



Doc ID: 003240630002 Type: ORD  
 Recorded: 04/04/2018 at 03:19:10 PM  
 Fee Amt: \$0.00 Page 1 of 2  
 Darlington County, SC  
 Scott B. Suggs Clerk of Court / ROD

STATE OF SOUTH CAROLINA }  
 }  
 COUNTY OF DARLINGTON }

ORDINANCE NO. 18-01

File **2018-03**

**AN ORDINANCE TO AMEND DARLINGTON COUNTY CODE OF ORDINANCES, CHAPTER 50 (SOLID WASTE), SECTION 50-1 (LITTERING), BY REVISING SUBSECTION (d) (PENALTIES) TO ADOPT THE STATE'S PENALTIES FOR DUMPING LITTER ON PUBLIC AND PRIVATE PROPERTY AS MANDATED AND MODIFIED IN THE 1976 SOUTH CAROLINA CODE OF LAWS, AS AMENDED, TITLE 6, CHAPTER 11, SECTION 16-11-700(C)**

**PURPOSE**

The purpose of this ordinance is to adopt the state's penalties for dumping litter on public or private property as mandated and modified in Section 16-11-700(C) of the 1976 South Carolina Code of Laws, as amended.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of Darlington County, South Carolina, the Darlington County Council, that:

**Section I.**

Darlington County Code of Ordinances, Chapter 50 (Solid Waste), Section 50-1 (Littering), subsection (d) (Penalties), which currently reads:

**(d) Penalties.**

- (1) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction must be fined not less than \$100.00 nor more than \$200.00 for each offense. In addition to any fine and for each offense under the provisions of this section, the court must also impose a minimum of five hours of litter-gathering labor or other such public service as the court may order because of physical or other incapacities, and which is under the supervision of the court.
- (2) No part of any fine imposed pursuant to this section may be suspended. However, the court, in lieu of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor, or such other public service as the court may order because of physical or other incapacities, under the supervision of the court, not to exceed one hour for each \$5.00 of fine imposed.
- (3) For a second conviction for violation of this section, a minimum of 20 hours of community service must be imposed in addition to any fine.

- (4) In addition to any other punishment authorized by this section, in the discretion of any court in which conviction is obtained, the person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property of anyone before the date of execution of sentence.
- (5) Notwithstanding any other provision of law, magistrate's courts have jurisdiction to try violations of this section. Violations of this section may be proven by direct or circumstantial evidence.
- (6) In addition to the fines provided in this section, a fee of \$25.00 is assessed to all persons convicted or pleading guilty or nolo contendere to violating the provisions of this section. This fee goes to the county general fund and must be used to defray the costs of supervising those person who have been ordered to do public service pursuant to the provisions of this section.

**Be Deleted And Replaced With The Following:**

(d) Penalties.

The penalties are as mandated and modified in the 1976 South Carolina Code of Laws, Title 16, Chapter 11, Section 16-11-700(C).

**SECTION II.**

The provision of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Darlington as an addition or amendment thereto.

**SECTION III.**

This ordinance shall become effective upon third reading.

DARLINGTON COUNTY COUNCIL

ATTEST:

  
J. Janet Bishop  
Clerk to Council

  
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Bobby Hudson, Chairman

FIRST READING: February 5, 2018  
SECOND READING: March 5, 2018  
THIRD READING: March 5, 2018  
PUBLIC HEARING: April 2, 2018