

Chapter 10

OFFENSES AND MISCELLANEOUS PROVISIONS*

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*State law reference—Crimes and offenses, S.C. Code 1976, title 16.



Sec. 10-1. Drawing and uttering fraudulent check, draft or other written order.

(a) The provisions of S.C. Code 1976, §§ 34-11-60 through 34-11-80 are adopted by reference, in accordance with S.C. Code 1976, § 34-11-90.

(b) The municipal court is authorized to try violations of this section in any case where the amount of the check, draft or written order is in the amount of \$1,000.00 or less.

(Code 1991, § 10-1)

Sec. 10-2. Disturbing school.

It shall be unlawful for any person willfully or unnecessarily to:

- (1) Interfere with or to disturb in any way or in any place the students or teachers of any school or college;
- (2) Act in an obnoxious manner thereon;
- (3) Enter upon any school premises; or
- (4) Loiter around the premises, except on business, without the permission of the principal or person in charge.

(Code 1991, § 10-3)

State law reference—Similar provisions, S.C. Code 1976, § 16-17-420.

Sec. 10-3. Disorderly conduct.

Disorderly conduct is unlawful and shall include the actions of any person who:

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

- (10) Shall use "fighting words" directed towards any person who becomes outraged and thus creates turmoil;
- (11) Shall assemble or congregate with another or others for the purpose of doing bodily harm to another;
- (12) Frequents any place where gambling or the illegal sale or possession of narcotics or dangerous drugs is practiced, allowed, or tolerated; or
- (13) Has in his possession any quantity of marijuana less than and including one ounce in weight.

(Code 1991, § 10-4)

State law reference—Similar provisions, S.C. Code 1976, § 16-17-530.

Sec. 10-4. Damaging municipal property.

It shall be unlawful for any person to mutilate, deface or injure in any manner any public property within the town limits, including trees, buildings or other property.

(Code 1991, § 10-5)

Sec. 10-5. Discharge of firearms inside town prohibited.

No person, except in the case of urgent necessity, shall discharge or cause to be discharged any firearm within the town. Any firearm so discharged by any minor or disorderly person may at the discretion of the municipal judge, be forfeited to the town. Nothing contained in this section shall be construed to apply to the discharge of firearms in the case of urgent necessity, a shooting gallery if it be operated under written permission of the chief of police, theatrical or like performances, military or similar displays, to abridge the right of self-defense, to prohibit or restrain any police duty or any other duly enjoined by law or the shooting of any rabid dog or dangerous animal or the discharge of the weapon pursuant to a permit issued by the chief of police.

(Code 1991, § 10-6)

State law reference—Discharging firearms at or into dwellings, S.C. Code 1976, § 16-23-440.

Sec. 10-6. Discharge of dangerous devices.

It shall be unlawful to fire or discharge any air rifle, slingshot or other device which may be potentially harmful to any persons or property.

(Code 1991, § 10-7)

Sec. 10-7. Noise.

(a) *Unlawful noise.* It shall be unlawful for any person to make or continue, or cause to be made or continued, any unreasonably loud, disturbing noise or any noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the town.

(b) *Acts declared to be loud.* The following acts, among others, are declared to be loud, disturbing noises in violation of this section but this enumeration shall not be deemed to be exclusive:

- (1) *Animals, birds, etc.* The keeping of any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (2) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (3) *Building operations.* In conducting any building operations between the hours of 11:00 p.m. and 6:00 a.m., to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists or other apparatus, the use of which is attended with loud or unusual noise in any block in which more than half of the buildings on either side of the street are used exclusively for residence purposes, except by permission from the council.
- (4) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (5) *Drums, etc.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (6) *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (8) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (9) *Loading, etc., of vehicles; opening, etc., of boxes, etc.* The creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

- (10) *Metal rails, pillars, etc., in transportation.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or so as to disturb the peace and quiet of such streets or other public places.
- (11) *Loudspeakers, etc., for advertising.* The maintenance and operation in any building, or on any premises in the town of any radio device or other mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purposes of attracting the attention of the passing public, or which is so placed and operated that the sound coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.
- (12) *Radios, phonographs, etc., generally.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation.
- (13) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly disturbs patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (14) *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 fire or danger or upon request of the town administration.
- (15) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (16) *Racing engines.* The racing of the engine of any motor vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same.

(Code 1991, § 10-8; Ord. No. 1-95, 6-14-1995)

Sec. 10-8. Carrying concealed weapons prohibited; exceptions; forfeiture of weapons.

