

Chapter 26

STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY*

* **State Law References:** Streets and sidewalks, S.C. Code 1976, § 5-7-10 et seq.; issuance of permits to charitable groups to solicit funds from motorists, S.C. Code 1976, § 5-27-910; municipality may establish a farm marketing center, S.C. Code 1976, § 46-19-110; municipal authority to regulate processions on highways, S.C. Code 1976, § 56-5-710(3).

Article I. In General

Sec. 26-1. Control over maintenance and construction.
Sec. 26-2. Maintenance of new streets.
Sec. 26-3. Street name changes prohibited.
Sec. 26-4. Approval of names of new streets by council.
Sec. 26-5. State highways excepted.
Secs. 26-6--26-28. Reserved.

Article II. Unlawful Acts

Sec. 26-29. Damaging public property, burning.
Sec. 26-30. Doors and gates opening onto sidewalks.
Sec. 26-31. Draining rainwater on sidewalks/streets prohibited.
Sec. 26-32. Draining water, oil, and other liquids onto streets or sidewalks prohibited.
Sec. 26-33. Throwing glass, nails, dangerous substances on streets or sidewalks.
Sec. 26-34. Vehicles leaking or scattering load prohibited.
Sec. 26-35. Vehicles, handcarts, etc., prohibited on sidewalks.
Sec. 26-36. Breaking, removing streetlights.
Sec. 26-37. Permit required to cut curb opening; breaking, destroying curbs prohibited.
Sec. 26-38. Obstruction of drains, ditches, watercourses, etc.
Sec. 26-39. Obstructions to vision at street intersections.
Sec. 26-40. Penalty.
Sec. 26-41. City may remove; owner to pay costs.
Sec. 26-42. Logs, lumber, crossties and barrels to be securely chained.
Sec. 26-43. Blocking of streets and sidewalks prohibited.
Sec. 26-44. Permission required before placement of building materials on streets, sidewalks, etc.
Sec. 26-45. Barricades and lights to be maintained during obstruction.
Sec. 26-46. Sidewalk sales.
Secs. 26-47--26-65. Reserved.

Article III. Excavations

Sec. 26-66. Permit required.
Sec. 26-67. Standards for restoration.
Sec. 26-68. Failure of excavation.
Sec. 26-69. Danger signals required at excavations.
Sec. 26-70. Removing danger signals at excavations.
Secs. 26-71--26-98. Reserved.

Article IV. Posting Regulations

Sec. 26-99. Posting on public property.
Sec. 26-100. Posting property in which municipality has interest or regulatory power.
Sec. 26-101. Posting on private property.
Sec. 26-102. Handbills and placards prohibited on public property.
Sec. 26-103. Municipal or state signs.

ARTICLE I.

IN GENERAL

Sec. 26-1. Control over maintenance and construction.

The council shall approve the construction and maintenance of streets within the jurisdiction of the city and shall employ such number of persons to work on the streets as may be needed.
(Code 1989, § 15.101)

Sec. 26-2. Maintenance of new streets.

When any application is made to the council to assume the maintenance of any proposed new street, the following requirements shall be complied with:

- (1) The right-of-way shall be furnished with a minimum width of 60 feet.
- (2) Plans and profiles for the proposed street shall be submitted to the council for review and approval.
- (3) When plans and profiles are approved by the council, the applicant shall cause the street to be constructed to line and grade, the necessary drainage structures installed and adequate inlet and outlet ditches constructed in a manner approved by council. The approved construction plans shall be submitted to the council at the time the request to accept the street for maintenance is made.

(Code 1989, § 15.102)

Sec. 26-3. Street name changes prohibited.

No person shall name any currently unnamed street or change the name of any existing street except by authority of the council, subject to state law.
(Code 1989, § 15.103)

Sec. 26-4. Approval of names of new streets by council.

No person shall construct any new street within the corporate limits without approval of the names to be assigned to such street by the council.
(Code 1989, § 15.104)

State Law References: Commission approval of street names, S.C. Code 1976, § 6-29-1200; street naming considerations relative to 911 system, S.C. Code 1976, § 23-47-60(C).

