

## TRESPASS ENFORCEMENT AUTHORIZATION PROGRAM

- (a) A property owner, building owner, property manager, or person having legal control or possession of property, or their legal representative, may provide advance authorization for the Oconee County Sheriff's Office ("Sheriff's Office") to enforce, in its absolute discretion, the trespass laws of the State of South Carolina, specifically including S.C. Code §§ 16-11-600 and 620 (collectively "Trespass Statute"), on specified private property. To request trespass enforcement under this program, the party must submit an application and notarized affidavit on a form supplied by the Sheriff's Office.
- (b) The respective owner or its representative may identify in its application locations where it proposes to have posted conspicuous notice that, during designated hours of each day or certain days of the week, which may include a designation of twenty-four hours per day, seven days per week, members of the public are not authorized to enter or remain on the premises or some portion thereof, and may authorize the Sheriff's Office to enter the premises to enforce the Trespass Statute on the basis of such posting. When property has been posted by the Sheriff's Office with conspicuous signage of sufficient notice, declaring the property to be under the Trespass Enforcement Authorization Program established hereby, it shall be prima facie evidence that consent to enter or remain upon the subject premises of another is absent, denied, or withdrawn. As a result, any individual found on such premises in violation of the posted signage shall be guilty of trespass after such notice and warning, consistent with the terms of the Trespass Statute.
- (c) In the application and notarized affidavit for participation in the Trespass Enforcement Authorization Program, the applicant must:
  - (1) Authorize the Sheriff's Office to enter the premises at any time to inspect and implement the Trespass Enforcement Authorization Program;
  - (2) Specify the prohibited hours and the designated portions of the property;
  - (3) Specify the proposed number and location of requested signs;
  - (4) Specify any reasonable exceptions to the enforcement authorization to include, for example, any class of individuals, such as employees, who are authorized to be on the premises at any time, as well as any type of entry, such as brief ingress/egress across walkways that is permitted;
  - (5) Declare the application and affidavit to be a public record for the purposes of Rule 803(8) of the South Carolina Rules of Evidence and agree to appear in magistrate's court if subpoenaed; and
  - (6) Agree to indemnify and hold harmless Oconee County and the Oconee County Sheriff's Office, its Sheriff and Deputies, should any claim or suit be made against them arising from program participation based upon an allegation that the applicant lacked power to grant the enforcement authorization.
- (d) After receipt of the application and affidavit, the Sheriff's Office will conduct a site visit and determine if the location is appropriate for program participation. The Oconee County Sheriff ("Sheriff") shall have complete discretion to determine whether a property is appropriate for participation based upon consideration of the property condition, layout, use, resource

limitations, enforcement priorities, past demonstrated need, and any other factor deemed relevant in the exercise of the Sheriff's authority to promote the public safety, health and welfare.

(e) Sign placement and requirements shall be as follows:

- (1) The Sheriff's Office will determine, after receipt of the application and notarized affidavit, the number and placement of signs required for participation in the program and will notify the applicant of the cost to be paid to the County for the purchase and posting of the signs in advance of the posting of such signs.
- (2) For purposes of this program, a "conspicuous" sign shall mean a sign that is at least one square foot in size, and "sufficient notice" shall mean the lettering on a conspicuous sign is at least one inch in height and contains the following language or words of similar notice:

**NO TRESPASSING AT ANY TIME [OR AT TIMES SET FORTH]  
PRIVATE PROPERTY UNDER TRESPASS ENFORCEMENT  
AUTHORIZATION PROGRAM - OCONEE COUNTY SHERIFF'S  
OFFICE**

- (3) It shall be unlawful to deface, damage, or remove any sign placed under authority of this program. A participant may, however, remove a sign and provide written notification to the Sheriff's Office if it wishes to withdraw from the Trespass Enforcement Authorization Program.
- (f) The Sheriff may determine at any time, with or without cause, that a property shall no longer be included in the Trespass Enforcement Authorization Program and shall provide written notice to the participant of the same. A program participant may provide written notice to the Sheriff's Office at any time that its property is withdrawn from participation.
- (g) By electing to participate in the Trespass Enforcement Authorization Program an owner/representative acknowledges that the purpose of the program is to more efficiently promote public safety, and further acknowledges that the Sheriff's Office does not undertake any private, special, enhanced, or other duty or relationship to the owner or any other party by accepting the property into the program or by engaging or declining to engage in any enforcement activity.

## PROHIBITED OR RESTRICTED CONDUCT

### Section

1. Application
  2. Definitions
  3. Soliciting
  4. Prohibited behavior on public or private property
  5. Penalty
- 

#### 1. APPLICATION.

This chapter applies to all unincorporated areas of the Oconee County, and to any other areas under its jurisdiction by intergovernmental agreement, operation of law, or otherwise.

