



MINUTES

**Aiken County Council Work Session
Tuesday, February 17, 2026
6:00 PM**

Determining there was a quorum, with all Council Members present, Chairman Bunker called the meeting to order at 6:00 pm.

1. Pending Appointment Resolutions (CC p. 24) **No appointments made.**
2. Status of Contingency Funds (CC pp. 25-26) **No funds allocated.**
3. Clarification and Discussion of Agenda Items

No changes were made to the agenda presented.

4. Finance/ARPA Reports- December 2025 & HCWWTP Projects Expenditures- February 2026 (**attached**)
(*Lynn Strom, Deputy Administrator/CFO*)
5. Calendar Reminder Dates:
 - *Thursday, February 19: Aiken Chamber Annual Dinner*
 - *Tuesday, February 24: Aiken Tech State of the College Dinner 5:30 pm*
 - *Tuesday, March 3- Regular CC Meeting*
 - *Tuesday, March 17- Regular CC Meeting*
 - *Wednesday, March 18- USCA Dinner 5:30 pm *RSVP by 2/27*
6. Executive Session (if needed)

With there being a need for an executive session, Chairman Bunker asked for a motion to go into Executive Session. Councilman Siders made a motion, and Councilwoman Hightower seconded. Council adjourned work session at 6:31 pm by a unanimous vote and went into Executive Session.

Official recording and documents from the meeting are on file with the Council Clerk.

Respectfully submitted,

Signed:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

MINUTES



Aiken County Council MINUTES for February 17, 2026 7:00 PM, 4th Meeting of 2026

Council Administrator Form of Government for Aiken County
Council Chambers - 1930 University Parkway, Aiken, SC

A. CALL TO ORDER

Council Members Present: Chairman Gary Bunker
Ron Felder
Mike Kellems
Danny Feagin
Landon Ball
Sandy Haskell
Phil Napier
L. Andrew Siders
P. K. Hightower

Also present: Brian Sanders, County Administrator
Lynn Strom, Deputy Administrator/ CFO
Joel Duke, Assistant Administrator/CDO
Teresa Crain, Assistant Administrator
Brad Farrar, County Attorney
Katelyn Gorby, Council Clerk

B. INVOCATION- Councilwoman Hightower

C. PLEDGE OF ALLEGIANCE- Councilman Siders

D. APPROVAL OF MINUTES

1. February 3, 2026 Work Session (p. 1)
2. February 3, 2026 Regular Meeting (pp. 2-3)

Councilman Siders made a motion to approve the minutes. Councilman Kellems seconded the motion. The minutes were approved unanimously.

E. APPROVAL OF AGENDA

With there being no changes made to the agenda, Councilman Siders made a motion to approve the agenda as presented. Councilman Feagin seconded the motion. The agenda was approved as presented by a unanimous vote.

F. AWARDS AND RECOGNITIONS- No items listed on the agenda.

G. PUBLIC HEARINGS

1. Ordinance to Authorize the Council Chairman to Execute an Intergovernmental Agreement Between The City of New Ellenton and Aiken County, South Carolina for Certain Code Enforcement Activities. (County Council) (pp. 4-12) **No comments or speakers.**
2. Ordinance to Approve an Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcel(s) 012-05-10-016 & 012-05-10-019 Located on Larry Dee St (S-339) and Jesse Dee St (S-555) in North Augusta, SC in Council District 5 from Residential Single-Family Conservation District (RC) to Urban Development District (UD). (County Council) (pp. 52-63) **No comments or speakers.**

H. OLD BUSINESS

1. Second Reading of an Ordinance to Authorize the Council Chairman to Execute an Intergovernmental Agreement Between The City of New Ellenton and Aiken County, South Carolina for Certain Code Enforcement Activities.
(County Council) **(pp. 4-12)**

Councilman Kellems made a motion to approve the ordinance on second reading. Councilman Ball seconded the motion. The ordinance was approved by a unanimous vote, and scheduled for third reading.

2. Second Reading of an Ordinance to Authorize the Council Chairman to Execute an Intergovernmental Agreement Between the Town of Burnetown and Aiken County, South Carolina for Certain Code Enforcement Activities.
(County Council) **(pp. 13-23)**

Councilman Felder made a motion to approve the ordinance on second reading. Councilman Feagin seconded the motion. The ordinance was approved by a unanimous vote, and scheduled for third reading.

I. CONSENT AGENDA

1. Resolution to Appoint Members to Designated Boards, Commissions and Committees with Terms of the Appointments to Run Concurrent with that of the Appointing Member of Council.
(County Council) **(p. 24)**
2. Resolution to Approve the Allocation of Funds for Various Non-Profit Agencies from the FY 2026 Council Contingency Fund.
(County Council) **(pp. 25-26)**
3. Resolution to Authorize the Council Chairman to Enter into a contract with Johnson, Laschober & Associates for RFP 26-02-P for Aiken County Spay & Neuter Clinic Design.
(Development Committee) **(pp. 27-30)**
4. Resolution to Authorize the Council Chairman to Enter into a contract with Coastal Waste & Recycling for RFP 26-02-3-P for Aiken County Hauling & Disposal.
(Development Committee) **(pp. 31-34)**
5. Resolution to Award the Contract to, and Authorize the Council Chairman to Enter into an Agreement with, Linler Construction of SC, LLC for Bid 26-06-B, Roadway Improvements for Linler Lane, Collins Ave., McCormick St. NW and Morgan Street Re-Bid.
(Development Committee) **(pp. 35-40)**
6. Resolution to Accept a Grant from the South Carolina Coordinating Council for Economic Development-Economic Development Set-Aside Fund in the Amount of \$200,000 for AGY Holding Corp.
(Development Committee) **(p. 41)**
7. Resolution to Accept Easements on Kenner Road (C-529) Needed for C-Fund Paving Projects.
(Development Committee) **(p. 42)**
8. Resolution to Accept Incremental Funding to the FY 2026 DOE Emergency Management Performance Grant from the South Carolina Emergency Management Division.
(Development Committee) **(p. 43)**
9. Resolution to Approve the Evaluation and Assessment Services of All Sanitary Sewer Transmission Lines for the Aiken County Public Sewer Authority's Horse Creek Wastewater Treatment Plant.
(Development Committee) **(p. 44)**

10. Resolution to Approve the Design and Management of Repairs to the Existing Mim's Branch and New Hope Sanitary Sewer Lines for the Aiken County Public Sewer Authority's Horse Creek Wastewater Treatment Plant.
(Development Committee) **(p. 45)**
11. Resolution to Accept A Grant From MathWorks With Support From The Arbor Day Foundation For Post-Hurricane Helene Recovery Through Tree Planting, Distribution, And Education.
(Administrative Committee) **(p. 46)**
12. Resolution to Accept a Grant from PalmettoPride for Marketing, Training, And Supplies for the Keep Aiken County Beautiful Program.
(Administrative Committee) **(p. 47)**

J. INTRODUCTION OF ORDINANCES FOR FIRST READING

1. First Reading of an Ordinance Approving the Terms of a Proposed Agreement Between the Board of Elections and Voter Registration of Aiken County and the City of North Augusta, South Carolina, for the Conduct of a Municipal Election to be Held on November 3, 2026.
(County Council) **(pp. 48-51)**

Councilman Feagin made a motion to approve all Consent Agenda and Introduction of Ordinances for First Reading items. Councilman Kellems seconded the motion. The items were approved unanimously.

K. NEW BUSINESS

1. First Reading of an Ordinance to Approve an Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcel(s) 012-05-10-016 & 012-05-10-019 Located on Larry Dee St (S-339) and Jesse Dee St (S-555) in North Augusta, SC in Council District 5 from Residential Single-Family Conservation District (RC) to Urban Development District (UD).
(County Council) **(pp. 52-63)**

Councilman Haskell made a motion to approve the ordinance on first reading. Councilman Ball seconded the motion. The ordinance was approved by a unanimous vote, and scheduled for second reading. Councilman Haskell and Councilman Ball both stated that they were in favor of the rezoning.

L. ITEMS FOR INFORMATION AND THE PUBLIC RECORD

1. Fiscal Year 2026 Aiken County Contingency Report as of February 4, 2026. **(pp. 64-65)**

M. INFORMAL MEETING OF THE WHOLE

**Vicki Simons addressing Council concerning Impact Fees.
Clyde Condrey addressed Council again regarding noise issues at the Shaw Plant.
Another citizen spoke about the disgust he feels regarding the Epstein files.
The principal for SAHS, Sam Fuller thanked Council for the Vape restrictions ordinance that they passed.**

N. EXECUTIVE SESSION

O. ITEMS REQUIRING ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

P. ADJOURNMENT

With there being no need for an Executive Session and no further business to discuss, Chairman Bunker asked for a motion to adjourn the meeting. Councilman Kellems made a motion, and Councilman Felder seconded the motion. The meeting was adjourned at 7:36 pm.

Official recording and documents of the meeting are on file with the Council Clerk.

Respectfully submitted,

Signed:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

Sponsor(s) : County Council
First Reading : February 3, 2026
Second Reading : February 17, 2026
Public Hearing : February 17, 2026
Third Reading : March 3, 2026
Effective Date :

I, _____
Council Clerk, certify that this Ordinance was
published for a Public Hearing on 1/31/2026.

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Authorize the Council Chairman to Execute an Intergovernmental Agreement Between The City of New
Ellenton and Aiken County, South Carolina for Certain Code Enforcement Activities.

WHEREAS:

1. The County is a body politic and corporate and a political subdivision of the State of South Carolina, possessing all general power granted by the Constitution and statutes of the State of South Carolina to counties; and
2. Pursuant to S.C.Code Ann. Section 4-9-30, a county's governing body has the power to "[m]ake and execute contracts"; and
3. The City desires to provide certain code enforcement services described herein, within its territorial limits, and requests that the County provide such services; and
4. S.C.Code Ann. Section 4-9-145(A) provides that, "[t]he governing body of a county may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the county. These officers are vested with all the powers and duties conferred by law upon constables in addition to duties imposed upon them by the governing body of the county; and
5. Under the provisions of S.C.Code Ann. Section 6-9-20(A) municipalities and counties may establish agreements with other governmental entities of the State to issue permits and enforce building codes in order to provide the services required by Title 6, Chapter 9 of the Code of Laws of South Carolina, 1976, as amended; and
6. Section 13 of Article VIII of the Constitution of South Carolina provides in relevant part:
 - (A) Any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof.
 - (B) Nothing in this Constitution may be construed to prohibit the State or any of its any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State; and
7. In accordance with S.C.Code Ann. Section 4-9-41:
 - (A) Any county, incorporated municipality, special purpose district, or other political subdivision may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution.
 - (B) The provisions of this section may not be construed in any manner to result in diminution or alteration of the political integrity of any of the participant subdivisions which agree to and become a part of the functional consolidation, nor may any constitutional office be abolished by it; and

8. The legislative history of Section 4-9-41 provides, “[t]his chapter is provided as enabling legislation to be liberally construed as a utilization of the constitutional power granted by Section 12 (sic) of Article VIII of the Constitution of South Carolina, 1895.”

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. The Chairman of County Council is authorized to enter into on behalf of Aiken County the Intergovernmental Agreement with the City of New Ellenton, attached to and made part of this Ordinance as **Exhibit A**.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

COUNCIL VOTE:

REVIEWED BY: _____
County Attorney

EXHIBIT A

(A) Any county, incorporated municipality, special purpose district, or other political subdivision may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution.

