where an emergency exists, the DSR shall not be required to give a written notice prior to stopping the work.

(d) *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~guilty of a misdemeanor and subject to penalty as provide by law.~~ deemed a violation of this Article.

#### **Sec. 6-206. Violations.**

(a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this article.

(b) *Notice of violation.* The DSR shall serve a notice of violation or order in accordance with section 6-207(c).

(c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 6-207 shall be deemed guilty or a misdemeanor and the violation shall be deemed a strict liability offense. If



the notice of violation is not complied with, the DSR shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this article or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction of such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

- (d) *Violation penalties.* Any person, who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state laws or the county Code. ~~Each day~~ Every 24 hours that a violation continues after due notice has been served shall be deemed a separate offense. The violation of the provisions of this Article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.
- (e) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the county attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy or utilization of a dwelling structure or premises, or to stop an illegal act.

## Chapter 8 BUSINESSES

### ARTICLE I. IN GENERAL

**Sec. 8-1. Enforcement of ~~C~~chapter; Administrative Citations; Penalties, Remedies; conflict with other laws.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the remedies and penalties provided for in this Section.

- (a) Enforcement. Unless otherwise provided her herein, the County Administrator or their designee, Code Enforcement Officers, and the License Official or their designee have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and unform summons for criminal violations to persons violating any provision of this Chapter.
- (b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).
- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
  - ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.
- (c) Penalty. ~~The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter, and pursuant to the authority provided by S.C. Code 1976 §22-3-550 as amended, is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Pursuant to S.C. Code 1976, § 22-3-550, as amended, any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$500.00 and/or imprisonment not exceeding 30 days. Each day of the violation shall constitute a separate offense. Additionally, the county may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense.~~
- (d) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense. Whenever it shall come to the attention of the County Administrator or their designee, or the County's license coordinator that any provision of these regulations has been or is being violated, the license coordinator may, on behalf of, and in the name of, the county, immediately institute suit and prosecute the same to final judgment. ~~Further, should any business establishment stand in violation of the provisions of this ordinance, either for non payment of the required license fee or in violation of any of the provisions herein for more than 30 days after proper notice as described herein, the license coordinator shall cause~~

~~the doors to the business to be padlocked until such time as the violation is remedied. Any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked.~~

- (e) In interpreting and applying the provisions of these regulations, the requirements shall be considered as the basic requirements for the provision of business licenses within the jurisdiction of the county. It is not the intent of these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon a business or require other restrictions which may appertain to a business greater than those imposed by the other resolutions, rules or regulations, or by any easements, covenants or agreements, or by any ordinances, the provisions of these regulations shall prevail.

## ***ARTICLE II. LICENSES***

### **Sec. 8-44. Denial of license.**

The license official may deny a license to an applicant when the license official determines:

- (1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents;
- (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- (4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the county or in another jurisdiction;
- (5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the county of any tax or fee, including but not limited to, any fee associated with the issuance and receipt of an Administrative Citation;
- (6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- (7) The license for the business or for a similar business of the licensee in the county or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal ~~as herein provided~~ as described in Section 8.46 Appeals. Denial shall be written with reasons stated.

### **Sec. 8-45. Suspension or revocation of license.**

When the license official determines:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article;
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- (4) A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or

- (6) A licensee is delinquent in the payment to the county of any tax or fee, including but not limited to, any fee associated with the issuance and receipt of an Administrative Citation.

The license official may give written notice to the licensee or the person in control of the business within the county by personal service or mail that the license is suspended pending a single hearing before council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this article.

**Sec. 8-49. ~~Violations.~~ Reserved.**

~~Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.~~

***ARTICLE III. GAMING DEVICES***

**Sec. 8-102. ~~Penalty for violation of article.~~ Reserved.**

~~Any person violating any provisions of this article shall be deemed guilty of an offense and shall be subject, upon conviction, to punishment in accordance with section 1-8. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for in this article.~~

**Chapter 9 CIVIL EMERGENCIES  
*ARTICLE I. IN GENERAL***

**Sec. 9-5. Enforcement of Chapter, Administrative Citations, Penalties and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the penalties and remedies provided for in this Section.

(a) Enforcement. Unless otherwise provided herein, Code Enforcement Officers and the County Fire Chief have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

- i. Fire Emergency Authority. The County Fire Chief may designate individuals with authority to direct and control traffic at the scene of any fire or emergency in the County and enforce the laws of this State and County relating to the following of fire-apparatus, or rescue or emergency vehicles, the crossing of fire hose, and interfering with firemen, rescue or emergency responders in the discharge of their duties in connection with a fire, rescue or emergency responders in the same manner as provided for the enforcement of such laws by law enforcement officers.

(b) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(c) Penalties. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

(d) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the Court may decide as prescribed by state law for each offense.

i. Business Licenses. Pursuant to the authority provided in Chapter 8 of the Code, whenever it shall come to the attention of the County Administrator or their designee, or the County's license coordinator that any provision of this Chapter has been or is being violated, the license coordinator may, on behalf of, and in the name of, the County, immediately institute suit and prosecute the same to final judgment. ~~Further, should any business establishment stand in violation of the provisions of this Chapter for more than 30 days after proper notice as described in Chapter 8 of the Code, the license coordinator shall cause the doors to the business to be padlocked until such time as the violation is remedied. Any business establishment found to be in violation of this Chapter shall be subject to having its business license registration suspended or revoked.~~

### ***ARTICLE III. COUNTY EMERGENCY SERVICES***

#### **Sec. 9-61. ~~Enforcement.~~ Willful Obstruction.**

It shall be unlawful for any reason to violate any of the provisions of this act or the regulation issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency services in the enforcement of the provisions of this act, or any regulation issued thereunder. Any person found in violation of this ~~article.~~ Section shall be guilty of a misdemeanor.

### ***ARTICLE VI. OFFENSES AND MISCELLANEOUS PROVISIONS***

#### ***DIVISION 1. PROHIBITED ACTS; INTERFERENCE WITH FIRE APPARATUS OR SCENE; HAZARDOUS MATERIALS***

#### **Sec. 9-102. Code adopted.**

- (a) The most recently promulgated edition of the Standard Fire Protection Code is hereby adopted for the Jasper County Fire-Rescue District.
- (b) In the event that any matters in said code are contrary to existing ordinances of the county, the ordinances adopting the aforementioned Code and amendments thereto shall prevail. Provisions of said ordinances not inconsistent with the Code remain in full force and effect for Jasper County, South Carolina.
- (c) When reference is made in the Standard Fire Protection Code to the duties of officials named therein, that designated official in Jasper County, South Carolina, is the deputy administrator for emergency services who shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.
- (d) Violations of ~~said~~ the Standard Fire Protection Code shall be a violation of this article.

#### **Sec. 9-103. ~~Penalty for violation.~~ Reserved.**

~~Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not less than \$500.00 or 30 day of confinement.~~

#### ***DIVISION 2. OPEN BURNING; NOTIFICATION; PENALTIES***

#### **Sec. 9-125. Fires shall be prohibited as follows.**

- (a) The county fire chief and or his/her designee, may prohibit open burning during such times as may be necessary depending upon atmospheric conditions, local weather patterns, or other such circumstances as would exist to make open burning hazardous.
- (b) The only materials that may be lawfully burned as permitted in section 9-123 above, are those vegetative materials which shall have originated on the site in which they are proposed to be included in any open burning. All other materials or items are prohibited from being burned on properties located within the unincorporated areas of Jasper County, which materials shall include, but not be limited to; asphalt and asphaltic materials, paint, plastics, metals,

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treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

**Sec. 9-130. Enforcement and penalties.**

Enforcement of this division shall fall under the jurisdiction of both the Jasper County Fire Marshal's Office, officers of the Jasper County Sheriff's Office and Jasper County Codes Enforcement shall have the authority to exercise full discretion in deciding whether to issue a warning, subpoena or a citation when investigating complaints that arise under this division. ~~Any violation of this division may be punishable by a fine of up to \$500.00, or up to 30 days imprisonment.~~

**CHAPTER 10 NUISANCES, JUNKYARDS, NOISE, AND LITTER**  
**ARTICLE I. IN GENERAL**

**Sec. 10-2. ~~Compliance officer/code enforcement officer official duties and powers.~~ Enforcement and Administering .**

(a) Enforcement. Unless otherwise provided herein Code Enforcement Officers, Litter Control Officers, and the County Fire Chief have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and uniform summons for criminal violations to persons violating any provision of this Chapter.