#### 2. DEFINITIONS.

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

*Aggressive Manner* shall mean any of the following:

(1) Before, during or after soliciting, approaching or speaking to a person, or following a person, if that conduct is intended or is likely to cause reasonable persons to fear bodily harm to themselves or to another, or damage to or loss of property, or to otherwise be intimidated into giving money or any other thing of value;

(2) In the course of soliciting, intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent;

(3) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact with the solicitor;

(4) Before, during or after soliciting, using violent or threatening gestures toward a person;

(5) Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or

(6) Before, during or after the solicitation, using profane, offensive or abusive language which is likely to cause the person solicited to be threatened by such language.

*Right-of-Way or Rights-of-Way.* A public road over which a person or entity has the legal right to access.

*Soliciting or Solicitation.* To approach someone with a request or plea for funds or items of value, whether in exchange for something of value or not.

*Solicitor.* A person who engages in soliciting.

*Special Event.* A pre-planned activity sponsored by an individual, group, organization or entity, to be held on public property, including public streets, sidewalks, trails, facilities, parks or other property owned or managed by the county, which event would significantly impact either public property and/or normal vehicular and pedestrian traffic or require the use of county services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

### 3. SOLICITING.

- a. The provisions of this section do not apply to a permitted special event.
- b. Obstructing public ways and means of ingress to and egress from private property.
  - i. Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic on any public sidewalks, streets, rights-of-way, or other public property.
  - ii. Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.
- c. Soliciting during certain hours prohibited. No person shall engage in soliciting between sunset and sunrise.
- d. Approaching vehicular traffic prohibited. Under no circumstances shall a person soliciting approach any moving vehicle or step into the roadway to approach a vehicle stopped at an intersection.
- e. Soliciting unlawful on private property. It shall be unlawful to engage in soliciting on any property where a sign is posted that states “No Trespassing,” “No Peddlers,” “No Solicitors,” “No Buskers,” or words of similar import.
- f. Blocking rights-of-way.
  - i. Solicitors shall position themselves so that they, and any crowd that they may draw, will not:
    1. Block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, doors, stairways, curb cuts, or handicapped access ramps;
    2. Block access to buildings, parks, conveyances, businesses, or traffic control poles containing a pedestrian crosswalk button(s);
    3. Be within three feet of a utility apparatus or appurtenance; or

4. Be within twenty (20) feet of a fire hydrant, fire department connection, fire alarm or other emergency communication device. At a minimum, there shall be at least a five-foot passageway on the sidewalk.
  - ii. If a solicitor shall attract a crowd sufficient to violate this section, then a law enforcement officer shall have authority to disperse that portion of the crowd that is in violation.
  - iii. Personal property used for soliciting shall not be left unattended on any public right-of-way or other publicly-owned place.
  - iv. Noise. The conduct and behavior of all solicitors shall otherwise comply in all respects with existing noise ordinances at all times.
  - v. Littering. Solicitors shall remove all trash and debris that has been generated during the time of their solicitation.
  - vi. Aggressive solicitation prohibited. No person shall solicit in an aggressive manner on a public right-of-way, sidewalk, or other publicly-owned property.
- g. Prohibited areas for solicitors. There shall be no soliciting within fifty (50) feet of the perimeter of a(n):
  - i. Automatic teller machine (ATM);
  - ii. Church grounds, while in session;
  - iii. School grounds, while in session;
  - iv. Library;
  - v. Hospital;
  - vi. Funeral home;
  - vii. Bank or other financial institution;
  - viii. Hotel, motel, or other lodging accommodations generally open to the public;
  - ix. Outdoor dining or merchandise area;
  - x. Entrance or exit of a performance venue;
  - xi. Special event;
  - xii. Food or merchant "drive-through" area;
  - xiii. Transit stop; or
  - xiv. Parking lot;
  - xv. Daycare.

- xvi. Construction areas. During times of construction work on the streets, sidewalks or other public infrastructure, the county may from time to time temporarily prohibit solicitors from the area near such construction work.

