

CHAPTER 5. BUILDINGS AND FIRE PREVENTION

ARTICLE I. IN GENERAL. STANDARD CODES

- 5.101. South Carolina Law Provisions Prevail.
- 5.102. Building Permits. Fee.
- 5.103. Industrial Buildings. Appeals to Council.
- 5.104. Permit for Removal of Building. Fee.
- 5.105. Nonresident Contractors to Obtain License.
- 5.106. Licensed Electricians. Plumbers.
- 5.107. Adoption of Standard Codes. Modifications.
- 5.108. Repeal of Conflicting Ordinances.
- 5.109. Officials to Enforce Provisions of Codes.
- 5.110. Fees.
- 5.111. Appeals.
- 5.112. Utility Connections.
- 5.113. New Materials, Processes, etc., Requiring Permits.
- 5.114. Liability not Assumed by Town.
- 5.115. Homeowner's Provisions.

ARTICLE II. FIRE PREVENTION

- 5.201. False Alarms.
- 5.202. Fire Hydrants and Waterlines.
- 5.203. Driving over Fire Hose.
- 5.204. Interfering with Firemen.
- 5.205. Tampering with Fire Equipment Unlawful.
- 5.206. Following or Parking Near Fire Equipment. Bystanders..
- 5.207. Obstructing Fire Equipment. Parking at Fire Hydrants.
- 5.208. Responding to Alarms. Right-of-way Defined.
- 5.209. Police Officers to Enforce Provisions.
- 5.210. Trash and Bonfires.
- 5.211. Buildings Burned or Destroyed more than Half its Value.
- 5.212. Unfit Dwellings.
- 5.213. Fire Hazard Upon Lots, Buildings, Premises; Accumulation, growth.
- 5.214. Riding Fire Trucks.

ARTICLE III. FIRE DISTRICT

- 5.301. Defined.

ARTICLE IV. FIRE DEPARTMENT

- 5.401. Name.
- 5.402. Volunteers. Duties. Compensation.
- 5.403. Duties and Powers of Fire Chief.
- 5.404. Members Subject to Call.
- 5.405. Fire Inspections.
- 5.406. Compliance with Notice of Fire Hazard.
- 5.407. Inquiries into Fire Origins.
- 5.408. Firemen's Insurance and Inspection Fund Board.
- 5.409. Disposition of Firemen's Insurance and Inspection Fund.
- 5.410. Fees for Outside Town Fire Calls Established.

ARTICLE V. FIREWORKS

- 5.501. Fireworks Prohibited. Penalty.
- 5.502. Toy Caps and Similar Devices Excepted.
- 5.503. Other Exceptions.
- 5.504. Permit Required for Public Displays.
- 5.505. Permissible Fireworks for Public Displays.
- 5.506. Permissible Sale of Fireworks.
- 5.507. Sale to Minors.
- 5.508. Identification and Marking.
- 5.509. Retail Handling. Storage.

ARTICLE VI. MOBILE HOMES

- 5.601. Mobile Home Defined.
- 5.602. Permit Required.
- 5.603. Application. Fee. Transfers.
- 5.604. Permanent Foundation Required.
- 5.605. Utilities Required. Fee.

CHAPTER 5. BUILDINGS AND FIRE PREVENTION

ARTICLE I. IN GENERAL. STANDARD CODES

5.101. SOUTH CAROLINA LAW PROVISIONS PREVAIL.

Should any conflict arise between the provisions of this Chapter and any South Carolina law, rule or regulation, the provisions of state law shall prevail and be controlling.

5.102. BUILDING PERMITS. FEE.

No building or structure, nor any additions thereto, shall be erected or constructed unless a permit has been issued by the Clerk and a fee paid as may be required by the several standard codes enumerated in Section 5.107 hereof.

5.103. INDUSTRIAL BUILDINGS. APPEALS TO COUNCIL.

No person, firm or corporation desiring to construct, erect or use a building for industrial purposes shall do so without first obtaining a permit from the Council or its authorized representative. Further, a public hearing on the matter shall be granted by the Council when, in its discretion, the public interest will best be served, and it is requested to do so.