(b) In General.

- (1) The director of planning and building services, or his or her designee, including where required by statute to be the building ~~compliance officer(s)~~ Code Enforcement Officer, other appropriately appointed officials administering or enforcing codes regulating buildings and constructions services, the county litter control officer(s), as applicable, officers of the sheriff's department, and other appropriately appointed officials administering or enforcing codes pursuant to appointments made by county council under the authority of § 4-9-145 of the Code of Laws of South Carolina (hereinafter generically "~~compliance officer~~" or "codes enforcement officer") shall enforce the provisions of this Code (meaning the Code of Ordinances of Jasper County, South Carolina) and applicable state statutes. If a ~~compliance officer~~ Code Enforcement Officer determines that any of the provisions of any article of this chapter is being violated, he or she shall enforce the requirements of the ordinance by any and all lawful means. The ~~compliance officer~~ Code Enforcement Officer is not generally required to warn a violator before the issuance of an ordinance summons or the institution of enforcement procedures, except as other ordinances may provide for such warning. The ~~compliance officer~~ Code Enforcement Officer may invoke a single course of enforcement or parallel courses of enforcement in his discretion as the exigencies of the circumstances demand.
- (2) Administrative and interpretive authority. The ~~compliance officer~~ Code Enforcement Officer, with the consent of the county administrator, shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of the applicable codes; and to secure the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.
- (3) Inspections. The ~~compliance officer~~ Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. The ~~compliance officer~~ Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The ~~compliance officer~~ Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. The ~~compliance officer~~ Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this Code. The ~~compliance officer~~ Code Enforcement Officer shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

(4) *Right of entry, permissive and by warrant.*

- a. The ~~compliance officer~~ Code Enforcement Officer shall, after proper presentment of identification and notification, have the right and authority to go onto the grounds of any premises within the unincorporated county at any reasonable time for the purpose of making inspections to ascertain if the premises are in compliance with this chapter.
- b. The ~~compliance officer~~ Code Enforcement Officer, county health officer, or any other appropriate county official shall, after proper presentment of identification and notification, have the right and authority to enter premises after receiving permission from a responsible person within the unincorporated county at any reasonable time for the purpose of making inspections to ascertain if the premises are in compliance with this chapter.
- c. If any responsible person owning or residing in the premises shall refuse to allow the county official to enter onto any grounds or enter into any premises in the unincorporated county for the purposes of conducting the inspection as provided in this section, the county official shall make no entry, but shall withdraw and make application to the magistrate's court for an administrative search warrant to be issued.
- d. An administrative search warrant can be obtained if there is a showing that reasonable administrative or legislative standards are in place for the issuance of the administrative warrant and the conduct of the search. For the purposes of establishing reasonable standards, and for securing an administrative search warrant, the requesting official must affirm that:
  1. The relevant codes, regulations or statutes are in place pertaining to the property;
  2. The requesting official has attempted peaceful entry or has sought permission to enter for the limited purpose of code inspection;
  3. Permission has been denied;
  4. There exist facts and circumstances that lead the affiant to believe, based upon his education, training or experience, that code violations exist that could impact fire laws, or could pose imminent danger to the occupant;
  5. The stated object and purpose of the search must be adequately specific so that the reasonableness of the scope of the search is not expanded past regulatory purposes; and
  6. The search warrant shall not be used as a pretext for a criminal search.
- e. The magistrate's court judge for the county is hereby authorized to issue administrative search warrants to allow the code enforcement officer, county health officer, or any other appropriate county official to enter any premises within the unincorporated county under the terms and conditions as deemed by the municipal court judge.
- f. A law enforcement officer must accompany the official to the premises to assist in the safer execution of the administrative search warrant under the provisions of this section.
- g. It shall be unlawful for any person having control of any premises for which an administrative search warrant has been issued to prohibit the entry onto the premises by the person as authorized.
- h. Where a violation is in clear view from a public road or adjoining property, on which permission has been granted to enter, the officer, employee or agent of the county may issue a summons for the violation.

**Sec. 10-3. Administrative Citations, Penalties and Remedies.**

(a) Administrative Citations. Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).

- i. Administrative Fines. Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).

- ii. In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.

(b) Penalties. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Every 24 hours that the violation continues to exist shall constitute a separate violation.

- i. Litter Violation Penalty. For violations of Article III of this Chapter, in addition to the fine or term of imprisonment, the court may also impose eight hours of litter-gathering labor for a first conviction, 16 hours of litter-gathering labor for a second conviction, and 24 hours of litter-gathering labor for a third or subsequent conviction, all under the supervision of the court; or such other term of litter-gathering labor or public service as the court deems appropriate.

(c) Additional Remedies. In addition to all other penalties or remedies established in this Section, the County may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the Court may decide as prescribed by state law for each offense.

- i. Business License. Any business establishment found to be in violation of this chapter shall be subject to having its business license registration suspended or revoked in accordance with procedures otherwise applicable to such proceedings, including appellate proceedings under the business license ordinance.
- ii. Separate Costs. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this Chapter shall be separate and apart from any inspection costs and cleanup or abatement costs incurred by the County in abating said nuisance or any violation of this Chapter; and shall be in addition to all other remedies available to the county under state law and local ordinances. The County may place a mechanics lien on any property associated with said costs associated with this Section.

## **ARTICLE II. NUISANCES**

### **DIVISION 1. GENERALLY**

#### **Sec. 10-21. Definitions.**

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

~~Compliance officer~~ or means a law enforcement officer, the county planning and building services director, anyone qualified he or she designates to act in such capacity on his behalf or anyone designated as such by the county administrator, including the code enforcement official or other county employee or official as may be designated in writing by the county administrator or sheriff to enforce the provisions of this chapter, and other appropriately appointed officials administering or enforcing codes pursuant to appointments made by council under the authority of § 4-9-145 of the Code of Laws of South Carolina.

#### **Sec. 10-25. Abatement procedure/compliance order.**

- (a) Whenever the ~~compliance officer~~ Code Enforcement Officer determines that any property is maintained in violation of one or more of the provisions of this chapter, he or she shall serve on one or more of the responsible parties a written compliance order citing:
  - (1) The date and location of the violation;
  - (2) The section of the Code violated and a brief description of the violation;
  - (3) The actions required to correct the violation or abate the condition;
  - (4) The time period after which the county will enter the property to abate the conditions.
- (b) The time period for abatement shall be at least 30 days, unless it is determined by the ~~compliance officer~~ Code Enforcement Officer that the conditions constitute an imminent threat to the public health, safety or welfare. The ~~compliance officer~~ Code Enforcement Officer may grant an extension of 180 days or less upon good cause, provided

the responsible party signs a written agreement to abate the nuisance within a time certain. The board of zoning appeals may grant a one-time extension of 180 days or less in addition to the time provided by the ~~compliance officer~~ Code Enforcement Officer where the board deems such extension is warranted.

- (c) If a person fails or refuses to discharge the duties imposed by section 10-25, the county may concurrently serve an administrative notice to abate a public nuisance upon the owner or occupant and demand that compliance must be achieved within the time specified in the notice. The county shall determine the individual, firm or corporation or lien holder who, from the records in the unincorporated county tax assessor's office, appears to be the titled owner or lien holder of the property and cause a written notice of public nuisance to be served on such individual, firm or corporation or lien holder by:
  - (1) Personal service as attested to by affidavit of service; or by
  - (2) Copy mailed to such owner or lien holder at such place or address by United States certified mail return receipt requested; or
- (d) If the whereabouts of the responsible persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the serving of the compliance order may be made by publishing it once each week for two consecutive weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to 30 days and shall indicate the nature of the violation, identification of the property affected, with date of posting, and contact information, which shall serve as notice to the public.

#### **Sec. 10-26. Voluntary correction.**

- (a) *Applicability.* This section applies when the designated ~~compliance official (hereinafter compliance officer)~~ code enforcement officer determines that a violation of an ordinance or regulation has occurred or is occurring.
  - (1) *General.* The ~~compliance officer~~ Code Enforcement Officer shall pursue a reasonable attempt to secure voluntary correction by causing written notice to be given to the person responsible for the violation where possible, or to the owner of record at the public address of record or 9-1-1 address, explaining the violation and the abatement and appeals process.

