

TITLE IX: GENERAL REGULATIONS

Chapter

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CHAPTER 90: ABANDONED JUNK VEHICLES

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- 90.01 Definitions
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§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNK AUTOMOBILE. Any vehicle of the present value that it would not be economical to repair or restore it and without a current license plate and a current windshield sticker.

UNOPERATIONAL AUTOMOBILE. An automobile incapable of moving under its own power without repair, in an abandoned status and without a current license plate and a current windshield sticker.
(‘88 Code, § 18.410)

§ 90.02 STORING OR KEEPING JUNKED VEHICLES.

(A) It shall be unlawful for any owner of any property in the corporate limits to permit a vehicle not having a current motor vehicle license, and upon which property taxes have not been paid, to be brought upon or remain upon his property other than a licensed new car or used car dealer, garage or wrecking yard, upon property operated for the business and provided the vehicle is covered or sheltered in a fashion to be adequate to prevent the infestation of the vehicle by snakes, mosquitoes, other insects or rats and other vermin.

(B) No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, the purpose of storage or repair without the motor vehicle having a current motor vehicle license unless the motor vehicle is covered as outlined above.
(‘88 Code, § 18.410) Penalty, see § 10.99

§ 90.03 ABANDONING JUNKED VEHICLES.

It shall be unlawful for any person to abandon a junk or unoperational vehicle, as defined, upon the public streets.

('88 Code, § 18.409) Penalty, see § 10.99

§ 90.04 REMOVAL AND SALE OF VEHICLES.

(A) If any vehicle is found by any police officer abandoned on the public streets, it shall be his duty to cause the vehicle to be removed and conveyed to a garage designated by the Police Chief. The owner or person in whose name the vehicle is registered shall be given immediate personal notice or notice by certified mail, if his address can be ascertained.

(B) If the address of the owner cannot be ascertained, then the Police Chief shall advertise that the car has been abandoned and impounded, giving an accurate description thereof, the name of the person licensed to operate it and the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within 30 days. Notice shall be published once a week for four consecutive weeks in a locally distributed newspaper. If the vehicle is not reclaimed after the advertisement, then the same shall be sold for cash to the highest bidder at the place as may be designated therefor.

(C) The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of the sale. The balance, if any, shall be deposited with the Clerk-Treasurer, subject to the claim of the owner to be filed and proven within 12 months thereafter. If no claim is filed and proven within that time, the proceeds shall be forfeited. The Police Chief shall keep a record of the vehicle, the name of the registered owner, the license tag and the circumstances under which it was found, impounded, stored and sold.

('88 Code, § 18.409)

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Running at large prohibited
- 91.02 Keeping certain animals
- 91.03 Bird sanctuary

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- 91.15 Definitions
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GENERAL PROVISIONS

§ 91.01 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any person to permit any horse, mule, cow, goat, swine, fowl or any animal of any kind, excluding dogs, to run at large within the city limits.

(Am. Ord. passed 11-20-12) Penalty, see § 10.99

Statutory reference:

Similar provision, see S.C. Code § 47-7-110

Bennettsville - General Regulations**§ 91.02 KEEPING CERTAIN ANIMALS.**

(A) It shall be unlawful to keep and maintain, within the city, either cows or horses on any lot of land containing less than one acre for each animal kept and maintained thereon. The restrictions, however, shall not apply where the animals are kept on premises owned by dog food manufacturers. ('88 Code, § 3.102)

(B) It shall be unlawful to keep any hog or hogs or pig or pigs, within the city limits, nor shall it be lawful to slaughter or butcher any animal within the corporate limits. Slaughtering or butchering animals may be carried on within the corporate limits in accordance with the rules and regulations of the state Board of Health, when authorized by the City Council. ('88 Code, § 3.103)
Penalty, see § 10.99

§ 91.03 BIRD SANCTUARY.

(A) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way any bird or wild fowl or to rob bird nests or wild fowl nests. If starlings or similar birds are found to be congregating in numbers in a particular locality so that they constitute a menace to health or property in the opinion of the proper health authorities of the city, the health authorities shall meet with the representatives of the Audubon Society, bird club, garden club or humane society or as many of the clubs as are found to exist in the city, after having given at least three days actual notice of the time and place of the meeting, to the representatives of the clubs. If, as a result of the meeting, no satisfactory alternative is found to abate the nuisance, the birds may be destroyed in numbers and in a manner as is deemed advisable by the health authorities under the supervision of the Police Chief.

('88 Code, § 3.104) Penalty, see § 10.99

SPECIFIC DOG REGULATIONS**§ 91.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG OWNER. Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any dog. ('88 Code, § 3.201)

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RUNNING AT LARGE. All dogs found upon any of the public streets, highways or public places or upon private property owned by persons other than the owner or custodian of the dog shall be deemed to be running loose or to be at large within the meaning of this subchapter. ('88 Code, § 3.202)

§ 91.16 [RESERVED.]

§ 91.17 [RESERVED.]

§ 91.18 NUISANCES; FEMALE DOGS IN HEAT.

It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles or turns over garbage pails or damages gardens, flowers or vegetables or conducts itself so as to be a public nuisance. Furthermore, it shall be unlawful for a dog owner to permit a female dog to run at large while in heat. ('88 Code, § 3.209) Penalty, see § 10.99

§ 91.19 BARKING DOGS; NUISANCE.

It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly barks in a manner or to the extent that it is a public nuisance. ('88 Code, § 3.210) Penalty, see § 10.99

§ 91.20 RESTRAINT, DISPOSAL OF FECAL MATERIAL REQUIRED.

(A) Every person owning or having charge, care, custody or control of any dog shall keep the dog exclusively upon his own premises secured by a fence no smaller than ten feet by ten feet for one dog, and an increase of 25 square feet for each additional dog giving the dog adequate space for exercise and without at any time being fastened, chained or tied while such dog is on the owner's own property. The dog may be off the premises if it is under direct control of a responsible person. Direct control may be affected only by leash. The requirements of this section are not altered by whether or not a dog is vicious or uninoculated. ('88 Code, § 3.211)

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(B) It shall be unlawful to fail to promptly remove and properly dispose of all feces left by the animal on any public property or any private property not owned by the owner. Failure to remove excreta and improper disposal of fecal matter are deemed unlawful conduct by the owner so as to make the animal a nuisance animal.

(Am. Ord. 07-11-01, passed 11-20-07; Am. Ord. passed 9-16-14) Penalty, see § 10.99

§ 91.21 CARE REQUIRED; FIGHTS PROHIBITED.

(A) It shall be unlawful for the owner or custodian of a dog to fail to provide it with sufficient good and wholesome food, water, proper shelter, protection from weather, veterinary care when needed to prevent suffering and with humane care and treatment.

(B) It shall also be unlawful for any person to beat, ill-treat, torment or otherwise abuse any dog or cause or permit any dog fight.
(‘88 Code, § 3.214) Penalty, see § 10.99

§ 91.22 INJURING DOGS; NOTICE.

It shall be unlawful for any person injuring a dog, by running over or into same or coming into contact with same with an automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of the dog or the Police Department.

(‘88 Code, § 3.215) Penalty, see § 10.99

§ 91.23 BITING; PROCEDURE.

Any dog which has ever bitten any person so as to break the skin, to the knowledge of the person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of the dog, must be kept in a secure enclosure or be accompanied by a person who, by means of a leash, has the dog firmly under control at all times.

