

ARTICLE 15

GENERAL OFFENSES

ARTICLE 15

GENERAL OFFENSES

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ARTICLE 15

GENERAL OFFENSES

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¹ Amended by Ordinance 2005-1. Effective 3-8-05.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 1

OFFENSES AGAINST PROPERTY

Section 15-101 Aid/Abet/Attempt Theft of Cable Television Service, 1st

(a) It is unlawful for any person to assist, instruct, aid or abet, or attempt to assist, instruct, aid or abet any other person in obtaining any cable television service without payment of the lawful charge therefore. (Section 16-11-830, S.C. Code of Laws, 1976).

(b) Any person who violates this section is guilty of a misdemeanor and upon conviction for a first offense must be fined not more than Two Hundred (\$200) Dollars or imprisoned for not more than thirty (30) days. (Section 16-11-855, S.C. Code of Laws, 1976).

Section 15-102 Altering or Removing Landmarks

If any person shall knowingly, willfully, maliciously or fraudulently cut, fell, alter or remove any certain boundary tree or other allowed landmark, such person so offending shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding One Hundred (\$100.00) Dollars or imprisoned not exceeding thirty (30) days. (Section 16-11-680, S.C. Code of Laws, 1976).

Section 15-103 Altering, Tampering With or Bypassing Electric, Gas or Water Meters; Penalties

(a) It shall be unlawful for any person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity or gas or water.

(b) Any meter found in a condition which would cause electricity or gas or water to be diverted from the recording apparatus of the meter, or to cause such meter to inaccurately measure the use of electricity or gas or water or the attachment to a meter or distribution wire of any device, mechanism or wire which would permit the use of unmetered electricity or gas or water or would cause a meter to inaccurately measure the use thereof, shall be *prima facie* evidence that either the person in whose name such meter was installed, or the person for whose benefit electricity or gas

or water was diverted, caused the electricity or gas or water to be diverted from going through the meter or the meter to inaccurately measure the use of the electricity or gas or water.

(c) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned for a term not to exceed thirty (30) days. (Section 16-13-385, S.C. Code of Laws, 1976).

Section 15-104 Automobile Tampering

(a) A person who, with intent and without right to do so, damages a vehicle or damages or removes any of its parts or components is guilty of a misdemeanor.

(b) A person who, without right to do so and with intent to commit a crime, tampers with a vehicle or goes in or on it or works or attempts to work any of its parts or components or sets or attempts to set it in motion is guilty of a misdemeanor. (Section 16-21-90, S.C. Code of Laws, 1976).

Section 15-105 Burning of Combustible Materials¹

(1) Open burning is prohibited, except in emergency situations as determined by Council for the Town of Kiawah Island, South Carolina.

(a) No property owner, property owner guest or any other individual or group of individuals shall be allowed to construct a ceremonial or recreational fire on the beach (i.e., from the dune line to mean low water mark) or in any open area without first having submitted an application for a permit to the Town of Kiawah Island setting forth the proposed date, time, location and responsible party for said fire. The application must be reviewed and approved in writing by the St. John's Fire District before being submitted to the Town. The Town shall notify the applicant in writing of its acceptance or rejection of the permit. No permits shall be granted for any fire on the beach from dusk to dawn between May 1st and October 31st.

(b) Open burning in connection with the preparation of food for immediate consumption, will be exempt, provided however;

¹ Amended by Ordinance 2005-1. Effective 3-8-05.

1. The energy source for cooking on any wooden deck is limited to either an electric or bottled gas type barbecue grill, and an effective means to extinguish a fire is immediately available;
2. Outdoor cooking on any deck or patio area of any multiple dwelling complex is hereby prohibited.

(2) Any person violating any provision of this Article shall be deemed guilty of an offense and shall be subject to a fine of up to Five Hundred (\$500.00) Dollars or imprisonment for not more than thirty (30) days, or both, upon conviction. Each day of violation shall be considered a separate offense.

Section 15-106 Defrauding Public Accommodations, Proof; Exception

(a) No person shall obtain food, lodging or other accommodation at any hotel, motel, inn, boarding, eating or rooming house or place, or any other lodging place, with the intent to defraud the owner or keeper.

(b) Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property, or that the person gave a check or negotiable paper on which payment was refused, or that the person left the hotel, motel, inn, boarding, eating or rooming house or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation, or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be *prima facie* proof of attempt to defraud.

(c) This section shall not apply where there has been an agreement in writing for delay in payment.

Section 15-107 Failure to Return Rented Objects; Fraudulent Appropriation of Such Less Than \$1,000

(a) A person having any motor vehicle, trailer, appliance, equipment, or tool in his possession or under his control by virtue of a lease or rental agreement is guilty of larceny if he:

- (1) willfully and fraudulently fails to return the motor vehicle, trailer, appliance, equipment, or tool within

seventy-two hours after the lease or rental agreement has expired;

(2) fraudulently secretes or appropriates the property to any use or purpose not within the due and lawful execution of his lease or rental agreement.

The provisions of this section do not apply to lease-purchase agreements or conditional sales type contracts.

