

**CHAPTER 3
PUBLIC SAFETY**

**Article I
Law Enforcement**

- § 3-101 Police department
- § 3-102 Sheriff
- § 3-103 Powers of law officers

**Article II
Curfews**

- § 3-201 State of emergency
- § 3-202 Imposition of emergency curfew
- § 3-203 Town council to meet
- § 3-204 Prohibited acts during emergency curfew
- § 3-205 Curfew for minors; purpose
- § 3-206 Curfew for minors established; exception
- § 3-207 Responsibility of parents
- § 3-208 Duties of police

**Article III
Offenses**

- § 3-301 Aiding and abetting
- § 3-302 Resisting or interfering with police
- § 3-303 Failure to stop on police command
- § 3-304 Petit larceny
- § 3-305 Intentional destruction of property
- § 3-306 Public drunkenness
- § 3-307 Drinking in public
- § 3-308 Reserved
- § 3-309 Interference with use of streets
- § 3-310 Disorderly conduct
- § 3-311 Loitering
- § 3-312 Discharge of weapons
- § 3-313 Solicitation
- § 3-314 Prostitution
- § 3-315 Amusements; hours of operation
- § 3-316 Trespassing; posted property
- § 3-317 Noise

**Article IV
Traffic**

- § 3-401 Adoption of state law
- § 3-402 Speed limits
- § 3-403 Bicycle lights
- § 3-404 Trucks prohibited on certain streets
- § 3-405 Wrecker services to report accidents
- § 3-406 Driving across private property
- § 3-407 Boarding or alighting from moving vehicle
- § 3-408 Skates and toy vehicles restricted
- § 3-409 Towing bicycle, etc., prohibited
- § 3-410 Riding on portion of vehicle prohibited
- § 3-411 Using vehicle for advertising
- § 3-412 Stopping, standing and parking
- § 3-413 Unlicensed vehicles
- § 3-414. Parades, Processions and Races

Article I

Law Enforcement

§ 3-101. Police department.

The police department shall consist of a chief and such officers as may be appointed by town council when deemed appropriate.

§ 3-102. Sheriff.

When police officers are not appointed or are not available, calls for law enforcement assistance shall be referred to the office of the county sheriff.

§ 3-103. Powers of law officers.

Law enforcement officers shall have the power and duty to perform the following functions within the town and on all property owned by the town beyond the corporate limits:

- (1) Provide protection for persons and property against unlawful acts and reduce the opportunity for commission of crimes;
- (2) Maintain a crime prevention program;
- (3) Provide regular patrol of all areas in the town;
- (4) Investigate crimes; recover stolen property; apprehend, arrest, and prosecute offenders;
- (5) Provide traffic control;
- (6) Attend municipal court and execute orders of court; and
- (7) Perform such other duties as may be assigned by the police chief or sheriff.

Article II

Curfews

§ 3-201. State of emergency.

A state of emergency shall be deemed to exist whenever during times of great public crisis, disaster, rioting, civil disturbance, catastrophe, or other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare, or property.

§ 3-202. Imposition of emergency curfew.

In the event of a state of emergency, the mayor is authorized and empowered to issue a public proclamation declaring the existence of a state of emergency, defining and imposing a curfew in areas and at times specifically designated in the declaration, and exempting essential health and safety personnel.

§ 3-203. Town council to meet.

The town council shall be called into session within 24 hours after a declaration of a state of emergency to provide by emergency ordinance or resolution for continuance, modification, or termination of the curfew, and for such other measures as may be necessary to protect public health and safety.

§ 3-204. Prohibited acts during emergency curfew.

During the existence of a curfew imposed by reason of a state of emergency, it shall be unlawful for any person subject to the curfew to:

- (1) Be present or travel upon any street, alley, roadway, or public property, unless such travel is necessary to obtain medical assistance;
- (2) Possess beyond a person's own private premises, buy, sell, give away, or otherwise transfer or dispose of any explosive, firearm, ammunition, or dangerous weapon of any kind;
- (3) Sell, possess, or consume beer, wine, liquor, or intoxicating beverages of any kind;
- (4) Sell or transfer gasoline, other petroleum products, or inflammable substances of any kind, except as expressly authorized by the terms of the curfew imposed.

§ 3-205. Curfew for minors; purpose.