#### 4. PROHIBITED BEHAVIOR ON PUBLIC OR PRIVATE PROPERTY.

- a. Obstructing streets. Any person who remains standing, lying, or sitting down on any public sidewalk, street, alley, or other public property in such a manner as to obstruct or impede the free passage of pedestrians or public travel, after being requested to immediately move by a law enforcement officer, shall be found in violation of this section (obstructing streets).
- b. Disorderly conduct – Unauthorized camping; damaging county property.
  - i. Any person who shall occupy, lodge, or sleep in any building, structure, or place, whether public or private, or in any motor vehicle, without the written permission of the owner or person entitled to possession or in control thereof, shall be found in violation of this section (disorderly conduct).
  - ii. Camping on public property.
    - 1. It shall be unlawful for any person, except as may be specifically authorized by the appropriate governmental authority, to use any of the streets, sidewalks, parks, or playgrounds, or any other public property for the purpose of camping at any time; or to cause or permit any vehicle to remain in any of said places to the detriment of public travel or convenience.
    - 2. It shall be unlawful for any person, except as may be specifically authorized by the appropriate governmental authority, to light or use a campfire or a bonfire on public property.
    - 3. It shall be unlawful for any person, except as may be specifically authorized by appropriate governmental authority, to hang, fasten, or attach any rope, wire, chain, or electrical device or power cord to any public property, including buildings, bridges, overpasses, or utility poles.
  - iii. Damaging county property. It is unlawful for any person willfully or negligently to cut, mutilate, deface or otherwise injure any building, tree, shrub, lamppost, fence, bridge, hydrant, cart, vehicle, or other real or personal property belonging to or under the control of the county, or used for any public purpose.

#### 5. PENALTY.

Any person who violates any provision of this ordinance may be fined not more than \$500, imprisoned for not more than 30 days, or both.

## Public nuisances.

### (a) Definitions.

(1) Business means any commercial establishment, use, property or structure used in, or part of, a business or commercial use or establishment. Business does not include purely residential property.

(2) Continuous breach of the peace means a pattern of repeated acts or conduct which either (a) directly disturbs the public peace or (b) disturbs the public peace by inciting or tending to incite violence.

(3) Public nuisance means conduct, conditions, events, circumstances, or the unreasonable interference or the causing of unreasonable interference with rights of the public, wherever occurring, including, but not limited to, a business or commercial establishment, a public place, or where the public congregates or is invited or permitted to congregate.

Public nuisance includes those conditions or circumstances constituting a nuisance as set forth in S.C. Code § 15-43-10, specifically, the construction, establishment, continuance, maintenance, use, ownership, occupation, the leasing or releasing of any property, building or other place used for the purposes of lewdness, assignation, prostitution, human trafficking, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace.

Public nuisance also includes and is founded upon the sound principle set forth in South Carolina case law that "if one maintains a place where the laws are publicly, repeatedly, persistently, and intentionally violated, then such place would become a common or public nuisance." *State v. Turner*, 198 S.C. 499, 505, 18 S.E.2d 376, 378 (1942).

(b) Nuisances offending public decency, peace and order. The following are hereby declared to be public nuisances affecting public decency, peace and order, whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of guests or invitees, or clients, customers, patrons, or any other person providing some form of compensation for some type of product or service, or absence or failure of security measures:

(1) Any business where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by law;

(2) Any business operated as a bawdy house, house of assignation, place of prostitution or used and maintained for the commercial or criminal purposes of unlawful sexual activity or human trafficking in violation of federal or state law or local ordinances;

(3) Any business where alcohol or intoxicating liquors are manufactured, sold, bartered or given away in violation of federal or state law or local ordinances, or where alcohol or intoxicating liquors kept for sale, barter or distribution in violation of federal or state law or local ordinances, and all alcohol, liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place; or where required fire marshal or other safety plans are not in place, or where persistent violations of law occur under a failed or ineffective fire marshal or other safety plan;

(4) Any business where acts of sale, manufacture, possession or distribution of controlled substances occur in violation of federal or state law and local ordinances;

(5) Any business where violations against the federal or state laws or county ordinances occur with such frequency or intensity that they require an excessive public safety response cost. "Excessive public safety response" means:

a. The recurring deployment of law enforcement officers, peace or code enforcement officers commissioned pursuant to S.C. Code § 4-9-145, fire marshals or emergency services personnel to an emergency scene to a business as a result of an unlawful act which results in or could result in great bodily injury or death, or the recurring need for public safety or county code enforcement personnel or emergency vehicles at a business when compared to the frequency or intensity of law or regulation enforcement required at other similarly situated businesses; or

b. There have been six (6) or more law or peace officer enforcement dispatches, incident reports, citations, or search warrants executed, or a combination thereof, at a business for any of the following during the preceding twelve (12) months:

- i. Violation of any state or local alcohol law;
- ii. Violation of any federal, state or local narcotics law;
- iii. Violation of any state or local gun law;
- iv. Assaults;
- v. Crimes of violence against another person(s); or
- vi. Crimes against property.

(c) Criminal Enforcement. Penalties.

A person who erects, establishes, continues, maintains, uses, owns, occupies, leases, or releases, or serves as lessor or lessee of any building in such a way as to create a public nuisance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) and imprisonment not exceeding thirty (30) days. Court costs are not included in any fine imposed by the court.

Each day any violation of this ordinance continues shall constitute a separate offense.