5.104. PERMIT FOR REMOVAL OF BUILDING. FEE.

a. No building shall be moved within the corporate limits until a permit has been obtained therefor as provided herein. The Clerk shall not issue a permit if, in his judgment, the proposed new location of the building, within the corporate limits, would seriously increase the fire hazard of the surrounding buildings.

b. A fee shall be charged, as set forth in the Standard Building Code.*

5.105. NONRESIDENT CONTRACTORS TO OBTAIN LICENSE.

It shall be unlawful for a nonresident contractor to commence any work until a business license has been obtained therefor. It shall be the duty of the Chief of Police to assure adherence to this provision.

5.106. LICENSED ELECTRICIANS, PLUMBERS.

All electric and plumbing services, when not performed by the owner of the property, shall be performed by licensed electricians and by licensed plumbers, when same are licensed by the town.

* (Ordinance #76. 4-14-91)

5.107. ADOPTION OF STANDARD CODES. MODIFICATIONS.

The current edition of the following codes, together with the current amendments thereto, are hereby adopted by reference, as amended.

Building Code; Southern Standard

Fire Prevention Code; Southern Standard

The Council reserves the right to make modifications in said codes, as amendments thereto are promulgated by the issuing authority.

5.108. REPEAL OF CONFLICTING ORDINANCES.

Any matters in said codes which are contrary to existing ordinances shall prevail and, to that extent, any existing ordinances to the contrary are hereby repealed in that respect only.

5.109. OFFICIALS TO ENFORCE PROVISIONS OF CODES.

Within said codes, when reference is made to the duties of certain officials named therein, the town official whose duties shall correspond thereto shall be deemed to be the responsible official for enforcement.

5.110. FEES.

Fees for services and inspections, if required therein, shall conform to such fees as listed in the respective codes.

5.111. APPEALS.

Appeals from decisions of officials shall be to the Mayor and Council.

5.112. UTILITY CONNECTIONS.

No supplier of water, gas or electric service shall initiate or re-initiate service to a building unless the owner thereof has been issued a building permit or certificate of occupancy for the building.

(Editor's Note. The 1976 S. C. Code, Section 6-9-60 authorizes the adoption of standard codes by reference, as in this Article.)

5.113. NEW MATERIALS, PROCESSES, ETC., REQUIRING PERMITS.

The Mayor, the Chief of Police and the Fire Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Fire Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

5.114. LIABILITY NOT ASSUMED BY TOWN.

This Chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone insured thereby, nor shall the town be held as assuming any such liability by reason of inspection authorized herein, or certificate issued.

5.115. HOMEOWNER'S PROVISIONS.

Nothing in this Chapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this Chapter, neither is it to be construed as exempting any such property owner from obtaining a permit and having work inspected.

(Editor's Note. Section 40-59-140 was added to the 1976 S.C. Code of Laws, when signed by the Governor on June 8, 1983. It provides: "It is the duty of the...authority...issuing building or similar permits, of any incorporated municipality...to refuse to issue a permit for...a residential home builder...unless the applicant has furnished evidence that he is either licensed as required by this chapter or exempt..." and "...to report to the State Licensing Board the name and address of any person, who, in his opinion, has violated this chapter by accepting or contracting to accomplish work which would classify the person as a residential home builder...")

ARTICLE II. FIRE PREVENTION

5.201. FALSE ALARMS.

It shall be unlawful for any person to knowingly give a false fire alarm by telephoning, informing any person that an emergency exists, knowing the same to be untrue, or in any other manner, communicating falsely to the Fire Department that an emergency exists.

(1976 SC Code 16-17-570)

5.202. FIRE HYDRANTS AND WATERLINES.

It shall be unlawful for any person, except a member of the Fire Department, or a person expressly authorized by the Superintendent of the Waterworks, to open or otherwise tamper with any fire hydrant or waterline.

5.203. DRIVING OVER FIRE HOSE.

It shall be unlawful for any person, without permission of the Fire Chief, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire, for practice of the firemen or for any other lawful purpose of the Fire Department.