(B) The provisions of this section may not be construed in any manner to result in diminution or alteration of the political integrity of any of the participant subdivisions which agree to and become a part of the functional consolidation, nor may any constitutional office be abolished by it; and

WHEREAS, the legislative history of § 4-9-41 provides:

This chapter is provided as enabling legislation to be liberally construed as a utilization of the constitutional power granted by Section 12 (sic) of Article VIII of the Constitution of South Carolina, 1895.

NOW, THEREFORE, the Parties agree as follows:

1. Services. Pursuant to Section 13 of Article VIII of the Constitution of South Carolina, and S.C.Code Ann. § 4-9-41, the City, acting by and through its governing body, hereby authorizes:
 - (a) Building Code Enforcement Within the Territory of the City. The County's Planning and Development Department shall provide the following building code enforcement services within the territorial limits of the City:
 1. Enforcement of the building, energy, electrical, plumbing, mechanical, gas, and fire codes as adopted by Chapter 5, Aiken County Code of Ordinances, hereinafter referred to as the Building Code; and
 2. Utilize the County's existing administrative process for reviewing and issuing building and related permits, and for certifying completion as required by the Building Code; and
 3. Complete all necessary inspections and reports to ensure permitted structures comply with the Building Code; and
 4. Maintain all the necessary records of application, permits, inspections, and certificates of completion or occupancy. The City may review said records upon reasonable notice to the County.
 5. The County shall provide a summary report at the conclusion of each fiscal year listing the permits issued and fees collected within the territorial limits of the City. The report

shall be provided by September 30 of each year.

6. The County will provide manufactured home registration and inspection services in accordance with the Aiken County Code of Ordinances, as applicable, and the laws and regulations promulgated by the South Carolina Manufactured Housing Board.

Pursuant to S.C. Code Ann. §6-9-30, the chief building official of Aiken County is designated as the building official for the City.

The building permitting and inspection contemplated and provided for herein shall be those services that the Planning and Development Department customarily performs for the County.

- (b) Enforcement of the New Ellenton Flood Damage Prevention Ordinance. The County's Planning and Development Department shall provide the following code enforcement services within the territorial limits of the City:

1. Enforcement of the City of New Ellenton Flood Damage Prevention Ordinance (2025-08), adopted on November 17, 2025, and hereinafter referred to as the Flood Ordinance; and
2. Administer the requirements of the Flood Ordinance utilizing the County's existing and ongoing flood damage prevention program; and
3. Complete all necessary inspections and reports to ensure compliance with the flood ordinance; and
4. Maintain, as required by SC Code and federal regulations, all the necessary records of applications, permits, inspections, elevation certificates, and related documents. The City may review said records upon reasonable notice to the County.
5. The County shall provide a summary report at the conclusion of each fiscal year listing the flood development permits issued within the territorial limits of the City. The report shall be provided by September 30 each year.
6. Upon reasonable notice, the County staff shall be available to meet with state or federal agencies regarding the City's flood damage prevention program.

Pursuant to Article III of the Flood Ordinance, the chief building official of Aiken County is designated as the Floodplain Administrator for the City.

The flood ordinance enforcement contemplated and provided for herein shall be those services that the Planning and Development Department customarily performs for the County.

2. Personnel. The Parties understand and agree that code enforcement, as provided for

herein, shall be based on the personnel and resources available, as solely determined by the County.

At all times, the County's personnel shall be under the administrative and operational control of the County.

3. Compensation for Services. The City shall compensate the County for the services provided as follows:
 - a. Building Code Enforcement Within the Territory of the City. And Enforcement of the New Ellenton Flood Damage Prevention Ordinance. Fees for building and related permits and flood development permits issued within the territorial limits of the City shall be equivalent to the permit fees established, and amend for time to time, by the County. The County shall collect and receive all fees for building and related permits flood development permits. The City shall not be required to provide further compensation to the County for these services.
4. Entirety of County Obligation. Other than providing the Code Enforcement services described herein, the County shall have no further obligations hereunder. In the event a prior agreement conflicts with the terms of this Agreement, this Agreement shall prevail.
5. Insurance, Indemnification and Hold Harmless Agreement. The Parties to this Agreement shall determine for themselves what kinds of insurance and in what amounts they carry. Each Party shall be solely responsible for determining that its insurance is current and adequate prior to undertaking the duties and responsibility set forth in this Agreement. The City indemnifies and holds harmless the County up to the limits of the South Carolina Tort Claims Act of and from any and all claims, demands, damages, attorneys' fees, costs, actions, cause of action, or suit in law or equity of whatsoever kind or nature whether heretofore or hereafter accruing or whether now known or not known for the County's provision of services hereunder.
6. Effective Date, Term, Termination. This Agreement shall commence on the date set forth above and shall continue until either Party decides, for any reason or no reason at all, to terminate it. Such termination shall be made by giving the other Party thirty (30) days' written notice of intent to terminate.
7. Notices. Any written notices under this Agreement shall be made by mailing or hand delivering such notice to the parties at the following addresses:

To the City: City of New Ellenton
 P O Box 459
 New Ellenton, SC 29809

Intergovernmental Agreement
City of New Ellenton and Aiken County
Building Code Enforcement and Flood Damage Prevention

ATTN: Mayor

To the County: Aiken County, South Carolina
 1930 University Parkway, Suite 3400
 Aiken, South Carolina 29801
 ATTN: Administrator

With a copy to: Aiken County Attorney
 1930 University Parkway, Suite 3600
 Aiken, South Carolina 29801

Such notice shall be deemed given upon being so mailed or hand-delivered. The notice address may be changed from time-to-time by notice given pursuant hereto.

6. Amendment. This Agreement may be amended, modified, or changed in writing as the parties may agree.

7. Entire Agreement. This Agreement sets forth all the covenants, promises, agreements, conditions, and understandings between the parties, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between them other than as are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change, or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by them.

8. Severability. Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection, and the remaining portions of this Agreement shall remain in full force and effect without regard to the section, portion, or subsection or power invalidated.

9. Governing Law. This Agreement shall be governed by and construed under the laws of the State of South Carolina, and venue shall be in the circuit court in Aiken County, South Carolina.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

WITNESS:

CITY OF NEW ELLENTON

By: Kimberly Williams
Its: Mayor

Intergovernmental Agreement
City of New Ellenton and Aiken County
Building Code Enforcement and Flood Damage Prevention

WITNESS:

AIKEN COUNTY, SOUTH CAROLINA

By: Gary Bunker
Its: Chairman of County Council

Sponsor(s) : County Council
First Reading : February 3, 2026
Second Reading : February 17, 2026
Public Hearing : March 3, 2026
Third Reading : March 3, 2026
Effective Date :

I, _____
Council Clerk, certify that this Ordinance was
published for a Public Hearing on 2/14/2026.

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Authorize the Council Chairman to Execute an Intergovernmental Agreement Between the Town of
Burnettown and Aiken County, South Carolina for Certain Code Enforcement Activities.

WHEREAS:

1. The County is a body politic and corporate and a political subdivision of the State of South Carolina, possessing all general power granted by the Constitution and statutes of the State of South Carolina to counties; and
2. Pursuant to S.C.Code Ann. Section 4-9-30, a county's governing body has the power to "[m]ake and execute contracts"; and
3. The City desires to provide certain code enforcement services described herein, within its territorial limits, and requests that the County provide such services; and
4. S.C.Code Ann. Section 4-9-145(A) provides that, "[t]he governing body of a county may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the county. These officers are vested with all the powers and duties conferred by law upon constables in addition to duties imposed upon them by the governing body of the county; and
5. Under the provisions of S.C.Code Ann. Section 6-9-20(A) municipalities and counties may establish agreements with other governmental entities of the State to issue permits and enforce building codes in order to provide the services required by Title 6, Chapter 9 of the Code of Laws of South Carolina, 1976, as amended; and
6. Section 13 of Article VIII of the Constitution of South Carolina provides in relevant part:
 - (A) Any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof.
 - (B) Nothing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;
7. In accordance with S.C.Code Ann. Section 4-9-41:
 - (A) Any county, incorporated municipality, special purpose district, or other political subdivision may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution.
 - (B) The provisions of this section may not be construed in any manner to result in diminution or alteration of the political integrity of any of the participant subdivisions which agree to and become a part of the functional consolidation, nor may any constitutional office be abolished by it; and

8. The legislative history of Section 4-9-41 provides, “[t]his chapter is provided as enabling legislation to be liberally construed as a utilization of the constitutional power granted by Section 12 (sic) of Article VIII of the Constitution of South Carolina, 1895.”

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. The Chairman of County Council is authorized to enter into on behalf of Aiken County the Intergovernmental Agreement with the Town of Burnetown, attached to and made part of this Ordinance as Exhibit A.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

COUNCIL VOTE:

REVIEWED BY: _____
County Attorney

EXHIBIT A

**STATE OF SOUTH CAROLINA) INTERGOVERNMENTAL AGREEMENT
) BETWEEN THE TOWN OF BURNETTOWN
) AND AIKEN COUNTY, SOUTH CAROLINA
COUNTY OF AIKEN) (Building Code Enforcement, Code Enforcement,
 Flood Damage Prevention, and MS4 Program
 Management)**

THIS AGREEMENT is entered into this ____ day of _____, 2026, by and between the Town of Burnetttown (“Town”), and Aiken County, South Carolina (“County”).

RECITALS

WHEREAS, the Town desires to implement certain code enforcement services described herein, within its territorial limits, and requests that the County provide such services; and

WHEREAS, S.C.Code Ann. § 4-9-145(A) provides in relevant part:

[t]he governing body of a county may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the county. These officers are vested with all the powers and duties conferred by law upon constables in addition to duties imposed upon them by the governing body of the county; and

WHEREAS, S.C.Code Ann. § 6-9-20(A) provides in relevant part:

Municipalities and counties may establish agreements with other governmental entities of the State to issue permits and enforce building codes in order to provide the services required by this chapter (S.C.Code Ann, Title 6, Chapter 9); and

WHEREAS, Section 13 of Article VIII of the Constitution of South Carolina provides in relevant part:

(A) Any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof.

(B) Nothing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State; and

WHEREAS, S.C.Code Ann. § 4-9-41 provides:

Intergovernmental Agreement
Town of Burnetttown and Aiken County
Building Code Enforcement, Code Enforcement,
Flood Damage Prevention, and MS4 Program Management

(A) Any county, incorporated municipality, special purpose district, or other political subdivision may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution.

(B) The provisions of this section may not be construed in any manner to result in diminution or alteration of the political integrity of any of the participant subdivisions which agree to and become a part of the functional consolidation, nor may any constitutional office be abolished by it; and

WHEREAS, the legislative history of § 4-9-41 provides:

This chapter is provided as enabling legislation to be liberally construed as a utilization of the constitutional power granted by Section 12 (sic) of Article VIII of the Constitution of South Carolina, 1895.

NOW, THEREFORE, the Parties agree as follows:

1. Services. Pursuant to Section 13 of Article VIII of the Constitution of South Carolina, and S.C.Code Ann. § 4-9-41, the Town, acting by and through its governing body, hereby authorizes:
 - (a) Code Enforcement Within the Territory of the Town. The County's Code Enforcement Officers, commissioned pursuant to S.C.Code Ann. § 4-9-145, shall provide the following Code Enforcement Services:
 1. Enforcement of the Town of Burnetttown's ordinances within the territorial limits of the Town of Burnetttown; and
 2. Enforcement of Aiken County ordinances within the territorial limits of the Town of Burnetttown.

