

Elgin Town Ordinances

Elgin South Carolina

2020

Elgin Police Department

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Elgin SC Code of Ordinances

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Town Ordinances Elgin SC

Title I: General Provisions

Chapter 10: General Provisions

10.01 Designation and Citation

The ordinances embraced in this and following chapters and sections constitute and are designated as "The Code of Ordinances of Elgin, South Carolina," and may be so cited. They may be cited also as the "Elgin Town Code" or "The Town Code of Elgin."

10.02 Definitions

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

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

CLERK. The employee designated to perform the functions of Town Clerk pursuant to state law.

CORPORATE LIMITS or **CORPORATION LIMITS** or **TOWN LIMITS.** The legal boundary of the Town of Elgin.

COUNCIL or **TOWN COUNCIL.** The Town Council of the Town of Elgin, South Carolina.

KEEPER AND PROPRIETOR. Include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

MAYOR. The Mayor of the Town of Elgin.

MUNICIPALITY. The Town of Elgin.

OATH, SWEAR, SWORN. The word **OATH** shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an **OATH**, and in those cases, the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICERS, AGENTS, THINGS AND PLACES OF THE TOWN. Unless a contrary intention appears, the officer, agents, employees and other persons, things and places situated in the town or employed by or appertaining to the town or subject to the jurisdiction thereof.

OWNER. Applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of the building or land.

PRECEDING, FOLLOWING. Next before and next after, respectively.

PREMISES. Place or places.

PROPERTY. Real and personal property.

PUBLIC PLACE. Any park, cemetery, schoolyard or open space adjacent thereto.

REAL PROPERTY and REAL ESTATE. Land, tenements and hereditament.

RESIDENCE. The place adopted by a person as his or her place of habitation, and to which, whenever he or she is absent, he or she has the intention of returning. When a person eats at 1 place and sleeps at another, the place where the person sleeps shall be deemed his or her residence.

TENANT or OCCUPANT. Applied to a building or land, shall include any person who occupies the whole or part of the building or land, whether alone or with others.

YEAR. A calendar year.

Title II: Administration

Chapter 20: Administration

20.01 Code of SC Law

Now therefore, be it ordained by the Governing body of the Town of Elgin, in Council duly assembled this 3rd day of September 2013, that Ordinance 46, dated October 20, 1981 and amended July 18 1984, further amended August 13 1996, pursuant to Section 14-25-5 of the South Carolina Code of Laws, 1976, authorizing the Council of each municipality to establish the Municipal Court and to hear and determine all cases within its jurisdiction. A Municipal Court is hereby established for the Town of Elgin.

Such court will be part of the unified judicial system of South Carolina. The effect of this provision is to eliminate the Mayor's Courts and Records' Courts and establish a Municipal Court.

The Municipal Court shall have jurisdiction over cases arising under ordinance of the Town of Elgin and over all offenses which are subject to a fine of up to \$500 and no more than 30 days in jail.

The powers and duties of the Municipal Judge are the same as those of a Magistrate with regard to criminal matters; however, this Municipal Court shall have no civil jurisdiction. Hereafter, as to all criminal ordinances for the Town of Elgin, and all amendments to the ordinances, any person convicted of such breach shall be fined not more than five hundred (\$500.00) dollars and or imprisonment for a period of not more than thirty (30) days.

The Judge for the above mentioned Municipal Court shall be appointed by the town council and shall be compensated by the Town for his/her services. The clerk of the Municipal Court shall also be appointed by the town council.

It is further ordained that such Municipal Court hereby adopts all of the provisions and exceptions embraced in the 1976 code of Laws for South Carolina and any and all amendments thereto, which are applicable to the jurisdictional limits of the Municipal courts of South Carolina.

Title III: Traffic

Chapter 30: Traffic

30.01 Adoption of Uniform Act Regulating Traffic

Be it ordained by the Mayor and Councilmen of the Town of Elgin, South Carolina, as follows:

There is hereby adopted by reference, and made a part hereof as if set out in full, those provisions of state law known as the Uniform Act Regulating Traffic on Highways, as contained in South Carolina Code, Title 56, Chapter 5, as amended, S.C. Code Sec 56-5-10 et. seq. (1976 as amended). The provisions of said Act shall apply to the prosecutions of any persons charged with an offense thereunder. The municipal court of the Town of Elgin shall try violations of this ordinance.