(1976 SC Code 56-5-3850)

5.204. INTERFERING WITH FIREMEN.

It shall be unlawful to hinder or obstruct any fireman or other authorized person while such person is answering a call to a fire or any other emergency, or to hinder or obstruct any such person who is attempting to extinguish a fire or remedy any emergency. The failure to obey any lawful order of any official of the Fire or Police Department at the scene of any emergency shall constitute a violation of this Article.

5.205. TAMPERING WITH FIRE EQUIPMENT UNLAWFUL.

It shall be unlawful for any unauthorized person to use, borrow or tamper with any equipment of the Fire Department without the express consent of the Fire Chief.

"Equipment" shall mean all vehicles, firefighting apparatus, supplies, facilities or other material belonging to the Fire Department.

5.206. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.

No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm

Closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to an alarm. Bystanders shall stay a safe distance away.

5.207. Obstructing Fire Equipment. Parking at Fire Hydrants.

No person shall park any vehicle or otherwise cause any obstruction to fire equipment at a fire or at an entrance to the fire station nor park within fifteen (15) feet of any fire hydrant. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in the line of duty at or proceeding to a fire.

(1976 SC Code 56-5-2530)

5.208. Responding to Alarms, Right-of-Way Defined.

All motor equipment of the Fire Department, Police Department and the vehicles of volunteer fireman shall have the right-of-way over all other vehicles when responding to an alarm.

5.209. Police Officers to enforce provisions.

Police officers shall enforce the provisions of this Chapter. Immediately upon their arrival at the scene of a fire, and subject to availability of personnel, they shall station one police officer at each end of the block wherein the fire occurs and shall require motor vehicles or other vehicles parked within said block to be moved immediately.

5.210. Outdoor Burning.

5.210.1. Penalty for violation of article.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment in accordance with Article VIII section 14.803.

5.210.2. Compliance with article provisions.

No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the Town limits, except as stated in this article.

5.210.3. Location of residential yard debris burning.

Open burning of leaves, tree branches or yard trimmings on the premises of private residences and burned on those premises, must be located not less than 75 feet from any structure and not less than 75 feet from the property line and adequate provision is made to prevent the fire from spreading within 75 feet of any structure. Open burning for the purpose of land clearing or right-of-way maintenance must be conducted in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.

5.210.4. Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.

The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.

5.210.5. Fires shall be prohibited as follows.

- (a) The State Forester or Fire Chief may prohibit open burning when atmospheric conditions, local circumstances or other conditions exist that would make such fires hazardous.
- (b) The following materials shall not be burned in an open fire. Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.
- (c) Open burning for the purpose of land clearing and right-of-way maintenance. Except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.
- (d) Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).

5.210.6. Criteria for determining hazards.

Reasonable criteria shall be established by the State Forestry Department or Fire Department to assist in determining when outdoor fires may be hazardous. This criteria may include air quality standards as well as various fire danger indexes.

5.210.7. Prohibited on city/county roads, drainage rights-of-way and adjacent areas.

Open burning shall be prohibited on all city/county roads and drainage rights-of-way, or within an area that may cause damage to such areas.

5.210.8. Exemptions.

(a) This article does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the state forestry commission.

(b) This article is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth that are done in a safe manner.

(c) Fires set for the purpose of training public fire-fighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of fire-fighting personnel. These will be exempt only if the drills are solely for the purposes of fire-fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by DHEC is required only for sites which are not established training sites.

5.210.9. Restrictions; exceptions.

Smoke production must be ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day with the exception of fires in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth and fires where time parameters are already regulated by the Department of Environmental Control Regulation 61-62.2.

5.210.10. Hazardous or toxic materials.

Hazardous or toxic materials shall not be burned.

5.210.11. Civil and criminal liability.

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

5.210.12. Conflicts of article with state law.

The provisions of this article shall prevail and be controlling over provisions of state law if such is allowed by state law. Otherwise, if any conflict arises between the provisions of this article and any state law, the provisions of state law shall prevail and be controlling.

(Ord. 2010-6 9/9/10)

5.211. Buildings burned or destroyed more than half its value.

Buildings which may have been or hereafter be damaged by fire, decay or otherwise to an amount greater than one-half its value, exclusive of the foundation, shall not be repaired or rebuilt but shall be removed.

(1976 SC Code 5-25-1160)

5.212. 1. Repair, closing or demolishing unfit dwellings.