(a) Any person carrying a dirk, sling shot, metal knuckles, razor or other deadly weapon, for which a valid state permit to carry has not been issued and usually used for the infliction of personal injury concealed about his person is guilty of carrying a concealed weapon and shall forfeit to the town the weapon so carried concealed and be penalized in accordance with the general penalty provision of section 1-12. Nothing herein contained may be construed to apply to a person carrying concealed weapons upon their own premises or to peace officers in the actual discharge of their duties.

(b) The town administrator or designee shall keep a written record of all weapons confiscated or forfeited pursuant to this section and annually or at such other times as the town administrator or his designee shall determine shall sell at public sale or by sealed bids to the highest bidder after one public notice published in a newspaper of general circulation in the town, all confiscated or forfeited weapons then held by the town administrator. Weapons may not be sold until the results of legal proceeding in which they are involved have been finally determined. Any weapon, the possession of which is unlawful, may not be sold, but must be destroyed by the town administrator or his designee. Any bid may be rejected by the town administrator or his designee if it is determined that the bid is inadequate. All proceeds of sale must be deposited in the general fund of the town.

(Code 1991, § 10-9; Ord. of 5-14-1991(1), §§ 1, 2)

Sec. 10-9. Hindering officers prohibited.

Any persons who do the following shall, on conviction for any such offense, be subject to a fine of not more than the maximum allowed by law or imprisonment for not more than 30 days or both at the discretion of the court:

- (1) Hinder, prevent or obstruct any officer or other person charged with the execution of any warrant or other process;
- (2) Rescue or attempt to rescue from the custody of the officer or person lawfully assisting him as aforesaid;
- (3) Aid, abet or assist any persons who are arrested as aforesaid directly or indirectly to escape from the officer or person arresting him as aforesaid; or
- (4) Harbor or conceal any person for whose arrest a warrant or other process shall have been issued so as to prevent his discovery and arrest after having knowledge of the fact that the issuance of such warrant or other process.

(Code 1991, § 10-10; Ord. of 5-14-1991(2), §§ 1, 2)

Sec. 10-10. Careless operation of motor vehicles prohibited.

No person shall operate any motor vehicle without care and caution and full regard for the safety of persons and property. Any person failing to do so shall be guilty of careless driving. The operation of any vehicle when the same or any of its parts are not in proper or safe

condition shall be prima facie evidence of careless driving. Speeding, failure to obey a traffic control device or other acts of careless operation of a motor vehicle as described in title 56, articles 5 through 22 inclusive, Code of Laws of South Carolina 1976, as amended, shall be prima facie evidence of a violation of this section. Conviction for such offense shall subject such person to a fine of not more than the maximum allowed by law or imprisonment for not more than 30 days or both at the discretion of the court.

(Code 1991, § 10-11; Ord. of 5-14-1991(3), §§ 1, 2)

Sec. 10-11. Curfew.

(a) *Minors under 17 years.* No minor under the age of 17 years shall walk, remain, run, stand, drive, ride around, loiter, idle or congregate in or on any public grounds, street, highway, public place or building, places of amusement, vacant lots or other unsupervised places between the hours of 12:00 midnight and 6:00 a.m.

(b) *Defense to prosecution.* It is a defense to prosecution if the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of an adjacent neighbor if the neighbor did not complain to law enforcement about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the municipality or a civic organization; or going to or returning home from, without detour or stop, an official school, religious, or other event sponsored by a civic organization;
- (8) Exercising First Amendment rights such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Is married, or has been married, or has had the disabilities of minority removed in accordance with state law.

(c) *Responsibility of parents.* The parent or guardian of the minor or adult having the care or custody of the minor shall be held responsible for the enforcement of subsections (a) and (b) of this section, and shall not knowingly permit the minor to violate the same. Such parent, guardian or other adult having the care or custody of the minor shall be presumed, until otherwise shown, to have knowledge of a violation by the minor.

(d) *Aiding or abetting violation.* It shall be unlawful for any person of the age of 17 years or over to assist, aid, abet, permit or encourage any minor under the age of 17 years to violate this section.

(e) *Penalties for violation.* Any minor violating the provisions of subsections (a) or (b) of this section shall be dealt with in accordance with juvenile court law and procedure. Any parent, guardian or other adult having the care and custody of a minor violating subsection (a) of this section and any person of 17 years or over violating subsection (b) of this section who knowingly and willfully encourages, allows, aids or excuses the minor to violate the provisions of subsections (a) or (b) of this section shall be guilty of a misdemeanor and upon conviction thereof as a first offense shall be punished by a fine not exceeding \$100.00 or imprisonment in the county jail for a period not exceeding ten days, or upon conviction as a second offense shall be punished by a fine not exceeding \$500.00 or imprisonment in the council jail for a period not to exceed 30 days. Each violation of the provisions of this section shall constitute a separate offense.

(Ord. No. 00-03.01, 3-14-2000)