(‘88 Code, § 3.216) Penalty, see § 10.99

§ 91.24 DUTIES OF POLICE DEPARTMENT.

(A) The Police Department and any other person or persons designated by the City Council shall be charged with the responsibility of:

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(1) Cooperating with the proper officers of the county and assisting in the enforcement of the laws of the state with regard to dogs and especially with regard to the confinement or leashing of vicious dogs;

(2) Investigating all complaints with regard to dogs;

(3) Making canvasses of the city, including the homes in the city as it deems necessary, for the purpose of ascertaining that all dogs are duly and properly licensed and vaccinated against rabies;

(4) Enforcing all state laws and all ordinances enacted by the city for the care, control and custody of dogs;

(5) Supervising and being in charge of a facility where dogs may be impounded; and

(6) Receiving applications for and issuing licenses for dogs.
('88 Code, § 3.217)

(B) It shall be unlawful for any person to interfere in any way with any police officer or employee of the city engaged in seizing or impounding any dog under authority of this subchapter. ('88 Code, § 3.218)
(Am. Ord. passed 11-20-12) Penalty, see § 10.99

§ 91.25 IMPOUNDMENT PROCEDURES.

(A) Police officers or other persons designated by the city shall impound any dog running at large in violation of this subchapter. Any vicious dog not on a leash, any uninoculated dog, any dog not wearing a current tag issued by the city and any dog, regardless of conditions, which is beyond the premises of its owner and not under direct control of a responsible person, shall be deemed at large in violation of this subchapter and subject to being impounded. ('88 Code, § 3.212)

(B) (1) When a dog is impounded under the provisions of this subchapter, a notice forthwith shall be posted in a conspicuous place on a bulletin board at the Police Department. The notice shall contain a general description of the impounded dog, showing breed, sex, color and markings. It shall designate the day upon which the described dog shall be sold or otherwise disposed of unless sooner claimed and redeemed. The claim or redemption by the owner or custodian of the described dog shall be made within seven days of the date notice is posted.

(2) Any dog not redeemed from impoundment within the seven-day period, pursuant to this section, shall be sold or otherwise disposed of in the discretion of the Police Chief.

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(3) Funds received from the redemption of impounded dogs shall be turned over to the City Administrator who shall duly account for same.
('88 Code, § 3.213) (Am. Ord. passed 11-20-12)

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CHAPTER 92: FAIR HOUSING

Section

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- 92.02 Definitions
- 92.03 Application of prohibitions
- 92.04 Unlawful discrimination
- 92.05 Discrimination in financing
- 92.06 Discrimination in brokerage services
- 92.07 Exemptions
- 92.08 Interference, coercion or intimidation

- 92.99 Penalty

§ 92.01 POLICY; TITLE.

(A) It is hereby declared to be the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.

(B) This chapter shall be known as the “Fair Housing Chapter.”
(‘88 Code, § 5.301)

§ 92.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 92.04 through 92.06.

DWELLING. Any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure or portion thereof.

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FAMILY. Includes a single individual.

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT. Includes to lease, to sublease, to let and otherwise to grant, for a consideration, the right to occupy premises not owned by the occupant. ('88 Code, § 5.302)

§ 92.03 APPLICATION OF PROHIBITIONS.

(A) Subject to the provisions of division (B) below and § 92.07, the prohibitions against discrimination in the sale or rental of housing set forth in § 92.04 shall apply to all dwellings except as exempted by division (B) below.

(B) Nothing in § 92.04, other than division (C), shall apply to:

(1) (a) Any single-family house sold or rented by an owner, provided the private individual owner does not own more than three single-family houses at any one time. In the case of the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this division shall apply only with respect to one sale within any 24-month period, provided the bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time.

(b) The sale or rental of any single-family house shall be excepted for the application of this section only if the house is sold or rented without the use, in any manner, of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of the facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any broker, agent, salesman or person and, further, without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 92.04(C).

(c) Nothing in this section shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other professional assistance necessary to perfect or transfer a title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(C) For the purpose of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if he has, within the preceding 12 months:

(1) Participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or participated as agent, other than in the sale of his personal residence, in providing sales or rental facilities, or sales or rental services, in two or more transactions involving the sale or rental of any dwelling or any interest therein, or the 12 months notwithstanding; or

(2) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
(‘88 Code, § 5.303)

§ 92.04 UNLAWFUL DISCRIMINATION.

As made applicable by § 92.03 and except as exempted by §§ 92.03(B) and 92.07, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion or national origin;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin;

(C) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based on race, color, religion or national origin, or an intention to make any preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is, in fact, so available; and

(E) For profit, to induce or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

(‘88 Code, § 5.304) Penalty, see § 92.99

§ 92.05 DISCRIMINATION IN FINANCING.

It shall be unlawful for any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise, whose business consists in whole, or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor, for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance, because of the race, color, religion or national origin of the person or of any person associated with him in connection with the loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which the loan or other financial assistance is to be made or given. Nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 92.03(B). ('88 Code, § 5.305) Penalty, see § 92.99

§ 92.06 DISCRIMINATION IN BROKERAGE SERVICES.

It shall be unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of the access, membership or participation on account of race, religion or national origin. ('88 Code, § 5.306) Penalty, see § 92.99

§ 92.07 EXEMPTIONS.

Nothing in this subchapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates, for other than a commercial purpose, to persons of the same religion, or from giving preference to the persons, unless membership in the religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not, in fact, open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates, for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or for giving preference to its members. ('88 Code, § 5.307)

§ 92.08 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed

or on account of his having aided or

encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

('88 Code, § 5.308) Penalty, see § 92.99

§ 92.99 PENALTY.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$200 or imprisonment not to exceed 30 days, or both.

('88 Code, § 5.310)

CHAPTER 93: FIRE PREVENTION; FIREWORKS

Section

General Provisions

- 93.01 Fire district established
- 93.02 Use of fire equipment
- 93.03 Driving over fire hose
- 93.04 Fire hydrants
- 93.05 Burning of outdoor rubbish
- 93.06 Burning of construction or demolition debris
- 93.07 Bonfires
- 93.08 Accumulations
- 93.09 Damage to buildings
- 93.10 Smoking on platforms with combustibles; public buildings
- 93.11 Police at fires; prohibited activities
- 93.12 Explosives

Fireworks

- 93.35 Fireworks prohibited
- 93.36 Public displays; permit required
- 93.37 Permissible fireworks for displays

93.99 Penalty

Cross-reference:

Fire Department, see §§ 32.30 through 32.33

Fires and fireworks, see § 133.09

GENERAL PROVISIONS**§ 93.01 FIRE DISTRICT ESTABLISHED.**

(A) *Definition.* The official fire district for the city shall be the area of the Central Business District zoned C-1. A map showing the boundaries of the Fire District shall be maintained in the offices of the Fire Chief and the Building Official.

(1) The storage of flammable and combustible liquids in above-ground storage is prohibited within the limits of the Fire District.

(2) Exceptions: Two single portable tanks of 660 gallons or less of class II or class III combustible liquid are allowed.
(S.C. Code 39-41-260)

(B) *Purpose.* The fire district established herein is for the purpose of limiting the spread of fire and reducing loss of life and property damage in an area of dense construction, high occupancy and high fuel loads.