Sec. 26-5. State highways excepted.

This article shall not apply to streets under the supervision and control of the South Carolina Department of Transportation (SCDOT).
(Code 1989, § 15.105)

Secs. 26-6--26-28. Reserved.

ARTICLE II.

UNLAWFUL ACTS

Sec. 26-29. Damaging public property, burning.

It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits, including burning of leaves or other matter injurious to asphalt pavements.
(Code 1989, § 15.201)

Sec. 26-30. Doors and gates opening onto sidewalks.

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.
(Code 1989, § 15.202)

Sec. 26-31. Draining rainwater on sidewalks/streets prohibited.

It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rainwater may flow from the roof, eaves, cornices, gutters, or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.
(Code 1989, § 15.203)

Sec. 26-32. Draining water, oil, and other liquids onto streets or sidewalks prohibited.

It shall be unlawful for any person to permit water, oil or other liquid of any kind, from any store, residence or other building, to fall or flow upon any part of any street or sidewalk; provided, that sprinkling of a street to lay dust is not hereby forbidden.
(Code 1989, § 15.204)

Sec. 26-33. Throwing glass, nails, dangerous substances on streets or sidewalks.

It shall be unlawful for any person to throw or place on any of the streets or sidewalks any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.
(Code 1989, § 15.205)

Sec. 26-34. Vehicles leaking or scattering load prohibited.

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets.
(Code 1989, § 15.206)

Sec. 26-35. Vehicles, handcarts, etc., prohibited on sidewalks.

It shall be unlawful for any person to ride, propel or park any automobile, motorcycle, wheelbarrow, handcart or other vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings. This section shall not apply to children under the age of 12 years who may ride bicycles and tricycles on residential sidewalks, other than in the main business district, at a speed less than 15 miles per hour.
(Code 1989, § 15.207)

Sec. 26-36. Breaking, removing streetlights.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with streetlights.
(Code 1989, § 15.208)

Sec. 26-37. Permit required to cut curb opening; breaking, destroying curbs prohibited.

It shall be unlawful for any person to break or destroy the curbing of any street, to otherwise deface the same or to construct any entrance into property on any of the paved streets, unless such person shall have first obtained a permit in writing to do so from the council.
(Code 1989, § 15.209)

Sec. 26-38. Obstruction of drains, ditches, watercourses, etc.

It shall be unlawful for any persons to obstruct, or cause to be obstructed, any drains, ditches or watercourses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions. They shall not allow any growth of weeds or shrubbery on or along the banks thereof which will prevent sunlight from entering therein. When overflows or floods form pools or backwaters therein, they shall be promptly drained.
(Code 1989, § 15.210)

Sec. 26-39. Obstructions to vision at street intersections.

On corner lots there shall be no obstruction to vision between a height of two feet and a height of ten feet measured above the average elevation of the existing surfaces of the intersecting streets at their centerlines, within the area formed by joining points on the property lines, measured as follows:

- (1) On property lines abutting streets 50 feet or less in right-of-way width, the points on the property lines shall be not less than 25 feet from the lot corner.
- (2) On property lines abutting streets more than 50 feet in right-of-way width, the points on the property lines shall be 50 feet from the lot corner.
- (3) This restriction shall not apply to buildings in business districts.

(Code 1989, § 15.211)

Sec. 26-40. Penalty.

Whenever it shall be determined by the council that there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner and occupant of such property shall, within ten days after official written notice, remove such obstruction. Any such owner or occupant who shall fail or refuse to remove any such obstruction shall be deemed guilty of a misdemeanor.

(Code 1989, § 15.212)

Sec. 26-41. City may remove; owner to pay costs.

If any such property owner shall fail or refuse to remove any such obstruction, after written notice to do so, as provided above, the costs of such removal shall be charged to the property owner. It shall be a lien on such property and shall be added to and payable with the taxes on such property.

(Code 1989, § 15.213)

Sec. 26-42. Logs, lumber, crossties and barrels to be securely chained.

No person shall haul round logs, pulpwood logs, lumber, crossties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chain shall be made of material of not less dimension than one-half inch in diameter.