The Oconee County Sheriff's Office shall enforce this ordinance with the consultation and concurrence of the County Administrator ("Administrator"). The Oconee County Sheriff ("Sheriff") and the Administrator, acting jointly, may declare a business in violation of this ordinance a public nuisance, and the Sheriff or any Deputy Sheriff may enforce the provisions of this ordinance upon the declaration of a public nuisance as provided for herein by uniform traffic ticket, or warrant or by any other lawful process.



(d) Remedies not exclusive. The provisions of this ordinance are in addition to, and not in lieu of, any other enforcement provision or process permitted by law. Nothing in this ordinance supplants, alters, or limits a statutory or common law right of a person to bring an action in court or the right of Oconee County to prosecute a person for the establishment of a nuisance.

DRAFT

CHAPTER 43  
Abatement of Nuisances

**SECTION 15-43-10.** Use of buildings or places for lewdness and the like declared a nuisance.

(A) A person who erects, establishes, continues, maintains, uses, owns, occupies, leases, or releases any building or other place used for the purposes of lewdness, assignation, prostitution, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace in this State is guilty of a nuisance; and the building, place, or the ground itself in or upon which the lewdness, assignation, prostitution, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace is conducted, permitted, carried on, continued, or exists and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining the nuisance also are declared a nuisance and shall be enjoined and abated as provided in this chapter.

(B) As used in this section "continuous breach of the peace" means a pattern of repeated acts or conduct which either (1) directly disturbs the public peace or (2) disturbs the public peace by inciting or tending to incite violence.

(C) Nothing in this section supplants, alters, or limits a statutory or common law right of a person to bring an action in court or the right of the State to prosecute a person for a violation of a statute or common law.

HISTORY: 1962 Code Section 10-1801; 1952 Code Section 10-1801; 1942 Code Section 575; 1932 Code Section 575; Civ. P. '22 Section 491; 1918 (30) 814; 1998 Act No. 261, Section 1.

**SECTION 15-43-20.** Attorney General, solicitor, or citizen may bring suit for injunction.

Whenever a nuisance is kept, maintained or exists, as defined in this chapter, the Attorney General, the solicitor of the judicial district in which such nuisance is kept or any citizen of the State may maintain an action in equity in the name of the State, upon the relation of such Attorney General, solicitor or citizen, to enjoin perpetually such nuisance, the person conducting or maintaining the nuisance and the owner or agent of the building or ground upon which the nuisance exists.

HISTORY: 1962 Code Section 10-1802; 1952 Code Section 10-1802; 1942 Code Section 576; 1932 Code Section 576; Civ. P. '22 Section 492; 1918 (30) 814.

**SECTION 15-43-30.** Temporary injunction.

In such action the court or the judge in vacation shall, upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction, without bond, if the existence of such nuisance shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the complainant may elect, unless the court or judge by previous order shall have directed the form and manner in which it shall be presented. Three days' notice in writing shall be given the defendant of the hearing of the application and if then continued at his instance the writ as prayed shall be granted as a matter of course. When an injunction has been granted it shall be binding on the defendant throughout the State, and any violation of the provisions of the injunction herein provided for shall be a contempt as provided in Section 15-43-70.

HISTORY: 1962 Code Section 10-1803; 1952 Code Section 10-1803; 1942 Code Section 576; 1932 Code Section 576; Civ. P. '22 Section 492; 1918 (30) 814.

**SECTION 15-43-40.** Trial; evidence of general reputation.

The action, when brought, shall be triable at the first term of court after due and timely service of the notice has been given, and in such action evidence of the general reputation of the place shall be competent for the purpose of proving the existence of the nuisance.

HISTORY: 1962 Code Section 10-1804; 1952 Code Section 10-1804; 1942 Code Section 577; 1932 Code Section 577; Civ. P. '22 Section 493; 1918 (30) 815.

**SECTION 15-43-50.** Immunity of witnesses.

The solicitor, Attorney General or other attorney representing the prosecution for violation of this chapter may, with the approval of the court, grant immunity to any witness called to testify in behalf of the prosecution.

HISTORY: 1962 Code Section 10-1805; 1952 Code Section 10-1805; 1942 Code Section 583; 1932 Code Section 583; Civ. P. '22 Section 499; 1918 (30) 817.

**SECTION 15-43-60.** Dismissal.

If the complaint is filed by a citizen or corporation it shall not be dismissed except upon a sworn statement made by the complainant and his or its attorney setting forth the reason why the action should be dismissed and upon the approval of such dismissal by the Attorney General or by the solicitor, in writing or in open court. If the court is of the opinion that the action ought not to be dismissed it may direct the Attorney General or solicitor to prosecute the action to judgment, and if the action is continued more than one term of court any citizen of the State may be substituted for the complaining party and prosecute the action to judgment. If the action is brought by a citizen or a corporation and the court finds there was no reasonable ground or cause for the action, the costs may be taxed to such citizen or corporation.