(b) A person who violates the provisions of this section is guilty of a misdemeanor triable in municipal court if the value of the rented or leased item is One Thousand (\$1,000.00) Dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury. (Section 16-13-420(B)(3), S.C. Code of Laws, 1976).

Section 15-108 Fraudulent Check, Under \$500, 1st

The Town of Kiawah Island hereby adopts by reference Section 34-11-60 of the S.C. Code of Laws, 1976, as amended and any subsequent amendments thereto as well as the penalty provisions set forth in Section 34-11-90(a) of the S.C. Code of Laws, 1976, as amended. (Sections 34-11-60 and 34-11-90(a), S.C. Code of Laws, 1976).

Section 15-109 Larceny, Less Than \$1,000

Simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of personality of which by law larceny may be committed, or of any fixture, part, or product of the soil severed from the soil by an unlawful act, or has a value of One Thousand (\$1,000.00) Dollars or less, is petit larceny, a misdemeanor, triable in the municipal court. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury. (Section 16-13-30(A), S.C. Code of Laws, 1976).

Section 15-110 Larceny of Bicycles, Less Than \$1,000

The larceny of a bicycle is a misdemeanor and, upon conviction, the person must be punishable at the discretion of the court. When the value of the bicycle is less than One Thousand (\$1,000.00) Dollars, the case is triable in municipal court and, upon conviction, the person must be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than thirty (30) days. (Section 16-13-80, S.C. Code of Laws, 1976).

Section 15-111 Malicious Injury to Personal Property, Less Than \$1,000

(a) It is unlawful for a person to willfully and maliciously injure or destroy any personal property of another.

(b) A person who violates the provisions of this section is guilty of a misdemeanor triable in municipal court if the injury or loss of property is One Thousand (\$1,000.00) Dollars or less. (Section 16-11-510(A)(B)(3), S.C. Code of Laws, 1976).

Section 15-112 Malicious Injury to Real Property, Less Than \$1,000

(a) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure a tree, house, outside fence, or fixture of another or commit any other trespass upon real property of another.

(b) A person who violates the provisions of this section is guilty of a misdemeanor triable in municipal court if the amount of injury or damage to the property is One Thousand (\$1,000.00) Dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment of the grand jury. (Section 16-11-520(A)(B)(3), S.C. Code of Laws, 1976).

Section 15-113 Possession of Stolen Vehicle, Less Than \$1,000

A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, is guilty of a misdemeanor triable in municipal court if the value of the vehicle is One Thousand (\$1,000.00) Dollars or less. Upon conviction, the person must be fined, imprisoned, or both, not more than is permitted by law without presentment or indictment by the grand jury. (Section 16-21-80(1), S.C. Code of Laws, 1976).

Section 15-114 Receiving Stolen Goods, Less Than \$1,000

It is unlawful for a person to buy, receive, or possess stolen good, chattels, or other property if the person knows or has reason to believe the goods, chattels, or property is stolen. A person is guilty of this offense whether or not anyone is convicted of the theft of the property. A person who violates the provisions of this section is guilty of a misdemeanor triable in municipal court

if the value of the property is One Thousand (\$1,000.00) Dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury. (Section 16-13-180(1), S.C. Code of Laws, 1976).

Section 15-115 Shoplifting, Less Than \$1,000

(a) A person is guilty of shoplifting if he:

(1) takes possession of, carries away, transfers from one person to another or from one area of a store or other retail mercantile establishment to another area, or causes to be carried away or transferred any merchandise displayed, held, stored, or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use, or benefit of the merchandise without paying the full retail value;

(2) alters, transfer, or removes any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment, and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of the merchandise;

(3) transfers any merchandise displayed, held, stored, or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(b) A person who violates the provisions of this section is guilty of a misdemeanor triable in municipal court and, upon conviction, must be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than thirty (30) days if the value of the shoplifted merchandise is One Thousand (\$1,000.00) Dollars or less. (Section 16-13-110(A)(B)(1), S.C. Code of Laws, 1976).

Section 15-116 Stealing or Damaging Works of Literature or Objects of Art

Any person who shall steal or unlawfully take or willfully or maliciously write upon, cut, tear, deface, disfigure, soil, obliterate, break or destroy, or who shall sell or buy or receive, knowing it to have been stolen, any book, pamphlet, document,

newspaper, periodical, map, chart, picture, portrait, engraving, statue, coin, medal, equipment, specimen, recording, film or other work of literature or object of art belonging to or in the care of a library, gallery, museum, collection, exhibition or belonging to or in the care of any department or office of the State or local government, or belonging to or in the care of a library, gallery, museum, collection or exhibition which belongs to any incorporated college or university or which belongs to any institution devoted to educational, scientific, literary, artistic, historical or charitable purposes shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred (\$100.00) Dollars or imprisonment for not more than thirty (30) days. (Section 16-13-330, S.C. Code of Laws, 1976).

Section 15-117 Stealing or Killing Identifiable Dog

Any person stealing or killing any positively identifiable dog is guilty of a misdemeanor and upon conviction must be fined not more than Five Hundred (\$500.00) Dollars or imprisoned for not more than thirty (30) days. (Section 47-3-530, S.C. Code of Laws, 1976).

