



A WORKSHOP WILL BE CONDUCTED BY THE JASPER COUNTY COUNCIL.

Meeting Date: **Monday, May 12, 2025, AT 10:00A.M.**

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

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JASPER COUNTY COUNCIL
SPECIAL CALLED WORKSHOP
Jasper County Clementa C. Pinckney Government Bldg
358 3rd Avenue Ridgeland, SC 29936
Monday, May 12, 2025
Agenda

10:00AM

- **Call 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.

- **Pledge to the Flag and Invocation**
- **Approval of Agenda**
- **Code Enforcement**
- **General Discussion**
- **Adjourn**

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

* * Code Enforcement * *



MEMORANDUM

MARCH 7, 2025

TO: JASPER COUNTY COUNCIL
FROM: BRITTANY L. WARD, ESQ.
SUBJECT: CODE AMENDMENTS TO ADDRESS CODE ENFORCEMENT CONCERNS

The Jasper County Council retained Finger, Melnick, Brooks & LaBruce, P.A. to review and amend the Jasper County Code of Ordinances (the “Code”) to address concerns and provide code enforcement with the necessary authority to properly enforce the Code. This memo serves to provide a summary of the process and actions taken by both administration and our office, as well as provide a summary of the proposed amendments to the Code.

SUMMARY OF ACTIONS AND PROCESS

Timeline of Actions

The following is a summary of the dates and actions associated with the Code amendments:

- March 11, 2025: Special Counsel Representation Agreement executed
- March 31, 2025: Summary of Code sections and associated penalties provided to Administration to review and discuss at follow up meeting
- April 10, 2025: Meeting held with Administration discussing the specific Code sections and receive direction on amendments to meet the needs and goal of the County.
- April 17, 2025: Meeting held with Administration and staff to discuss proposed penalty and enforcement amendments to the applicable Code sections.
- May 7, 2025: Meeting held with Administration and staff to discuss proposed Code amendments, administrative citations, additional penalties, and enforcement of Code.

Process Summary

The Code has been reviewed by attorneys and identified the sections that currently are, or should be in the future, enforced by Code Enforcement Officers or other authorized Officials. Following the two initial meetings with Administration and staff, the ordinance to establish an Administrative Citation, enforcement, and additional penalties to be incorporated throughout the Code was drafted. The draft Code amendments have been reviewed by the County Attorney and have been discussed line-by-line with Administration and staff to ensure the amendments meet the needs of the County. The draft Code amendments will continue to be reviewed by attorneys and staff to confirm additional edits or terms are not required or needed, but at this time it is necessary to receive feedback and direction from County Council before presenting an ordinance to amend the Code.

SUMMARY OF PROPOSED CODE AMENDMENTS

Administrative Citation, Enforcement and Penalties

The proposed amendment includes the establishment of an Administrative Citation in Chapter 1 of the Code. An Administrative Citation is a civil action (not criminal) that may be issued by Code Enforcement Officers and other authorized Officials to individuals that are determined to be in violation of specific Code sections. Chapter 1 has also been amended to include general penalties such as misdemeanors.



MEMORANDUM

MARCH 7, 2025

Throughout the Code, the individual Chapters and Sections have been reviewed and amended to specifically establish (1) the applicability of an Administrative Citation; (2) the penalties and remedies available to the County during the enforcement process; and (3) the Officials authorized to enforce the Code. The Jasper County Code and the State Code have been reviewed and as a result sections of the Jasper County Code have been removed or amended to comply with the State Code.

Following receipt of feedback and comments from County Council, the Administration, staff and attorneys will discuss and implement the appropriate amendments. The attorneys will continue to review and amend the Code to meet the needs of the County and as determined necessary to ensure compliance with State Code.

Chapter 1 GENERAL PROVISIONS

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

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.

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) and substantially similar to the form attached to Ordinance No. 2025- 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 ~~sSection~~ 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 ~~sSection~~ 4-2 of this ~~eChapter~~, 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.* 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. 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 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 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. 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, 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 official~~ 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~~ 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.~~