HISTORY: 1962 Code Section 10-1806; 1952 Code Section 10-1806; 1942 Code Section 577; 1932 Code Section 577; Civ. P. '22 Section 493; 1918 (30) 815.

**SECTION 15-43-70.** Violation of injunction; punishment for contempt.

In case of the violation of any injunction granted under the provisions of this chapter the court or, in vacation, a judge thereof may summarily try and punish the offender. The proceeding shall be commenced by filing with the clerk of the court a complaint, under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may at any stage of the proceedings demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment in the county jail or State Penitentiary not less than three months nor more than six months, or by both fine and imprisonment.

HISTORY: 1962 Code Section 10-1807; 1952 Code Section 10-1807; 1942 Code Section 578; 1932 Code Section 578; Civ. P. '22 Section 494; 1918 (30) 815.

**SECTION 15-43-80.** Abatement; sale of fixtures; closing place for year.

If the existence of the nuisance be established in an action, as provided in this chapter or in a criminal proceeding, an order of abatement shall be entered as part of the judgment in the case. The order shall direct the removal from the building or place of all fixtures, furniture, musical instruments or movable property used in conducting the nuisance, shall direct the sale thereof in the manner provided for the sale of chattels under execution and shall direct the effectual closing of the building or place against its use for any purpose and so keeping it closed for a period of one year, unless sooner released.

HISTORY: 1962 Code Section 10-1808; 1952 Code Section 10-1808; 1942 Code Section 579; 1932 Code Section 579; Civ. P. '22 Section 495; 1918 (30) 816.

**SECTION 15-43-90.** Use of proceeds of sale of personal property.

The proceeds of the sale of the personal property, as provided in Section 15-43-80, shall be applied in the payment of the costs of the action and abatement, and the balance, if any, shall be paid to the defendant.

HISTORY: 1962 Code Section 10-1809; 1952 Code Section 10-1809; 1942 Code Section 580; 1932 Code Section 580; Civ. P. '22 Section 496; 1918 (30) 816.

**SECTION 15-43-100.** Entry or use of closed building as contempt.

If any person shall break and enter or use a building, erection or place so directed to be closed he shall be punished as for contempt, as provided in Section 15-43-70.

HISTORY: 1962 Code Section 10-1810; 1952 Code Section 10-1810; 1942 Code Section 579; 1932 Code Section 579; Civ. P. '22 Section 495; 1918 (30) 816.

**SECTION 15-43-110.** Owner may secure release of building.

If the owner appears and pays all costs of the proceeding and files a bond, with sureties to be approved by the court, in the full value of the property, to be ascertained by the court or, in vacation, by the county auditor's records, conditional that he will immediately abate the nuisance and prevent it from being established or kept therein within a period of one year thereafter, the court or, in vacation, the judge may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to the owner and the order of abatement cancelled so far as it may relate to such party. And if the proceeding be an action in equity and such bond be given and costs therein paid before judgment and order of abatement the action shall be thereby abated as to such building only. The release of the property under the provisions of this section shall not release it from judgment lien, penalty or liability to which it may be subject by law.

HISTORY: 1962 Code Section 10-1811; 1952 Code Section 10-1811; 1942 Code Section 581; 1932 Code Section 581; Civ. P. '22 Section 497; 1918 (30) 816.

**SECTION 15-43-120.** Notice shall be given to owner before action against him.

No proceeding against the owner of the real estate shall be commenced hereunder unless ten days' written notice be given by the prosecuting attorney to such owner or his agent and upon his failure thereafter to abate the nuisance.

HISTORY: 1962 Code Section 10-1812; 1952 Code Section 10-1812; 1942 Code Section 582; 1932 Code Section 582; Civ. P. '22 Section 498; 1918 (30) 817.

**SECTION 15-43-130.** Establishment of existence of nuisance in criminal proceeding.

In case the existence of such nuisance is established in a criminal proceeding in a court not having equitable jurisdiction the county attorney or solicitor of the district shall proceed promptly under this chapter to enforce the provisions and penalties hereof, and the finding of the defendant guilty in such criminal proceedings, unless reversed or set aside, shall be conclusive as against such defendant as to the existence of the nuisance.

HISTORY: 1962 Code Section 10-1813; 1952 Code Section 10-1813; 1942 Code Section 580; 1932 Code Section 580; Civ. P. '22 Section 496; 1918 (30) 816.

ARTICLE \_\_

Sec. 10-\_\_. - Purpose of article.

The purpose of this article is to restructure the Oconee County Rescue Squad Advisory Commission, whose mission is to provide a body of active members of the Oconee County rescue service, to be responsible for guidance, advice, and recommendations to the Oconee County Council (“County Council” or “Council”) on current and future rescue squad activities in Oconee County (“County”).

Sec. 10-\_\_. – Reorganization of the Oconee County Rescue Service Advisory Commission

The County Council hereby reorganizes the Oconee County Rescue Squad Advisory Commission (the “Rescue Commission” or “Commission”) as follows.