Whenever the Town of Chesterfield finds that there exist in the town unoccupied dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the town, such town may exercise its police powers to repair, close or demolish any such dwelling.

5.212.2. Provision governing unfit dwelling.

The following provision shall apply to this ordinance.

- (1) That the Codes Enforcement Director be designated to exercise the powers prescribed by this ordinance:
- (2) That whenever a petition is filed with the Codes Enforcement Director by a least five residents of the town charging that any dwelling is unfit for human habitation or whenever it appears to the Codes Enforcement Director (on his motion) that any dwelling is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Codes Enforcement Director or his designated agent at a place therein fixed not less than ten days nor more than thirty days after serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and given testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Codes Enforcement Director'
- (3) That if, after such notice and hearing, the Codes Enforcement Director determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
 - (a) If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation or
 - (b) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling;

That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Codes Enforcement Director may cause such dwelling to be repaired, altered or improved or be vacated and closed; that the Codes Enforcement Director may cause to be posted on the main entrance of

- (4) unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful”;
- (5) That, if the owner fails to comply with the order to remove or demolish the dwelling, the Codes Enforcement Director may cause such dwelling to be removed or demolished; and
- (6) That the amount of the cost of such repairs, alternations or improvements, vacating and closing or removal or demolition by the Codes Enforcement Director shall be a lien against the real property upon which such cost was incurred.

5.212.3

Nothing contained in this ordinance shall be construed to impair or limit in any way the power of a town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

5.212.4 Standards for determining fitness of dwelling for human habitation.

The Codes Enforcement Director may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents in the town. Such conditions may include the following (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair, structural defects; uncleanliness.

5.212.5. Service of complaints or orders; posting and filing copies.

Complaints or orders issued by the Codes Enforcement Director shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the Codes Enforcement Director in the exercise of a reasonable diligence and the Codes Enforcement Director shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two weeks in a newspaper printed and published in the county or in the absence of such newspaper, in one printed and published in the municipality and circulating in the county. A copy of such complaint or order shall also be filed with the Clerk of Court of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provide by law.

5.212.6. Rights of persons affected by orders.

Any person affected by an order issued by the Codes Enforcement Director may within sixty days after posting and service of the order petition the circuit court for an injunction restraining the Codes Enforcement Director from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the Codes Enforcement Director pending the final disposition of the cause. Hearings shall be had by the court on such petitions within twenty days or as soon thereafter as possible and

shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be entitled to recover any damages for action taken pursuant to any order of the Codes Enforcement Director or because of compliance by such person with any order of the Codes Enforcement Director.

5.212.7. Provisions in ordinance with respect to powers of public officer.

The Codes Enforcement Director is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinances; and
- (5) To delegate any of his functions and powers under the ordinances to such officers and agents as he may designate.

5.212.8 Sale of materials of removed or demolished dwelling.

If a dwelling is removed or demolished by a Codes Enforcement Director, he shall sell the materials of such dwelling and shall credit the proceeds of such manner as may be directed by such court and shall be disbursed by court to the persons found to be entitled thereto by final order or decree of such court.

5.212.9 Article provisions are cumulative.

Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of any municipality in the county to enforce any provision of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

5.213. FIRE HAZARD UPON LOTS, BUILDINGS, PREMISES; ACCUMULATION, GROWTH, ETC.

a. It shall be unlawful for any owner, tenant, occupant, person possessing, or any other person, to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.

b. It shall be the duty of the Fire Chief, or his authorized agents, to notify any person of a violation of this Section and to suggest proper action or precautions.

c. Any person who shall fail, within five days of such notice to eliminate said fire hazard, shall upon conviction, be guilty of a misdemeanor.

5.214. RIDING FIRE TRUCKS.

It shall be unlawful for any person, who is not a member of the fire division, to ride upon any fire truck without permission from the Fire Chief.

ARTICLE III. FIRE DISTRICT

5.301. DEFINED.

The official fire district of the town shall be as that ordained by the Mayor and Council and, when so ordained, no wood construction shall be permitted therein.

ARTICLE IV. FIRE DEPARTMENT

5.401. NAME.

The Fire Department shall be known as the Chesterfield Fire Department.