#### **Sec. 10-30. Penalties-Reserved.**

- (a) ~~Enforcement of this article's provisions may be accomplished upon the institution of criminal process by way of uniform traffic ticket, county ordinance summons or warrant made only by a law enforcement officer or appropriate government official, including compliance or code enforcement officers. Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. No fine imposed pursuant to this chapter may be suspended to less than \$250.00. No sentence of imprisonment imposed pursuant to this chapter may be suspended. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any inspection costs and cleanup or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~
- ~~(b) Each day that the nuisance continues to exist shall constitute a separate violation.~~
- (c) ~~Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the compliance official, shall be made pursuant to section 10-32.~~

#### **Sec. 10-32. Appeal procedures; hearing.**

- (a) The responsible person, owner or occupant, or the lien holder of the property aggrieved by a finding of public nuisance or other decision or assessment by the ~~compliance official~~ Code Enforcement Officer may appeal the decision by written request stating the reasons therefore, filed with the ~~compliance official~~ Code Enforcement Officer within ten days after service by certified mail or personal service of the notice of public nuisance or other decision or assessment. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision of this Code does not apply, the requirements of this Code



are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause undue hardship.

- (b) *Appeal of finding of nuisance.* The county administrator shall appoint a hearing officer or, upon request of the appellant, a hearing panel to hear the appeal. This appeal stays the public abatement until such time as the matter is heard and decided by the hearing officer or panel unless an emergency abatement as authorized by the county administrator is necessary to preserve public health, safety or welfare. The appeal must be received by the county administrator before the time specified in the notice. The appeal may be faxed or emailed to the county administrator. The written demand shall include a contact number, either phone or facsimile in order for the person to be informed of the hearing location, date and time. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.
- (c) *Failure to appeal.* Failure to timely appeal constitutes a waiver of the right to appeal the existence of a public nuisance.
- (d) *Appeal of assessment.* Further, in those instances where the nuisance has been abated by the unincorporated county after the required notice of subsection 10-26(b), the owner or occupant of the property who has been served with a notice of assessment pursuant to section 10-29 of this article may make a written demand to the county administrator for a hearing to review the cost of the abatement. This appeal stays the attachment of the lien until such time as the matter is heard and decided by the hearing officer or hearing panel. The appeal of the assessment must be received by the county administrator within five business days of the appellant's receipt of the notice of assessment. The written demand shall include a contact number, either phone or facsimile in order for the person to be informed of the hearing location, date and time. In an appeal of the assessment of costs, no testimony shall be permitted on the issue of the existence of the public nuisance.
- (e) *Failure to appeal assessment.* Failure to timely appeal constitutes a waiver of the right to appeal the assessment of costs.
- (f) *Notice of the hearing.* By way of the contact numbers provided in the written demand, the county administrator shall orally advise the owner of the location, date and time of the hearing. Notice of the hearing must be provided at least two business days prior to the hearing, excluding county recognized holidays and weekends.
- (g) *Time and manner of hearing.* The hearings as allowed under this section shall be held as soon as practical but in any event no later than five business days after receipt of the appeal, excluding county recognized holidays and weekends. The hearing shall not be conducted under the strict rules of evidence. The hearing shall be informally conducted by the hearing officer or panel. If a panel has been appointed, the panel shall elect one of its members to act as chairperson. The ~~compliance officer~~ Code Enforcement Officer shall present the facts and circumstances that resulted in a conclusion that a nuisance existed. The owner, occupant or lien holder, or their agents, representatives or attorneys shall be given the opportunity to present evidence to the hearing officer in the course of the hearing. Neither party shall have the right of cross-examination, but the hearing officer or panel may make inquiries of the witnesses and representatives, or allow cross examination if they so desire in their sole discretion. The proceedings shall be recorded and transcribed at the expense of the party so requesting. When the nuisance has been abated by the county and the person has appealed the assessment of the administrative fee and actual costs, the hearing officer or panel shall have discretion to waive the administrative fee or the public cost of abating a nuisance, in whole or in part, if, in the course of the hearing and reviewing the decision, the hearing officer or panel finds that justice and equity require such waiver or that any of the following did not conform to the provisions of this article:
  - (1) The notice to remove the nuisance;
  - (2) The work performed in abating the nuisance;
  - (3) The computation of charges.
- (h) The hearing officer, or if there is a hearing panel by majority vote of members present, shall render a decision based on findings of fact and application of the standards herein. The decision of the hearing officer or panel is the final decision of the county, and shall be delivered orally to the appellant on the date of the hearing, and then, if requested, written and mailed to the address provided. The hearing officer or panel shall affirm, modify, or reverse the decision of the ~~compliance officer~~ Code Enforcement Officer, or grant a one-time extension of no more than 180 days additional to the time period already provided by the ~~compliance officer~~ Code Enforcement Officer for abatement.

- (i) *Administration.* The planning and building services director shall cause the ~~compliance officer~~ Code Enforcement Officer to take immediate action in accordance with the decision of the board.
- (j) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to appeal to the circuit court, provided such person has standing under the general rules regarding standing determinations in judicial review proceedings. The factual findings of the hearing officer or appeals panel shall be deemed findings of fact subject to the same judicial deference given findings of facts by the zoning board of appeals, and the review shall be a record review, not a review *de novo*.
- (k) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the hearing officer or panel.

### **ARTICLE III. LITTERING**

#### **Sec. 10-52. ~~Enforcement.~~ Evidence of Littering.**

- (a) ~~All animal and environmental control officers, litter control officers, codes enforcement officers, the director of the county public works department, and all certified officers of the sheriff's office are empowered to enforce the provisions of this article.~~
- (b) ~~The named enforcement officers are empowered to issue citations to persons violating any provision of this article.~~
- (c) ~~All of the named enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter. In addition, the mailing by registered mail of such process to his/her last place of residence shall be deemed as personal service upon the person charged.~~
- (d) Evidence shall be prima facie evidence if:
  - (1) If the throwing, dumping, or depositing of litter was done from a motor vehicle or boat, except a motor bus, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle or boat; nonetheless, the owner of the vehicle or boat remains liable pursuant to section 10-51(b)(3) above, but only one fine may be assessed for each instance of littering.
  - (2) If litter discarded can be identified with a person's name, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the person whose name appears on the litter.

#### **Sec. 10-53. ~~Penalties.~~ Reserved.**

- (a) ~~Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for a period of not less than two days nor more than 30 days. No fine imposed pursuant to this section may be suspended to less than \$200.00. No sentence of imprisonment imposed pursuant to this section may be suspended.~~
- (b) ~~In addition to the fine or term of imprisonment, the court may also impose eight hours of litter gathering labor for a first conviction, 16 hours of litter gathering labor for a second conviction, and 24 hours of litter gathering labor for a third or subsequent conviction, all under the supervision of the court; or such other term of litter gathering labor or public service as the court deems appropriate.~~
- (c) ~~In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a conviction for a violation of this chapter shall be separate and apart from any cleanup or abatement costs incurred by the county in abating said littering; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~

#### **Sec. 10-54. Administrative Determination Appeals.**

~~Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals.~~ Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the ~~compliance official~~ Code Enforcement Officer or director of planning and building services, shall be made pursuant to section 10-332.

## *ARTICLE IV. NOISE*

### **Sec. 10-62. Citation of violators.**

The county sheriff's office, in cooperation with county government, shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article. The violation of this Article is hereby declared to be a misdemeanor, and upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code. Every 24 hours that the violation continues to exist shall constitute a separate violation.

### **Sec. 10-64. Penalties. Reserved.**

~~(a) Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not more than 30 days. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. No fine imposed pursuant to this chapter may be suspended to less than \$100.00. In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any inspection costs or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~

### **Sec. 10-65. Appeals.**

Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a ~~nuisance noise~~, or an administrative decision or assessment by the ~~compliance official~~ County Sheriff's Office, shall be made pursuant to section 10-332.

## *ARTICLE V. JUNKYARDS/VEHICLE GRAVEYARDS*

### **Sec. 10-74 Administration and enforcement.**

- ~~(a) The county planning and building services and public works departments shall be charged with the enforcement of this article.~~
- (b) The responsible person, owner or operator of a place of business, or the owner or occupant of a non-business property, who commits or permits acts in violation of the provisions of this article shall be sent a written notice by certified mail to bring the activity or property into compliance with the provisions of this article within 90 days of the receipt of such notice. Failure to comply within the specified time limit shall be deemed to be an offense against such chapter, and if such operation or condition shall continue or be permitted to exist subsequent to the expiration of the time limit specified within the notification, each day thereafter shall constitute a separate offense, without necessity of an additional written notice to bring the property into compliance being mailed.