30.02 Prohibit Traffic Cutting Through Parking Lots

It shall be unlawful for a person to use a parking lot for through traffic purposes or to drive in the parking lot in a manner that utilizes the parking area, access aisles, or any other portion thereof for through traffic purposes. The penalty for any person violating this Ordinance is subject to a fine of not more than \$237.50 or up to 30 days in Jail.

Title IV: Vehicles

Chapter 40: Vehicle Use, Storage, and Parking

40.01 Unlicensed Vehicles, Vehicle Parts

It shall be unlawful to park or store any unlicensed vehicle for more than seventy-two hours on any lot, piece, or parcel of property in the Town of Elgin except in completely closed buildings or behind a privacy fence, or in a duly licensed motor vehicle junk yard as defined by Section 40-27-110 of the Code of Laws of the State of South Carolina (1976) or future amendments of that article and or licensed under the Laws of this State, or any frame, chassis, or body thereof, unless there be affixed to the same a current license plate.

It shall further be unlawful to display to public view used parts of motor vehicles, old iron, metal, glass, paper, cordage, or other waste, discarded or second hand material which has been a part of any motor vehicle except in a completely closed building, privacy fence, or in a duly licensed motor vehicle junk yard as defined by Section 40-27-110 of the Code of Laws of the State of South Carolina (1976) or future amendments of that article and or a duly licensed automobile repair facility.

40.02 All-Terrain Vehicles

It shall be unlawful for any person to operate or ride any all-terrain vehicles (ATV), or like vehicle not equipped for highway use, on any street, sidewalk, or any public right of way within the Town of Elgin. Exception: said vehicles shall be allowed in emergency situations or in official capacities.

40.03 Parking in Business District

All motor vehicles parked or left on the main street or in the business district of the Town of Elgin shall be parked on the right hand side of the street parallel to and not more than eighteen inches (18) from the curb on the right hand side of said street and not less than twenty feet (20) from any intersection, and in such manner as not to interfere with or obstruct the free passage of other vehicles.

40.04 Handicap Parking

It is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard provided in Section 56-3-1960. It is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to Section 56-3-1960.

Title V: Animals

Chapter 50: Pets and Wildlife

50.01 Permitting Animals and Fowls to Run at Large

It shall be unlawful for any person to permit any animal or any fowl which he may own or which may be in his possession, to run at large upon the streets and public places of the Town of Elgin or to permit the same to graze upon any premises, not the property of the owner or the possessor of said animals or fowls, without the permission of the owner of the premises where ever said animals shall graze, shall be guilty of a misdemeanor.

50.02 Vaccination of Dogs for Rabies

Any person or persons owning a dog or dogs are required to have the dog or dogs vaccinated against rabies at least once each year prior to the usual season, not later than July 1st of each year; provided, however, no dogs under four (4) months of age shall be required to be vaccinated or inoculated; provided, further, that such vaccination or inoculation shall be made by a licensed veterinarian, physician, druggist or other person designated by the Town Council.

It shall be the duty of any person owning, or having in his possession, any animal within the municipality which develops any symptoms of rabies to notify immediately the county rabies control officer of such conditions and to confine immediately such animal securely in such a manner that there will be no opportunity for it to come in contact with any other animals. Such animal shall remain so confined and segregated until such person is notified by the rabies control officer that it can again be set free, or until some other disposition is made of the animal by the rabies control officer.

State Law reference— Similar state law, S.C. Code 1976, § 47-5-80.

Title VI: Business / Sales

Chapter 60: Business or Sales

60.01 Business License

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the Town of Elgin, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

60.02 Regulating Sale of Meats & Display of Foods

It shall be unlawful for any person, persons, or corporation to sell or offer for sale any meats which have not been processed in accordance with the rules and regulations of the Kershaw County Health Department or the rules and regulations of the South Carolina DHEC, or to sell or offer for sale any vegetables, fruits or other edibles which are not properly and safety protected from flies, insects or animals so as to prevent contact therewith.