- (a) Membership. The membership of the Rescue Commission shall be five in number, with one member to be appointed by each County Council member from citizens residing within such Council member’s district, which appointment shall be confirmed by a majority vote of a quorum of County Council in meeting duly assembled.
- (b) Term of members: The term of each Rescue Commission member shall be co-terminus with the Council member appointing such Rescue Commission member. There are no term limits.
- (c) Organization, meetings, and officers. The Rescue Commission shall meet at least monthly at a time and place selected by the membership thereof. Within sixty (60) days of the passage of this ordinance and appointment of the Rescue Commission members hereunder, and thereafter during the January meeting of each year, there shall be selected a chairman, a vice-chairman, and a secretary, together with such other officers as the Rescue Commission may deem necessary. These officers shall serve for one year, or until their successors are duly elected and qualified.
  - (1) In addition, the Rescue Commission may adopt such by-laws as it deems necessary for the orderly performance of its duties and functions. Any by-laws which may be adopted by the Rescue Commission for the orderly performance of its duties must comply with this article, all applicable ordinances of the County, and the laws of the State of South Carolina, specifically including, but not limited to, the Freedom of Information Act. All meetings shall be open to the public. Notice of the meetings shall be given to the Clerk to County Council, the media, and the public in a manner consistent with the Freedom of Information Act.
- (d) Powers and duties. The powers and duties of the Rescue Squad shall be as follows:

- (1) To advise the County Council's Law Enforcement, Public Safety, Health & Welfare Committee (or "Committee") on matters affecting the operation and activities of the various rescue squads and related emergency protection service agencies of the County and to formulate plans and advise the Committee on the operation and maintenance of the rescue squads and related emergency protection service agencies and their equipment, personnel, and training.
  - (2) The Commission shall submit its advice and counsel to the Law Enforcement, Public Safety, Health & Welfare Committee in the form of oral and/or written reports for consideration at the Committee's quarterly meetings, which reports shall summarize the activities, findings, and functions of the Commission, together with the agenda for the Commission's next meeting, all of which shall be submitted to the chairman of the Law Enforcement, Public Safety, Health & Welfare Committee or his/her designee within a reasonable time prior to the Committee's respective meeting.
  - (3) To participate in the formulation of the budget and budgetary appropriations affecting the areas of concern of the Rescue Commission for County Council consideration.
  - (4) To prepare plans and recommendations to the Law Enforcement, Public Safety, Health & Welfare Committee in the areas of the Commission's responsibility and activity, with recommendations for the implementation of such plans.
  - (5) To generally advise the County Council's Law Enforcement, Public Safety, Health & Welfare Committee on any matter within the scope of the Rescue Commission's activities, which would tend to improve the efficiency and beneficial operation of the County government in the fields of activity with which the Rescue Commission is concerned.
  - (6) For each commissioner to visit each rescue squad within the Council district from which the respective commissioner was appointed, at least once every six months, and have meetings with the chief of the rescue squads within such district.
  - (7) Any advice or recommendations conveyed to the Law Enforcement, Public Safety, Health & Welfare Committee may be prepared and presented orally by the Chairman of the Rescue Commission at a regularly scheduled quarterly meeting of the Committee, after due notice for agenda purposes, or in writing forwarded to the Committee Chairman and Clerk to Council for dissemination to Committee members.
- (e) Salaries and funding. Each member of the Rescue Commission shall be paid the sum of \$100.00 dollars per year, plus expenses for out-of-county travel, as their sole compensation. Any expense item or claim for same shall first be approved by the Chairman of the Commission, unless the same is made by the Chairman, and submitted for approval and payment to County Council,

consistent with the County's then current budget and procurement policies. In no event shall any member of the Commission be entitled to any other compensation, direct or indirect, for services on the Commission, and the members of the Commission shall not provide any services, materials, products, goods, or equipment to the County unless the same is sold or offered for sale in accordance with existing County and state purchasing procedures and ethical requirements.

DRAFT

ARTICLE \_\_\_

Sec. 10-\_\_\_. - Purpose of article.

The purpose of this article is to restructure the Oconee County Fire Service Advisory Commission, whose mission is to provide a body of active members of the Oconee County fire service, to be responsible for guidance, advice, and recommendations to the Oconee County Council (“County Council” or “Council”) on current and future fire service activities in Oconee County (“County”).

Sec. 10-\_\_\_. – Reorganization of the Oconee County Fire Service Advisory Commission

The County Council hereby reorganizes the Oconee County Fire Service Advisory Commission (the “Fire Commission” or “Commission”) as follows.