(C) *Laws and standards.* The fire district established herein shall be subject to:

(1) The provisions of Chapter 152 applying to the C-1 district;

(2) The provisions of International Building Code Appendix D, contained in the current edition and all updates and revisions thereof shall govern the type and extent of construction in the district; and

(3) S.C. Code § 39-41-260, as amended, relating to the above-ground storage of petroleum products.

(D) *Enforcement.* The Fire Chief or his designee shall enforce the provisions of this section.
(Ord. 97-11-01, passed 11-18-97; Am. Ord. passed 11-20-12)

§ 93.02 USE OF FIRE EQUIPMENT.

It shall be unlawful for any unauthorized person to use, borrow or damage any equipment of the Fire Department without the express consent of the Fire Chief. "Equipment" shall mean all vehicles, firefighting apparatus, supplies, facilities or other material belonging to the Fire Department.
('88 Code, § 9.208) Penalty, see § 93.99

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§ 93.03 DRIVING OVER FIRE HOSE.

It shall be unlawful for any person, without permission of the Fire Chief, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the Fire Department. ('88 Code, § 9.209) Penalty, see § 93.99

Statutory reference:

Similar provision, see S.C. Code § 56-5-3850

§ 93.04 FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to open or otherwise tamper with a fire hydrant.

('88 Code, § 9.210) Penalty, see § 93.99

§ 93.05 BURNING OF OUTDOOR RUBBISH.

It shall be unlawful to burn any leaves, grass, tree limbs, rubbish, woodlands, land under development, or land used for agricultural purposes that are inside the corporate limits.

§ 93.06 BURNING OF CONSTRUCTION OR DEMOLITION DEBRIS.

It shall be unlawful during the construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the vicinity inside the corporate limits (S.C. Department of Health and Environmental Control Regulation 61-62.2).

(Am. Ord. passed 11-20-12)

§ 93.07 BONFIRES.

It shall be unlawful for any person to kindle or maintain any bonfire or authorize any such fire to be kindled or maintained without a permit from the Fire Department.

§ 93.08 ACCUMULATIONS.

(A) It shall be unlawful for any owner, tenant, occupant, person possessing, or any other person, to permit, allow or cause any condition, accumulation, growth, structure or other matter to exist upon any lot, building or premises so as to constitute or create a fire hazard or to increase the menace of fire.

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(B) It shall be the duty of the Fire Chief, or his authorized agents, to notify any person of a violation of this section and to suggest proper action or precautions.

(C) Any person who shall fail, within five days of the notice, to eliminate the fire hazard shall, upon conviction, be guilty of a misdemeanor.
('88 Code, § 9.212) Penalty, see § 93.99

§ 93.09 DAMAGE TO BUILDINGS.

If an existing building is damaged by fire or otherwise in excess of 50% of its then physical value, the building shall be removed.
('88 Code, § 9.213)

§ 93.10 SMOKING ON PLATFORMS WITH COMBUSTIBLES; PUBLIC BUILDINGS.

(A) It shall be unlawful to smoke cigarettes, cigars or tobacco in any form or to strike matches on or in the immediate vicinity of any platform on which there is stored cotton, resin or any combustible items or merchandise of any kind.

(B) It shall be unlawful to smoke in any public building or in any theater or public building where people have assembled, including dressing rooms, property rooms and all other apartments connected therewith.
('88 Code, § 9.214) (Am. Ord. passed 11-20-12) Penalty, see § 93.99

§ 93.11 POLICE AT FIRES; PROHIBITED ACTIVITIES.

(A) Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire, and subject to availability of personnel, they may station one police officer at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within the block to be moved immediately. ('88 Code, § 9.202)

(B) All motor equipment of the Fire Department, Police Department and the vehicles of firefighters shall have the right-of-way over all other vehicles when responding to an alarm. ('88 Code, § 9.203)

(C) No person shall park or cause any obstruction to fire equipment at an entrance to the fire station nor park within 15 feet of any fire hydrant. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in the line of duty at or proceeding to a fire. ('88 Code, § 9.204)

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(D) (1) No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park a vehicle within the block where fire apparatus has stopped in answer to an alarm. (S.C. Code § 56-5-1960)

(2) Bystanders shall stay a safe distance away.
(‘88 Code, § 9.205)

(E) It shall be unlawful for any person, who is not a member of the Fire Department, to ride upon any fire truck without permission from the Fire Chief.
(‘88 Code, § 9.206)

(F) (1) Failure to obey any lawful order of any official of the Fire or Police Department at the scene of any emergency shall constitute a violation of this chapter. (‘88 Code, § 9.207)

(2) No person or persons shall interfere or otherwise deter Fire Department personnel by resistance, obstruction or assault in the performance of their assigned duties at the scene of any emergency. (S.C. Code § 16-3-630)
Penalty, see § 93.99

Statutory reference:

Parking restrictions, see S.C. Code § 56-6-2530

§ 93.12 EXPLOSIVES.

It shall be unlawful for any person to fire or explode at any time within the corporate limits any dynamite or other explosive substances or compounds without a permit from the Fire Chief.
(S.C. Code § 23-35-170)

FIREWORKS

§ 93.35 FIREWORKS PROHIBITED.

(A) It shall be unlawful for any person to fire, shoot, discharge, offer for sale, store, exchange, give away or possess any fireworks of any description within the corporate limits. (S.C. Code § 23-35-150) (‘88 Code, § 9.501)

(B) The term “fireworks” shall not include toy paper pistol caps which contain less than 0.25 grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale and use of these items shall be permitted at all times. (S.C. Code § 23-35-30) (‘88 Code, § 9.502)

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(C) Nothing in this section shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to military or naval forces; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes. (S.C. Code § 23-35-40) ('88 Code, § 9.503)

(Am. Ord. passed 11-20-12) Penalty, see § 93.99

§ 93.36 PUBLIC DISPLAYS; PERMIT REQUIRED.

Any person desiring to hold a public display of fireworks shall first secure from the Fire Chief a written permit to hold the display at least ten days prior to the date of the proposed display. No permit shall be issued to allow any public display of fireworks at any location whereby, in the judgment of the Fire Chief, life or property may be endangered.

(S.C. Code § 23-35-60) ('88 Code, § 9.504)

§ 93.37 PERMISSIBLE FIREWORKS FOR DISPLAYS.

Nothing in this subchapter shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. The items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the S.C. Department of Labor, Licensing, and Regulations, State Board of Pyrotechnic Safety "Class B Fireworks" and shall not include items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

('88 Code, § 9.505) (Am. Ord. passed 11-20-12)

Statutory reference:

Fireworks and explosives, see S.C. Code Title 23

§ 93.99 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person who shall violate any of the provisions of the Fire Prevention Code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the City Council or by a court of

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competent jurisdiction, within the time fixed herein, shall, severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor and punishable by a fine of not less than \$10, nor more than \$200 or by imprisonment for not less than ten days nor more than 30 days, or by both the fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(2) The application for the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
(‘88 Code, § 9.105)

(C) The penalty for a violation of § 93.35 shall be a misdemeanor. (‘88 Code, § 9.501)

CHAPTER 94: HEALTH AND SANITATION

Section

- 94.01 County Board of Health
- 94.02 Definition
- 94.03 Abatement of public nuisances
- 94.04 Weeds prohibited
- 94.05 Accumulation of junk and trash
- 94.06 Upkeep of property
- 94.07 Suitable toilet facilities
- 94.08 Notice to remove to remedy

Cross-reference:

Animals, see Chapter 91

Nuisances, see § 134.06

§ 94.01 COUNTY BOARD OF HEALTH.