Title VII: General Offences

Chapter 70: *Offences Against Persons*

70.01 Assault, Assault and Battery

It shall be unlawful for any person to commit an assault or an assault and battery upon any other person or persons within the Town of Elgin.

State Law reference— Assault and battery, S.C. Code 1976, §§ 16-3-610, 16-17-560.

Chapter 71: *Offences Against Property*

71.01 Petit Larceny

It shall be unlawful for any person or persons to commit the crime of petit larceny within the incorporated limits of the town. Petit larceny is determined when the value of the stolen article shall be less than one thousand dollars (\$1000).

State Law reference— Similar provisions, S.C. Code 1976, § 16-13-30.

71.02 Receiving Stolen Goods

No person shall buy or receive any goods, chattels or other property knowing or having reasonable cause to believe such property to have been stolen or knowing that the seller thereof has no good and lawful title to the property, or without having made a reasonable and careful inquiry into the title or ownership of such property.

State Law reference— Receiving stolen goods, S.C. Code 1976, § 16-13-180.

71.03 Mutilating Real or Personal Property

It shall be unlawful for any person or persons to knowingly mutilate, deface or damage any real or personal property of the Town of Elgin or to dump or place refuse upon the

streets or public property of the Town, or to permit garbage or refuse matter to be placed upon the streets or in any public place in the Town of Elgin, or to throw out or otherwise eject on the streets of Elgin garbage, refuse or other articles from any vehicle.

71.04 Fraudulent Checks

No person shall draw or utter a fraudulent check in violation of section 34-11-60 of the Code of Laws of South Carolina, 1976, as amended. The provisions of sections 34-11-60 to 34-11-95 of the Code of Laws of South Carolina, 1976, as amended, shall apply to the prosecutions of any persons charged with this offense. The municipal court of the Town of Elgin shall try violations of this ordinance involving instruments in the amount of five hundred dollars (\$500) or less.

State Law reference— Similar provisions, S.C. Code 1976, § 34-11-60.

Chapter 72: *Offences Against Society*

72.01 Public Disorderly Conduct, Public Drunkenness, Profane or Obscene Language

(a) Any person who shall do or engage in any of the following shall be guilty of a misdemeanor:

- (1) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of his life, limb or health;
- (2) Any person who shall act in a violent or tumultuous manner toward another, whereby property of any person is placed in danger of being destroyed or damaged;
- (3) Any person who shall endanger lawful pursuits of another by acts of violence, angry threats and abusive conduct;
- (4) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (5) Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl;
- (6) Any person who shall be found jostling or roughly crowding or pushing any person in any public place;
- (7) Any person who shall collect in bodies or in crowds for unlawful purposes;
- (8) Any person who shall assemble or congregate with another or others, for the purpose of or with the intent to engage in gaming;
- (9) Any person who shall frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device;
- (10) Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the town, or who shall aid or abet therein;
- (11) Any person who shall act in a dangerous manner toward others;

- (12) Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates a turmoil;
 - (13) Any person who shall assemble or congregate with another or other person for the purpose of doing bodily harm to another;
 - (14) Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation;
 - (15) Any person who shall congregate with another or others in or on any public ways so as to halt the flow of vehicular or pedestrian traffic and refuses to clear any public way when ordered to.
 - (16) Any person who shall: (a) be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise conducting himself/herself in a disorderly or boisterous manner, and (b) use obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse and/or church.
- (b) For the purpose of this section, the term "public place" shall include all areas, buildings and other places open to or serving the general public, within the Elgin town limits, whether upon privately owned or publicly owned property.

State Law reference— Disorderly conduct generally, S.C. Code 1976, § 16-17-530.

72.02 Public Indecency; Indecent Exposure

It shall be unlawful for any person to willfully, maliciously, and indecently expose his/her person in a public place, on property of others, or to the view of any person on a street or highway.

State Law reference— Similar provisions, S.C. Code 1976, § 16-15-130.