Section 15-118 Stopping Payment on Check With Intent to Defraud, Under \$500, 1st

It shall be unlawful for any person with intent to defraud to stop payment on any check, draft or other written order on any bank or depository for the payment of money or its equivalent when such check, draft or other written order was given to obtain money, credit, goods or services; provided, that such money, credit, goods or services were as represented at the time of the issuance of any check, draft or written order. Any person so convicted shall be punished by a fine or imprisonment as provided for in Section 34-11-90 of the S.C. Code of Laws, 1976, as amended. (Section 34-11-80, S.C. Code of Laws, 1976).

Section 15-119 Trespassing With Notice

Any person who, without legal cause or good excuse, enters into the dwelling house, place of business or on the premises of another person after having been warned within six months preceding not to do so or any person who, having entered into the dwelling house, place of business or on the premises of another person without having been warned within six (6) months not to do so, fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession or his agent or representative shall, on conviction, be fined not more than Two Hundred (\$200) Dollars or be imprisoned for not more than thirty (30) days.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 2¹

OFFENSES AGAINST PUBLIC PEACE

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1 Amended by Ordinance 2000-8. Effective 11/28/00.

2 Created by Ordinance 2003-8. Effective 1/1/05.

3 Amended by Ordinance 2005-1. Effective 3/8/05.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 2

OFFENSES AGAINST PUBLIC PEACE

Section 15-201 Assault (Simple)

(a) No person shall attempt or offer with unlawful force or violence to do bodily harm to another person, whether the attempt or offer is consummated.

(b) The Town of Kiawah Island, South Carolina, hereby adopts by reference Sections 22-5-150, 22-3-550 and 22-3-560 of the Code of Laws of South Carolina, 1976, and the penalties set forth therein. (Section 22-5-150 of the S.C. Code of Laws, 1976).

Section 15-202 Contempt of Court - Municipal Court

(a) The Municipal Court of the Town of Kiawah Island, South Carolina, shall have jurisdiction to try all cases arising under the ordinances of the municipality for which established. The court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters. (Section 14-25-45, S.C. Code of Laws, 1976).

(b) Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment for thirty (30) days, or both, provided a different penalty is not specifically herein stated. (Section 14-25-65, S.C. Code of Laws, 1976).

Section 15-203 Destruction of Sea Oat or Venus Flytrap Plant

It shall be unlawful for any person to cut, collect, break or otherwise destroy sea oat plants, Venus-flytrap plants or any part thereof on public property or on private property without the owner's consent. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned

not more than thirty (30) days. Each violation shall constitute a separate offense. (Section 16-11-590, S.C. Code of Laws, 1976).

Section 15-204 Disorderly Conduct

(a) Any person who shall be (a) found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise conducting himself in a disorderly or boisterous manner, (b) use obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church or (c) while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse, discharge any gun, pistol or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars or be imprisoned for not more than thirty (30) days. (Section 16-17-530, S.C. Code of Laws, 1976).

(b) Additionally, a person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder, or nuisance, or intentionally does any of the following in a public place:

(1) commits an act in a violent and/or tumultuous manner toward another person whereby that person is placed in danger of his life, limb, or health;

(2) commits an act in a violent and/or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

(3) causes, provokes, or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another;

(4) interferes with another's pursuit of a lawful occupation by acts of violence; or

(5) obstructs, either singularly or jointly with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such community way when ordered to do so by county police or other lawful authority, including a Town Code Enforcement Officer. (Section 16-17-520, S.C. Code of Laws, 1976).

Section 15-205 Drinking on Premises of Liquor Establishments, 1st Offense

(a) It shall be unlawful for any person to drink alcoholic liquors on the premises of any retail, wholesale or manufacturing alcoholic liquor business or business establishment. (Section 61-13-350, S.C. Code of Laws, 1976).

(b) Any violation of this provision shall be a misdemeanor, and anyone violating this provision shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment for not more than thirty (30) days. (Section 61-13-430, S.C. Code of Laws, 1976).

Section 15-206 Failure to Post Notice of Age Restriction by Business Selling Beer, Wine or Liquor

(a) Every person engaged in the business of selling at retail beer, wine, or liquor shall post in every location for which he has obtained a license or permit a sign with the following words printed thereon: "The possession of beer, wine, or liquor, by anyone under twenty-one years of age, is a criminal offense under the Laws of this State, and it is also unlawful for any person to knowingly give false information concerning his age for the purpose of purchasing beer, wine, or liquor."

The department shall prescribe by regulation the size of the lettering and the location of the sign on the seller's premises.

(b) Any retail seller of beer, wine, or liquor who fails to display the sign required by the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than One Hundred (\$100.00) Dollars or imprisoned for not more than thirty (30) days. (Section 61-13-885, S.C. Code of Laws, 1976).