Unless and until a Board of Health is appointed by Council, health matters, generally, shall be referred to the County Board of Health.
(‘88 Code, § 10.101)

§ 94.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC NUISANCES. Any act of any person, firm or corporation whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit the property to become unsanitary by allowing any offensive matter or thing upon the lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, storage or ice boxes, refrigerators, stoves, refuse, manure, straw, hay or thing to accumulate and remain upon the premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises the thing which may endanger, injure or damage another's health or property.

(‘88 Code, § 10.201) Penalty, see § 10.99

§ 94.03 ABATEMENT OF PUBLIC NUISANCES.

(A) The City Council may declare as nuisances the things, the existence of which may be deemed unhealthy or harmful to the citizens, and the nuisances shall be abated pursuant to directions from the Council. ('88 Code, § 10.202)

(B) Any person refusing or neglecting to abate a nuisance, after having been directed to do so, shall be guilty of a misdemeanor. ('88 Code, § 10.203) Penalty, see § 10.99

§ 94.04 WEEDS PROHIBITED.

No person shall allow or permit weeds and grass to grow upon his improved premises within the corporate limits uncut so as to render the premises unsightly or unhealthy from the growth and accumulation of the grass, weeds and vegetable matter thereon.
('88 Code, § 10.204) Penalty, see § 10.99

§ 94.05 ACCUMULATION OF JUNK AND TRASH.

It shall be unlawful to accumulate or allow to accumulate on any premises or in the rear of any store, factory or residence, old fixtures, junk, trash or any other material which tends to keep the premises wet, exclude the sun and catch and favor the accumulation of filth.
('88 Code, § 10.205) Penalty, see § 10.99

§ 94.06 UPKEEP OF PROPERTY.

(A) *Vacant lots.* It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any premises, including vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.
('88 Code, § 10.401)

(B) *Requirement for owner to maintain lots.* It shall be the duty of the Code Enforcement Officer to summon the owner of the premises, and if, after fully hearing the matter and any statement the owner may make and any testimony he may offer in his behalf concerning the matter, the Code Enforcement Officer should find the premises or lot in a condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear the premises or lot in order to abate the nuisance. ('88 Code, § 10.402)

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(C) *City to clean; costs to be paid by owner.* Should any property owner fail to keep the property cleared, after due notice thereof to do so, the Chief may cause the property to be kept cleared and in a sanitary condition for health purposes or cleared for fire prevention, at a reasonable cost therefor, and the cost shall become a lien upon the real estate. The expense shall be added to the annual tax levied on the property and shall be collected in the same manner as the annual property tax. ('88 Code, § 10.403)
(S.C. Code § 5-7-80) (Am. Ord. passed 11-20-12) Penalty, see § 10.99

§ 94.07 SUITABLE TOILET FACILITIES.

(A) *Pit privy defined; declared unlawful.*

(1) The term "pit privy," as used in this section shall mean a building which is not connected to a sewer and used for affording privacy while in the act of urination or defecation.

(2) It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.
(S.C. Code § 44-55-210) ('88 Code, § 10.501)

(B) *Building contracts to provide for waste disposal.* All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal. The contract shall provide for the facilities, and plans shall state the proposed method of disposal. ('88 Code, § 10.502)
Penalty, see § 10.99

§ 94.08 NOTICE TO OWNER TO REMOVE OR REMEDY.

(A) Whenever any condition described in this chapter is found to exist on any premises, the owner of the premises shall be notified by the Clerk in writing to correct the condition within ten days after the notice. It shall be unlawful for any person to fail to comply with the notice. ('88 Code, § 10.206)

(B) The notice shall be served on the owner to whom it is directed or by certified mail, return receipt requested, addressed to the owner at his last known post office address. In the event personal service cannot be made and the owner's address is unknown, the notice shall be given by publication at least two times within 15 consecutive days in a local newspaper of general circulation. ('88 Code, § 10.207)

(C) (1) In the event the owner of any lot or premises, upon which a condition described in this chapter exists, fails to remedy the condition within ten days after notice to do so is given, the city may do the work or make the improvements as are necessary to correct, remedy or remove the condition, or cause the same to

be done, pay and charge the expenses incurred thereby to the owner of the lot.

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(2) The doing of the work shall not relieve the person from prosecution for failure to comply with the notice. The expenses shall be assessed against the real estate upon which the work was done or the improvements made but shall be reasonable.

(3) The owner shall have the right of appeal to Council.
('88 Code, § 10.208)
Penalty, see § 10.99

CHAPTER 95: STREETS AND SIDEWALKS

Section

- 95.01 Obstructions
- 95.02 Placing tables, glass and the like on streets
- 95.03 Rain water damage prevention
- 95.04 Projections over sidewalks
- 95.05 Games and other activities prohibited
- 95.06 Excavations

§ 95.01 OBSTRUCTIONS.

It shall be unlawful for any person to obstruct any street or sidewalk in the city by making excavations therein or by placing thereon to remain standing any vehicle or by piling thereon or otherwise placing any timber, lumber, bricks, dirt or other materials, unless permission is first obtained, subject to the rules and regulations as may be prescribed. It shall not be lawful for any person to obstruct the sidewalks or the streets of the city by placing thereon merchandise, barrels, boxes or other things.

('88 Code, § 15.101) Penalty, see § 10.99

§ 95.02 PLACING TABLES, GLASS AND THE LIKE ON STREETS.

(A) It shall be unlawful for any person to erect or maintain any stand, booth, table or other thing upon any sidewalk or street of the city, for the purpose of selling or offering for sale any goods, wares, merchandise, fruit, vegetables, fish, meats or other commodities except as may be provided elsewhere in this code. ('88 Code, § 15.102)

(B) (1) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the street.

(2) Any person who drops or permits to be dropped or thrown upon any street any destructive or injurious material shall immediately remove the material or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from the vehicle.

('88 Code, § 15.103)

Penalty, see § 10.99

§ 95.03 RAIN WATER DAMAGE PREVENTION.

It shall be unlawful to build, construct, erect or maintain a house or building of any description in the city in a manner that rainwater may flow from the roof, eaves, cornices, gutters or other parts thereof, down upon any sidewalk so as to cause holes, depressions, unevenness, gullies or other defects or damage to the sidewalk.

('88 Code, § 15.104) Penalty, see § 10.99

§ 95.04 PROJECTIONS OVER SIDEWALK.

(A) It shall be unlawful for any person to have or keep on his or her premises any gate or door which, in opening, shall extend or swing outwardly upon or over a city sidewalk. ('88 Code, § 15.105)

(B) It is hereby declared to be unlawful to have erected or to maintain in the city any street awning, canopy, sign or any thing of any kind, projecting over or across the sidewalk of any of the streets, unless the framework upon which the awning, canopy, sign or other thing is elevated shall be above the sidewalk at least seven feet, and unless the fringe or cloth cover or other material used is elevated at least six feet above the level of the sidewalk. All projections shall be securely fastened with adequate wires, arms and braces so as to protect the public. This prohibition is intended to apply to all awnings or other things of that character now in use as well as to those that may hereafter be constructed. ('88 Code, § 15.106)

Penalty, see § 10.99

§ 95.05 GAMES AND OTHER ACTIVITIES PROHIBITED.