Code Enforcement Services as contemplated and provided for herein shall be those services that Aiken County's Code Enforcement Officers customarily perform for the County (by way of non-exhaustive examples, enforcement of animal care, litter, property nuisance, zoning, mobile home, and similar ordinances).

Animals impounded by the County Code Enforcement due to enforcement actions within the territorial limits of the Town shall be housed at the Aiken County Animal Shelter. Impounded animals may be redeemed as specified by the Aiken County Code of Ordinances, Chapter 4.

(b) Building Code Enforcement Within the Territory of the Town. The County's Planning and Development Department shall provide the following building code enforcement services within the territorial limits of the Town:

1. Enforcement of the building, energy, electrical, plumbing, mechanical, gas, and fire codes as adopted by Chapter 5, Aiken County Code of Ordinances, hereinafter referred to as the Building Code; and
2. Utilize the County's existing administrative process for reviewing and issuing building and related permits, and for certifying completion as required by the Building Code; and
3. Complete all necessary inspections and reports to ensure permitted structures comply with the Building Code; and
4. Maintain all the necessary records of application, permits, inspections, and certificates of completion or occupancy. The Town may review said records upon reasonable notice to the County.
5. The County shall provide a summary report at the conclusion of each fiscal year listing the permits issued and fees collected within the territorial limits of the Town. The report shall be provided by September 30 of each year.
6. The County will provide registration and inspection services in accordance with the Aiken County Code of Ordinances, as applicable, and the laws and regulations promulgated by the South Carolina Manufactured Housing Board.

Pursuant to S.C. Code Ann. §6-9-30, the chief building official of Aiken County is designated as the building official for the Town.

The building permitting and inspection contemplated and provided for herein shall be those services that the Planning and Development Department customarily performs for the County.

(c) Enforcement of the Burnetown Flood Damage Prevention Ordinance. The County's Planning and Development Department shall provide the following code enforcement services within the territorial limits of the Town:

1. Enforcement of the Town of Burnetown Flood Damage Prevention Ordinance, adopted on ? (will required adoption of an updated version), hereinafter referred to as the Flood Ordinance; and
2. Administer the requirements of the Flood Ordinance utilizing the County's existing and ongoing flood damage prevention program; and
3. Complete all necessary inspections and reports to ensure compliance with the flood ordinance; and

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Town of Burnetown and Aiken County
Building Code Enforcement, Code Enforcement,
Flood Damage Prevention, and MS4 Program Management

4. Maintain, as required by SC Code and federal regulations, all the necessary records of applications, permits, inspections, elevation certificates, and related documents. The Town may review said records upon reasonable notice to the County.
5. The County shall provide a summary report at the conclusion of each fiscal year listing the flood development permits issued within the territorial limits of the Town. The report shall be provided by September 30 each year.
6. Upon reasonable notice, the County staff shall be available to meet with state or federal agencies regarding the Town's flood damage prevention program.

Pursuant to Article III of the Flood Ordinance, the chief building official of Aiken County is designated as the Floodplain Administrator for the Town.

The flood ordinance enforcement contemplated and provided for herein shall be those services that the Planning and Development Department customarily performs for the County.

(d) Administration and Enforcement of the Burnetown Municipal Separate Storm Sewer System (MS4) program. The County's Engineering Department, Stormwater Division shall provide the following services within the territorial limits of the Town:

1. Assist in implementing a public education program to distribute educational materials or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies, and the steps that the public can take to reduce pollutants in stormwater runoff.
2. Assist in implementing public participation programs and placing such projects on public notice to encourage community involvement.
3. Implement a program to detect illicit discharges and assist in developing a storm sewer map showing the location of all outfalls, and the names and locations of all waters of the State that receive discharges from those outfalls.
4. Assist in implementing a program to reduce pollutants in any stormwater runoff to the regulated MS4 from construction activities that result in a land disturbance of greater than or equal to one acre.
5. Assist in implementing a program to address stormwater runoff from new development and redevelopment projects that disturb an area greater than one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the regulated MS4.
6. The Aiken County Stormwater Division will offer guidance in implementing an operation and maintenance program that should include a training component and goals for preventing or reducing pollutant runoff from municipal operations.

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Building Code Enforcement, Code Enforcement,
Flood Damage Prevention, and MS4 Program Management

7. Upon reasonable notice, the County staff shall be available to meet with state or federal agencies regarding the Town's MS4 program.

The Town of Burnetttown agrees to the following:

1. Adopt, and updating as needed, a Town ordinance mirroring the Aiken County Stormwater Ordinance in order to meet the requirements of the Town's NPDES MS4 permit.
2. Ensure Town employees receive stormwater training made available by the Aiken County Stormwater Division.
3. Document all information as it relates to stormwater issues and provide a report to the Aiken County MS4 Coordinator four (4) weeks before the annual MS4 report is scheduled to be sent to SCDES.
4. The Town of Burnetttown shall be responsible for any fines and remedial actions assessed by the EPA or SCDES for violations of the MS4 permit within its jurisdiction.

Upon reasonable notice, the County staff shall be available to meet with state or federal agencies regarding the Town's MS4 program.

2. Personnel. The Parties understand and agree that code enforcement, as provided for herein, shall be based on the personnel and resources available, as solely determined by the County.

At all times, the County's personnel shall be under the administrative and operational control of the County.

3. Compensation for Services. The Town shall compensate the County for the services provided as follows:

- a. Code Enforcement Within the Territory of the Town.

According to Aiken County Code Enforcement Department records, the average number of enforcement cases responded to in the Town of Burnetttown from 2021 to 2024 was 69. A fee shall be charged when the number of cases handled by Aiken County in a given Burnetttown fiscal year (Jan. 1 – Dec. 31) exceeds 69. The fee shall be \$100 per case. Each year, the fee shall increase by 2% of the previous year's fee. Payment shall be due to the County each year by March 31. The fee shall be effective beginning the first day of Burnetttown Fiscal Year 2027 (January 1, 2027). The code enforcement fee shall be reviewed by the County and the Town every five years.

Intergovernmental Agreement
Town of Burnetttown and Aiken County
Building Code Enforcement, Code Enforcement,
Flood Damage Prevention, and MS4 Program Management

b. Aiken County Animal Shelter Services – Unredeemed Animals

The Town shall reimburse the County for all costs associated with the housing, care, and disposition of any impounded animal not redeemed by its owner during the required holding period. Costs shall include, but are not limited to, daily boarding fees, veterinary treatment, vaccination, medication, and any other necessary expenses incurred for the welfare of the animal. Fees for these services shall be consistent with the schedule of charges adopted by the County for animal shelter services, as may be amended from time to time. The Town shall be invoiced quarterly. Payment shall be due to the County within thirty (30) days of receipt of the invoice.

c. Building Code Enforcement Within the Territory of the Town. And

Enforcement of the Burnetttown Flood Damage Prevention Ordinance.

Administration and Enforcement of the Burnetttown Municipal Separate Storm Sewer System (MS4) program.

Fees for building and related permits, flood development permits, and grading and stormwater permits issued within the territorial limits of the Town shall be equivalent to the permit fees established and amended from time to time by the County. The County shall collect and receive all fees for building and related permits, flood development permits, and stormwater permits. The Town shall not be required to provide further compensation to the County for these services.

4. Entirety of County Obligation. Other than providing the Code Enforcement services described herein, the County shall have no further obligations hereunder. In the event a prior agreement conflicts with the terms of this Agreement, this Agreement shall prevail.
5. Insurance, Indemnification and Hold Harmless Agreement. The Parties to this Agreement shall determine for themselves what kinds of insurance and in what amounts they carry. Each Party shall be solely responsible for determining that its insurance is current and adequate prior to undertaking the duties and responsibility set forth in this Agreement. The Town indemnifies and holds harmless the County up to the limits of the South Carolina Tort Claims Act of and from any and all claims, demands, damages, attorneys' fees, costs, actions, cause of action, or suit in law or equity of whatsoever kind or nature whether heretofore or hereafter accruing or whether now known or not known for the County's provision of services hereunder.
6. Effective Date, Term, Termination. This Agreement shall commence on the date set forth above and shall continue until either Party decides, for any reason or no reason at all, to terminate it. Such termination shall be made by giving the other Party thirty (30) days' written notice of intent to terminate.

Intergovernmental Agreement
Town of Burnetown and Aiken County
Building Code Enforcement, Code Enforcement,
Flood Damage Prevention, and MS4 Program Management

7. Notices. Any written notices under this Agreement shall be made by mailing or hand delivering such notice to the parties at the following addresses:

To the Town: Town of Burnetown
 PO Box 994
 Bath, SC 29816
 ATTN: Mayor

To the County: Aiken County, South Carolina
 1930 University Parkway, Suite 3400
 Aiken, South Carolina 29801
 ATTN: Administrator

With a copy to: Aiken County Attorney
 1930 University Parkway, Suite 3600
 Aiken, South Carolina 29801

Such notice shall be deemed given upon being so mailed or hand-delivered. The notice address may be changed from time-to-time by notice given pursuant hereto.

6. Amendment. This Agreement may be amended, modified or changed in writing as the parties may agree.

7. Entire Agreement. This Agreement sets forth all the covenants, promises, agreements, conditions, and understandings between the parties, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between them other than as are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change, or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by them.

8. Severability. Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection, and the remaining portions of this Agreement shall remain in full force and effect without regard to the section, portion, or subsection or power invalidated.

9. Governing Law. This Agreement shall be governed by and construed under the laws of the State of South Carolina, and venue shall be in the circuit court in Aiken County, South Carolina.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

Intergovernmental Agreement
Town of Burnetown and Aiken County
Building Code Enforcement, Code Enforcement,
Flood Damage Prevention, and MS4 Program Management

WITNESS:

TOWN OF BURNETTOWN

By: Karen Jones
Its: Mayor

WITNESS:

AIKEN COUNTY, SOUTH CAROLINA

By: Gary Bunker
Its: Chairman of County Council

Sponsor(s) : County Council
First Reading : February 17, 2026
Second Reading : March 3, 2026
Public Hearing :
Third Reading :
Effective Date :

I, _____
Council Clerk, certify that this Ordinance was
published for a Public Hearing on _____.

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

Approving the Terms of a Proposed Agreement Between the Board of Elections and Voter Registration of Aiken County and the City of North Augusta, South Carolina, for the Conduct of A Municipal Election to be Held on November 3, 2026.

WHEREAS:

1. In Ordinance No. 2026-04, adopted February 2, 2026, the City of North Augusta authorized its Administrator to enter into an agreement with the Board of Elections and Voter Registration of Aiken County (“Board”) for the Board to conduct an election on the City’s behalf to be held on November 3, 2026 (the “Election”); and
2. Pursuant to Ordinance No. 2026-02, also adopted on February 2, 2026, the City prescribed the dates and other matters relating to nominations, primaries, and other election-related matters; and
3. Subsection 5-15-145(A) of the South Carolina Code of Laws, 1976, as amended, provides that, “[m]unicipalities are authorized to transfer authority for conducting municipal elections to the county elections commission,” and “[c]ounty elections commissions are authorized to conduct municipal elections”; and
4. Subsection 5-15-145(B) provides that, “[a]s a condition of the transfer of authority to conduct elections pursuant to this section, the governing bodies of the municipality and the county must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement,” and that, “[t]he municipal ordinance must state what authority is being transferred and the county ordinance must accept the authority being transferred”;

NOW, THEREFORE, BE IT ORDAINED BY THE AIKEN COUNTY COUNCIL THAT:

1. The terms of the Agreement, provided the same is substantially in the form as set forth in Attachment A, appended to and made a part of this Ordinance, which prescribes, among other things, the scope of the transfer of authority to conduct the Election, the payment of Election costs, who will exercise operational control for the conduct of the Election, and limiting the County’s obligation with respect to the Election and the agreement described herein to the County giving its consent to the terms of the agreement between the Board and the City prescribed in S.C.Code Ann. Section 5-15-145(B), are approved.
2. Council hereby waives any requirement that this Ordinance be referred to a committee of council or be recommended by a committee of council.