Section 15-207 Failure to Secure Required Beer or Wine Sale Permit

Any dealer, wholesale or retail, failing to secure a permit required in this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars or imprisonment for not less than ten (10) days nor more than thirty (30) days in the discretion of the court. Each day that such business is carried on without a permit shall constitute a separate offense. (Section 61-9-390, S.C. Code of Laws, 1976).

Section 15-208 False Representation of Age to Obtain Liquor

(a) It shall be unlawful for any person under the age of twenty-one years to purchase, or knowingly have in his possession any alcoholic liquors. Any such possession shall be prima facie evidence that it was knowingly possessed. It shall also be unlawful for any person to falsely represent his age for the purpose of procuring alcoholic liquors.

(b) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Twenty Five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars or be imprisoned for not more than thirty (30) days. (Section 20-7-380, S.C. Code of Laws, 1976).

Section 15-209 Fireworks and Explosives³

(a) It shall be unlawful for any person to use, fire, shoot, or discharge any fireworks within the corporate limits of the Town except for use in public display or exhibit under the provisions of Subparagraph (b), except as provided by Subparagraph (c), and except that the provisions of this Section shall not include nor prevent the possession or use of toy cap pistols and toy pistol paper caps which contain not more than twenty hundredths (.20) of a grain of explosive mixture and fireworks known as "sparklers." The use and possession of such toy cap pistols, toy pistol paper caps and sparklers shall be permitted at all times.

(b) It shall be unlawful for any person to use fireworks in public displays or exhibits; provided that, such displays or exhibits of fireworks shall be lawful only where the person desiring to give the same shall have first obtained written approval from the St. Johns Fire District and the Town. The Town may, in its absolute discretion, grant or refuse to grant the permission so applied for, or may grant the same subject to such restrictions and limitations as may, in its absolute discretion, deem to be in the interest of public safety in connection with such display or exhibit. Only experienced fireworks professionals shall be eligible for a permit.

(c) Nothing contained in Subparagraphs (a) and (b) shall be construed as prohibiting the use of signals necessary for the safe operation of buses, trucks or boats within this Town, nor shall such provisions apply to any common carrier, while

³ Amended by Ordinance 2005-1. Effective 3/8/05.

acting as such, lawfully transporting or having custody of fireworks in interstate commerce or for delivery within this Town for use as provided in Subparagraphs (a) and (b).

Section 15-210 Giving Beer, Wine or Alcohol to Minor

(a) It is unlawful for a person to transfer or give to any person under the age of twenty-one years for the purpose of consumption any beer, wine, or alcoholic liquor at any place within the State. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than Two Hundred (\$200.00) Dollars or imprisoned not more than thirty (30) days.

(b) The provisions of this section do not apply to a spouse over the age of twenty-one giving beer, wine, or alcoholic liquor to his spouse under the age of twenty-one in their home, to a parent or guardian over the age of twenty-one giving beer, wine, or alcoholic liquor to his children or wards under the age of twenty-one in their home, or to a person giving beer, wine, or alcoholic liquor to another person under the age of twenty-one in conjunction with a religious ceremony or purpose if the beer, wine, or alcoholic liquor was lawfully purchased. (Section 61-13-287, S.C. Code of Laws, 1976).

Section 15-211 Harassment (No Prior Harassment or Stalking of Same Victim Within 7 Years); Penalties

(a) The Town of Kiawah Island hereby adopts by reference Section 16-3-1700 of the Code of Laws of South Carolina, 1976, as amended, and any subsequent amendments thereto. (Section 16-3-1700 of S. C. Code of Laws, 1976).

(b) A person who engages in harassment is guilty of a misdemeanor and, upon conviction, must be fined not more than Five Hundred (\$500.00) Dollars, imprisoned not more than thirty (30) days, or both. (Section 16-3-1710(A), S.C. Code of Laws, 1976).

Section 15-212 Ill-treatment of Animals Generally

(a) Whoever overloads, overdrives, overworks, or ill-treats any animal, or deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any animal, or causes these things to be done, for every offense is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding thirty days or by a fine of nor more than Five Hundred (\$500.00) Dollars for a first offense. (Section 47-1-40, S.C. Code of Laws, 1976).

Section 15-213 Littering

(a) No person may dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste upon any public or private property.

(b) No person may dump, throw, deposit, discard, or otherwise dispose of litter, other solid waste or yard debris in any lagoon, stream, or other waterway, except during the maintenance of bodies of water by authorized personnel.

Section 15-214 Narcotics, Controlled Substances and Aromatic Hydrocarbons - Sales, etc., Prohibited

No person shall sell, offer for sale, give away, bargain, trade, distribute in any manner, transport, use, prescribe, possess, knowingly keep, conceal or allow on premises under his control one ounce or less of marijuana or ten (10) grams or less of hashish.

Section 15-215 Refusal to Leave Public Premises After Operating Hours

Any person who, during those hours of the day or night when the premises owned or occupied by a state, county or municipal agency are regularly closed to the public, shall refuse or fail, without justifiable cause, to leave those premises upon being requested to do so by a law-enforcement officer or guard, watchman or custodian responsible for the security or care of the premises, be fined not more than One Hundred (\$100.00) Dollars or be imprisoned for not more than thirty (30) days. (Section 16-11-30, S.C. Code of Laws, 1976).