- (a) Membership. The membership of the Fire Commission shall be five in number, with one member to be appointed by each County Council member from citizens residing within such Council member’s district, which appointment shall be confirmed by a majority vote of a quorum of County Council in meeting duly assembled.
  - (b) Term of members: The term of each Fire Commission member shall be co-terminus with the Council member appointing such Fire Commission member. There are no term limits.
  - (c) Organization, meetings, and officers. The Fire Commission shall meet at least monthly at a time and place selected by the membership thereof. Within sixty (60) days of the passage of this ordinance and appointment of the Fire Commission members hereunder, and thereafter during the January meeting of each year, there shall be selected a chairman, a vice-chairman, and a secretary, together with such other officers as the Fire Commission may deem necessary. These officers shall serve for one year, or until their successors are duly elected and qualified.
- (1) In addition, the Fire Commission may adopt such by-laws as it deems necessary for the orderly performance of its duties and functions. Any by-laws which may be adopted by the Fire Commission for the orderly performance of its duties must comply with this article, all applicable ordinances of the County, and the laws of the State of South Carolina, specifically including, but not limited to, the Freedom of Information Act. All meetings shall be open to the public. Notice of the meetings shall be given to the Clerk to County Council, the media, and the public in a manner consistent with the Freedom of Information Act.



- (d) Powers and duties. The duties of the Fire Commission shall be as follows:
- (1) To advise the County Council's Law Enforcement, Public Safety, Health & Welfare Committee (or "Committee") on matters affecting the operation and activities of the various fire stations and other emergency protection service agencies of the County and to formulate plans and advise the Committee on the operation and maintenance of the fire stations and emergency protection service agencies and their equipment, personnel, and training.
  - (2) The Commission shall submit its advice and counsel to the Law Enforcement, Public Safety, Health & Welfare Committee in the form of oral and/or written reports for consideration at the Committee's quarterly meetings, which reports shall summarize the activities, findings, and functions of the Commission, together with the agenda for the Commission's next meeting, all of which shall be submitted to the chairman of the Law Enforcement, Public Safety, Health & Welfare Committee or his/her designee within a reasonable time prior to the Committee's respective meeting.
  - (3) To participate in the formulation of the budget and budgetary appropriations affecting the areas of concern of the Fire Commission for County Council consideration.
  - (4) To prepare plans and recommendations to the Law Enforcement, Public Safety, Health & Welfare Committee in the areas of the Commission's responsibility and activity, with recommendations for the implementation of such plans.
  - (5) To generally advise the County Council's Law Enforcement, Public Safety, Health & Welfare Committee on any matter within the scope of the Fire Commission's activities, which would tend to improve the efficiency and beneficial operation of the County government in the fields of activity with which the Fire Commission is concerned.
  - (6) For each commissioner to visit each fire station within the Council district from which the respective commissioner was appointed, at least once every six months, and have meetings with the fire chief of the fire stations within such district.
  - (7) Any advice or recommendations conveyed to the Law Enforcement, Public Safety, Health & Welfare Committee may be prepared and presented orally by the Chairman of the Fire Commission at a regularly scheduled quarterly meeting of the Committee, after due notice for agenda purposes, or in writing forwarded to the Committee Chairman and Clerk to Council for dissemination to Committee members.
- (e) Salaries and funding. Each member of the Fire Commission shall be paid the sum of \$100.00 dollars per year, plus expenses for out-of-county travel, as their sole compensation. Any expense item or claim for same shall first be approved by the Chairman of the Commission, unless the

same is made by the Chairman, and submitted for approval and payment to County Council, consistent with the County's then current budget and procurement policies. In no event shall any member of the Commission be entitled to any other compensation, direct or indirect, for services on the Commission, and the members of the Commission shall not provide any services, materials, products, goods, or equipment to the County unless the same is sold or offered for sale in accordance with existing County and state purchasing procedures and ethical requirements.

DRAFT

# THE JOURNAL

## PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE:

*BEFORE ME* the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of THE JOURNAL, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on


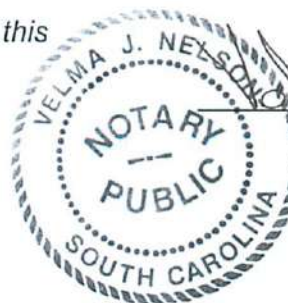
**January 11, 2025**

*the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.*



Hal Welch  
General Manager

Subscribed and sworn to before me this  
1/11/2025



Velma J. Nelson  
Notary Public  
State of South Carolina



# Oconee County Council

Oconee County  
Administrative Offices  
415 South Pine Street  
Walhalla, SC 29691

Phone: 864-718-1023  
Fax: 864 718-1024

E-mail:  
[jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com)

John Elliott  
District I

Matthew Durham  
Chairman  
District II

Don Mize  
Vice Chairman  
District III

Thomas James  
District IV

J. Glenn Hart  
Chairman Pro Tem  
District V



The Oconee County Council will meet in 2025 on the first and third Tuesday of each month with the following exceptions:

- July, August, and November meetings, which will be **only** on the third Tuesday of each of these months;
- March, June and December meetings, which will be **only** on the first Tuesday of each of these months.