Adopted at the regular meeting of Aiken County Council on March 17, 2026.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
Brad Farrar, County Attorney

COUNCIL VOTE:

IMPACT STATEMENT: The Agreement referenced hereinabove calls for the City of North Augusta to pay for the costs of the election referenced in the Agreement, with no County funding therefor.

additional funding, shall come from the City's Capital Project Fund not to exceed \$23,000.00, all as provided for in Ordinance No. 2026-04.

3. Operational Control. The Board shall retain all operational control for the conduct of the Election at all times.

4. Agreement of Governing Bodies. Pursuant to S.C.Code Ann. Subsection 5-15-145(B), this Agreement is contingent upon the governing bodies of the City and Aiken County agreeing to the terms of the transfer of authority from the City to the Board for conduct of the Election, and those governing bodies enacting ordinances embodying the terms of that agreement, with the municipal ordinance stating what authority is being transferred and the county ordinance accepting the authority being transferred to the Board by the City.

5. Entirety of Aiken County Obligation. Other than providing its consent to the terms of the agreement between the Board and the City prescribed in S.C.Code Ann. Section 5-15-145(B), the terms of which are set forth herein, Aiken County shall have no obligation with respect to the parties or to the Election arising from this Agreement.

6. Effective Date, Term, Termination. This Agreement shall commence on the date set forth above and shall continue until the Election has been conducted and funding described herein has been provided, unless terminated by either party upon such party giving thirty (30) days' written notice to the other party of its intent to terminate this agreement.

7. Notices. Any written notices under this Agreement shall be made by official email, mailing or hand delivering such notice to the parties at the following addresses:

To the Board: Board of Elections and Voter Registration of Aiken County
1930 University Parkway
Aiken, South Carolina 29801
ATTN:

To the City: City of North Augusta
ADDRESS:

ATTN:

Such notice shall be deemed given upon being so officially emailed, mailed, or hand-delivered. The notice address may be changed from time-to-time by notice given pursuant hereto.

8. Effective Date; Termination. This Agreement shall become effective once signed by authorized representatives of the parties. This Agreement shall terminate upon certification of the Election results and payment by the City to the Board of all costs of the Election.

9. Amendment. This Agreement may be amended, modified or changed in writing as the parties may agree in writing.

10. Entire Agreement. This Agreement sets forth all the covenants, promises, agreements, conditions, and understandings between the parties, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between them other than as are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change, or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by them.

11. Severability. Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection, and the remaining portions of this Agreement shall remain in full force and effect without regard to the section, portion, or subsection or power invalidated.

12. Governing Law. This Agreement shall be construed under and governed by the laws of the State of South Carolina, and venue shall be in the circuit court in Aiken County, South Carolina.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

WITNESS:

BOARD OF ELECTIONS AND VOTER
REGISTRATION OF AIKEN COUNTY

By: _____
Its: _____

WITNESS:

CITY OF NORTH AUGUSTA

By: _____
Its: _____

Sponsor(s) : County Council
First Reading : February 17, 2026
Second Reading : March 3, 2026
Public Hearing : February 17, 2026
Third Reading :
Effective Date :

I, _____
Council Clerk, certify that this Ordinance was
published for a Public Hearing on 1/31/2026.

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Approve an Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcel(s) 012-05-10-016 & 012-05-10-019 Located on Larry Dee St (S-339) and Jesse Dee St (S-555) in North Augusta, SC in Council District 5 from Residential Single-Family Conservation District (RC) to Urban Development District (UD).

WHEREAS:

1. An application was filed proposing an amendment to the Aiken County Zoning and Development District Atlas to rezone tax parcel(s) 012-05-10-016 & 012-05-10-019 Located on Larry Dee St (S-339) and Jesse Dee St (S-555) in North Augusta, SC in Council District 5 from Residential Single-Family Conservation District (RC) Urban Development District (UD); and
2. The Aiken County Planning Commission, at its meeting on January 15, 2026, reviewed the application and adopted by a 5 to 2 vote a motion recommending that the County Council deny tax parcel 012-05-10-019, and adopted by a 5 to 2 vote a motion recommending that the County Council approve tax parcel 012-05-10-016 for said proposed rezoning; and
3. At its meeting on February 17, 2026, the Aiken County Council held a public hearing on the proposed amendment, said hearing having been duly publicized in a newspaper in general circulation in Aiken County and the affected property having been previously posted by sign in accordance with the applicable sections of the Aiken County Code of Ordinances; and
4. The Aiken County Council desires to act on said application.

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. The proposed amendment to the Aiken County Official Zoning and Development District Atlas to rezone Tax Parcel(s) 012-05-10-016 & 012-05-10-019 Located on Larry Dee St (S-339) and Jesse Dee St (S-555) in North Augusta, SC in Council District 5 from Residential Single-Family Conservation District (RC) Urban Development District (UD) is hereby approved by the Aiken County Council.
2. The Aiken County Planning & Development Department is hereby directed to notify the Aiken County Planning Commission of this action by the County Council, and to amend appropriately the Aiken County Official Zoning and Development District Atlas.
3. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.
4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.
5. Council hereby waives any requirement that this Ordinance be referred to a committee of council or be recommended by a committee of council.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
Brad Farrar, County Attorney

COUNCIL VOTE:



Joel T. Duke, AICP
Chief Development Officer

**SUMMARY OF AIKEN COUNTY PLANNING COMMISSION FINDINGS AND
RECOMENDATIONS
CONCERNING A PROPOSED MAP OR TEXT AMENDMENT**

Date: February 10, 2026

Proposed Amendment: To Approve an Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcels 012-05-10-016 & 012-05-10-019 Located on Larry Dee St (S-339) and Jesse Dee St (S-555) in North Augusta, SC in Council District 5 from Residential Single-Family Conservation District (RC) Urban Development District (UD).

Planning Commission Findings: The applicant is requesting rezoning of the existing properties in order to expand the existing business that is located along Edgefield Rd (US-25).

Planning Commission Recommendation and Vote: The Aiken County Planning Commission, at its meeting on January 15, 2026, reviewed said application and adopted by a 5 to 2 vote a motion recommending the **denial** of tax parcel number 012-05-10-019, and adopted by a 5 to 2 vote a motion recommending the **approval** of tax parcel number 012-05-10-016.

Additional comments: Additional information, including application, maps, and staff recommendations, is included in the Planning and Development Staff report dated January 8, 2026

Attachments: Planning and Development Staff Report

Report submitted by:

A handwritten signature in blue ink, appearing to read "Joel T. Duke".

Joel T. Duke, AICP
Chief Development Officer/Planning Commission Secretary



REZONING APPLICATION

Rezoning – RC, Residential-Single-Family Conservation District; HCO, Highway Corridor Overlay to UD, Urban Development District.

DATE

January 8, 2026

PROPOSED DEVELOPMENT

Petitioner:

Thomas Fletcher Proctor

Property Owner:

Thomas Fletcher Proctor

Agent:

Location:

Aiken County Tax Parcel Numbers: 012-05-10-016 & 012-05-10-019

Larry Dee St (S-339)/Jesse Dee St (S-555)

North Augusta, SC

Development Status and History

Submission Status:

No previous rezoning application for properties exists.

Previous Approvals:

None

Conditions of Previous Approvals:

N/A

Property Configuration

Acresage:

Total +/- 0.50, tax parcels 012-05-10-016 & 012-05-10-019

Number of Lots and Configuration:

Access of two (2) parcels off of Larry Dee St. and Jesse Dee St.

**RC, Residential- Single-Family
Conservation District and
HCO, Highway Corridor
Overlay to UD, Urban
Development District**

Page 2 of 6

- Current Use:* The subject properties are undeveloped currently, but are being used as overflow for the existing business (landscaping and auto sales) fronting Edgefield Rd (US-25). It should be noted that action was taken by Aiken County Code Enforcement on 10/28/2025, and disposed of on 11/17/2025 regarding violations of Section 24-4.11 – Parking, storage and use of non-recreational vehicles and equipment in Residential Districts. The properties are bordered to the north, east and west by Myrtle Park, a residential subdivision with a RC zoning classification. To the south, is zoned UD within a HCO.
- Proposed Uses:* The rezoning application for the proposed two parcels is being requested for zoning map amendment consideration from it's current RC and HCO designation to UD zoning. Applicant has indicated their intent for expansion of existing business.
- Consistency with the Adopted Future Land Use Plan* The Aiken County Comprehensive Plan Update, 2014–2024, adopted by Council Ordinance 16-08-04 and effective June 6, 2016, addresses the future land use needs and objectives for the county. Section 7, Land Use Element of the plan outlines trends, conditions and needs to understand the relationship of, physical and economic development, as well as ensuring land use compatibility and development patterns are applied consistently countywide.
- The proposed zoning classification could be considered compatible and consistent with the existing zoning pattern in the adjacent area along Edgefield Rd.
- Current Zoning:* The subject property comprises two parcels totaling +/- 0.5 acres, which are zoned RC/HCO.

RC, Residential Single-Family Conservation District

- Permitted Land Uses: This district is intended to foster, sustain, and protect areas in which the principal use of land is

**RC, Residential- Single-Family
Conservation District and
HCO, Highway Corridor
Overlay to UD, Urban
Development District**

Page 3 of 6

for single-family dwellings and related support uses, and to reserve sufficient undeveloped land to meet future single-family housing demands. This district also is intended to encourage infilling and expansion of "like development" consistent with the character of existing development.

- **Minimum Lot Size: Residential** – Minimum lot size shall be eighty (80) percent of the average size of existing lots of record within the area in which the use is proposed, measured within one thousand (1,000) feet of the proposed use. All existing lots three acres or smaller shall be included in the calculation of "average lot size." Existing lots larger than three (3) acres shall be considered to be three acres for purpose of calculating average lot size. Lots not entirely contained within the 1,000-foot radius of the proposed lot shall not be included in the calculation. All lots included in the calculation must be recorded on the Aiken County tax maps. Where such measurement or calculation is inconclusive, the following minimums shall apply: one (1) acre per unit without community water and sewer; one-half (½) acre minimum without community sewer; fourteen thousand (14,000) square feet with community water and sewer.

Non-residential – 43,000 square feet

- **Minimum Lot Width at Building Line:** 80 feet
- **Structures per Lot:** One residence per lot
- **Maximum Impervious Surface:** 35%
- **Residential Setbacks:** Front: 50/40/30 feet depending on the street classification; Side: 10 feet; Rear: 20 feet.

The intended use listed by the applicant is not permitted under the RC zoning.

HCO, Highway Corridor Overlay District

The purpose of the HCO is to protect and enhance the appearance of developments and to improve traffic flow along primary commercial corridors.

**RC, Residential- Single-Family
Conservation District and
HCO, Highway Corridor
Overlay to UD, Urban
Development District**

Page 4 of 6

The application of the HCO applies to property parcels fronting on or within 200 feet of the right-of-way of the roads delineated within the HCO per Section 24-2.12.3.