Section 15-216 Lighting Control²

To control nighttime lighting in neighborhoods, the following conditions shall be required:

- (1) Wall mounted flood lights shall be shielded and directed downward limiting the field of light within property boundaries.
- (2) Balcony lights shall be shielded and directed downward.
- (3) Outdoor lighting of all dwelling units shall be turned off from 11:00 PM to 8:00 AM, except for landscape and safety essential lighting; provided, however, outdoor lighting for beachfront dwelling units (first and second row of houses) shall be turned off from 9:00 PM to 8:00 AM from May 15 through October 31.

² Created by Ordinance 2003-8. Effective 1/1/05.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 3

OFFENSES AGAINST PUBLIC SAFETY

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| Section | 15-315 | Wading/Swimming Prohibited at Captain Sam's Inlet |
| Section | 15-316 | Parking Prohibited ² |

¹ Amended by Ordinance 2003-8. Effective 1/1/05.

² Amended by Ordinance 2006-12. Effective 1-9-07.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 3

OFFENSES AGAINST PUBLIC SAFETY

Section 15-301 Assaulting or Resisting Code Enforcement or Law Enforcement Officer

No person shall assault, resist, hinder, oppose, molest or interfere with any Code Enforcement Officer or employee of the Town, of any department or board of the Town or of any law enforcement officer in the discharge of official duties. (Section 16-5-50, S.C. Code of Laws, 1976).

Section 15-302 Bike Riding, Jogging, Roller-Blading, Skating, and Skateboarding Restricted

All persons riding bicycles, jogging, roller-blading, skating, skateboarding, or otherwise participating in similar recreational activities within the Town limits including, but not limited to, wagon-riding and/or the pushing of a baby carriage or stroller, must do so on the designated bike/recreation paths where such paths are adjacent to the community street, unless to do so may subject the persons or others to danger or be impossible given the temporary blocking, closure, or deterioration of any portion of the designated bike/recreation paths. This section is not intended to prohibit the above-named recreational activities on streets where no adjacent bike/recreation paths exist. In this instance bicycles must be ridden and other mentioned activities performed single file, near the curb or edge, with the traffic and in accordance with South Carolina law; provided, however, persons, except experienced bikers wearing reflective biker clothing, a helmet, and displaying on the bicycle a permit issued by the Town, shall not ride bicycles, jog, rollerblade, skate, skateboard, or other similar recreational activities on the Kiawah Island Parkway where it intersects with Beachwalker Drive in a westerly direction to where the Parkway intersects with Betsy Kerrison Drive. This prohibition shall not prevent such activities on the to be constructed bike path adjacent to this portion of the Parkway once such bike path has been constructed.

Bicycles may not be ridden after dark unless equipped with lights and reflectors.

Bicycles must be walked over boardwalks, to and from the beach, and

1 Amended by Ordinance 2006-4. Effective 7-11-2006.

are not permitted on the dunes.

Bicycles must not be ridden so fast that they present a hazard to pedestrians and other bikers. No racing or speed biking is permitted.

Section 15-303 Careless Operation of a Vehicle

It shall be unlawful for any person to operate any 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 or riding. The operation of any vehicle when the same or any of its appliances is not in proper or safe condition shall be *prima facie* evidence of careless driving or riding.

Section 15-304 Carrying Concealed Weapon

Any person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality the concealed weapon and must be fined not less than Two Hundred (\$200) Dollars nor more than Five Hundred (\$500) Dollar or imprisoned not less than thirty (30) days nor more than ninety (90) days. Nothing herein contained may be construed to apply to (1) persons carrying concealed weapons upon their own premises or pursuant to and in compliance with Article 4 of Chapter 31 of Title 23, or (2) peace officers in the actual discharge of their duties. The provisions of this section do not apply to rifles or shotguns, dirks, slingshots, metal knuckles, or razors unless they are used with the intent to commit a crime or in furtherance of a crime.

Section 15-305 Discharging Firearms Generally; Forfeiture of Weapons in Certain Cases; Carrying Loaded Firearms

(a) No person, except in cases of urgent necessity, shall discharge or cause to be discharged any firearm in the Town. Nothing contained in this Section shall be construed to apply to the discharge of firearms pursuant to the written permission of the Mayor or Chairman of the Public Safety Committee or for theatrical or light performances or military or similar displays.

(b) Except as provided in Section 16-23-20, South Carolina Code of Laws, 1976, as amended, no person without valid authority from the proper government agency shall carry on or about his person any firearm containing ammunition, or any

pistol, whether concealed or not and whether or not containing ammunition.

(c) Any person convicted of the violation of the provisions of this Section shall in addition to any other penalties provided by law have the weapon involved in such violation confiscated to be disposed of by the Council as provided by law. However, if any person other than the convicted person

has an interest in the weapon, that person must be given the opportunity to come forward and show, if he can, why the weapon should not be forfeited and disposed of as provided for by law.