5.402. VOLUNTEERS. DUTIES. COMPENSATION.

The Mayor and Council shall have the authority to provide, by resolution, for the employment of volunteer firemen, to prescribe their duties and responsibilities and to fix their compensation.

5.403. DUTIES AND POWERS OF FIRE CHIEF.

The Chief of the Fire Department shall have general superintendence and control of the Fire Department, subject to the Mayor and Council. During the progress of a fire, he shall have all rights and powers of a policeman. Subject to the supervision and approval of the Mayor and Council, he shall have power to make rules and regulations for the discipline of the Fire Department and prevention of fires.

5.404. MEMBERS SUBJECT TO CALL.

All members of the Fire Department shall be subject for call to duty at any time, day or night, when needed to extinguish fires or for any other emergency that may arise.

5.405. FIRE INSPECTIONS.

Once every three months a member of the Fire Department, designated by the Fire Chief, may inspect every structure used for commercial or industrial purposes to determine if the structure contains any defects constituting a danger to fire prevention or fire safety. The Chief shall promptly notify in writing the owner and occupant of any structure found to contain such a defect.

5.406. COMPLIANCE WITH NOTICE OF FIRE HAZARD.

The owner of a structure, within sixty days, or such longer period as may be specified in the notice, after receipt of the notice provided for in Section 5.405, herein, shall remedy the defect to the reasonable satisfaction of the Fire Chief. Each day of violation of this Section shall constitute a separate offense.

5.407. INQUIRIES INTO FIRE ORIGINS.

The Fire Chief shall hold an inquiry into the origin of every fire occurring within the corporate limits. He may subpoena witnesses as may magistrates of the state. The Mayor, Chief of the Fire Department or other municipal officer may be ex-officio inspector of buildings.

(1976 SC Code 5-25-160)

5.408. FIREMEN'S INSURANCE AND INSPECTION FUND BOARD.

The Board of Trustees of the Firemen's Insurance and Inspection Fund shall consist of the Mayor, the Chief of the Fire Department and a member of Council elected by Town Council. The Board shall have the duties and powers specified in Sections 38-57-10 to 38-57-160 of the Code of Laws of South Carolina, 1976.

5.409. DISPOSITION OF FIREMEN'S INSURANCE AND INSPECTION FUNDS.

The Town Treasurer shall promptly deposit all monies received from the State Treasurer as the town's share of Firemen's Insurance and Inspection Funds in a separate checking account. Funds from this account shall be disbursed only upon signatures of the Fire Chief and the Secretary-Treasurer of the Fire Department for purposes authorized by statute or the Board of Trustees of the Fund. The Secretary-Treasurer shall submit to the Board of Trustees and the Town Council each January a written statement of funds received and disbursed during the preceding calendar year.

5.410 FIRE CALLS OUTSIDE TOWN LIMITS.

The Fire Department is hereby authorized to respond to fire calls outside the town limits, subject to:

- a. An annual charge is hereby levied as a fee to be paid for fire calls, as authorized, to be collected in behalf of the town by the Chesterfield County Tax Collector, as placed on county tax notices each year.
- b. Said fee shall be paid by each person, firm or corporation (subscriber) located outside the town limits on each structure on his property valued in excess of \$2,000.00.
- c. A charge of \$500.00 is hereby levied, as a reimbursement to the town when said services are received by a subscriber, in addition to the annual charge levied herein, unless modified by the Mayor and Council and due to extenuating circumstances upon recommendation of the Fire Chief.
- d. Subscribers who shall fail to pay all or part of the charges required by this section on or before the next annual payment is due and payable may not be eligible to receive said services until said charges have been paid in full.
- e. (Ord. Of 2-15-79, Ord. #39 12-10-87, #48 02-09-89, #135 03-09-95, #2005-8)

5.411. COMPENSATION FOR FIREFIGHTERS.

Each firefighter shall receive compensation as established for each meeting attended and for each fire call attended.