Proposed Zoning:

UD, Urban Development District

- Permitted Land Uses: This district is intended to accommodate much of the projected growth in the County. The UD District is projected to have adequate infrastructure in place to support urban development. The UD is a mixture of uses, providing a full range of residential uses as well as commercial, institutional, and industrial uses.
- Minimum Lot Size: Residential – Minimum lot size ten thousand (10,000) square feet for one residential unit: Four thousand (4,000) for each additional unit
- Non-residential – 5,000 square feet
- Minimum Lot Width at Building Line: 40 feet
- Structures per Lot: No limit on the number of principal structures and buildings, provided such uses shall meet lot area, setback and all other applicable requirements.
- Maximum Impervious Surface: 70%
- Residential Setbacks: Front: 50/40/30 feet depending on the street classification; Side: 5 feet; Rear: 20 feet.
- Non-residential Setbacks: Front: 50/40/30 feet depending on the street classification; Side: 5 feet; Rear: 15 feet.

The intended use listed by the applicant is permitted under the UD zoning.

<i>Surrounding Developments and Uses:</i>	North of the subject site – RC, Single-family residential
	South of the subject site – UD, Urban Development, commercial; HCO
	East of the subject site – RC, Single-family residential
	West of the subject site – RC, Single-family residential
<i>Street Extensions or New Streets:</i>	No new streets being proposed. Legal access exists on Larry Dee St and Jesse Dee St
<i>Water and Sewer:</i>	The subject property is situated within the City of North Augusta Water and Sewer service area

PLANNING STAFF EVALUATION

Reviewed by: Amanda J. Sievers
Development Official

Recommendation: Approval, with the following notes:

1. Proposed rezoning is compatible with the Comprehensive Plan.
2. The proposed zoning is consistent with the existing zoning pattern along Edgefield Rd (US-25)

Staff Comments:

The stated objective of the proposed intent of the property is to expand the existing business, which is located in the UD and HCO district. The expressed intent would not be out of character with the surrounding properties that front Edgefield Rd.

ATTACHMENTS

1. Application
2. Location Map
3. Zoning Map



www.aikencountysc.gov

Aiken County
Planning and Development Department
1930 University Parkway, Suite 2800
Aiken, SC 29801
(803) 642-1520

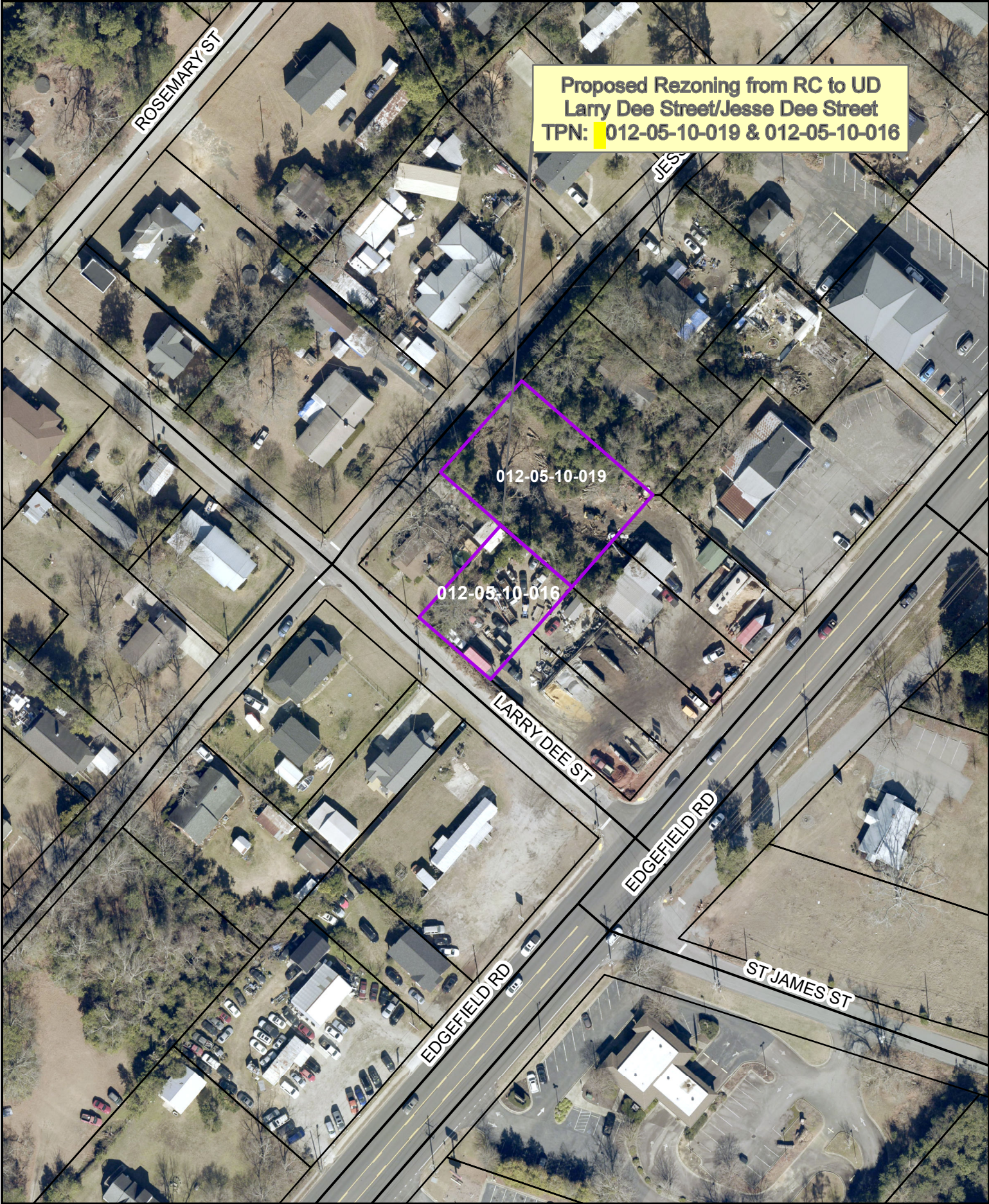
APPLICATION TO AMEND THE TEXT OR MAP OF THE AIKEN COUNTY LAND MANAGEMENT REGULATIONS ORDINANCE

- This application is to request an amendment to the: (check one)
 Ordinance Map (fill in all items except #8)
 Ordinance Text (fill in items #8 and #9 only)
- Address of property involving a map zoning classification change:
012-05-10-019, 012-05-10-016
 Tax Parcel Number: 012-05-10-019, 012-05-10-016
- Current zoning classification of property: RC District
- Current use of property: Empty lot
- Proposed zoning classification change: UD District
- Proposed use of property: Retail Sales
- Does the applicant own the property proposed for this change? Yes No
 If no, give name and address of property owner, and attach written authorization to file this application:
Thomas Fletcher Proctor
- If this involves a change in the Ordinance text, what section or sections will be affected? Section 24- _____
- Describe the proposed change and the reasons for the change:
Extension of Current business

Applicant's Name (Print): Thomas Proctor Phone: 803 349 5104
 Address: 521 Johnsons Run NASC 29860 Proctor 351@BellSouth.com
 Signature: [Signature] Date: 11-24-21

Official Use Only Do Not Write In This Space

Application No: _____ Date Received: _____ Fee Paid: _____



Proposed Rezoning from RC to UD
Larry Dee Street/Jesse Dee Street
TPN: 012-05-10-019 & 012-05-10-016

012-05-10-019

012-05-10-016

Prepared by:
Aiken County Government
12/30/2025
Scale: 1 inch = 100 feet



Proposed Rezoning from RC to UD
Larry Dee Street/Jesse Dee Street
TPN: 1012-05-10-019 & 012-05-10-016



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ROSEMARY ST

Proposed Rezoning from RC to UD
Larry Dee Street/Jesse Dee Street
TPN: 1012-05-10-019 & 012-05-10-016

JESSE DEE ST

RC

LARRY DEE ST

UD

EDGEFIELD RD

CITY

EDGEFIELD RD

ST JAMES ST

CITY

CITY

Prepared by:
Aiken County Government
12/30/2025
Scale: 1 inch = 100 feet



Proposed Rezoning from RC to UD
Larry Dee Street/Jesse Dee Street
TPN: 1012-05-10-019 & 012-05-10-016



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Sponsor(s) : County Council
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Effective Date :

RESOLUTION NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

Resolution to Appoint Members to Designated Boards, Commissions and Committees with Terms of the Appointments to Run Concurrent with that of the Appointing Member of Council.

WHEREAS:

1. County Council adopted Ordinance No. 82-12-49 which established appointments for members of Boards, Commissions, Authorities, Agencies and Advisory Committees appointed on a district basis by County Council to expire with the terms of the appointing Councilmember; and
2. County Council desires to appoint a member to the designated Boards, Commissions and Committees below.

NOW THEREFORE BE IT RESOLVED BY THE AIKEN COUNTY COUNCIL THAT Members are hereby appointed and/or reappointed to the following Boards, Commissions and Committees with terms of office to run concurrently with the term of the Council Member as follows:

1. PLANNING COMMISSION:

Vacant

District 6, Expires December 31, 2028

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

COUNCIL VOTE:

Sponsor(s) : County Council
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Effective Date :

RESOLUTION NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Approve the Allocation of Funds for Various Non-Profit Agencies from the FY 2026 Council Contingency Fund.

WHEREAS:

1. County Council has received many requests for funding from non-profit agencies operating in Aiken County; and
2. Council desires to approve certain of these allocations to assist the agencies.

NOW THEREFORE BE IT RESOLVED BY THE AIKEN COUNTY COUNCIL THAT:

1. County Council approves the following allocations from the FY 2026 Council Contingency Fund:

<u>Agency</u>	<u>Amount</u>
---------------	---------------

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

COUNCIL VOTE:

Contingency Fund Request Pending:

Organization

Dist

Need

Cost

Sponsor(s) : Judicial and Public Safety Committee
Committee Referral : Judicial and Public Safety Committee
Committee Consideration Date : March 3, 2026
Committee Recommendation :
Effective Date :

RESOLUTION NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Adopt the Natural Hazards Mitigation Plan.

WHEREAS:

1. Aiken County Council recognizes the threat that natural hazards pose to people and property; and
2. Undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and
3. An adopted all hazards mitigation plan is required as a condition of future grant funding of mitigation projects; and
4. Aiken County Council participated jointly in the planning process with the other units of government in Aiken County to prepare an all-hazards mitigation plan; and
5. County Council is aware that revision and updating of the plan is critical for active; and effective hazard mitigation and that Aiken County will monitor and record hazard related data and events that can be used to update the all-natural hazards mitigation plan.

NOW THEREFORE BE IT RESOLVED BY THE AIKEN COUNTY COUNCIL THAT:

1. Council hereby adopts the update to the Aiken County Mitigation Plan in its entirety as an official plan and will undertake annual recording of hazard events, their impact duration and cost.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

COUNCIL VOTE:

Sponsor(s) : Judicial and Public Safety Committee
Committee Referral : Judicial and Public Safety Committee
Committee Consideration Date : March 3, 2026
Committee Recommendation :
Effective Date :

RESOLUTION NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Accept an Award from the South Carolina Emergency Management Division, Office of the Adjutant General, under the Department of Homeland Security and the South Carolina Law Enforcement Division.

WHEREAS:

1. Aiken County Department of Emergency Management has been informed they were awarded a supplemental grant in the amount of \$65,487.00 from the South Carolina Emergency Management Division; and
2. The grant will be utilized for equipment and supplies for emergency planning, response, and recovery; and
3. The grant funds must be expended by June 30, 2026; and
4. County Council desires to accept this grant.