### **Sec. 10-75. Penalties.**

- ~~(a) Every violation of any provision of this article shall subject the offender to a fine of not more than \$500.00 and/or imprisonment for not more than 30 days. Each such offender shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. No fine imposed pursuant to this chapter may be suspended to less than \$250.00.~~
- (b) In its discretion, the county may elect to use other applicable Code sections pertaining to remediation, abatement or offenses. Should the county elect to have the site cleared and bill to property owner for the work, and the owner/operator fail to pay for the clean-up, the county may elect to file a mechanics' lien on the property for the amount owed. In addition, the county may, at any time subsequent to written notice of a violation, elect to utilize the additional enforcement actions provided in section 10-25.

- ~~(c) Any punishment including fines imposed pursuant to a criminal conviction for a violation of this article shall be separate and apart from any inspection costs or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.~~
- ~~(d) An individual violating the provisions of this chapter regarding junked appliances, trash, or vehicles on his non-business property, or dumping same on rights of way or others property shall likewise be deemed guilty of a misdemeanor having a fine not to exceed \$500.00 and/or imprisonment for 30 days, each day the violation continues may be deemed a separate offense, and may likewise be subject to a proceeding by the county to compel compliance with the provisions of this article under section 10-25.~~

## **Sec. 10-76. Appeals.**

Any appeal from a criminal proceeding regarding violations of this article shall be to the circuit court pursuant to the provisions provided by state statutes for such appeals. Appeals of determinations of the existence of a nuisance, or an administrative decision or assessment by the ~~compliance official~~ Code Enforcement Officer, shall be made pursuant to section 10-32.

## **Chapter 18 OFFENSES AND MISCELLANEOUS PROVISIONS**

### ***ARTICLE I. IN GENERAL***

**Sec. 18-1. ~~Ordinance summons for enforcement of county ordinances.~~ Enforcement, Administrative Citation, Penalties and Remedies.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to the remedies and penalties provided for in this Section.

- ~~(a) There shall be made available to the code enforcement officers and sheriff's department of the county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80. The form shall be substantially the same as the form which is attached to the ordinance from which this section is derived as attachment A, which is incorporated as part of this section by reference. For purposes of this section, any employee of the department of public works is a code enforcement officer for the purposes of any littering, dumping or animal control ordinance.~~
- ~~(b) The finance department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.~~
- ~~(c) Any officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons in to the finance department within one business day. Failure to comply will not affect the validity of any charge or conviction.~~
- ~~(d) The finance department shall be responsible for keeping the summons forms which have been turned in by law enforcement officers in a manner which will allow for an annual audit of the summons forms.~~
- (a) **Enforcement.** Unless otherwise provided her herein, Code Enforcement Officers and the Sheriff's Office have the authority to enforce all provisions of this Chapter. The named enforcement officers in this Section are empowered to issue administrative citations and unform summons for criminal violations to persons violating any provision of this Chapter.
- (b) **Administrative Citations.** Any person who violates any provision of this Chapter is subject to an Administrative Citation as established in Jasper County Code Section 1-8(a).
  - i. **Administrative Fines.** Unless otherwise provided herein, violations of any provision of this Chapter are subject to an Administrative Citation as established in Code Section 1-8(a).
  - ii. **In addition to any of the penalties or fees provided for in this Section, violation of any of the provisions of this Chapter may result in the revocation of any County permit or license issued to a Person or commercial business.**

(c) Penalty. The violation of any of the codes or regulations adopted pursuant to the provisions of this Chapter, and pursuant to the authority provided by S.C. Code 1976 §22-3-550 as amended, is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to those penalties established in Section 1-8(b) of the Code.

#### **Sec. 18-2. Use of public boat landings.**

- (a) *Restrictions.* All public boat landings in the county shall not be used for camping, parking camper trailers, or the erection of tents, except at those landings where camping or parking is specifically authorized and signs to that effect are posted.
- (b) ~~*Penalty.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in accordance with section 1-8.~~

#### **Sec. 18-4. Tampering with certain signs and traffic control devices.**

- (d) ~~*Violations and penalties.* Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and shall be punished to the maximum jurisdictional limit of the magistrate's court.~~ Persons shall be deemed guilty of a separate offense, as provided for in Section 18-1 of this Chapter, for each sign which has been tampered with as described in this Section.

### ***ARTICLE II. ELECTRONIC COMMUNICATIONS   RESERVED.***

#### ***DIVISION 1. ELECTRONIC COMMUNICATIONS WHILE DRIVING A MOTOR VEHICLE.***

#### **~~Sec. 18-26. Electronic communications while operating a motor vehicle.~~**

##### ~~(a) Definitions:~~

~~*Electronic communications device* means an electronic device used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.~~

~~*Electronic message* means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.~~

~~(b) *Prohibited while driving.* It shall be unlawful for a person to use an electronic communication device to compose, read, or send an electronic message while operating a motor vehicle on the streets and roads within the county; provided however, a violation described in this section shall not be a basis for a custodian arrest or a seizure of the electronic communications device in question.~~

~~(c) *Exceptions.* This section shall not apply to a person operating a motor vehicle while:~~

- ~~(1) Off the traveled portion of a roadway;~~
- ~~(2) Using an electronic communication device in a hands-free, voice-activated, or voice-operated mode that allows the driver to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function;~~
- ~~(3) Summoning medical or other emergency assistance; or~~
- ~~(4) Using a citizens band radio, commercial two-way radio communication device, in-vehicle security, or amateur or ham radio device.~~

~~(d) *Exemptions.* The provisions contained within this section shall not apply to public safety personnel employed by a federal, state, county or municipal organization who are utilizing an electronic communication device during the course and scope of their official duties.~~

~~(e) *Penalty.* A person who violates this section is guilty of misdemeanor distracted driving and, upon conviction, shall be fined \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for a third or subsequent offense. This fine is subject to all applicable court costs, assessments, and surcharges.~~

### ***ARTICLE III. ENHANCED 911 EMERGENCY TELEPHONE SYSTEM***

#### **Sec. 18-55. Penalties. Violations.**

~~Any person who shall violate any provision of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction of such offense, may be fined not more than \$500.00 or imprisoned for not more than 30 days, and in addition, shall pay all costs and expenses involved in the case. Every 24 hours~~ Each and every day or portion thereof during which any violation continues shall be considered a separate offense.

### ***ARTICLE IV. HAZARDOUS MATERIALS ORDINANCE***

#### **Sec. 18-75. Official's right of entry.**

- (a) The appropriate official designated by the county administrator or his authorized representative may at all reasonable times request access to any building whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the provisions of this article and, if denied, and a belief exists as to probable cause that hazardous materials are present, then such official shall obtain a search warrant to allow inspection of the premises.
- (b) If an emergency appears to exist, the county may petition for a court order enjoining the owner or occupant of the premises for conduction business or storing product in question.
- (c) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the county administrator, or a duly authorized agent, for the purpose of inspections pursuant to this article. ~~Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced to a \$500.00 fine or 30 days in jail for each offense.~~ Failure to comply with this Section shall be deemed a violation.

#### **Sec. 18-80. ~~Enforcement and a~~ Administration.**

- (a) The Jasper County Emergency Management Department will be responsible for administration of this ~~ordinance~~ Article and maintaining registration.

#### **Sec. 18-82. Notices and orders.**

Whenever the fire marshal or a duly authorized agent designated by the county administrator finds in any building or upon any premises dangerous or hazardous conditions or materials, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke or explosion.

#### **Sec. 18-83. ~~Violations and penalties.~~**

- (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this article, who fails to rectify any existing violation of this article on premises under ~~his~~ their control, or who fails to take immediate action to abate a violation of this article when ordered or notified to do so by the appropriate official designated by the county administrator or his duly authorized representative, shall be guilty of a separate violation for each existing issue related to the premises or vehicle. ~~misdemeanor, and sentenced to a \$500.00 fine or 30 days in jail for each offense.~~

- (b) Any person failing to register material(s), ~~or~~ pay registration/fee(s) or renewal fee(s) covered by this article is in violation of the article and each shall be considered a separate violation. ~~is subject to the penalties and fees as previously outlined in section 18-81(a).~~

### ***ARTICLE V. PROTECTION OF HISTORICAL AND ARCHAEOLOGICAL SITES***

#### **Sec. 18-104. ~~Penalty~~ Violations.**

- (a) It shall be unlawful for any person to damage or cause to be damaged any area, structure, or artifact on a documented significant archaeological/historical site located within the county limits, without prior written permission from the

county administrator or an appointed designee. Each such act of damage or disturbance shall constitute a separate offense. Documented sites are listed in section 18-103.