All Council meetings, unless otherwise noted, are held in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina.

Oconee County Council will also hold a Planning Retreat beginning at 9:00 a.m. on Thursday, February 20, 2025 to establish short- and long-term goals. This meeting will be held off-site in the Tri-County Technical College, Oconee Campus, conference room located at 552 Education Way, Westminster, South Carolina.

Oconee County Council will also meet on Tuesday, January 6, 2026 in Council Chambers at which point they will establish their 2026 Council and Committee meeting schedules.

Additional Council meetings, workshops, and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2025 prior to County Council meetings on the following dates/times in Council Chambers located at 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health, & Welfare Committee at 4:30 p.m. on the following dates: February 18, May 20, July 15, & September 16, 2025.

The Transportation Committee at 4:30 p.m. on the following dates: February 18, May 20, July 15, & September 16, 2025.

The Real Estate, Facilities, & Land Management Committee at 4:30 p.m. on the following dates: April 1, June 3, August 19, & October 21, 2025.

The Planning & Economic Development Committee at 4:30 p.m. on the following dates: April 1, June 3, August 19, & October 21, 2025.

The Budget, Finance, & Administration Committee at 9:00 a.m. on the following dates: February 20 [Strategic Planning Retreat] and 4:30 p.m. on the following dates: March 4 [4 p.m.], April 15, & May 6, 2025.

Sec. 2-61. - Access to and conduct at county meetings, facilities and property.

(a) *Purpose.* The county council has determined that it is necessary to regulate access to county facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the county employees who serve them. **The conduct of persons who visit county facilities and/or who have contact with county employees must also be regulated to preserve public order, peace and safety.** The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from county employees. These regulations apply to all county facilities and meetings, as defined below, for and over which county council exercises control and regulation, and to the extent, only, not pre-empted by state or federal law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Facility* means any building, structure, or real property owned, leased, rented, operated or occupied by the county or one of its departments, offices or agencies.

***Meeting* means any assemblage of persons for the purpose of conducting county governmental business, operations or functions or any assemblage of persons within a county governmental facility.** The term "meeting" includes, but is not limited to, county council meetings, county board and committee and staff meetings, trials, hearings and other proceedings conducted in the courts of general sessions and common pleas, family court, master-in-equity, probate court and magistrate's court; and other meetings by entities duly authorized by the county council.

(c) *Prohibited acts.* It shall be unlawful for any person to:

- (1) **Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of any meeting,** or operations of any department or function of the county government, including, without limitation, speaking when not explicitly recognized and authorized to do so by the presiding official in such meeting.
- (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
- (3) Engage in partisan political activity, including speech, in any meeting not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when

the presiding official of the meeting in question has ruled that the activity in question is partisan political activity and has directed that such activity stop.

- (4) Interfere with, impede, hinder or obstruct any county governmental official or employee in the performance of his duties, whether or not on county government property.
- (5) Enter any area of a county government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
- (6) Enter by vehicle any area of a county governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.
- (7) Use any county governmental facility, grounds or other property for any purpose not authorized by law or expressly permitted by officials responsible for the premises.
- (8) Enter without authorization or permission or refuse to leave any county governmental facility, grounds or other property after hours of operation.
- (9) Obstruct or impede passage within a building, grounds or other property of any county governmental facility.
- (10) Enter, without legal cause or good excuse, a county governmental facility, grounds or property after having been warned not to do so; or, having entered such property, fail and refuse without legal cause or good excuse to leave immediately upon being ordered or requested to do so by an official, employee, agent or representative responsible for premises.
- (11) Damage, deface, injure or attempt to damage, deface or injure a county governmental property, whether real property or otherwise.
- (12) Enter or attempt to enter any restricted or nonpublic ingress point or any restricted access area, or bypass or attempt to bypass the designated public entrance or security checkpoint of a facility without authorization or permission.
- (13) Perform any act which circumvents, disables or interferes with or attempts to circumvent, disable or interfere with a facility's security system, alarm system, camera system, door lock or other intrusion prevention or detection device. This includes, without limitation, opening, blocking open, or otherwise disabling an alarmed or locked door or other opening that would allow the entry of an unauthorized person into a facility or restricted access area of the facility.
- (14) Exit or attempt to exit a facility through an unauthorized egress point or alarmed door.

(d) *Penalty for violation of section.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7. In addition, vehicles that are improperly parked on any county property, facility, or other premises may be towed at the owner's expense.

(Ord. No. 2003-04, §§ 1—4, 4-15-2003; Ord. No. 2012-06, § 1, 4-3-2012)