NOW THEREFORE BE IT RESOLVED BY THE AIKEN COUNTY COUNCIL THAT:

1. Council authorizes the County Administrator to accept funds for the Local Emergency Management Performance Grant from the South Carolina Emergency Management Division for Aiken County Department of Emergency Management.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

IMPACT STATEMENT: None. No match required.

COUNCIL VOTE:



MEMORANDUM

To: County and Municipal Governing Bodies in the Lower Savannah Region. South Carolina

From: Nathan Slaughter, AICP, CFM – Hazard Mitigation / GIS Group Manager, ESP Associates

Subject: Lower Savannah Regional Hazard Mitigation Plan

Date: February 16, 2026

The memorandum serves to summarize the Lower Savannah Regional Hazard Mitigation Plan and provides information on the importance of local governments adopting the plan.

The Lower Savannah Regional Hazard Mitigation Plan is required by the Disaster Mitigation Act of 2000 to help ensure that your community remains eligible for certain types of federal hazard mitigation funding opportunities. At this time, those opportunities include the Hazard Mitigation Grant Program (HMGP) and the Flood Mitigation Assistance (FMA) Program, both administered by the Federal Emergency Management Agency (FEMA).

The plan serves as a blueprint for communities to follow to support disaster risk reduction efforts and build community resiliency. The two main components of the plan include 1) a **risk assessment** that documents the hazards that impact the region and the potential problems that they can cause, and 2) a **mitigation strategy** that defines specific steps that the participating jurisdictions have identified to help reduce the impacts of the hazards that impact the region.

The plan has been reviewed by the South Carolina Emergency Management Division (SCEMD) who forwarded the plan to (FEMA) for their final compliance review. The last step in the process is local adoption. **We ask that all participating jurisdictions move forward with adopting the plan.**

Should you have any questions about the plan or the process, please do not hesitate to contact Nathan Slaughter at 919-264-9582.

The Lower Savannah Region of South Carolina is comprised of the following counties and municipalities.

Aiken County

Aiken
Burnettown
Jackson
New Ellenton
North Augusta
Perry
Salley
Monetta
Wagener
Windsor

Allendale County

Allendale
Fairfax
Sycamore
Ulmer

Bamberg County

Bamberg
Denmark
Ehrhardt
Govan
Olar

Barnwell County

Barnwell
Blackville
Elko
Hilda
Kline
Snelling
Williston

Calhoun County

Cameron
St. Matthews

Orangeburg County

Bowman
Branchville
Cope
Cordova
Elloree
Eutawville
Holly Hill
Livingston
Neeses
North
Orangeburg
Norway
Rowesville
Santee
Springfield
Vance
Woodford

Sponsor(s) : Judicial and Public Safety Committee
Committee Referral : Judicial and Public Safety Committee
Committee Consideration Date : March 3, 2026
Committee Recommendation :
Effective Date :

RESOLUTION NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Accept an Grant from the South Carolina Department of Veterans’ Affairs to continue to fund the Veterans Treatment Court.

WHEREAS:

1. The South Carolina Department of Veterans’ Affairs approved a monetary grant in the amount of \$104,000 to the 2nd Judicial Circuit Solicitor, Aiken County to provide a treatment alternative to incarceration for appropriate United States Armed Services Veterans charged with qualifying offenses; and
2. Aiken County will utilize these grant funds to improve the lives of individual Veterans in the criminal justice system who have substance abuse disorders; and
3. This Subaward agreement will be renewed automatically for consecutive one-year terms unless amended or terminated; and
4. County Council desires to accept this grant.

NOW THEREFORE BE IT RESOLVED BY THE AIKEN COUNTY COUNCIL THAT:

1. Council accepts a grant from the South Carolina Department of Veterans’ Affairs in the amount of \$104,0000 to establish a Veterans’ Treatment Court.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

IMPACT STATEMENT: No local match required.

COUNCIL VOTE:

Sponsor(s)	: County Council	I, _____
First Reading	: March 3, 2026	Council Clerk, certify that this Ordinance was
Committee Referral	: Judicial & Public Safety	published for a public hearing on _____.
Committee Consideration Date	: March 3, 2026	
Committee Recommendation	:	
Second Reading	:	
Public Hearing	:	
Third Reading	:	
Effective Date	:	

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

To Delete Aiken County Code of Ordinances Chapter 11, Article III, Sections 11-28 and 11-28.1, "Emergency Services Advisory Committee," and Chapter 20, Article II, "Communications Center Board."

WHEREAS:

1. The Emergency Services Advisory Committee was established as an advisory body to County Council and codified in Chapter 11, Article III, Section 11-28 of the Aiken County Code of Ordinances.
2. The Communications Center Board was established and codified in Chapter 20, Article II of the Aiken County Code of Ordinances.
3. The Emergency Services Advisory Committee and the Communications Center Board are inactive, having not met in a number of years, and there are no future meetings planned or anticipated for this entity.

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. Chapter 11, Article III, Sections 11-28 and 11-28.1 of the Aiken County Code of Ordinances is repealed and deleted, and the Emergency Services Advisory Committee is disbanded and abolished.
2. Chapter 20, Article II of the Aiken County Code of Ordinances is repealed and deleted, and the Communications Center Board is disbanded and abolished.
3. Severability. If any provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, those portions of the Ordinance that remain shall be in full force and effect.
4. Conflict and Repeal. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
County Attorney

COUNCIL VOTE:

Sponsor(s)	: County Council	I, _____
First Reading	: March 3, 2026	Council Clerk, certify that this Ordinance was
Committee Referral	: Judicial & Public Safety	published for a public hearing on _____.
Committee Consideration Date	: March 3, 2026	
Committee Recommendation	:	
Second Reading	:	
Public Hearing	:	
Third Reading	:	
Effective Date	:	

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

An Ordinance to Amend Aiken County Code of Ordinances, Chapter 15, Article III, "Nuisances."

WHEREAS:

1. Pursuant to Section 4-9-25 of the Code of Laws of South Carolina, as amended, and 4-21-10, "All counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State..."; and
2. Section 4-9-130 of the Code of Laws of South Carolina, as amended, provides for the holding of public hearings in certain instances, after reasonable public notice, before final council action is taken; and
3. The governing body of Aiken County reaffirms its finding that any unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public is a nuisance; and
4. Council desires to amend Chapter 15, Article III, as hereinbelow set forth.

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. Aiken County Code of Ordinances, Chapter 15, Article III, "Nuisances," is hereby amended to so that it shall hereafter provide as follows:

"ARTICLE III. – NUISANCES

Sec. 15-21. - Declaration of policy.

Any act of any person, group or business within the unincorporated area of the county whereby the health or life of any person may be endangered, injured or impaired or disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged, is hereby declared to be a nuisance and unlawful. Dwellings and other buildings in the county which are unfit for human habitation or human use due to dilapidation or other conditions rendering the dwelling or building unsafe or unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise hazardous to the welfare of the residents of the county are also declared to be a nuisance. Nuisances include any unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public.

Sec. 15-22. - Specific nuisances.

Acts of nuisance shall include but are not expressly restricted to:

- (1) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises.

(2) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting pools of water to accumulate and remain upon the premises and become stagnant and foul.

(3) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county and in a residential area allowing junk, disabled cars and trucks, trash, waste, old lumber or used tires to accumulate and remain upon the premises as a possible harborage for rats, snakes and other vermin.

(4) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of abandoned or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(5) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of any compost pile which is of such a nature as to spread or harbor a disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects; but the presence of earthworms in a compost pile shall not constitute a nuisance.

(6) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county keeping or permitting another to keep upon any premises deleterious septic material unless such material is contained in containers or vessels which deny access to humans, flies, insects, rodents, vermin and animals.

(7) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county in a residential area maintaining livestock, chickens or groups of other domestic animals in such a manner as to allow the spread or harboring of disease, emit unpleasant odors or harmful gases, or attract rodents, vermin or other disease-carrying pests, animals or insects.

(8) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county maintaining a premises in a condition or a building in a condition which is detrimental to property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

(9) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or motor vehicle parts to remain on such property longer than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential area, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county or any other public agency or entity.

(10) Any unreasonably loud or disturbing noise that causes material, physical or mental discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited. Any noise of such character, intensity intermittent or continued duration which substantially interferes with the comfortable enjoyment of dwellings, hotels or other types of residence by persons of ordinary sensibilities is hereby declared to be a nuisance and is prohibited.

The following acts, whether on or within public or private property, and the causing or permitting thereof, are hereby specifically declared to be unreasonably loud and disturbing noises in violation of this section:

- a. The playing or permitting the playing at any time of any radio, tape recorder, phonograph, portable television set, loudspeaker, sound amplifier, amplified or unamplified musical instrument, live music of any kind or any other sound-producing device by any person while inside any theater, retail store, bank, public or private building, public or private modes of transportation, indoor or outdoor public sports area, or any other public or private area, in such manner or with such volume as to unreasonably disturb the quiet, comfort, or peace of the public or private residents.
- b. The harboring or keeping of a dog or other animal or bird that by loud and frequent or habitual barking, howling, yelping, crying, crowing, cackling, or singing shall cause disturbance to the neighborhood.

- c. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public or private place of the county for an unnecessary or unreasonable period of time, or with such volume as to create any unreasonably loud or harsh sound; provided that the prohibitions of this subsection shall not apply to the sounding of any horn or signaling device when used as a danger warning; and further provided that authorized emergency vehicles may use warning sounds at any time.
- d. The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
- e. The use within the county of any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such manner or with material of such nature as to create loud or irritating, grating, grinding, rattling, or other noises.
- f. The creation within the county of loud or excessive noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or the like, without exercising reasonable care to limit such noise and to confine the same.
- g. The operation within the county between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick or hoist, or other appliance, the use of which is attended by loud or disturbing noises.
- h. The operation within the county of any noise-creating blower or power fan, the operation of which causes loud or disturbing noise, unless such blower or fan is muffled to deaden such noise.
- i. The creation within the county of any loud, irritating, or disturbing noise in the vicinity of any school, institution of learning, church, court of law, hospital, or neighborhood while the same is in use or occupied, and which unreasonably interferes with the workings of such institution, or which disturbs persons of ordinary sensibilities within these buildings or neighborhoods. Signs shall be displayed at or near such public buildings indicating that the same is a school, institution of learning, hospital, court of law, or church. A neighborhood shall be defined as one (1) or more houses.
- j. Yelling, shouting, hooting, whistling, singing, loud music (live or recorded), or any other amplified or unamplified equipment on the public or private streets or other public or private areas (to include residences) of the county at any time or place of such duration, frequency, or volume as to disturb the peace, quiet, comfort, or repose of persons in the vicinity of the disturbances listed above.

(11) The owner, occupant or agent of any owner or occupant or user of any one (1) or more lots, parcels or areas within the county using such lot or any building or erection thereon for the purposes of lewdness, or prostitution, or for the sale or distribution or consumption of any illegal substance are all declared a nuisance and shall be enjoined and abated as provided for in this article.

(12) Any person who makes excessive, unnecessary or unusually loud noises which disturbs others within the unincorporated area of Aiken County. The term "excessive, unnecessary or unusually loud noises" is defined to be any sound which is plainly audible at a distance of two hundred (200) feet from its source.

(13) A dwelling or other building unfit for human habitation or use if conditions exist in such dwelling or building which are dangerous or injurious to the health, safety or morals of the occupants of such dwellings, the occupants of neighboring dwellings, or other residents in the county. Such conditions may include the following (without limiting the generality foregoing): defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; partial destruction.