Section 15-306 Disturbing the Peace Prohibited¹

A person shall be guilty of disturbing the peace when, within the Town limits, he makes, continues, or causes to be made or continued, any loud, and/or unnecessary noise of such character, intensity, and/or duration as to annoy, disturb, injure, and/or endanger the comfort, repose, health, peace, or safety of others within the Town limits. In addition, sound that is audible beyond the real property boundaries of the dwelling unit where sound emanates is prohibited between the hours of 11pm and 7am daily. Loud and/or unnecessary noises in violation of this section include, but are not limited to, the following acts:

(a) Loud Speakers, Amplifiers, Paging Systems: The playing, using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the community streets of the Town or upon the private property of another. This section does not prohibit the reasonable use of amplifiers or loud speakers in the course of public addresses which are commercial in character or community-sponsored events provided said events end by 11:00 p.m.

(b) Domestic Animals, Birds: The keeping of any dog, cat, bird, or other animal which habitually barks, howls, chirps, yelps, or cries on a continual or frequent basis over an extended period of time so as to materially disturb or annoy persons in the vicinity who are of ordinary sensibilities.

(c) Yelling, Shouting: Yelling, shouting, feuding, whistling, or singing on the streets or recreational areas of the Town, between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place as to annoy or disturb the peace, quiet, comfort or repose of persons in any office, dwelling, or other type of residence.

Section 15-307 Failure to Cooperate

Any person who fails to accept a Uniform Ordinance Summons from anyone authorized to issue the same, who fails to provide necessary information, or to otherwise cooperate with respect thereto, shall be guilty of a misdemeanor and shall, upon conviction, be punished

¹ Amended by Ordinance 2003-8. Effective 1/1/05.

by a fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars, or imprisonment for a period of not more than thirty (30) days.

Section 15-308 Giving False Information to Law Enforcement, Fire Department or Rescue Squad

(a) It is unlawful for any person to knowingly make a false complaint, or after notice of a criminal investigation to give false information to any law enforcement officer concerning the alleged commission of any crime by another, or for any person to knowingly give false information to any rescue squad or fire department concerning the alleged occurrence of a health emergency or fire.

(b) Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed Two Hundred (\$200.00) Dollars or by a term of imprisonment not to exceed thirty (30) days. (Section 16-17-725, S.C. Code of Laws, 1976).

Section 15-309 Loitering; Law Enforcement Officer Order to Disperse

(a) No person shall loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding, or tend to hinder or impede, the free and uninterrupted passage of vehicles, traffic or pedestrians.

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

(b) When any person causes any of the conditions or commits any acts enumerated in paragraph (a) of this section, any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be

guilty of a violation of this section.

Section 15-310 Peeping Toms

No person shall trespass upon the property or premises of another with the intent to peer or peep into the window or door of the dwelling. (Section 16-17-440, S.C. Code of Laws, 1976).

Section 15-311 Possession of Dangerous Animal, 1st

(a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

(b) No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained.

(c) A person who violates Sections 47-3-720 or 47-3-730 of the S.C. Code of Laws, 1976, as amended, or subsections (a) or (b) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than Two Hundred (\$200.00) Dollars or imprisoned not more than thirty (30) days and, upon conviction of a subsequent offense, must be fined One Thousand (\$1,000.00) Dollars none of which may be suspended or remitted. (Sections 47-3-720, 47-3-730 and 47-3-760(A), S.C. Code of Laws, 1976).

Section 15-312 Putting Foreign Substance on Highway With Malice

(a) No person may place, throw, or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance or object likely to injure any person, animal, or vehicle upon the highway. Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall remove it immediately or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious

substance dropped upon the highway from the vehicle. A violation of any of the provisions of this section is punishable by a fine of not more than One Hundred (\$100.00) Dollars or imprisonment for not more than thirty (30) days.

(b) If any person knowingly, with malicious intent, violates paragraph (a) of this section, he must be punished by a fine of not less than Two Hundred (\$200.00) nor more than Five Hundred (\$500.00) Dollars or imprisoned for not less than ten (10) nor more than thirty (30) days. (Section 57-7-20(A)(B), S.C. Code of Laws, 1976).

Section 15-313 Unlawful Acts in Emergency Area - Curfew, Congregation, Failure to Disperse

In any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of such proclamation, it shall be unlawful for any person to violate a provision set forth in the proclamation; for any person to violate the provisions of any curfew established by the proclamation; for any unauthorized persons to congregate, except in their homes, in groups of three or more and to refuse to disperse upon order of any law enforcement officer; or for any person to willfully fail or refuse to comply with any order or direction of any law enforcement officer. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred (\$500.00) Dollars or be imprisoned for not more than thirty (30) days. (Section 16-17-10(a), S.C. Code of Laws, 1976).

Section 15-314 Use of False Name to Obtain Refund From Business

(a) It is unlawful for any person to give a false or fictitious name or address, or to give the name or address of any other person without that person's approval, for the purpose of obtaining or attempting to obtain a refund from a business establishment for merchandise.

(b) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment for a term not to exceed thirty (30) days. (Section 16-13-440, S.C. Code, 1976).