72.03 Riding of Bicycles

It shall be unlawful for any person or persons to ride bicycles upon the sidewalks and streets of the Town of Elgin where such riding will endanger persons walking thereon, and at all times in using the streets of the Town, operate the bicycles on the side of the road with traffic traveling in the same direction.

72.04 Trespassing

Any person or persons entering upon the lands of another for the purpose of hunting, trapping, gathering fruit, wild flowers, cultivated flowers, shrubbery, vegetables, herbs, straw or turf, without the consent of the owner thereof.

It shall be unlawful for any person to enter upon the premises of any other person except for lawful or business purposes; provided, that due notice forbidding trespassing upon such premises shall have first been given orally or by a conspicuously posted notice; provided, further, that, this section shall not apply to invitees or licensees.

72.05 Resisting Arrest

It is unlawful for a person knowingly and willfully to oppose or resist a law enforcement officer in serving, executing, or attempting to serve or execute a legal writ or process or to resist an arrest being made by one whom the person knows or reasonably should know is a law enforcement officer, whether under process or not.

State Law reference— Similar provisions, S.C. Code 1976, § 16-9-320.

72.06 Noise

Certain noises prohibited- The creation and continuation of any loud, disturbing and unnecessary noises in the town is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as disturb the quiet and peace of any citizen of the city. The following acts among others are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

1. **Blowing horn**—the sounding or blowing of any horn or signal device on any automobile, motorcycle, motor bus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise; and the sounding of such device for any unnecessary period of time.
2. **Radios, phonographs, musical instruments.** The playing of any radio, phonograph, juke box or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other residence.
3. **Pets.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
4. **Loud Vehicle.** The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or repaired in such manner, as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting, or other disturbing noises.
5. **Steam Whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
6. **Exhaust discharge.** To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
7. **Devices using compressed air.** The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
8. **Building Operations.** The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on week days, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the Chief of Police.

9. Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanatorium, hospital or court, while the same is in session, or adjacent to any church during church services, with interferes with the work or worship in any such place or institution; provided, that signs must be displayed in such streets, indicating that the same is a school, hospital, church, library, sanatorium or court.

10. Loading and unloading operations. The creation of load and excessive noises in connection with loading or unloading any vehicle, or opening and destroying bales, boxes, crates and containers.

11. Bells or gongs. The sounding of any bell or gong attached to any building or premises which disturb the quiet or repose of any person in the vicinity thereof.

12. Hawking, peddling, or soliciting. Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxicab drivers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood, or any person therein.

13. Noises to attract attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise, by the creation of noise.

14. Loudspeakers or amplifiers on vehicles. The use of any mechanical loudspeakers or other vehicles for advertising or other purpose, except by special permission of the mayor.

15. Business noises at night near residence. The operation of any garage, filling station, auto repair business, taxicab business, plant, store, factory or other place of business in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy or disturb the quiet and comfort of any citizen and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.

16. Noisy instruments, loudspeakers. No outside loudspeaker, radio, phonograph, piccolo or other loudspeaker or noisy instrument shall be operated at such a volume as to be unreasonable so that the noise therefrom will be disturbing to residents of the neighborhood.

72.07 Drug Paraphernalia

Paraphernalia- any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, or preparing marijuana, hashish, hashish oil, or cocaine and shall not include cigarette papers and tobacco pipes but shall include but not be limited to:

SECTION I-

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana or hashish pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls

2. Water pipes designed for use or intended for use with marijuana, hashish, hashish oil, or cocaine
3. Carburetion tubes and devices
4. Smoking and carburetion masks
5. Roach clips
6. Separation gins designed for use or intended for use in cleaning marijuana.
7. Cocaine spoons and vials
8. Chamber pipes
9. Carburetor pipes
10. Electric pipes.
11. Air driven pipes
12. Chilams
13. Bonges
14. Ice pipes or chillers.

SECTION II—Possession

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this subchapter.

SECTION III- Manufacture, Deliver, and Sale

It is unlawful for any person to deliver, sell, or possess with intent to deliver, sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this subchapter.