(14) Exceptions. The provisions of subsection [15-22](#)(10) shall not apply to or be enforced against:

- i. Any county, law enforcement, or emergency vehicle while engaged in necessary public business;
- ii. Noises of safety signals or warning devices;

- iii. Noises generated by natural phenomena;
- iv. Excavations or repairs of streets or utilities by or on behalf of utility companies, the city, county or state, at night, when the public welfare and convenience renders it impossible to perform such work during the day;
- v. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character; or
- vi. The reasonable use of amplifiers or loudspeakers and any loud noise generated or created in the course of any organized carnival or fair between the hours of 8:00 a.m. and midnight; or
- vii. The reasonable use of amplifiers or loudspeakers in the course of sporting events at ballfields and racetracks in the county; yelling, shouting and cheering at sporting events at ballfields and racetracks in the county; and any loud noise associated with a ballfield or racetrack between the hours of 8:00 a.m. and midnight;
- viii. Sound as the result of normal or routine lawn/yard maintenance and landscaping between the hours of 6:00 a.m. and 10:00 p.m.;
- ix. Any sound emanating from a school or church;
- x. Any noise resulting from activities sponsored or co-sponsored by the county;
- xi. Noise from the use of fireworks or pyrotechnics from 8:00 a.m. until midnight; and
- xii. For those activities listed above, which are normally exempted only during specific hours, the exemption shall be from 8:00 a.m. until the following morning at 1:30 a.m. on the following holidays or their dates of official observance: New Year's Eve, Martin Luther King, Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

(15) The development official is authorized to issue permits for temporary extensions for the activities exempted between the hours of 8:00 a.m. and midnight as specified in subsection (14) of this section to extend the exemption until 1:30 a.m. on days other than those holidays set forth in subsection (14) xii. Permits shall be subject to the following conditions and provisions:

- a. A permit may be granted for periods of time from one (1) day to ten (10) consecutive days;
- b. For multi-day events not held on consecutive days, each day or group of consecutive days shall constitute a separate event and require a separate permit;
- c. No more than four (4) permits may be granted for any applicant or location for any calendar year;
- d. The total number of days for all permits granted for any applicant or location shall not exceed ten (10) days for any calendar year.

Sec. 15-23. - Definition.

For the purpose of this article, *residential area* is defined as property developed primarily for residential use.

Buildings shall mean any structure which is used or intended to be used by humans but not specifically included in the term "dwellings." Nothing in this article shall be construed to apply to those buildings used primarily in an agriculturally related manner.

County shall mean that area comprising the county, other than municipalities.

Dwelling shall mean any dwelling or structure, or part thereof; used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Junk shall include, but is not limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery, and the following old, scrap, or used items: metal, rope, rags, batteries, paper, cardboard, plastic, rubber, pallets, appliances, motors, industrial or commercial fixtures, rubbish, debris, and wrecked, dismantled or disabled motor vehicles or parts thereof. The term shall also mean, but not be limited to, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous materials.

Owner shall mean the holder of the title in fee simple and every mortgagee of record.

Parties in interest shall mean all individuals, associations, corporations, and others who have interest of record in a dwelling or building and any who are in possession thereof.

Sec. 15-27. - Summons to appear in magistrate's court.

Any county code enforcement officer or officer commissioned pursuant to S.C.Code Ann. Section 4-9-145 is authorized to issue a uniform ordinance summons pursuant to S.C.Code Ann. Section 56-7-80 for violations of this Code of Ordinances.

Sec. 15-30. - Penalty.

Any person, persons or entities violating any provision of this article shall be guilty of a misdemeanor, punishable by a fine of five hundred (\$500.00) dollars, thirty (30) days imprisonment, or both.

Sec. 15-31. - Remedies not exclusive.

The remedies provided within this chapter are not exclusive and shall not prohibit pursuit of any other remedies available in law or equity.

Secs. 15-32—15-34. - Reserved.”

[A “track changes” version of Article III, “Nuisances,” included as Exhibit A, accompanies this ordinance].

[END OF AMENDMENTS].

2. Severability. If any provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, the remainder of the Ordinance shall be in full force and effect.
3. Conflict and Repeal. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
Brad Farrar, County Attorney

COUNCIL VOTE:

Sponsor(s)	: County Council	I, _____
First Reading	:	Council Clerk, certify that this Ordinance
Committee Referral	:	was published for a public hearing.
Committee Consideration Date	:	
Committee Recommendation	:	
Second Reading	:	
Public Hearing	:	
Third Reading	:	
Effective Date	:	

ORDINANCE NO.
COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

An Ordinance to Amend Aiken County Code of Ordinances, Chapter 15, Article ~~III~~V, “~~Nuisances, Unfit Dwellings.~~”

WHEREAS:

1. Pursuant to Section 4-9-25 of the Code of Laws of South Carolina, as amended, and 4-21-10, “All counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State...”; and
2. Section 4-9-130 of the Code of Laws of South Carolina, as amended, provides for the holding of public hearings in certain instances, after reasonable public notice, before final council action is taken; and
- ~~3.~~ 3. The governing body of Aiken County reaffirms its finding that any unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public is a nuisance;~~finds that dwelling conditions of the character described in S.C. Code Ann. Section 31-15-320 exist within the County; namely, there exist in Aiken County 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 insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county; and~~ and
- ~~3.~~
4. Council desires to amend Chapter 15, Article III, as hereinbelow set forth; empower public officers to enforce those provisions of State law that may be included in county ordinances governing unfit dwellings;

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. Aiken County Code of Ordinances, Chapter 15, Article ~~III~~V, “~~Nuisances, Unform Dwellings.~~” is hereby amended to so that it shall hereafter provide as follows:

“ARTICLE III. – NUISANCES

Sec. 15-21. - Declaration of policy.

Any act of any person, group or business within the unincorporated area of the county whereby the health or life of any person may be endangered, injured or impaired or disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged, is hereby declared to be a nuisance and unlawful. Dwellings and other buildings in the county which are unfit for human habitation or human use due to dilapidation or other conditions rendering the dwelling or building unsafe or unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise hazardous to the welfare of the residents of the county are also declared to be a nuisance. Nuisances include any unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public.

Sec. 15-22. - Specific nuisances.

Acts of nuisance shall include but are not expressly restricted to:

(1) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises.

(2) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting pools of water to accumulate and remain upon the premises and become stagnant and foul.

(3) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county and in a residential area allowing junk, disabled cars and trucks, trash, waste, old lumber or used tires to accumulate and remain upon the premises as a possible harborage for rats, snakes and other vermin.

(4) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of abandoned or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(5) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of any compost pile which is of such a nature as to spread or harbor a disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects; but the presence of earthworms in a compost pile shall not constitute a nuisance.

(6) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county keeping or permitting another to keep upon any premises deleterious septic material unless such material is contained in containers or vessels which deny access to humans, flies, insects, rodents, vermin and animals.

(7) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county in a residential area maintaining livestock, chickens or groups of other domestic animals in such a manner as to allow the spread or harboring of disease, emit unpleasant odors or harmful gases, or attract rodents, vermin or other disease-carrying pests, animals or insects.

(8) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county maintaining a premises in a condition or a building in a condition which is detrimental to property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

(9) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or motor vehicle parts to remain on such property longer than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential area, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county or any other public agency or entity.

(10) Any unreasonably loud or disturbing noise that causes material, physical or mental discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited. Any noise of such character, intensity intermittent or continued duration which substantially interferes with the comfortable enjoyment of dwellings, hotels or other types of residence by persons of ordinary sensibilities is hereby declared to be a nuisance and is prohibited. The following acts, whether on or within public or private property, and the causing or permitting thereof, are hereby specifically declared to be unreasonably loud and disturbing noises in violation of this section:

a. The playing or permitting the playing at any time of any radio, tape recorder, phonograph, portable television set, loudspeaker, sound amplifier, amplified or unamplified musical instrument, live music of any kind or any other sound-producing device by any person while inside any theater, retail store, bank, public or private building, public or private modes of transportation, indoor or outdoor public sports area, or any other public or private area, in such manner or with such volume as to unreasonably disturb the quiet, comfort, or peace of the public or private residents.

b. The harboring or keeping of a dog or other animal or bird that by loud and frequent or habitual barking, howling, yelping, crying, crowing, cackling, or singing shall cause disturbance to the neighborhood.

c. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public or private place of the county for an unnecessary or unreasonable period of time, or with such volume as to create any unreasonably loud or harsh sound; provided that the prohibitions of this subsection shall not apply to the sounding of any horn or signaling device when used as a danger warning; and further provided that authorized emergency vehicles may use warning sounds at any time.

d. The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

e. The use within the county of any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such manner or with material of such nature as to create loud or irritating, grating, grinding, rattling, or other noises.

f. The creation within the county of loud or excessive noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or the like, without exercising reasonable care to limit such noise and to confine the same.

g. The operation within the county between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick or hoist, or other appliance, the use of which is attended by loud or disturbing noises.

h. The operation within the county of any noise-creating blower or power fan, the operation of which causes loud or disturbing noise, unless such blower or fan is muffled to deaden such noise.

i. The creation within the county of any loud, irritating, or disturbing noise in the vicinity of any school, institution of learning, church, court of law, hospital, or neighborhood while the same is in use or occupied, and which unreasonably interferes with the workings of such institution, or which disturbs persons of ordinary sensibilities within these buildings or neighborhoods. Signs shall be displayed at or near such public buildings indicating that the same is a school, institution of learning, hospital, court of law, or church. A neighborhood shall be defined as one (1) or more houses.

j. Yelling, shouting, hooting, whistling, singing, loud music (live or recorded), or any other amplified or unamplified equipment on the public or private streets or other public or private areas (to include residences) of the county at any time or place of such duration, frequency, or volume as to disturb the peace, quiet, comfort, or repose of persons in the vicinity of the disturbances listed above.

(11) The owner, occupant or agent of any owner or occupant or user of any one (1) or more lots, parcels or areas within the county using such lot or any building or erection thereon for the purposes of lewdness, or prostitution, or for the sale or distribution or consumption of any illegal substance are all declared a nuisance and shall be enjoined and abated as provided for in this article.

(12) Any person who makes excessive, unnecessary or unusually loud noises which disturbs others within the unincorporated area of Aiken County. The term "excessive, unnecessary or unusually loud noises" is defined to be any sound which is plainly audible at a distance of two hundred (200) feet from its source.

(13) A dwelling or other building unfit for human habitation or use if conditions exist in such dwelling or building which are dangerous or injurious to the health, safety or morals of the occupants of such dwellings, the occupants of neighboring dwellings, or other residents in the county. Such conditions may include the following (without limiting the generality foregoing): defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; partial destruction.