- (b) It shall be unlawful for any person to knowingly damage or remove from the ground any artifact located on any archaeological or historical site as defined above herein. The damaging or removal of each such article shall constitute a separate offense.
- (c) ~~Each violation of this section shall be punishable by a fine of not less than \$200.00 or incarceration of up to 30 days. Any artifact recovered pursuant to a violation of this section shall upon conviction be held by the sheriff pending determination of proper disposition. This violation and penalty shall be in addition to any violation or penalty for trespass, larceny, or damage to real or personal property.~~

## **Chapter 25 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

### **ARTICLE II. 2018 OMNIBUS ROAD ORDINANCE FOR THE NAMING OF ROADS, THE MAINTENANCE OF EXISTING ROADS, THE ACCEPTANCE OF ROADS AND THE STANDARDS FOR ROAD CONSTRUCTION**

#### *DIVISION 5. ENCROACHMENT PERMITS*

##### **Sec. 25-93. Violations.**

Anyone who encroaches on the right-of-way of a county maintained highway, street or road without securing an encroachment permit or who fails to adequately restore the road and right-of-way after an encroachment shall be deemed a violation of this Chapter. ~~guilty of a misdemeanor, and shall be subject to the general penalty provisions of this code (See section 25-101). Each day~~ Every 24 hours that the unauthorized encroachment exists, or that the inadequacy exists following notification, shall be considered a separate offense.

#### **ARTICLE III. NAMING AND ADDRESSING OF ROADS**

##### **Sec. 25-134. ~~Enforcement~~ Violation.**

Owners or occupants of buildings which are not in compliance with the provisions of this article shall be notified and required to meet the requirements herein within 60 days from the date of notification. A warning notice will be issued after the 60 days if the requirements have not been met. The owner or occupant shall be in violation of this Article if there is a failure to ~~who does not~~ voluntarily comply with this article within 30 days after delivery ~~of~~ a warning notice by registered or certified mail ~~shall be subject to criminal prosecution. Any person found violating a provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or 30 days imprisonment or both; and if such violation continues, each day's violation shall be a separate offense. Violation of this article may also be enforced by seeking a civil court order to compel compliance of civil remedies against the violator.~~

# AGENDA

## ITEM # 13

For this item here is a  
link to those documents

☐ [Zoning Text Amendment - Accessory Structures](#)





## Jasper County Planning and Building Services

358 Third Avenue - Post Office Box 1659  
Ridgeland, South Carolina 29936  
Phone (843) 717-3650 Fax (843) 726-7707

Lisa Wagner, CFM  
Director of Planning and Building Services  
[lwagner@jaspercountysc.gov](mailto:lwagner@jaspercountysc.gov)

### Jasper County Council Staff Report

<b>Meeting Date:</b>	August 18, 2025
<b>Project:</b>	Zoning Text Amendment – Article 9:6, <i>Accessory Structures</i>
<b>Submitted For:</b>	Public Hearing and 2 <sup>nd</sup> Reading
<b>Recommendation:</b>	Planning Commission recommends approval of the proposed ordinance submitted to County Council at their July 21, 2025 Council Meeting

**Description:** Article 9:6 of the Jasper County Zoning Ordinance, regulates accessory structures, which are defined as any structure over 120 square feet that supports an approved accessory use. Currently, the ordinance has a size limitation for accessory buildings in the Residential, Rural Preservation and Resource Conservation Zoning Districts. While the size limitation for accessory structures are reasonable and appropriate for small lots, properties within subdivisions and near the municipalities, the size limitation creates problems for property owners in the rural areas of the County. Although the Planning Commission recommended allowing additional square footage for accessory structures depending on the lot size, the County Council determined at the July 8, 2025 workshop that there should not be any size limitations on accessory structures in the Residential Zoning District and the Rural Preservation Zoning District.

**Analysis:** The proposed ordinance would amend Articles 9:6.2 and 9:6.4 of the Jasper County Zoning Ordinance as outlined below (**new language in red** and strikethroughs represent language to be deleted):

#### ***Article 9:6, Accessory Structures:***

An accessory structure is any structure over 120 square feet that supports an approved accessory use as defined in article 4.

##### ***9:6.1. General standards.***

1. Except for accessory structures used in connection with agricultural uses or accessory dwelling units allowed by section 11:6 or 11:7, accessory structures shall not exceed 20 feet in height.
2. Accessory dwelling units and commercial accessory structures are limited to height restrictions required in article 7.**.5**.

3. Accessory structures shall be at least ten feet from the principal structure and at least ten feet from another accessory structure. Placement may be subject to fire marshal approval.
4. No accessory structure shall occupy any part of a bufferyard.
5. No accessory structure shall occupy any part of a required setback.
6. ~~Square footage limitations apply to the entire property and can be divided between multiple accessory structures.~~
7. ~~Square footage limitations apply only to covered square footage separate from the primary use or structure.~~
8. Structures 120 square feet or larger require a building and zoning permit. Structures under this size must still adhere to the provisions of this section.

### **9:6.2. Accessory Structures and Dwelling Units in the Residential Zoning District**

Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, ~~however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.~~

1. One dwelling unit is allowed per lot, except as allowed by section 11:6 or 11:7. However, second floor garage apartments are considered an approved accessory structure and use.
2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment.
3. Accessory structures shall be allowed in side and rear yards and shall meet all setback requirements stated in article 7. Detached garages in conjunction with the primary dwelling may be located in front yards but are subject to setback requirements. All other accessory structures shall be allowed in side and rear yards.
4. For larger-lot residential designated property (over two acres), accessory structures in front yards shall be allowed but are subject to 75-foot setbacks.
5. ~~For lots that are less than 1/2 acre in size, the total square footage of an Accessory structure shall be limited in size to either 25 percent of the total ground floor area of the principal structure or 800 square feet, whichever is greater.~~

~~For lots that are greater than 1/2 acre, the building size is limited to either 50 percent of the total ground floor area of the principle structure or as follows, whichever is greater:~~

~~.51 acres — .99 acre, 1,000 square feet~~

~~1.0 — 1.9 acres, 1,200 square feet~~

~~2.0 — 2.9 acres, 1,300 square feet~~

~~3.0 — 3.9 acres, 1,400 square feet~~

~~4.0 — 4.9 acres; 1,500 square feet~~

~~5.0 acres, 1,600 square feet plus 100 square feet per additional acre over five acres, not to exceed 3,500 square feet.~~

6. Where an accessory building is erected in the side yard adjacent to a street on a corner lot, it shall not be located closer to the street than the required front yard setback distance.
7. Shipping containers cannot be used as accessory structures in the residential zoning district.
8. There is a limit to three accessory structures per residential lot.

#### **9:6.3. Accessory Structures in Commercial, Industrial and Community Commercial Zoning Districts.**

1. There is no limit on accessory structures for approved accessory uses as defined in article 4.
2. Accessory structures shall meet all setbacks as noted in article 7.

#### **9:6.4. Accessory Structures in Resource Conservation and Rural Preservation Zoning Districts**

Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. ~~The Total square footage of an accessory unit is limited to the following:~~
  - ~~1.0 — 1.9 acres, 1,000 1,400 square feet~~
  - ~~2.0 — 2.9 acres, 1,250 1,600 square feet~~
  - ~~3.0 — 4.9 3.9 acres, 1,500 1,800 square feet~~
  - ~~4.0 — 4.9 acres, 2,000 square feet~~
  - ~~5.0 or more acres, 2,500 square feet plus 250 200 square feet per additional acre over five acres.~~
2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment
3. There is no limit on the number of accessory structures, ~~only limits on square footage.~~
4. Accessory structures can be placed in side and back yards but must adhere to setback requirements. Front yard accessory units are only allowed if they meet a 75-foot setback.

**Planning Commission Recommendation:** The Planning Commission reviewed this Ordinance amendment at their August 12, 2025 Meeting and does not recommend approval without putting

other safeguards in place, such as limiting the size of accessory structures in Residential Zoning Districts and adding stormwater requirements for any structures over 5,000 s.f.

**Attachments:**

1. Ordinance

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE #O-2025-21**

**AN ORDINANCE  
OF JASPER COUNTY COUNCIL**

To Amend Article 9:6, *Accessory Structures*, of the Jasper County Zoning Ordinance, so as to remove limitations on building sizes for accessory structures in the Residential, Rural Preservation, and Resource Conservation Zoning Districts.