Council has determined, after consideration of the activities and conditions affecting minors after certain hours of the day, that it is the public interest to adopt a curfew ordinance for the protection of the public from illegal acts of minors committed after the curfew hour; the protection of minors from improper influences and criminal activity occurring after the curfew hour; and helping parents control their children.

§ 3-206. Curfew for minors established; exception.

It shall be unlawful for any minor under the age of 15 years to be present in any public street, playground, park, public building, place of amusement or other public place between the hours of 12:00 p.m. and 6:00 a.m. of the following day; provided, however, this section shall not apply to a minor accompanied by a parent or other adult responsible for the minor, to a minor on an emergency errand, to a minor in the course of employment, or to a minor traveling home within 30 minutes from an organized school or religious activity. Each violation of this section shall constitute a separate offense.

§ 3-207. Responsibility of parents.

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 15 years knowingly to permit such minor to be in a public place in violation of § 3-206. Each violation of this section shall constitute a separate offense.

§ 3-208. Duties of police.

Any law enforcement officer who finds a minor in violation of the curfew ordinance shall ascertain the name and address of the minor instruct the minor to go straight home, notify the parents or guardian of the minor, and report the incident to the police chief or sheriff. If the minor refuses to cooperate with the officer, refuses to go home, or has been warned about a prior violation, the minor is to be detained until the parents or guardian are called to come and transport the minor home. If the parents or guardian cannot be located, the minor is to be transported home and issued the appropriate citation for the violation.

Article III
Offenses

§ 3-301. Aiding and abetting.

It shall be unlawful for any person to aid or abet any other person in the violation of this code of ordinances, or of any other town ordinance, or to procure, encourage, incite, or advise any other person to violate the same.

§ 3-302. Resisting or interfering with police.

a. It shall be unlawful for any person after having been placed under arrest or taken into custody by a law enforcement officer to resist arrest actively or by flight.

b. It shall be unlawful for any person to physically interfere with or molest an officer in the discharge of his duties.

c. It shall be unlawful for any person to willfully be in a position nearer than twenty (20) feet to a law enforcement officer who is making or attempting to make an arrest, or who is escorting a person under arrest or a prisoner.

§ 3-303. Failure to stop on police command.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed, or commanded to stop by a law enforcement officer in the lawful exercise of authority.

State law reference - S.C. Code 1976, § 56-5-740.

§ 3-304. Petit larceny.

The wrongful taking and carrying away of the personal property of another, having a value of not more than one thousand dollars with intent to convert the property to the taker's use is a misdemeanor punishable in municipal court as petit larceny.

State law reference - S.C. Code 1976, § 16-13-30.

§ 3-305. Intentional destruction of property.

It shall be unlawful for any person to intentionally injure, damage, mutilate, deface or destroy any animal, personal property, structure, fixture, or real property of another. If the amount of damage is not more than one thousand dollars, violation of this section is a misdemeanor punishable in municipal court.

State law reference - S.C. Code 1976, § 16-11-510 - 535.

§ 3-306. Public drunkenness.

It shall be unlawful for any person to create a nuisance or engage in conduct offensive to others on the public streets or in public places while drunk or intoxicated.

§ 3-307. Drinking in public.

It shall be unlawful for any person to drink intoxicating or alcoholic beverages on the public streets or on public property. Possession of an open alcoholic beverage container with alcoholic beverage therein on public property shall be prima facie evidence of violation of this section.

§ 3-308. Reserved

§ 3-309. Interference with use of streets.

It shall be unlawful for any person to close, block, restrict, or interfere with the free use of any public way or public place by pedestrian or vehicular traffic.

§ 3-310. Disorderly conduct.

It shall be unlawful for any person to engage in the following disorderly conduct, knowing or having reason to know that it will tend to promote or provoke a fight, assault, or brawl, or be disruptive of the lawful conduct or assembly of other persons:

- (1) To utter, while in the presence of others, any lewd or obscene epithets or make any lewd or obscene gestures with his hands or body; or
- (2) To use fighting words directed toward another; or
- (3) To knowingly and willfully engage in any overt physical conduct which interferes with the pursuit of a lawful occupation or activity of another person; or
- (4) Without lawful permission to congregate with another or others on any public way so as to impede the flow of pedestrian or vehicular traffic, and to refuse to clear such public way when ordered to do so by any law enforcement officer; or
- (5) In any public place to accost or attempt to force his company upon any person against his will; or
- (6) Disturb any person, audience, or group assembled in a place of worship, education, meeting of a public body, recreation, or amusement with noise, loud talking, indecent language or behavior, disruptive or distracting actions, refusal to comply with rules of procedure, or any undue interruption of proceedings.