Section 15-315 Wading/Swimming Prohibited at Captain Sam's Inlet

It shall be unlawful for any person to wade or swim in the waters in and around Captain Sam's Inlet.

Section 15-316 Parking Prohibited¹

- a) It shall be unlawful for any person to park on the Kiawah Island Parkway between the round-about and the first security gate, Beachwalker Drive, and the shoulder and right-of-way thereof, except those areas where parking is allowed by designated signage.
- b) Parking in the Contractor lot (front parking area) shall be restricted to Contractors and other parties doing business in Town Hall. This parking will be restricted to 30 minutes per vehicle. Town Hall, KICA and Conservancy personnel may use this area for daily parking. Contractors are prohibited from parking in the visitors area in front of Town Hall as well as in the employee areas adjacent to Town Hall.
- c) Any person violating this provision is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Hundred (\$100.00) dollars, or having their vehicle towed.

Section 15-317 Loud and Unnecessary Noise²

All clamorous crying of wares, singing, whopping, or other obstreperous, wanton, and unnecessary noises, either in the daytime or at night, which disturb the peace and quiet of the Town, whether in the public streets or on the waterways, or within enclosures, public or private, are prohibited. Any unusually loud noises, such as those caused by propane canons at night, which cause distress to persons near such noise are expressly prohibited. Nothing in this Section shall be construed to extend to such musical serenades as may be conducted with sobriety and decorum, or to chorus and decent dancing and singing at private houses, public assemblies, or at academies where persons are instructed in the arts of singing and dancing. Churches are exempt from the provisions of this Section.

1 Amended by Ordinance 2006-12. Effective 1-09-2007.
2 Added by Ordinance 2006-5. Effective 7-11-2006.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 4

OFFENSES AGAINST PUBLIC MORALS

Section 15-401 Offering Bribe to Induce Another to Procure
Public Office

ARTICLE 15

GENERAL OFFENSES

CHAPTER 4

OFFENSES AGAINST PUBLIC MORALS

Section 15-401 Offering Bribe to Induce Another to Procure Public Office

If any person shall, directly or indirectly, offer to give or engage to pay any sum of money or other valuable consideration to another in order to induce such other person to procure for him by his interest, influence or any other means whatsoever any office or place of trust within this State, whether such office is to be obtained through any general, special or primary election or from any elective tribunal, or shall offer, give, promise or bestow any reward by meat, drink or otherwise, for the aforesaid purpose. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars and suffer imprisonment for a term not exceeding six (6) months. (Section 16-9-280, S.C. Code of Laws, 1976).

ARTICLE 15

GENERAL OFFENSES

CHAPTER 5¹

FISH AND WILDLIFE REGULATIONS

| | | |
|---------|-------|-----------------------------------------------|
| Section | 5-501 | Alligator Regulations |
| Section | 5-502 | Birds of Prey |
| Section | 5-503 | Limit on Possession of Game Fish |
| Section | 5-504 | Size Restrictions of Taking Certain Fish |
| Section | 5-505 | Restrictions on Crabbing |
| Section | 5-506 | Violations of Fish, Game and Watercraft Title |
| Section | 5-507 | Penalties |

¹ Created by Ordinance 2000-8. Effective 11/28/00.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 5¹

FISH AND WILDLIFE REGULATIONS

Section 15-501 Alligator Regulations

It is unlawful for any person to feed or entice with food any alligator or alligators within the Town of Kiawah Island. This section does not apply to South Carolina Department of Natural Resources (SCDNR) personnel, persons licensed or otherwise authorized by SCDNR, or the Town's wildlife management personnel, when relocating alligators by baiting or enticement. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in an amount not to exceed two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days. (Section 50-11-750 of the SC Code of Laws, 1976).

Section 15-502 Birds of Prey Regulations

It is unlawful for any person to molest or kill any of the birds of prey within the Town of Kiawah Island. Birds of prey include all hawks, eagles, falcons, kites, vultures, owls, and ospreys. Anyone violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.

However, if the bird of prey is a bald eagle, the Town will notify the appropriate State and/or Federal agencies. Under State law, the person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) or be imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

If the bird of prey is a bald eagle, the person convicted shall also lose his privilege to hunt in this State for a period of five (5) years from the date he is convicted of this offense if the bald eagle was killed or for a period of five (5) years if the bald eagle was molested. "Convicted" for purposes of this section includes a plea of guilty or *nolo contendere* to the offense. (Section 50-11-852 of the SC Code of Laws, 1976).

¹ Created by Ordinance 2000-8. Effective 11/28/00.

Section 15-503 Limit on Possession of Game Fish

It is unlawful for a person to take or have in his possession more than ten (10) spotted sea trout (*Cynoscion nebulosus*) or five (5) red drum (*Sciaenops ocellatus*) in any one day. It is unlawful for a person to have in possession more than twenty (20) flounder (*Paralichthys species*) taken by means of gig, spear, hook and line, or similar device in any one day. The possession limit does not apply to mariculture operations or to the sale of properly identified fish imported by seafood dealers as provided in this section. The species named in this section must be landed with the head and tail fins intact. (Section 50-17-520 of the SC Code of Laws, 1976).