It shall be unlawful to play baseball or any other games, fly kites, engage in throwing stones, brick bats, shoot fireworks, firearms or air guns of any kind or engage in skating on the public square or any street within the corporate limits of the city. This section shall not apply to skating on sidewalks in a careful manner or on the streets as may be designated for skating.

('88 Code, § 15.107) Penalty, see § 10.99

§ 95.06 EXCAVATIONS.

(A) It shall be unlawful for any person to cut any paved streets within the corporate limits of the city without first obtaining written permission. ('88 Code, § 15.108)

(B) A certified check in an amount to be fixed by the Mayor, shall be required and deposited with the Mayor for the purpose of indemnifying the city against any loss or damages in repairing street cuts.

The certified check shall be cashed upon the nonpayment of a bill when rendered for the repairing of damages. Any surplus remaining after cashing the check shall be accounted for to the payer. ('88 Code, § 15.109)

(C) Any plumber, inspector, their agents and employees or any other persons who shall open or cut any ditch in or across any sidewalk or drain in the city, shall be allowed 48 hours in which to place any water or sewer pipe from the time they begin to cut the ditch, and the ditch shall be filled up and closed within 48 hours from the time they begin to cut the ditch. ('88 Code, § 15.110)

(D) In all cases where the pavement has been cut, no backfilling of trenches shall be done except in the presence of the Mayor or his representative. Any person, in backfilling trenches where pavement has been cut, shall use dry earth free from stones, which shall be spread in layers not over four inches thick, and rammed thoroughly with at least two men ramming to each man shoveling, and more, if necessary, if so deemed by the Mayor or his representative. This backfilling shall be brought up to not less than eight inches of the finished surface of the pavement. The adjoining concrete base on each side of the ditch shall be cut to an angle of 60 degrees to the horizontal, so as to form a shoulder of the new concrete base to rest upon. Great care shall be taken not to allow any broken pieces of old concrete to remain in the shoulder so formed. Upon the rammed subgrade, a six inch course of 1-3-6 mixed concrete shall be placed, the concrete to be well protected from traffic for at least 24 hours or until it has set sufficiently to receive the two inch asphalt top, brick, beligina, block or any other kind of pavement which the city is currently using. ('88 Code, § 15.111)

(E) All plumbers, inspectors, their agents or employees or other persons shall be required to replace a street, sidewalk or drain in the same condition that they were in before they were opened or cut for the purpose of water and sewer. In other words, the person making the excavation shall fill or cause to be filled the cut in or ditch with dirt, water and tamp the same until the street, sidewalk or drains shall be in as good condition as they were in before being cut or ditched. ('88 Code, § 15.112)

(F) It shall be unlawful to allow any trench, ditch or excavation in any street, sidewalk or public place of the city to remain open between sunset and sunrise, unless the trench ditch or excavation has a sufficient number of lights properly displayed around it as danger signals to prevent accidents to persons or property. ('88 Code, § 15.113)
Penalty, see § 10.99

CHAPTER 96: TREES

Section

General Provisions

- 96.01 Definitions
- 96.02 Public tree care
- 96.03 Tree topping
- 96.04 Pruning; clearances
- 96.05 Dead or diseased tree removal
- 96.06 Removal of trees; permit required
- 96.07 Protection of trees
- 96.08 Removal of stumps
- 96.09 Interference prohibited
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City Tree Ordinance

- 96.20 Title; purpose
 - 96.21 Objectives
 - 96.22 Benefits of trees
 - 96.23 Applicability
 - 96.24 Administration
 - 96.25 Definitions
 - 96.26 Tree Committee
 - 96.27 Tree City USA
 - 96.28 Tree inventory
 - 96.29 Annual work plan
 - 96.30 Public tree maintenance standards
 - 96.31 Damage to public trees
 - 96.32 Conflict of provisions
-
- 96.99 Penalty

GENERAL PROVISIONS**§ 96.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.
(‘88 Code, § 15.201)

§ 96.02 PUBLIC TREE CARE.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of the public grounds. The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest. This section shall not prohibit the planting of street trees by adjacent property owners.
(‘88 Code, § 15.207)

§ 96.03 TREE TOPPING.

It shall be unlawful, as a normal practice, for any person, firm or city department to top any street tree, park tree or other tree on public property. “Topping” is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the discretion of the city.
(‘88 Code, § 15.208) Penalty, see § 96.99

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§ 96.04 PRUNING; CLEARANCES.

Every owner of any tree overhanging any street or right-of-way shall prune the branches so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city may prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

('88 Code, § 15.209) Penalty, see § 96.99

§ 96.05 DEAD OR DISEASED TREE REMOVAL.

The city may cause the removal of any dead or diseased trees on private property, when the trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city shall notify in writing the owners of the trees. Removal shall be effected by the owners at their own expense within 60 days after the date of service of notice by certified mail, return receipt requested. In the event of failure of owners to comply with the provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice.

('88 Code, § 15.210)

§ 96.06 REMOVAL OF TREES; PERMIT REQUIRED.

(A) No person shall hereafter remove any street tree or park tree or cause the removal by others, without first obtaining a written permit from the City Council, which shall issue the permit if, in its judgment, the desired work is necessary and the proposed method of workmanship thereof are of a satisfactory nature.

(B) The designated authority shall review all requests for permits for the removal of trees on public property. All recommendations shall be presented to the City Council for its action.

(C) As a condition to any permit to remove any tree, the City Council may require that the permittee plant another tree in place of the one removed.

(D) Every permit granted by the City Council shall describe the work to be done and contain a date of expiration.

('88 Code, § 15.211) Penalty, see § 96.99

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§ 96.07 PROTECTION OF TREES.

No person shall break, injure, damage, cut, carve, mutilate, kill or destroy any street tree or park tree, or set fire or permit any fire to burn where the fire or the heat thereof will injure any portion of the tree.

('88 Code, § 15.212) Penalty, see § 96.99

§ 96.08 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

('88 Code, § 15.213)

§ 96.09 INTERFERENCE PROHIBITED.

It shall be unlawful for any person to prevent, delay or interfere with the city, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees or park trees, or trees on private grounds, as authorized in this chapter.

('88 Code, § 15.214) Penalty, see § 96.99

§ 96.10 COUNCIL REVIEW.

The City Council shall have the right to review the conduct, acts and decisions of the designated authority. Any person may appeal from any ruling or order of the designated authority to the City Council which may hear the matter and make a final decision.

('88 Code, § 15.215)

CITY TREE ORDINANCE**§ 96.20 TITLE; PURPOSE.**

(A) This subchapter shall be known and may be cited as the "Bennettsville Tree Ordinance".

(B) The purpose of this subchapter is to establish policies, regulations, and standards for the management of public trees within the city limits. Public tree management shall include, but not be limited to, tree establishment, maintenance, protection, and removal.

(Ord. 10-03-01, passed 3-16-10)

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§ 96.21 OBJECTIVES.

The objectives of public tree management shall be to maximize the functional benefits of trees while minimizing the costs of management. The objectives of this subchapter shall be as listed below.

(A) Maintain the city's tree canopy cover at or above its current level.

(B) Maintain and improve community character.

(C) Enhance the aesthetic appearance of the landscape.

(D) Provide direction and support to tree management.

(Ord. 10-03-01, passed 3-16-10)

§ 96.22 BENEFITS OF TREES.