§ 3-311. Loitering.

a. *Definition.* "Loitering" means remaining idle in essentially one location, spending time idly, loafing, or walking around aimlessly in a public place in such manner as to:

- (1) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (2) create or cause to be created a danger of breach of the peace;
- (3) obstruct or hinder free passage of vehicles or pedestrians;
- (4) obstruct or interfere with any person lawfully in any public place;
- (5) engage in begging;
- (6) engage in gambling;

- (7) engage in prostitution or solicitation for sexual conduct;
- (8) solicit or engage in an unlicensed business or activity;
- (9) possess or use unlawful drugs or controlled substances; or
- (10) use or possess alcoholic beverages, beer, or wine.

b. *Violation.* Any person loitering in any public place as defined above may be ordered by any law enforcement officer to leave that place. Any person who refuses to leave after being ordered to do so by a law enforcement officer shall be guilty of a misdemeanor. Nothing in this section shall be construed or enforced in a manner to restrict the lawful exercise of freedom of speech, religion, or association.

§ 3-312. Discharge of weapons.

It shall be unlawful for any to fire or discharge within the town any firearm, weapon, air rifle, pellet gun, or target gun. This section does not apply to law enforcement officers in performance of official duties, a person legally protecting property, or persons in indoor target ranges.

(Ordinance of 5/8/1980)

§ 3-313. Solicitation.

a. It shall be unlawful for any person to distribute material, make any solicitation, or conduct any transaction with any pedestrian or occupant of a vehicle traveling or standing within that portion of the street in the town set aside for vehicular travel, including medians, islands, and parking spaces.

b. It shall be unlawful for any person while upon any public sidewalk in the town to accost, stop, or attempt to stop persons passing by with the intent to induce them to enter any place where merchandise or services are sold, or to solicit trade, business, or patronage for any place of business, or to molest or attempt to molest persons on the sidewalk by such solicitation.

§ 3-314. Prostitution.

a. It shall be unlawful for any person to engage in prostitution in the town.

b. It shall be unlawful for any person to lease, maintain, live in, visit, invite others into, or permit the use of a place that is used for purposes of prostitution, assignation, or lewd and lascivious acts.

§ 3-315. Amusements; hours of operation.

It shall be unlawful for any person to keep open a place of amusement, arcade, coin-operated game machine, billiard table, dancing or activities using musical instruments or devices between the hours of 2:00 a.m. and 7:00 a.m. on weekdays, and between 2:00 a.m. on Saturday and 7:00 a.m. on the following Monday.

§ 3-316. Trespassing; posted property.

It shall be unlawful for a person to enter upon the lands of another after notice from the owner or tenant prohibiting entry. Proof of the posting of a written notice in four conspicuous places on the borders of the property shall be conclusive evidence of notice for a charge of trespassing

§ 3-317. Noise.

a. It shall be unlawful for any person to make, continue, or cause to be continued, any loud, excessive, or disturbing noise, or any noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the town. The following acts, among others, are declared to be loud, excessive, or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:

- (1) *Blowing horns:* 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, television, etc:* The playing of a radio, hi-fi, stereo set, phonograph, piccolo, television or any musical instrument in such manner or with such volume as to annoy or disturb any person, or the playing of such instrument in such manner as to annoy or disturb the quiet, comfort or repose of any person.
- (3) *Pets:* The keeping of any animal or bird which by causing frequent or long continues noise shall disturb the comfort or repose of any person in the vicinity.
- (4) *Use of vehicle:* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or used or repaired in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.
- (5) *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 therefrom.
- (6) *Devices using compressed air:* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- (7) *Building operations:* The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than from official sunrise to 10:00 p.m. except in cases of urgent necessity in the interest of public safety, and then only with a permit from the town clerk-treasurer.
- (8) *Schools, churches, etc.:* Creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while in session, or adjacent to any church or synagogue during religious services, which interfere with the work or worship in any such place or institution.
- (9) *Loading and unloading operations:* The creation of loud and excessive noises in connection with loading or unloading any vehicle, railway car, or opening and destroying bales, boxes, crates and containers.