(Ord. #135 03-09-95, #200 06-10-99, #2005-4, # 2008-4)

ARTICLE V. FIREWORKS

(1976 South Carolina Code, Title 23, Chapter 35) (Ord. 8-7-67)

5.501. FIREWORKS PROHIBITED. PENALTY.

It shall be unlawful for any person to fire, shoot, discharge, offer for sale, store, exchange, give away, or possess any fireworks of any description, except as provided in this Article, within the corporate limits. The penalty for the violation of this Article shall be a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days.

5.502. TOY CAPS AND SIMILAR DEVICES EXCEPTED.

The term "fireworks" shall not include toy paper pistol caps which contain less than twenty-five hundredth grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale, and use of these items shall be permitted at all times.

(1976 SC Code 23-35-30)

5.503. OTHER EXCEPTIONS.

Nothing in this Article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the State or United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

(1976 SC Code 23-35-40)

5.504. PERMIT REQUIRED FOR PUBLIC DISPLAYS.

Any person desiring to hold a public display of fireworks shall first secure from Town Council a written permit to hold such display at least ten (10) days prior to the date of the proposed display. No permit shall be issued to allow any public display of fireworks at any location whereby, in the judgement of the Council, life or property may be endangered.

(1976 SC Code 23-35-60)

5.505. PERMISSIBLE FIREWORKS FOR PUBLIC DISPLAYS.

Nothing in this Article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "Class B Fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

(1976 SC Code, Title 23)

5.506. PERMISSIBLE SALE OF FIREWORKS.

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in Section 23-35-10 of the 1976 South Carolina Code of Laws.

5.507. SALE TO MINORS.

It shall be unlawful to sell or offer for sale any permissible fireworks to children under the age of sixteen (16) years who are not accompanied by a parent or guardian.

5.508. IDENTIFICATION AND MARKING.

No common fireworks permitted in this Article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless it is certified as "Common Fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

(1976 SC Code 23-35-20)

5.509. RETAIL HANDLING. STORAGE.

The retail handling and storage of all permissible fireworks shall conform to Section 23-35-100 and Section 23-35-110 of the 1976 South Carolina Code of Laws.

(Editor's Note. Section 14.513, this Code, prohibits fires and fireworks near buildings, pursuant to the 1976 South Carolina Code, Section 16-6-2.)

ARTICLE VI. MOBILE HOMES

5.601. MOBILE HOME DEFINED.

For the purpose of this Article, a mobile home is defined as a movable or portable dwelling on a chassis designed without a permanent foundation and intended for year-round living. It may consist of two or more separately towable components designed to be joined into one integral unit.

5.602. PERMIT REQUIRED.

It shall be unlawful for any person to locate, maintain or live in any mobile home within the corporate limits, other than a licensed mobile home park, unless a permit to do so is first obtained from the Town Clerk. Both the owner of the mobile home and the owner of the property on which it is to be parked shall apply for said permit. The permit shall be given in writing and shall contain a provision that said mobile home shall be parked and maintained as required by South Carolina State Law and the regulations of the South Carolina State Board of Health pertaining to mobile homes. This Section shall not apply to mobile homes placed within the corporate limits on or before the adoption of this code, unless said home is relocated, at which time the provisions of this Section shall apply within thirty (30) days thereof.

5.603. APPLICATION. FEE. TRANSFERS.

Any person, persons, company or corporation, placing or parking any mobile home, house trailer, mobile coach or modular home upon any property, premises, or spaces within the corporate limits shall first make application to the Town Clerk and pay a fee of \$25.00 for each home so located. A transfer fee of \$5.00 shall be paid for change in ownership or occupancy.

5.604. PERMANENT FOUNDATION REQUIRED.

No mobile home shall be occupied for dwelling purposes within the corporate limits unless it shall have been securely placed on a permanent foundation.

5.605. UTILITIES REQUIRED. FEES.

a. Water, sewage and electrical utilities shall be a prerequisite to locating and occupying a mobile home within the corporate limits.

b. Water and sewer tap fees, when applicable, shall be paid in advance.

c. Septic tank approval by written permit from county health authorities may be acceptable where sewers are not available.

d. It shall be unlawful to connect a mobile home to existing water or sewer connections without paying the required tap fees.

e. A permit shall be a prerequisite for electric service from the electric utility serving the town. (See Section 5.602.)