Trees provide many environmental, social, and economic benefits that include, but are not limited to, the following.

(A) Trees produce oxygen and absorb carbon dioxide, thereby reducing air pollution and improving air quality.

(B) Trees filter out dust, particulate matter, and airborne pollutants, thereby improving air quality.

(C) Trees intercept precipitation, thereby reducing storm water runoff and improving water quality.

(D) Tree roots hold the soil, thereby reducing soil erosion and sedimentation and improving water quality.

(E) Trees provide shade and cooling and provide windbreaks, thereby reducing energy usage and air conditioning and heating costs.

(F) Trees provide wildlife food and habitat.

(G) Trees buffer different land uses to eliminate or minimize nuisances such as dust, litter, noise, glare, signs, and unsightly buildings or parking areas.

(H) Trees improve public health by reducing stress, encouraging exercise, calming traffic, decreasing illness recovery times, reducing crime and domestic violence, and improving concentration.

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(I) Trees attract residents, visitors, commerce and industry to the city and increase the value and marketability of property.

(J) Trees beautify the city and protect and enhance the quality of life.
(Ord. 10-03-01, passed 3-16-10)

§ 96.23 APPLICABILITY.

The provisions of this subchapter shall apply to all public trees, as described herein. Some provisions of this subchapter shall apply to trees located on private property under specific and limited circumstances. **PUBLIC TREES** shall include all trees growing on city owned property within the street rights-of-way, in parks, in cemeteries, around public facilities, and on all other city maintained properties within the city limits.

(Ord. 10-03-01, passed 3-16-10)

§ 96.24 ADMINISTRATION.

The City Administrator or his/her designee shall be responsible for the administration of all provisions of this subchapter and for public tree management. The Zoning Administrator shall be responsible for the enforcement of all provisions of this subchapter. The City Administrator and other departments within the City of Bennettsville shall support the Public Works Department and the Zoning Administrator in all tree management activities.

(Ord. 10-03-01, passed 3-16-10)

§ 96.25 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word "shall" as used in this subchapter is mandatory and not merely directory.

CERTIFIED ARBORIST. An individual who has passed the International Society of Arboriculture's Certified Arborist examination, is designated as a Certified Arborist by said organization, and maintains such designation through attending at least 30 hours of qualifying continuing education within each three-year period certification period.

CRITICAL ROOT ZONE. A more or less circular area on the ground equivalent to a circle around the trunk with a radius equivalent to one foot for every one inch in dbh.

CROWN. The upper portion of a tree that contains the large scaffold limbs, branches, twigs, and leaves.

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DBH. Diameter of the tree trunk at breast height, four and one-half feet above the ground.

DRIPLINE. A vertical line that extends down at the point of the greatest extent of the tree's branches.

ESTABLISHMENT. The selection, placement, planting, and maintenance of new trees in the landscape. The minimum period of time required for establishing trees is generally considered to be three years.

HAZARD TREE. A tree that is at risk for failure, either whole or in part, with the part large enough to cause damage, and there exists within the falling distance of the tree or tree part a target, such as people, buildings, vehicles, or hardscape.

MAINTENANCE. Routine, periodic, or occasional activities directed at maintaining or improving a tree's health and condition. Maintenance activities include but are not limited to mulching, pruning, irrigation, fertilization, pest control, cabling and bracing, and lightning protection system installation.

PROTECTION. The active or passive protection of a tree's roots, trunk, and crown for the purpose of avoiding damage to these living structures and maintaining tree health and structural integrity.

PRUNING. The deliberate removal of tree branches for a specific purpose, i.e. young tree training, deadwood removal, utility line, traffic, or pedestrian clearance, or correcting structural defects.

REMOVAL. The cutting of a tree at ground line to remove the tree's trunk and crown. The tree stump and roots may or may not be removed along with the trunk and crown.

ROOTS. The below ground portion of a tree that includes large, woody support roots and small, non-woody, fibrous "feeder" roots. Roots are generally located within the top 18 inches of soil and extend out from the trunk two to three times the width of the crown.

TOPPING. The improper removal of tree limbs with cuts made between nodes; also known as "tipping", "heading", and "shearing".

TREE. A woody perennial plant, generally with a single trunk but sometimes with multiple trunks, with the potential to attain a mature size of at least three inches in trunk diameter at four and one-half feet above the ground and a height of at least 15 feet.

TRUNK. The main woody stem of a tree that supports the crown and functions in the transport of water, nutrients, and carbohydrates from the crown to the roots and the roots to the crown.

(Ord. 10-03-01, passed 3-16-10)

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§ 96.26 TREE COMMITTEE.

(A) *Membership.* The city's Board of Architectural Review shall serve as the city's Tree Committee without the necessity of forming a new city committee.

(B) *Quorum.* A quorum shall consist of three voting members. The Tree Board shall take no action in the absence of a quorum.

(C) *Compensation.* Tree Board members shall serve without compensation. The city, upon receipt of appropriate receipts and documentation, shall reimburse reasonable expenses incurred by members and approved by the Committee.

(D) *Term of office.* The term of office for Tree Board members shall be at the pleasure of the City Council. Members may serve no more than two terms.

(E) *Officers, regulations, and proceedings.* The Tree Board shall elect a Chairman, Vice-Chairman, and Secretary. The Tree Board shall make its own rules and regulations above and beyond those listed herein, shall keep minutes of its meetings, shall keep records of its activities through correspondence, photographs, articles, and written summaries.

(1) *Chairman.* The Chairman shall be elected by members of the Tree Board and shall serve a term of one year. The Chairman shall be responsible for setting each meeting's agenda and for conducting the meetings.

(2) *Vice-Chairman.* The Vice-Chairman shall be elected by the members of the Tree Board and shall serve a term of one year. In the absence of the Chairman, the Vice-Chairman shall carry out the responsibilities of the Chairman.

(3) *Secretary.* The Secretary shall be elected by the members of the Tree Board and shall serve a term of one year.

(F) *Responsibilities generally.* The responsibilities of the Tree Board shall include, but not be limited to, the following.

(1) Advise the city in all tree-related matters.

(2) Serve as a source of information about proper tree maintenance techniques and community tree management policies.

(3) Make recommendations for public tree establishment, maintenance, protection, and removal.

- (4) Provide input to the Public Works Department for the development of annual work plans and long range planning.
 - (5) Investigate and apply for donations and grant funding from public and private sources for community forestry related projects.
 - (6) Provide regular community tree care educational programs and information about the value of trees and proper tree maintenance to city staff and citizens.
 - (7) Review the Tree Ordinance and provide recommendations for changes to the Planning and Zoning Board and in turn to the Mayor and Town Council at least every two years.
 - (8) Promote and support the Tree City USA program.
 - (9) Prepare an annual report to the City Council that includes the past year's accomplishments and planned activities.
- (G) *Meetings.* The Tree Board shall meet at least quarterly. Special meetings may be held in addition to the regular quarterly meetings. At least seven days public notice shall be given in the local newspaper prior to each regularly scheduled or special meeting. Members absent for more than three consecutive meetings or more than one-third of the regularly scheduled meetings per year may be replaced by recommendation of the Tree Board to the Mayor and City Council. The Secretary shall advise the Mayor and City Council of any members recommended to be replaced or any member that has resigned and ask the Mayor and City Council to appoint a new member to fill the un-expired term of the vacating member.
- (H) *Sub-committees.* The Tree Board may, at its discretion, create sub-committees to assist in conducting its business. The members of these committees may or may not be members of the Tree Board.
(Ord. 10-03-01, passed 3-16-10)

§ 96.27 TREE CITY USA.