- (10) *Hawking, peddling or soliciting*: Shouting, loud talking, crying or soliciting by peddlers, hawkers, solicitors and vendors which disturbs the quiet and peace of the neighborhood, or any person therein.
- (11) *Attracting attention*: The use of any drum, noise makers or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or display or advertisement of merchandise, by the creation of noise.
- (12) *Loud speakers or amplifiers on vehicles*: The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.
- (13) *Business noises at night near residences*: The operation of any place of business in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy and 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 a residence.

b. A loud, excessive, or disturbing noise is defined as any sound regulated by this section, which is plainly audible and deemed inappropriate by any law enforcement officer at a distance of fifty (50) feet from its source.

c. The complaints of three (3) or more persons, or of one (1) or more persons, when combined with the complaint of a police officer, is prima facie evidence that a sound regulated by this section annoys, disturbs, or endangers the comfort, repose, health, peace or safety of others, in violation of this Article.

d. Noises audible in public streets or public places that violate the standards of this Article are hereby declared to be public nuisances that may be abated by any law officer.

Article IV
Traffic

§ 3-401. Adoption of state law.

The provisions of the "Uniform Act Regulating Traffic on Highways" contained in S.C. Code Title 56, Chapter 5, are hereby adopted by reference and shall apply to pedestrians and vehicles on all streets within the town.

State law reference - S.C. Code 1976, § 56-5-30.

§ 3-402. Speed limits.

It shall be unlawful to operate any vehicle in the town in excess of twenty-five (25) miles per hour unless a different speed limit is posted. The speed limit on North Trenholm Road is forty (40) miles per hour.

§ 3-403. Bicycle lights.

Every bicycle ridden on the streets of the Town between sundown and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of 500 feet to the front and with a lamp to the rear exhibiting a red light, visible of a distance of at least 500 feet to the rear, except that a red reflector meeting the requirements of this section may be used in lieu of a red light.

(Amend. Ord. of 7/11/1985)

§ 3-404. Trucks prohibited on certain streets.

It shall be unlawful for any person to operate a through truck exceeding twenty-five (25) feet in length, except emergency vehicles, on any street which has been designated by resolution of Town Council and posted pursuant to S.C. Code Ann. § 56-5-720 with signs prohibiting trucks.

§ 3-405. Wrecker services to report accidents.

The person in charge of any garage or repair shop or wrecker service to which is brought any motor vehicle, or which is asked to furnish wrecker service for any motor vehicle which shows evidence of having been involved in an accident causing personal injury or death to any person or damage to any other vehicle or fixture on or near the highway or roads in the Town of Arcadia Lakes, shall report the same to the clerk-treasurer or mayor within twenty-four (24) hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner and or the operator of such vehicle. If wrecker service is to be furnished for the removal of a vehicle involved in an accident as aforesaid then before the said wrecker removes said vehicle from the scene of the accident said wrecker service shall file with the South Carolina Highway Patrol and/or the Richland County Sheriff's Department the information concerning the vehicle and its owner or operator heretofore described provided, nevertheless, that said wrecker may move any vehicle involved in an accident from the highway or any other place adjacent thereto which may constitute a traffic hazard so long as the vehicle remains in the immediate vicinity of the scene of the accident.

(Ord. of 6/14/1967, para. 6, Amended on 6/01/1989)

§ 3-406. Driving across private property.

It shall be unlawful for any person driving a vehicle to use a private driveway or business entrance or exit as a roadway, thoroughfare, short cut, or means to make a prohibited "U" turn.

§ 3-407. Boarding or alighting from moving vehicle.

No person shall board or alight from any moving vehicle.

§ 3-408. Skates and toy vehicles restricted.

No person on skates, skateboard, coaster, sled, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk or upon a street designated as a play street.

§ 3-409. Towing bicycle, etc., prohibited.

No operator of any vehicle shall tow any person on a bicycle, motorcycle, moped, skates, skateboard, coaster, sled, toy vehicle or similar device on a roadway.

§ 3-410. Riding on portion of vehicle prohibited.

No person shall ride on any portion of a vehicle not designed or intended for use of passengers. This provision does not apply to an employee engaged in the necessary discharge of duty, or to persons riding within truck bodies in space intended for merchandise.

§ 3-411. Using vehicle for advertising.

No person shall operate or park any vehicle on any street for the primary purpose of advertising.