**WHEREAS**, the Jasper County Zoning Ordinance provides for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; and

**WHEREAS**, Article 9:6 of the Jasper County Zoning Ordinance regulates accessory structures on all lands within Jasper County; and

**WHEREAS**, Jasper County has received several requests about increasing the maximum building sizes for accessory structures on larger lots in the rural areas, where appropriate; and

**WHEREAS**, the Jasper County Planning Commission has recommended approval by County Council to allow for increased building sizes for accessory structures depending on the lot size; and

**WHEREAS**, this matter is now before the Jasper County Council for determination;

**NOW THEREFORE, BE IT ORDAINED**, by the Jasper County Council duly assembled and by the authority of same:

1. Article 9:6, *Accessory Structures*, of the Jasper County Zoning Ordinance is hereby amended to read as follows:

***Article 9:6, Accessory Structures:***

An accessory structure is any structure over 120 square feet that supports an approved accessory use as defined in article 4.

***9:6.1. General standards.***

1. Except for accessory structures used in connection with agricultural uses or accessory dwelling units allowed by section 11:6 or 11:7, accessory structures shall not exceed 20 feet in height.
2. Accessory dwelling units and commercial accessory structures are limited to height restrictions required in article 7:5.
3. Accessory structures shall be at least ten feet from the principal structure and at least ten feet from another accessory structure. Placement may be subject to fire marshal approval.
4. No accessory structure shall occupy any part of a bufferyard.
5. No accessory structure shall occupy any part of a required setback.
6. ~~Square footage limitations apply to the entire property and can be divided between multiple accessory structures.~~
7. ~~Square footage limitations apply only to covered square footage separate from the primary use or structure.~~
8. Structures 120 square feet or larger require a building and zoning permit. Structures under this size must still adhere to the provisions of this section.

***9:6.2. Accessory Structures and Dwelling Units in the Residential Zoning District***

Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, ~~however,~~ appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. One dwelling unit is allowed per lot, except as allowed by section 11:6 or 11:7. However, second floor garage apartments are considered an approved accessory structure and use.
2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and

animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment.

3. Accessory structures shall be allowed in side and rear yards and shall meet all setback requirements stated in article 7. Detached garages in conjunction with the primary dwelling may be located in front yards but are subject to setback requirements. All other accessory structures shall be allowed in side and rear yards.
4. For larger-lot residential designated property (over two acres), accessory structures in front yards shall be allowed but are subject to 75-foot setbacks.
5. ~~For lots that are less than 1/2 acre in size, the total square footage of an~~ Accessory structure shall be limited in size to either 25 percent of the total ground floor area of the principal structure or 800 square feet, whichever is greater.  
~~For lots that are greater than 1/2 acre, the building size is limited to either 50 percent of the total ground floor area of the principle structure or as follows, whichever is greater:~~  
~~.51 acres—.99 acre, 1,000 square feet~~  
~~1.0—1.9 acres, 1,200 square feet~~  
~~2.0—2.9 acres, 1,300 square feet~~  
~~3.0—3.9 acres, 1,400 square feet~~  
~~4.0—4.9 acres; 1,500 square feet~~  
~~5.0 acres, 1,600 square feet plus 100 square feet per additional acre over five acres, not to exceed 3,500 square feet.~~
6. Where an accessory building is erected in the side yard adjacent to a street on a corner lot, it shall not be located closer to the street than the required front yard setback distance.
7. Shipping containers cannot be used as accessory structures in the residential zoning district.
8. There is a limit to three accessory structures per residential lot.

### **9:6.3. Accessory Structures in Commercial, Industrial and Community Commercial *Zoning* Districts.**

1. There is no limit on accessory structures for approved accessory uses as defined in article 4.
2. Accessory structures shall meet all setbacks as noted in article 7.

### **9:6.4. Accessory Structures in Resource Conservation and Rural Preservation *Zoning* Districts**

Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space;

among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. ~~The Total square footage of an accessory unit is limited to the following:~~
  - 1.0—1.9 acres, 1,000 ~~1,400~~ square feet
  - 2.0—2.9 acres, 1,250 ~~1,600~~ square feet
  - 3.0—4.9 ~~3.9~~ acres, 1,500 ~~1,800~~ square feet
  - 4.0—4.9 acres, ~~2,000~~ square feet
  - 5.0 or more acres, 2,500 square feet plus 250 ~~200~~ square feet per additional acre over five acres.
2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment
3. There is no limit on the number of accessory structures, ~~only limits on square footage.~~
4. Accessory structures can be placed in side and back yards but must adhere to setback requirements. Front yard accessory units are only allowed if they meet a 75-foot setback.

2. This ordinance shall take effect upon approval by Council.

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**Mr. John A. Kemp**  
**Chairman**

**ATTEST:**

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**Wanda Giles**  
**Clerk to Council**

**ORDINANCE O-2025-21**

**First Reading:** July 21, 2025

**Second Reading:** August 18, 2025



**Public hearing:** August 18, 2025  
**Adopted:** \_\_\_\_\_

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Considered by the Jasper County Planning Commission at its meetings on  
May 13, 2025, June 10, 2025, July 8, 2025, and August 12, 2025.

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Reviewed for form and draftsmanship by the Jasper County Attorney.

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David L. Tedder

Date

# AGENDA

## ITEM # 14

For this item here is a  
link to those documents

☐ [Zoning Map Amendment - Speedway Blvd. and Purrysburg Rd](#)



## Jasper County Planning and Building Services

358 Third Avenue - Post Office Box 1659  
Ridgeland, South Carolina 29936  
Phone (843) 717-3650 Fax (843) 726-7707

Lisa Wagner, CFM  
Director of Planning and Building Services  
[lwagner@jaspercountysc.gov](mailto:lwagner@jaspercountysc.gov)

### Jasper County Council Staff Report

<b>Meeting Date:</b>	August 9, 2025
<b>Project:</b>	Zoning Map Amendment – Community Commercial
<b>Applicant:</b>	HH17 Investment, LLC
<b>Tax Map Number:</b>	039-00-01-040 and 039-00-01-041
<b>Submitted For:</b>	Public Hearing and 2 <sup>nd</sup> Reading
<b>Recommendation:</b>	Planning Commission recommends Community Commercial

**Description:** This is a zoning map amendment request to have two properties designated as Community Commercial. The subject properties consist of 4.90 acres and 4.0 acres and are located along Speedway Boulevard. Both properties are currently split-zoned Residential and Community Commercial. Both properties are vacant undeveloped. The applicant would like to re-zone the properties to allow the properties to be used as commercial although a specific use has not been identified.

**Analysis:** The Zoning Map Amendment application and request are reviewed by considering the following factors:

- **Comprehensive Plan:** According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as “Urban Transition,” which are pockets of unincorporated Jasper County that are partially or entirely surrounded by the municipality. For these areas that experience new development or redevelopment, consideration should be given to working with the adjacent municipality for annexation.
- **Adjacent Zoning:** The adjacent parcels are zoned Community Commercial, Residential, and Rural Preservation. The 4 acre property identified by tax #039-00-01-041 is adjacent to the City of Hardeeville. This portion of Speedway Boulevard is located within the Gateway Corridor Overlay District.
- **Adjacent Land Use:** Adjacent land uses are commercial development, a church, and the former Pin Tail Golf Course.

- ***Traffic and Access:*** The subject properties are accessed by Speedway Boulevard and has frontage along Purrysburg Road. Speedway Boulevard is a four-lane state maintained road classified as a major thoroughfare. Purrysburg Road is both paved and dirt and is maintained by SCDOT, which is a limited local road.

**Planning Commission Recommendation:** The Planning Commission reviewed this application at their June 10, 2025 Planning Commission Meeting and recommends approval of the request to have both properties designated as Community Commercial.

**Attachments:**

1. Application and authorization letter
2. Ordinance
3. Aerial map of property and surrounding area
4. Aerial map with zoning layer

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE: O-2025-22**

**AN ORDINANCE**

To amend the Official Zoning Map of Jasper County so as to transfer two properties located along Speedway Boulevard and Purrysburg Road, bearing Jasper County Tax Map Numbers 039-00-01-040 and 039-00-01-041 from the Community Commercial and Residential Zoning District to the Community Commercial Zoning District on the Jasper County Official Zoning Map.