The City of Bennettsville shall maintain Tree City USA status and submit an application for this designation each year by December 15th to the South Carolina Forestry Commission and the National Arbor Day Foundation. To maintain eligibility for this program, the city shall meet the following criteria.

- (A) Hold an annual Arbor Day Celebration on or around Arbor Day in South Carolina, the first Friday in December. An Arbor Day Proclamation shall be created and included as part of the celebration.

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(B) Have a tree ordinance. The tree ordinance shall be reviewed, and revised if necessary, at least once every two years.

(C) Have an active Tree Committee, appointed by the Mayor and Council, responsible for advising the city on tree-related matters.

(D) Spend at least \$2 per capita on public tree management, including planning, education, tree establishment, maintenance, protection, and removal, and any and all other maintenance or management activities.

(Ord. 10-03-01, passed 3-16-10)

§ 96.28 TREE INVENTORY.

The Tree Committee or someone designated, shall maintain a current inventory of all public trees. The inventory data gathered and recorded for each tree shall include, at a minimum, the following information.

(A) Location (address or latitude/longitude coordinates).

(B) Tree species.

(C) DBH.

(D) Condition.

(E) Maintenance needs.

(Ord. 10-03-01, passed 3-16-10)

§ 96.29 ANNUAL WORK PLAN.

The Public Works Department shall develop an annual work plan for the management of public trees utilizing the tree inventory information and input from the Tree Board. The work plan shall contain the following plans and schedules.

(A) Tree planting.

(B) New tree maintenance including mulching, irrigation, and young tree training pruning.

(C) Tree pruning.

(D) Tree mulching.

(E) Tree removal.

(Ord. 10-03-01, passed 3-16-10)

§ 96.30 PUBLIC TREE MAINTENANCE STANDARDS.

(A) The city shall have the right and responsibility to establish, maintain, protect, and remove trees located on public property. Public tree maintenance standards shall be developed and made a part of this subchapter and shall include, at a minimum, standards for tree establishment, maintenance (to include pruning, mulching, fertilization, irrigation, and pest control), protection, and removal. These standards shall incorporate the current version of the following professional standards from the American National Standards Institute.

(1) ANSI Z60.1 American National Standard for Nursery Stock

(2) ANSI Z133.1 American National Standard for Agricultural Operations - Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements

(3) ANSI A300 American National Standard for Tree Care Operations - Trees, Brush, and Other Woody Plant Maintenance—Standard Practices

(B) *Establishment.*

(1) (a) Species common name.

(b) Latin name.

(c) Mature height category.

(d) Recommended or not recommended.

(e) Mature height categories shall be as listed below.

1. Small - less than 25 feet in height at maturity.

2. Medium - less than 40 feet in height at maturity.

3. Large - at least 40 feet and up to 100 feet or more in height at maturity.

(2) *Tree quality.* Trees planted on city property shall be good quality and have the following characteristics.

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(a) Have healthy roots, trunk, and crown.

(b) Be free from stem encircling and stem girdling roots.

(c) Have a form characteristic of the species, but otherwise with a straight trunk and without co-dominant stems and included bark.

(d) Have well-spaced branches.

(e) Be free from insects, diseases, and mechanical injuries.

(3) *Tree placement.* Trees shall be planted in locations that meet the following criteria:

(a) At least 30 feet from street intersections.

(b) At least 25 feet from stop signs and light poles.

(c) At least 15 feet from driveways, utility poles, fire hydrants, and mail boxes.

(d) At least 2.5 feet from the curb and sidewalks.

(e) Only small trees shall be planted beneath or within 20 feet of overhead utility lines.

(f) Small trees shall be planted no closer than 10 feet to a building.

(g) No medium tree shall be planted closer than 20 feet to overhead electrical power lines or 20 feet to a building.

(h) No large tree shall be planted closer than 30 feet to overhead electrical power lines or 30 feet to a building.

The Tree Board may approve other tree placement designs in public spaces that do not meet the above criteria, such as a planned streetscape design.

(4) *Spacing between trees.* For all street tree plantings, except for special planting plans approved by the Tree Board, the following minimum planting distances shall be required.

(a) Small trees shall be planted at least 25 feet apart.

(b) Medium trees shall be planted at least 35 feet apart.

(c) Large trees shall be planted at least 50 feet apart.

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(5) *Open soil surface area.* Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

- (a) Small trees - 16 square feet (4 feet x 4 feet).
- (b) Medium trees - 64 square feet (8 feet x 8 feet).
- (c) Large trees - 144 square feet (12 feet x 12 feet).

(6) *Utility locates.* No street tree other than those species as listed as small maturing trees may be planted under or within 20 lateral feet of any overhead utility wire, or over or within ten lateral feet of any underground water line, sewer line, transmission line or other utility. The party excavating the planting hole shall be responsible for insuring that all underground utilities have been located and marked prior to any excavation.

(7) *City tree planting permit.* A city tree planting permit shall be required for anyone to plant trees on public property. On State Highway rights-of-way, a State of South Carolina Encroachment Permit shall also be required (see division (B)(8)). The Tree Committee shall be responsible for issuing City Tree Planting Permits. Applications for City Tree Planting Permits shall include, at a minimum, the following information.

- (a) Application date.
- (b) Name and contact information of applicant.
- (c) Address where the tree is to be planted.
- (d) Tree species and variety to be planted.
- (e) Caliper size of tree (diameter of trunk measured at 6 inches above the ground line).
- (f) Exact location of planting site and description, including the presence of overhead or underground utility lines,
- (g) Three-year maintenance plan and schedule.

(8) *State of South Carolina Encroachment Permit.*

(a) A State of South Carolina Encroachment Permit is required for any landscaping work performed on State Highway rights-of-way and can be requested from the South Carolina Department

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of Transportation. A sketch plan of the proposed project must be attached to the Encroachment Permit Application. This plan should show the planting arrangement and the type of plants to be used. Photographs may also be helpful.

(b) All proposed encroachment permit applications should clearly state the following information.

1. Speed limit (mph).
2. Cut or fill slope (check with local Resident Maintenance Engineer).
3. Traffic volume - less or greater than 1,500 ADT (check with local Resident Maintenance Engineer).
4. Label guardrail; barrier curb; sidewalks; edge of pavement and right-of-way line on sketch; indicate traffic lights at road intersections (a label stating "TL" in a box is acceptable).
5. State distance plant material is from curb or edge of pavement (offset).

(C) *Maintenance.*

(1) Pruning.

(a) *Public trees.* Tree pruning shall be done on a routine basis to provide pedestrian, traffic, sign, light, and signal clearance, to reduce conflicts with buildings and infrastructure, to improve tree structure, form, and health, and to remove dead, diseased, dying and otherwise objectionable branches over two inches in diameter. Tree pruning shall be done in accordance with current professional standards (ANSI A300). The following clearances shall be maintained through routine pruning.

1. Seven feet above sidewalks and walkways.
2. Twelve feet above residential streets.
3. Sixteen feet above major thoroughfares.

(b) *Newly planted trees.* Newly planted trees shall be inspected during the summer months at one, two, and three years after planting and pruned if necessary to improve their structure and health.