SECTION IV- Deliver or Sale to Minor

Any person 18 years of age or over who violates Section III by delivering or selling drug paraphernalia to a person less than 18 years of age who is at least three years his junior is guilty of a special offense.

SECTION V- Advertisement of Drug Paraphernalia

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably

should know, that the purpose of this advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

SECTION VI- Confiscation, Seizure of Drug Paraphernalia

Any of the items of personal property listed in Section I hereof and which the Town legally confiscates will be forfeited. This property will be secured by the Town Police Department for a period of ten days (10) and thereafter the Town will disposed of properly.

72.08 Open Container (Alcohol)

It shall be unlawful for any person to display or consume any beer or wine, or other alcoholic beverage, in or from any unsealed container on any public street, or sidewalk, in any public gathering or any other public place, other than premises specifically licensed for public consumption of beer or wine or other alcoholic beverage, thereon. No charge shall be made hereunder when an arrest is made on any other charge relating to or growing out of the consumption of any alcoholic beverage.

State Law reference— Similar provisions, S.C. Code 1976, § 44-53-391.

72.09 Maintenance of Property

It shall be the responsibility of owners and/or occupants of all lots, areas, or property in the town limits to keep the same clean and free of rubbish, debris, and other unhealthy and unsightly material or conditions that constitute a public nuisance.

It shall be the responsibility of the owners and or occupants of all lots, areas, or property to cut, destroy, or remove from the property all tall or unsightly weeds, grass, deleterious, unhealthy growths, or other noxious matter growing, lying or located thereon and to remove there from all such conditions which constitute a public nuisance. All owners and or occupants of unoccupied premises shall cut and remove there from all weeds before those weeds bloom or ripen.

Notice to Remove or Remedy Conditions Needing Correction

Upon written complaint to the Town, the Zoning Administrator is authorized and empowered to notify, in writing by registered mail, the owner and or occupant of any lot, area, or property within the town, at the owner's address as last listed for real property tax purposes, to remove, or have removed, from the owner's property any rubbish, debris, or other unhealthy and unsightly material and other deleterious unhealthy growth or other noxious matter from the property. The written notice shall specify the location of the property as to which condition shall be removed or remedied and grounds of complaint and shall direct that the owner and or occupant of such property within ten (10) days from the date thereof shall remove or remedy the condition complained of.

Failure to Comply

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the Court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein

contained shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Authority to Remedy or Remove Condition: Cost and Collection

In the event any owner and or occupant shall fail within the time provided by the notice required hereof to remedy or remove the condition specified thereof the Police Chief or others so designated by the Mayor, is authorized and empowered to enter upon the property upon which the condition complained of exists, together with any assistance as specified in the notice. When the work has been completed by the town employees, or by others on behalf of the town, the Police Chief shall report to the Mayor.

The Mayor shall forthwith demand, by written notice mailed to the owner and or occupant at the last known address for real property tax purposes, payment of the costs thereof. All unpaid invoices will be rebilled once a month for two (2) additional months. If the account still remains delinquent ninety (90) days following billing, the account will be turned over to the town attorney to seek a civil judgment in a court having proper jurisdiction against the property owner.

Title VIII: Weapons, Firearms, or Explosives

Chapter 80: Weapons or Explosives

80.01: Concealed Weapon

Any person or persons carrying or displaying firearms of any kind or description upon the streets or the business places or gatherings in the Town of Elgin without having a concealed carry permit, a hunting license, or with the intent to terrorize any other person or persons, whether the said firearms are loaded or unloaded, or who shall carry concealed upon his person any firearm, razor, knife, or other weapon or instrument which, when used against any other person, may cause death, or who shall carry or have concealed about any motor vehicle upon the streets of the Town of Elgin any such firearm or weapon shall be deemed guilty of a misdemeanor.

80.02 Discharging Firearms

No person shall fire any gun, pistol or other firearms or explosive within the town unless it be on occasion of some military parade, authorized military personnel or peace officers in the performance of their duty or by a person in self-defense as authorized by state law.

State Law reference— Offenses involving weapons, S.C. Code 1976, § 16-23-10 et seq.