**WHEREAS**, the owner of two parcels bearing Jasper County Tax Map Numbers 039-00-01-040 and 039-00-01-041 consisting of approximately 4.90 acres and 4.0 acres, located along Speedway Boulevard and Purrysburg Road, has requested rezoning of both parcels on the Official Zoning Map of Jasper County from the Community Commercial and Residential Zoning District to the Community Commercial Zoning District and that request has been submitted to the Jasper County Planning Commission and County Council; and

**WHEREAS**, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

**WHEREAS**, this matter is now before the Jasper County Council for determination;

**NOW THEREFORE BE IT ORDAINED**, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is

consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately 4.90 acres bearing Jasper County Tax Map Number 039-00-01-040 located along Speedway Boulevard and Purrysburg Road and 4.0 acres bearing Jasper County Tax Map Number 039-00-01-041, located along Speedway Boulevard and Purrysburg Road depicted on the Jasper County Official Zoning Map in the Community Commercial and Residential Zoning District shall be transferred to the Community Commercial Zoning District.

2. This ordinance shall take effect upon approval by Council.

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**John A. Kemp**  
**Chairman**

**ATTEST:**

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**Wanda Giles**  
**Clerk to Council**

**ORDINANCE: # O-2025-22**

**First Reading:** July 21, 2025

**Second Reading:** August 18, 2025

**Public Hearing:** August 18, 2025

**Adopted:** \_\_\_\_\_

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Considered by the Jasper County Planning Commission at it's meeting on  
June 10, 2025 and recommended for approval.

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Reviewed for form and draftsmanship by the Jasper County Attorney.

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**David Tedder**

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**Date**

# AGENDA

## ITEM # 15

For this item here is a  
link to those documents

☐ [Zoning Map Amendment - Heritage Road](#)

**\*\* Please note: There will be no vote taken on this item \*\***

**There is no agenda item information for this agenda e-packet, all information is contained in the link provided above.**



# AGENDA

## ITEM # 16

For this item here is a  
link to those documents

[☐ Staff Report - Chapter 25, Article III, Naming and Addressing of Roads.scriveners error](#)



## Jasper County Planning Department

358 Third Avenue  
Post Office Box 1659  
Ridgeland, South Carolina 29936  
Phone (843) 717-3650 Fax (843) 726-7707

Lisa Wagner, CFM  
Director of Planning and Building Services  
[lwagner@jaspercountysc.gov](mailto:lwagner@jaspercountysc.gov)

### County Council

#### Staff Report

<b>Meeting Date:</b>	August 18, 2025
<b>Project:</b>	Ordinance to amend the Jasper County Code of Ordinances - Chapter 25, Article III, <i>Naming and Addressing of Roads</i> , Section 123 <i>Definition, (1) County Road and (2) Private Road</i>
<b>Submitted For:</b>	Public Hearing and 2 <sup>nd</sup> Reading
<b>Recommendation:</b>	Planning Commission recommends approval

**Description:** The purpose of this Ordinance is to correct a scrivener's error. On June 2, 2025, the Council approved 3<sup>rd</sup> Reading of an Ordinance (O-2025-12) to amend Chapter 25 of the Jasper County Code of Ordinances, Article III, *Naming and Addressing of Roads*. Staff discovered that two minor errors were made when Ordinance 2025-12 was originally drafted.

Specifically, under Definitions, the definition of *County Road* was erroneously copied from an older version of the Addressing and Road Naming Ordinance, and a portion of the last sentence under *Private Road*, was inadvertently omitted.

While this Ordinance will make changes to correct a scrivener's error, it does not make any changes to the purpose and intent of the original amendment to the Addressing and Road Naming Ordinance that was approved by Council on June 2, 2025.

**Analysis:** Prior to the most recent amendment (June 2, 2025) to the Addressing and Road Naming Ordinance, **Section 123** under **Definitions**, (1) *County Road* and (2) *Private Road* was defined as:

(1) *County Road*: As defined in Section 25-41 hereinabove.

The Master List of county roads as maintained by the department of public works as set forth in Section 25-41(a)(1) are made part of this article as though copied herein. Any revision to the list or the map also shall be incorporated herein and made a part of this article.

(2) *Private Road*: No road shall be designated as a private road unless:

In a new development, such proposed road is defined as such by action of the county planning commission upon its satisfaction as to the construction and perpetual maintenance

of such road; (see appendix B, including sections 3.10 and 7.3 of appendix B of the Jasper County Code of Ordinances as to perpetual maintenance);

**The Ordinance that was presented to County Council defined *County Road* and *Private Road* as:**

- (1) *County Road*: Any road currently maintained under the county road maintenance system and any new road to be constructed within the jurisdiction of the county, and dedicated for maintenance to the county, which is in excess of 100 feet in length and accesses, or presupposes to access, two or more parcels of land under different ownership, unless such road is a part of the state, or federal system of highways or by definition, a private road.

The master list of county roads as maintained by the department of public works, and the mapping of said roads compiled by the Lowcountry Council of Governments at the direction of the county and dated June 1, 1998, and the revised Master List of County Roads dated February 2017 are made part of this article as though copied herein. Any revision to the list or the map also shall be incorporated herein and made a part of this article. (This was the definition prior to the 2018 amendment of the Addressing and Road Naming Ordinance and was erroneously copied into the most recent ordinance)

- (2) *Private Road*: No road shall be designated as a private road unless:  
In a new development, such proposed road is defined as such by action of the county planning commission upon its satisfaction as to the construction and perpetual maintenance of such road; (reference to appendix B and sections 3.10 and 7.3 listed in the parenthesis was inadvertently omitted)

**The proposed ordinance will define *County Road* and *Private Road* as shown on page 1 of this staff report, which is the same definition prior to the adoption of the June 2, 2025 Ordinance (O-2025-12).**

**Recommendation:** Staff recommends approval of the Ordinance to ensure that the Road Naming Ordinance is correct, which will also ensure the Ordinance is updated correctly in the County's Code of Ordinances and refiled as such in the Municode.

**Attachments:**

1. Ordinance

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER  
ORDINANCE # 2025-**

**AN ORDINANCE OF JASPER COUNTY COUNCIL**

**To amend the Jasper County Code of Ordinances, Chapter 25 – Article III, *Naming and Addressing of Roads*, Section 123 *Definitions*, (1) County Road and (2) Private Road, so as to correct definitions due to scrivener errors contained in Ordinance Number O-2025-12.**

**WHEREAS**, the purpose and intent of the Road Naming Ordinance is to provide a uniform system of naming all roads within Jasper County; and

**WHEREAS**, these regulations seek to facilitate the provision of adequate public safety and emergency response service and to minimize difficulty in locating properties and buildings for public service agencies and the general public; and

**WHEREAS**, Jasper County Council feels the provisions herein prescribed will secure the public safety and deliver the aforementioned public services in a more efficient and effective fashion.

**WHEREAS**, in furtherance of these purposes and objectives, Jasper County Council recently amended Chapter 25, Article III, *Naming and Addressing of Roads* in Ordinance O-2025-12, but through inadvertence, that Ordinance contained scrivener errors Council desires to correct by adopting the following amendments;

**NOW THEREFORE, BE IT ORDAINED**, by the Jasper County Council duly assembled and by the authority of same:

1. Article III of Chapter 25, (*Naming and Addressing of Roads*), Section 25-123, (*Definitions*) of the Code of Ordinances, is amended to read as follows:

Sec. 25-123. - Definitions.

(1) *County road*: As defined in section 25-41 hereinabove. Any road currently maintained under the county road maintenance system, and any new road to be constructed within the

jurisdiction of the county, and dedicated for maintenance to the county, which is in excess of 100 feet in length and accesses, or presupposes to access, two or more parcels of land under different ownership, unless such road is a part of the state, or federal system of highways or, by definition, a private road.

The master of list of county roads as maintained by the department of public works as set forth in section 25-41(a)(1), and the mapping of said roads compiled by the Lowcountry Council of Governments at the direction of the county and dated June 1, 1998, and the revised Master List of County Roads dated February 2017 are made part of this article as though copied herein. Any revision to the list or the map also shall be incorporated herein and made a part of this article.

(2) *Private road*: No road shall be designated as a private road, unless:

In a new development, such proposed road is defined as such by action of the county planning commission upon its satisfaction as to the construction and perpetual maintenance of such road (see appendix B, including sections 3.10 and 7.3 of appendix B of the Jasper County Code of Ordinances as to perpetual maintenance of such road); or

2. This ordinance shall take effect upon approval by Council.

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John A. Kemp, Chairman

ATTEST:

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Wanda Giles, Clerk to Council

ORDINANCE: #2025\_\_\_\_\_  
First Reading: July 21, 2025  
Second Reading: August 18, 2025  
Public hearing: August 18, 2025  
Adopted: \_\_\_\_\_

Reviewed for form and draftsmanship by the Jasper County Attorney.