§ 3-412. Stopping, standing and parking.

It shall be unlawful for any person to stop, stand or park any vehicle on any street in any of the following places or for any of the following purposes:

- (a) Leaving less than twelve (12') feet from the centerline of the roadway for vehicular traffic, except for temporary loading or unloading of passengers or in obedience to traffic control officers or devices;
- (b) In a tree zone or planted area;
- (c) In a designated and posted no parking area;
- (d) An unauthorized vehicle in a loading zone;
- (e) In excess of the time allowed by signs;
- (f) For the purpose of selling, repairing, washing or lubricating a vehicle;
- (g) Blocking a driveway or access to private or public property;

- (h) For the purpose of loading or unloading goods in a business district, except in designated loading zones;
- (i) In a manner or location contrary to the manner or location indicated by traffic control signs, markings or officers;
- (j) Unauthorized vehicle in designated and marked space for use by an official, emergency use, handicapped parking, taxicab stand, or bus stop;
- (k) Taxicab, bus, or public carrier in a space not specifically designated and posted for such purpose; or
- (l) Commercial vehicle on the right of way of a residential street, except while loading or unloading.

§ 3-413. Unlicensed vehicles.

The owner of, or person in control of, a vehicle without a valid current state license plate permitting operation on public highways shall keep it stored, parked or located in a completely enclosed building. Licensed automobile dealerships and trailers utilized as temporary structures in conjunction with permitted construction activities are exempt from this requirement.

(Ordinance of 8/12/2000)

§ 3-414. Parades, Processions and Races

(1) Permit required.

Be it ordained by the Town Council of Arcadia Lakes, South Carolina, after consideration of the activities and conditions affecting the safety of motorists and pedestrians, that it shall be unlawful for any person or group to engage in, participate in, aid, form, start, or stage any parade, march, ceremony, or procession of any kind, or rallies or demonstrations or any fast walking, running, marathon or other similar event in or upon any street, sidewalk or park owned or within the corporate limits of the town without first having secured a permit; provided however, that funeral processions are exempted from this section. (See also § 3-309)

(2) Application.

A person seeking the issuance of a permit shall file an application with the town clerk on forms provided by the town.

(3) Filing period.

An application for a permit shall be filed with the town clerk not less than seven (7) days before the date on which the proposed parade/race is to be conducted.

(4) Contents.

The application for a permit shall set forth the following information:

- a. The name, address, and telephone number of the person(s) seeking to conduct such parade/race and the signature of the person(s) or the authorized agent(s);
- b. If the parade/race is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organizations;
- c. The name, address, and telephone number of the person(s) who will be the parade/race chairman;
- d. The date the event is to be conducted;
- e. The route to be travelled, to include the starting and termination points;
- f. The approximate number of persons, animals and vehicles involved;
- g. The hours when such event will start and terminate;

- h. The location by street or other reasonable physical description of any and all assembly areas for such event;
- i. Any additional information which the town clerk shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

(5) Late applications.

Where good cause is shown therefor, the town clerk shall have the authority to consider any application hereunder which is filed in less than the required periods applicable for the size of the proposed event.

(6) Standards of issuance.

The town clerk shall issue a permit subject to the following:

- a. The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic;
- b. The concentration of persons, animals, and vehicles at assembly points will not unduly interfere with proper fire and police, or ambulance service;
- c. The conduct of the event is not reasonably likely to cause injury to persons or property or to provoke disorderly conduct.
- d. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay.

(6) Notice of permit or rejection.

The town clerk shall act upon the application for a permit within two (2) business days after the filing thereof.

(7) Appeal procedure.

Any person aggrieved shall have the right to appeal the denial or limitation of a permit to the town council. The appeal shall be taken within five (5) days after receipt of the notice of denial or limitation. The town council shall act not later than its next regular meeting after receipt of the notice of appeal.

(8) Revocation of permit.

The town clerk shall have the authority to summarily revoke a permit issued hereunder upon violation of the standards or issuance as set forth.

(9) Violations.

It shall be unlawful for any person to fail or refuse to comply with the provisions of this article, or the terms and conditions of any permit issued hereunder.

(10) Effective.

This ordinance shall be effective upon approval of Council and the signatures of the mayor and clerk attest to the same by affixing their signatures and date.

(Ordinance signed 4/23/2015)