(c) *Private trees.* The city shall have the right to prune trees on private property to provide clearance over public sidewalks and roadways, to improve visibility of signs, signals, and lights, and to reduce hazards. Pruning shall comply to current national standards (ANSI A300).

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(d) *Utility line clearance pruning.* All pruning completed for the purpose of utility line clearance shall be done in accordance with current professional standards (ANSI A300) and shall be supervised by a Certified Arborist.

(e) *Topping.* The topping of any publicly owned tree shall not be permitted under any circumstances. The city may, at its discretion, require that any party topping public trees pay a penalty in an amount up to but no greater than the appraised value of the tree prior to topping.

(2) *Mulching.* All newly planted trees shall be mulched with leaves, aged wood chips, pine straw, or other good quality organic mulch during the establishment period — the first three years after planting. Mulch shall be applied in an even layer, 3-4 inches deep, out to the dripline of the tree. All trees shall be mulched where practical, as far out towards the dripline as possible. Mulch shall be kept at least 6 inches away from the tree trunk to avoid creating favorable conditions for insect, disease, or rodent infestation.

(3) *Fertilization.* Fertilization may be done where and when a soil or foliar test indicates a nutrient deficiency. Fertilization shall be done according to current professional standards (ANSI A300).

(4) *Watering.* Watering shall be done for all newly planted trees during the months of May through October at least once per week during periods of drought or low rainfall, up to an amount of one inch of water per week.

(5) *Pest control.* When public trees are found to have insect or disease infestations that pose a major threat to surrounding trees, they shall be effectively treated or removed by the city. Spraying of insecticides, fungicides, or herbicides shall be done only for the control of specific insects, diseases, or weeds with the proper materials in the necessary strength and applied at the proper time to obtain the desired control. General spraying for insect, disease, and weed control shall be discouraged.

(D) *Protection.* During the installation, repair, alteration, or removal of any building, house, structure, utility line, or hardscape, or the conduct of a public event or gathering, any person, firm, or corporation in charge of such work or event shall protect the roots, trunk, and crown of adjacent public trees from harmful activities to prevent injury to such trees. The minimum radius of the root protection zone should be equal to one foot per inch (dbh) of the affected tree(s).

(1) *Activities harmful to trees.* Activities harmful to trees shall include, but are not limited to, trenching, grading, grubbing, soil backfill or sedimentation, soil cuts, soil compaction from equipment, vehicle, or pedestrian traffic, soil compaction from materials storage, soil contamination from equipment maintenance and washouts, changes in water drainage, fire, trunk wounds, limb wounds, improper pruning (including topping), and broken branches. These activities are common during infrastructure installation or repair, building or facility construction, and public events or gatherings.

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(2) *Tree protection fencing and other protection measures.* Except in the case of public events and gatherings, tree protection fencing, consisting of sturdy material at least four feet high, shall be erected at the critical root zone prior to the commencement of any harmful activity by the individual in charge of that activity, and shall remain in place until the activity is completed. Other protection measures may include tunneling, trunk wraps, mulching, or irrigation.

(E) *Removal.*

(1) *Citizen requests.* A tree removal permit shall be required for anyone wishing to remove a tree on public property. The removal of trees on public property shall be the responsibility of the Public Works Department. The Public Works Department or Tree Board may charge the cost of the removal of trees in response to citizen requests, upon recommendation, to the citizen requesting the removal. The Tree Board is vested with the authority to and reserves the right to reject any and all permit requests submitted as deemed appropriate by the Tree Board.

(2) *Tree removal permit.* A permit shall be required for any party, except for city personnel and those acting at the expressed request or direction of the city, to remove any tree located on public property. The Tree Committee shall issue the tree removal permit. The application for a tree removal permit shall be submitted to the Tree Committee at least ten days prior to a regularly scheduled Tree Board meeting. The Tree Board shall rule on the application and notify the Zoning Administrator and the applicant of the results of the ruling within three days after the meeting. The application for a tree removal permit must include, at a minimum, the following information.

- (a) Application date.
- (b) Name and contact information of applicant.
- (c) Tree location.
- (d) Tree species.
- (e) Tree dbh.
- (f) Reason for removal.

The Tree Board is vested with the authority to and reserves the right to reject any and all permit requests submitted as deemed appropriate by the Tree Board.

(3) *Permitted reasons.* Removal shall be permitted for the following reasons. Removal for other reasons may be permitted by recommendation of the Tree Board.

- (a) The tree is dead.

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(b) The tree is affected by an insect or disease problem that is untreatable and results in rapidly declining tree health or a hazardous condition.

(c) The tree is dying due to past damage and its condition cannot be improved with standard maintenance techniques.

(d) The tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure.

(e) The tree is reducing sight visibility and the correction of the problem will result in severe disfigurement of the tree or crown reduction below 50%.

(f) The tree is in a restricted growing space, is in conflict with the surrounding hardscape or infrastructure, and the conflict cannot be resolved.

(g) The tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree.

(4) *Replacement of trees removed.* All trees removed on public property shall be replaced within two years after removal. If the site where the tree was removed is not suitable for replanting, a tree shall be planted in a suitable location as close as possible to the removal location. If there is no suitable location close to the removal location, then a tree shall be planted in a planned planting location in the vicinity. The Tree Board shall assess a replacement fee of \$300 per tree for each tree removed to the individual, group, or agency requesting the removal.

(5) *Stump removal.* All stumps of street and park trees shall be removed to a depth of eight inches below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Sod, grass seed, or other satisfactory ground cover shall be placed and maintained on the site of the removed or ground stump. Stumps shall not be ground in cemeteries. The Tree Board may preserve stumps with historic significance.

(6) *Private commercial trees.* The city shall have the right to remove or cause to be removed trees on private commercial property that are at a high risk for failure, have insect or disease infestations that are a threat to surrounding trees, or are otherwise nuisances that threaten the health and safety of the public.

(a) *Written notice.* Owners of premises (commercial property) where a nuisance tree is located shall be served a written notice from the Zoning Administrator either in person or by registered mail that action must be taken to abate the nuisance within 30 days. If after 30 days the nuisance has not been abated, the city shall have the right to remove the tree or cause the tree to be removed, and charge the property owner with the cost of removal and all other associated costs.

(Ord. 10-03-01, passed 3-16-10)

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§ 96.31 DAMAGE TO PUBLIC TREES.

(A) No person shall damage, destroy, remove, or otherwise harm a tree located on public property without a tree removal permit or the written consent of the Tree Board or Zoning Administrator. The city shall require compensation for the damage or destruction of a public tree equal to the appraised value of the tree prior to the damage or the cost of repair to the tree by an approved arborist.

(B) *Appraised tree value.* The appraised value of a tree shall be calculated by a Certified Arborist based on the current edition of the Guide for Plant Appraisal developed by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture.

(Ord. 10-03-01, passed 3-16-10)

§ 96.32 CONFLICT OF PROVISIONS.

Any provisions in §§ 96.20 *et seq.* which conflict with any other provision of Chapter 96 or any other chapter of the City of Bennettsville's Code of Ordinances shall be subordinate and shall not affect the effect of any other non-conflicting provision of §§ 96.20 *et seq.*

(Ord. 10-03-01, passed 3-16-10)

§ 96.99 PENALTY.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction or a plea of guilty, be subject to a fine not to exceed \$200 or 30 days of imprisonment.

('88 Code, § 15.216)

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