Any person violating the provisions of Section 15-503, upon conviction, must be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days for the first offense. For the second offense, the penalty is not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not less than twenty (20) days nor more than thirty (30) days. For the third offense, the penalty is a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for not less than sixty (60) days nor more than six (6) months. In determining applicable sentence to be imposed under the provisions of this section, one offense each year that elapses subsequent to any offense for which he has been convicted must be eradicated and the offender must be sentenced accordingly. (Section 50-17-100 of the SC Code of Laws, 1976).

Section 15-504 Size Restrictions on Taking Certain Fish

It is unlawful to take, catch, have in possession, land, or sell fish of less than the minimum size limit, and in accordance with tolerance limits, established by federal regulations under authorization of the Fishery Conservation and Management Act.

It is unlawful to take, catch, have in possession, land, or sell a spotted sea trout, known locally as winter trout, of less than thirteen (13) in total length, flounder of less than twelve (12) inches in total length, or a red drum, known locally as channel or spot-tail bass, of less than fourteen (14) inches in total length.

It is unlawful for a person to take or have in possession any red drum exceeding twenty-seven (27) inches in total length.

Spotted sea trout or red drum of less than the minimum size limits or exceeding the catch limit in Section 15-503 must be released immediately in the waters where caught.

A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty (30) days. (Section 50-17-510 of the SC Code of Laws, 1976).

Section 15-505 Restrictions on Crabbing

It is unlawful for any person to catch, destroy, confine, hold, or have in his possession, whether for individual use or for market, any crab of the genus *Callinectes sapidus* (blue crab), or allied species, of a smaller size than five inches measured from tip of one lateral spine across the back of the shell to the tip of the opposite lateral spine. (Section 50-17-720 of the SC Code of Laws, 1976).

It is unlawful for any person to catch, hold, have in his possession, or offer for sale any female crab bearing eggs visible thereon or any female crab from which the egg pouch or bunion has been removed. Nothing in this section may be construed to make it unlawful to catch such crabs unintentionally if they are forthwith, while still alive, returned to the water. (Section 50-17-710 of the SC Code of Laws, 1976).

Any person violating any of the provisions of Section 15-505, upon conviction, shall be punished as provided in Section 15-503 (Section 50-17-100 of the SC Code of Laws, 1976).

Section 15-506 Violations of Fish, Game and Watercraft Title

The Town of Kiawah Island, South Carolina, hereby adopts by reference Title 50, Fish, Game and Watercraft, Chapters 1, 5, 9, 11, 13, 15, 17, 20, and 21 of the Code of Laws of South Carolina, 1976, and any subsequent amendments thereto.

Section 15-507 Penalties

Unless a different penalty is specified, any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or imprisoned for not less than ten (10) days nor more than thirty (30) days. (Section 50-1-130 of the SC Code of Laws, 1976).

ARTICLE 15

GENERAL OFFENSES

CHAPTER 6¹

GENERAL PROVISIONS

| | | |
|---------|--------|----------------|
| Section | 15-601 | Penalties |
| Section | 15-602 | Other Offenses |

¹ Amended by Ordinance 2000-8. Effective 11/28/00.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 6

GENERAL PROVISIONS

Section 15-601 Penalties

Unless specified otherwise herein, the penalty for violating any provision of this Article shall be a fine of up to Five Hundred (\$500.00) Dollars or imprisonment for not more than thirty (30) days, or both, upon conviction.

Section 15-602 Other Offenses

The exclusion of offenses herein does not preclude Law Enforcement Officers from charging a person with violating a State criminal statute and where appropriate, such charge will be disposed of in the municipal court.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 7¹

SUMMONS ORDINANCE

Section 15-701 Summons Ordinance

¹ Amended by Ordinance 2000-8. Effective 11/28/00.

ARTICLE 15

GENERAL OFFENSES

CHAPTER 7

SUMMONS ORDINANCE

Section 15-701 Summons Ordinance

(1) Any person or entity violating any provision of the Municipal Code of the Town of Kiawah Island, South Carolina, or any Code adopted pursuant thereto, within the corporate limits of the Town of Kiawah Island may be issued a Uniform Ordinance Summons. Issuance of the Uniform Ordinance Summons shall vest jurisdiction in the Municipal Court, or a designated Magistrate's Court, to hear and dispose of the charge for which the Uniform Ordinance Summons was issued and served. The Uniform Ordinance Summons may be issued by the Chairman of the Public Safety Committee or any other Town employees designated by the Mayor or Mayor Pro Tem as Code Enforcement Officers. The bond amount for violations shall be prescribed by the Chief Municipal Court Judge, or the Magistrate so appointed to perform that function. The Chairman of the Public Safety Committee or Code Enforcement Officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the Uniform Ordinance Summons. The Uniform Ordinance Summons shall not be used to perform a custodial arrest. The Ordinance does not apply to Ordinances which regulate the use of motor vehicles within the Town.

(2) The form set forth herein as Exhibit A is hereby adopted as the Town of Kiawah Island's Uniform Ordinance Summons.