---

David Tedder

Date

# AGENDA

## ITEM # 17

For this item here is a  
link to those documents

☐ [Zoning Map Amendment - 139 Hartwell Avenue](#)



## Jasper County Planning and Building Services

358 Third Avenue - Post Office Box 1659  
Ridgeland, South Carolina 29936  
Phone (843) 717-3650 Fax (843) 726-7707

Lisa Wagner, CFM  
Director of Planning and Building Services  
[lwagner@jaspercountysc.gov](mailto:lwagner@jaspercountysc.gov)

### Jasper County Council Staff Report

<b>Meeting Date:</b>	August 18, 2025
<b>Project:</b>	Zoning Map Amendment – General Commercial
<b>Applicant:</b>	Brian Manning
<b>Tax Map Number:</b>	080-03-00-019
<b>Submitted For:</b>	3 <sup>rd</sup> Reading
<b>Recommendation:</b>	Planning Commission recommends approval of General Commercial

**Description:** This is a zoning map amendment request to have a property designated as General Commercial. The subject property consists of .96 acres and is located at 139 Hartwell Avenue. The property is currently zoned Mixed Business and is part of a commercial subdivision known as Argent Business Park. The property is developed with a commercial building that was built for flex space. The end user intends to use the space as an event center, which is not allowed in Mixed Business. However, an event center is allowed in General Commercial. The property was originally zoned General Commercial, and the zoning was changed to Mixed Business at the end of 2016.

This proposed ordinance was tabled at the April 21, 2025 Council Meeting until additional information could be provided. There were concerns about whether or not there is enough parking for an event center. A parking plan has been provided. There is a total of 35 spaces provided, which meets the County's Zoning Ordinance. The parking area behind the building has been properly delineated and striped. As far as the number of people that may attend events at the event center depends on the type of events. Special events will typically take place on weekend nights when the other businesses are closed. In accordance with the International Building Code, the occupant load based on square footage is a maximum of 196 people.

**Analysis:** The Zoning Map Amendment application and request are reviewed by considering the following factors:

- ***Comprehensive Plan:*** According to the 2018 Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as a Commercial Node, which is appropriate for businesses, offices, retail, and multi-family use.
- ***Adjacent Zoning:*** The adjacent parcels are zoned General Commercial, Mixed Business and Rural Preservation.
- ***Adjacent Land Use:*** Adjacent land uses are commercial development and vacant property. Multi-family apartments are nearby.
- ***Traffic and Access:*** The subject property is accessed by Hartwell Avenue, which is a privately maintained road serving Argent Business Park. Hartwell Avenue is located off of Argent Blvd, which is a minor arterial road and is maintained by the state.

**Recommendation:** The Planning Commission reviewed this application at their meeting on February 11, 2025 and recommends approval to have the property designated as General Commercial.

**Attachments:**

1. Application
2. Parking Plan
3. Ordinance
4. Aerial map of property and surrounding area
5. Aerial map with zoning layer
6. Article 6, Jasper County Zoning Ordinance, Use Regulations – this Articles provides the allowed uses in all of the Zoning Districts, specifically General Commercial versus Mixed Business



**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE: O-2025-07**

**AN ORDINANCE**

To amend the Official Zoning Map of Jasper County so as to transfer a property located at 139 Hartwell Avenue, bearing Jasper County Tax Map Number 080-03-00-019 from the Mixed Business Zoning District to the General Commercial Zoning District on the Jasper County Official Zoning Map.

**WHEREAS**, the owner of a parcel bearing Jasper County Tax Map Number 080-03-00-019 consisting of approximately .96 acres, located at 139 Hartwell Avenue, has requested rezoning of the parcel on the Official Zoning Map of Jasper County from the Mixed Business Zoning District to the General Commercial Zoning District and that request has been submitted to the Jasper County Planning Commission and County Council; and

**WHEREAS**, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

**WHEREAS**, this matter is now before the Jasper County Council for determination;

**NOW THEREFORE BE IT ORDAINED**, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having

been shown, approximately .96 acres bearing Jasper County Tax Map Number 080-03-00-019, located at 139 Hartwell Avenue on the Jasper County Official Zoning Map in the Mixed Business Zoning District shall be transferred to the General Commercial Zoning District.

2. This ordinance shall take effect upon approval by Council.

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**John A. Kemp**  
**Chairman**

**ATTEST:**

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**Wanda Giles**  
**Clerk to Council**

**ORDINANCE: # O-2025-07**

**First Reading:** March 3, 2025  
**Second Reading:** March 17, 2025  
**Public Hearing:** March 17, 2025  
**Adopted:** August 18, 2025

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Considered by the Jasper County Planning Commission at it's meeting on  
February 11, 2025 and recommended for approval.

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Reviewed for form and draftsmanship by the Jasper County Attorney.

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**David Tedder**

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**Date**

# AGENDA

## ITEM # 18

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER  
ORDINANCE # 0-2025-19**

**AN ORDINANCE OF JASPER COUNTY COUNCIL**

**To amend and add a new Subsection to the Jasper County SC Code of Ordinances, Chapter 26 *Taxation*, Article I *In General*.**

**WHEREAS**, The Jasper County Council should periodically review County Ordinances for relevance and adjustment; and

**WHEREAS**, it has come to Council's attention that certain penalties available to the County against defaulting tax sale bidders for failure to follow tax sale procedures are in need of updating; and

**NOW THEREFORE, BE IT ORDAINED**, by the Jasper County Council duly assembled and by the authority of the same:

**SECTION 1.** Chapter 26, *Taxation*, Article I, *In General*, being Code Sections 26-1 through 26-4, is hereby amended by inserting and adding a new Section 26-4 as follows, and amending Section 26-1 as follow:

**Sec. 26-4 Penalties for Defaulting on a Tax Sale Bid.**

In accordance with §§ 12-51-60 and 12-51-70 of the Code of Laws of South Carolina, 1976 (as amended), upon the failure of a successful bidder at the delinquent tax sale to pay the full amount of the bid made on the day of the sale, the defaulting bidder is liable to the County the sum of Five Hundred Dollars (\$500.00) to be collected by the Delinquent Tax Collector in the name of the taxing authority; and further, the defaulting bidder, whether a natural person or an entity

making the bid, shall not be allowed to participate in a Jasper County tax sale for 1) the later of the next two delinquent tax sales or two calendar years, and 2) the penalty sum is paid in full. The prohibition on a defaulting bidder participating in a subsequent tax sale applies not only to the bidder if he or she be a natural person, but also to an entity owned or controlled in whole or in part by the person, and in the event the defaulting bidder be an entity, to affiliated or subsidiaries of the entity.

### **Section 26-1 *Penalties, Fees and costs for delinquent taxes.***

Penalties, fees and costs shall be as set forth in the S.C. Code of Laws, 1976 (as amended), including § 12-45-180 and §12-51-40, to include the necessary and actual costs incurred in the levy, execution, collection, seizure, and sale of the property, as applicable.

**SECTION 3.** Sections 26-4 *Assessment of Aircraft* and 26-5 *Reduction in value of a boat and its motor for the purpose of property taxation of the Jasper County Code of Ordinances* are re-numbered as new Sections 26-5 and 26-6, respectively.

**SECTION 4.** Provisions of ordinances previously adopted by County Council, which are not consistent with the restrictions and requirements of this Ordinance O-2025-19 are deemed superseded.

**SECTION 4.** If any section, clause, paragraph, sentence or phrase of this ordinance, or application thereof any person or circumstances should, for any reason be held to be invalid or unconstitutional, the invalid section,

clause paragraph, sentence, phrase or application shall no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have passed notwithstanding the invalidity or unconstitutionality of any section, clause paragraph, sentence or phrase thereof.

**SECTION 5.** This ordinance must take effect upon approval by Council.

\_\_\_\_\_  
John A. Kemp, Chairman

Attest:

\_\_\_\_\_  
Wanda Giles, Clerk to Council

Ordinance 0-2025-19

First Reading: 06.30.25

Public Hearing: 07.21.2025

Second Reading: 07.21.2025

Third Reading:

Adopted:

Reviewed for form and draftsmanship by Jasper County Attorney

\_\_\_\_\_  
David L. Tedder

Date: \_\_\_\_\_