(Code 1989, § 15.214)

Sec. 26-43. Blocking of streets and sidewalks prohibited.

(a) It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk, public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible except as otherwise provided in this chapter; provided, that this section shall not apply to any employee of the municipality, county or state while such employee is immediately and actively engaged in the maintenance, improvement or construction of utilities, street, sidewalk or public way.

(b) The blocking by any means of any street, sidewalk or public way without official permission is hereby declared to be a misdemeanor.

(Code 1989, § 15.215)

Sec. 26-44. Permission required before placement of building materials on streets, sidewalks, etc.

Building materials shall not be placed on any sidewalk, street or public place, unless official permission is first obtained. It shall be the duty of the person desiring so to use the streets to obtain permission to lay such material thereon, and otherwise to obstruct such places, for the purpose of erecting a building adjoining said street, where some obstruction thereof is necessary, to estimate what space will be needed and for what length of time the obstruction will be necessary. Official permission may be given accordingly, imposing then and from time to time such reasonable conditions as may be considered necessary or proper for the protection of the public and public property.

(Code 1989, § 15.216)

Sec. 26-45. Barricades and lights to be maintained during obstruction.

While the obstructions provided for in this article remain on the streets, sidewalks or other public places, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

(Code 1989, § 15.217)

Sec. 26-46. Sidewalk sales.

It shall be unlawful for any merchant to display merchandise on the sidewalks in such manner as to block more than one-half of the sidewalk, it being the intent of council that at least one-half of the sidewalk in front of the premises of any business shall be free for the flow of traffic unhindered by any display of merchandise.

(Code 1989, § 15.218)

Secs. 26-47--26-65. Reserved.

ARTICLE III.

EXCAVATIONS

Sec. 26-66. Permit required.

It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained a permit therefor from the city or the South Carolina Department of Transportation (SCDOT), except in a bona fide emergency situation.

(Code 1989, § 15.301)

Sec. 26-67. Standards for restoration.

Any such cut or excavation shall be restored according to the standards of the South Carolina Department of Transportation within a period of 24 hours. Special consideration may be granted by the city or said department due to extreme weather conditions upon request.

(Code 1989, § 15.302)

Sec. 26-68. Failure of excavation.

In the event that said repair should sink or give away within one year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within 72 hours of being notified by the city and/or said department.

(Code 1989, § 15.303)

Sec. 26-69. Danger signals required at excavations.

It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property. Adequate lights shall be displayed at night.

(Code 1989, § 15.304)

Sec. 26-70. Removing danger signals at excavations.

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

(Code 1989, § 15.305)

Secs. 26-71--26-98. Reserved.

ARTICLE IV.

POSTING REGULATIONS

Sec. 26-99. Posting on public property.

It shall be unlawful to place any advertisement, business, political, or otherwise, or any notice or sign of any nature on public property within the corporate limits, by the use of a placard, picture, paper, circular, printing, or by any means or device whatsoever without prior approval of the city council.

(Code 1989, § 16.201)

Sec. 26-100. Posting property in which municipality has interest or regulatory power.

It shall be unlawful to place any such advertisement, notice or sign of any nature in any park, street or any other property such as telephone poles, telegraph poles, electric poles or towers, and the like thereof.

(Code 1989, § 16.202)

Sec. 26-101. Posting on private property.

It shall be unlawful to place any such item in section 8-44, hereof, on private property, without written consent of the owner or lessee of the property.

(Code 1989, § 16.203)

Sec. 26-102. Handbills and placards prohibited on public property.

(a) When authorized by council, no handbill or placard shall be distributed within the corporate limits unless it is deposited in a secure place where the wind will not blow it away. The placing of a handbill or placard under a windshield wiper of a motor vehicle shall not be construed as a deposit of same in a secure place.

(b) The attachment in any way of a handbill or placard to public property or a pole or other

equipment of a public utility is prohibited.
(Code 1989, § 16.204)

Sec. 26-103. Municipal or state signs.

It shall be unlawful for any person, firm or corporation to remove, tear down, deface or destroy any sign erected by municipal or state authorities.
(Code 1989, § 16.205)