(14) Exceptions. The provisions of subsection [15-22](#)(10) shall not apply to or be enforced against:

i. Any county, law enforcement, or emergency vehicle while engaged in necessary public business;

ii. Noises of safety signals or warning devices;

iii. Noises generated by natural phenomena;

iv. Excavations or repairs of streets or utilities by or on behalf of utility companies, the city, county or state, at night, when the public welfare and convenience renders it impossible to perform such work during the day;

v. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character; or

vi. The reasonable use of amplifiers or loudspeakers and any loud noise generated or created in the course of any organized carnival or fair between the hours of 8:00 a.m. and midnight; or

vii. The reasonable use of amplifiers or loudspeakers in the course of sporting events at ballfields and racetracks in the county; yelling, shouting and cheering at sporting events at ballfields and racetracks in

the county; and any loud noise associated with a ballfield or racetrack between the hours of 8:00 a.m. and midnight;

viii. Sound as the result of normal or routine lawn/yard maintenance and landscaping between the hours of 6:00 a.m. and 10:00 p.m.;

ix. Any sound emanating from a school or church;

x. Any noise resulting from activities sponsored or co-sponsored by the county;

xi. Noise from the use of fireworks or pyrotechnics from 8:00 a.m. until midnight; and

xii. For those activities listed above, which are normally exempted only during specific hours, the exemption shall be from 8:00 a.m. until the following morning at 1:30 a.m. on the following holidays or their dates of official observance: New Year's Eve, Martin Luther King, Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

(15) The development official is authorized to issue permits for temporary extensions for the activities exempted between the hours of 8:00 a.m. and midnight as specified in subsection (14) of this section to extend the exemption until 1:30 a.m. on days other than those holidays set forth in subsection (14)xii. Permits shall be subject to the following conditions and provisions:

a. A permit may be granted for periods of time from one (1) day to ten (10) consecutive days;

b. For multi-day events not held on consecutive days, each day or group of consecutive days shall constitute a separate event and require a separate permit;

c. No more than four (4) permits may be granted for any applicant or location for any calendar year;

d. The total number of days for all permits granted for any applicant or location shall not exceed ten (10) days for any calendar year.

Sec. 15-23. - Definition.

For the purpose of this article, *residential area* is defined as property developed primarily for residential use.

Buildings shall mean any structure which is used or intended to be used by humans but not specifically included in the term "dwellings." Nothing in this article shall be construed to apply to those buildings used primarily in an agriculturally related manner.

County shall mean that area comprising the county, other than municipalities.

Dwelling shall mean any dwelling or structure, or part thereof; used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Junk shall include, but is not limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery, and the following old, scrap, or used items: metal, rope, rags, batteries, paper, cardboard, plastic, rubber, pallets, appliances, motors, industrial or commercial fixtures, rubbish, debris, and wrecked, dismantled or disabled motor vehicles or parts thereof. The term shall also mean, but not be limited to, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire

carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous materials.

Owner shall mean the holder of the title in fee simple and every mortgagee of record.

Parties in interest shall mean all individuals, associations, corporations, and others who have interest of record in a dwelling or building and any who are in possession thereof.

Sec. 15-27. - Summons to appear in magistrate's court.

Any county code enforcement officer or officer commissioned pursuant to S.C.Code Ann. Section 4-9-145 is authorized to issue a uniform ordinance summons pursuant to S.C.Code Ann. Section 56-7-80 for violations of this Code of Ordinances.

Sec. 15-30. - Penalty.

Any person, persons or entities violating any provision of this article shall be guilty of a misdemeanor, punishable by a fine of five hundred (\$500.00) dollars, thirty (30) days imprisonment, or both.

Sec. 15-31. - Remedies not exclusive.

The remedies provided within this chapter are not exclusive and shall not prohibit pursuit of any other remedies available in law or equity.

Secs. 15-32—15-34. - Reserved.”

[A “track changes” version of Article III~~V~~, “Nuisances,” included as Exhibit A, accompanies this ordinance].

~~ARTICLE IV. UNFIT DWELLINGS~~

~~Sec. 15-35. Authority.~~

~~This article is adopted pursuant to S.C.Code Ann. hereby authorized by South Carolina Code of Laws 1976, as amended, Section 31-15-320.~~

~~Sec. 11-36. Definitions.~~

~~As used in this article, the following terms shall have the meanings given below:~~

~~Dwelling shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.~~

~~Owner shall mean the holder of title in fee simple and every mortgagee of record; Parties in interest shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.~~

~~(Ord. No. 06-11-137, S 1-2, 11-14-06)~~

~~• Sec. 15-37. Unsafe dwellings.~~

~~(a) The governing body of Aiken County finds that dwelling conditions of the character described in S.C.Code Ann. Section 31-15-320 exist within the County; namely, there exist in Aiken County dwellings which are unfit for human habitation due to (1) dilapidation, (2) defects increasing the hazards of fire, accidents or other calamities, (3) lack of ventilation, light or sanitary facilities or (4) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county.~~

~~Whenever the county building official finds that there exist in the county, 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 county, the county may exercise its police powers to repair, close or demolish any such dwelling.~~

~~(Ord. No. 06-11-137, § 1-3, 11-14-06)~~

~~• Sec. 15-38. Powers and duties.~~

~~The building official, or his designated representative(s), may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:~~

~~(1)~~

~~To investigate the dwelling conditions in the County 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 ordinance; and~~

~~(5)~~

~~To delegate any of his functions and powers under this article to such officers and agents as he may choose.~~

~~(Ord. No. 06-11-137, § 1-4, 11-14-06)~~

~~• Sec. 15-39. Investigation and complaint.~~

~~Whenever a complaint or petition is filed with the building official, or his designated representative(s), by at least five residents of the county, charging that any dwelling is unfit for human habitation or whenever it appears to the building official, on his own motion, that any dwelling is unfit for human habitation, the building official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and all parties of interest in such dwelling, a complaint and notice in letter form (return receipt requested) stating the charges and that a hearing will be held before the building official or his designated representative(s), not less than ten (10) days nor more than thirty (30) calendar days after the service of such complaint or letter, that the owner and parties of interest shall be given the right to file an answer to the complaint in letter form and to appear in person or otherwise and give 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 such hearings.~~

~~(Ord. No. 06-11-137, § 1-6, 11-14-06)~~

~~• Sec. 15-40. Notice to owner and necessary action by owner.~~

~~If, after such notice and hearing, the building official or his designated representative(s) determines that the dwelling under consideration is unfit for human habitation, it shall be stated in writing, to include the findings of fact in support of such determination, and this writing shall be issued and caused to be served upon the owner of such property with notice that:~~

~~(1)~~

~~If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling ("reasonable cost" being not over fifty (50) percent of such value), the owner shall be required, 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~~

(2)

~~If the repair, alteration or improvement of the dwelling cannot not be made at a reasonable cost in relation to the value of the building ("reasonable cost" being not over 50 percent of such value), the owner shall required, within the time specified in the order, to remove or demolish such dwelling.~~

~~(Ord. No. 06-11-137, § 1-1-6, 11-14-06)~~

~~• Sec. 15-41. Failure to comply.~~

(a)

~~If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the building official may cause such dwelling to be repaired or to be vacated and closed. In addition, the building official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."~~

(b)

~~If the owner fails to comply with an order to remove or demolish the dwelling, the building official may cause such dwelling to be removed or demolished.~~

~~(Ord. No. 06-11-137, § 1-7, 11-14-06)~~

~~• Sec. 15-42. Costs.~~

~~The amount of the costs of such repairs, alterations or improvements or the removal or demolition by the county shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.~~

~~(Ord. No. 06-11-137, § 1-8, 11-14-06)~~

~~• Sec. 15-43. Sale of materials.~~

(a)

~~If a dwelling is removed or demolished by the building official or his designated representative(s), he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the circuit court and shall be secured in such manner as may be directed by the court and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.~~

(b)

~~If the county in demolishing unfit dwellings contracts with a third party, not employed by the county, to do the work, it must bid the work in conformity with the procurement code applicable to the county.~~

~~(Ord. No. 06-11-137, § 1-9, 11-14-06)~~

~~• Sec. 15-44. Standards to determine fitness of dwelling.~~

~~The building official or his designated representative(s) 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 dwelling or other residents in the county. 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, breeding areas for insects or vermin, and any other condition relating to unfitness for human habitation.~~

~~(Ord. No. 06-11-137, § 1-10, 11-14-06)~~

~~• Sec. 15-45. Service of complaint.~~

~~Complaints by letter or orders issued under this article shall be delivered to and/or served upon such persons either personally or by registered mail (return receipt requested), but if the whereabouts of such persons is unknown and cannot be ascertained by the building official or his designated representative(s) in the exercise of reasonable diligence, the building official or his designated representative(s) shall make an affidavit to that effect and the serving of such complaint or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper printed and published in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of the complaint or order shall also be filed with the clerk of court of the county in with the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.~~

~~(Ord. No. 06-11-137, § 1-11, 11-14-06)~~

~~• Sec. 15-46. Rights of persons affected by orders.~~

~~Any person affected by an order issued by the building official or his designated representative(s) may, within sixty days after the posting and service of the order, petition the circuit court for an injunction, restraining the building official or his designated representative(s) from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction, restraining the building official or his designated representative(s) pending the final disposition of the cause. Hearings shall be held by the court on such petitions within 20 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 enter such final order or decree as law and justice may require. In all such proceedings, the findings of the building official or his designated representative(s) as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the building official or his designated representative(s) shall be entitled to recover any damages for action taken pursuant to any order of the building official or his designated representative(s) or because of compliance by such person with any order of the building official or his designated representative(s).~~

~~(Ord. No. 06-11-137, § 1-12, 11-14-06)~~

~~• Sec. 15-47. Power of county to declare nuisances.~~

~~Nothing in this article shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings, criminal proceedings or otherwise.~~

~~(Ord. No. 06-11-137, § 1-13, 11-14-06)~~

~~• Sec. 15-48. Article provisions are cumulative.~~

~~Nothing in this article shall be construed to abrogate or impair the powers of the courts or any department of any municipality in the county to enforce any provisions 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.~~

Sec. 15-38 — Powers and duties.

~~(b) In addition to the powers, duties, and provisions of Section 15-38, this chapter, and Chapter 5 of this Code of Ordinances, any Aiken County code enforcement officer, building official, or "public officer" as defined in S.C. Code Ann. Section 31-15-310(2), is hereby designated and appointed to exercise the powers prescribed in this chapter and in this Code of Ordinances.~~

~~The building official, or his designated representative(s), may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted.~~

- ~~(1) To investigate the dwelling conditions in the County 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 ordinance; and~~
- ~~(5) To delegate any of his functions and powers under this article to such officers and agents as he may choose.~~

~~(a) The governing body of Aiken County finds that dwelling conditions of the character described in S.C. Code Ann. Section 31-15-320 exist within the County; namely, there exist in Aiken County dwellings which are unfit for human habitation due to (1) dilapidation, (2) defects increasing the hazards of fire, accidents or other calamities, (3) lack of ventilation, light or sanitary facilities or (4) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county.~~

~~(b) In addition to the powers, duties, and provisions of Section 15-38, this chapter, and Chapter 5 of this Code of Ordinances, any Aiken County code enforcement officer, building official, or "public officer" as defined in S.C. Code Ann. Section 31-15-310(2), is hereby designated and appointed to exercise the powers prescribed in this chapter and in this Code of Ordinances.~~

~~(c) The definitions set forth in S.C. Code Ann. Section 31-15-10 are incorporated herein.~~

~~(d) Whenever a petition is filed with the public officer by at least five residents of the county charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such 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 public officer or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the 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 give 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 public officer;~~

~~(c) If, after the notice and hearing described in subsection (d), the public officer determines that the dwelling under consideration is unfit for human habitation the public officer 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 that may provide, among other things that:~~

~~(1) the Owner repair, alter, or improve the dwelling to render it fit for human habitation, or vacate and close the dwelling as a human habitation within the time specified in the order; or~~

~~(2) if the repair cannot be made or is not made, the owner shall be required to remove or demolish such dwelling within the time specified in the order.~~

~~(f) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated and closed. In such case, the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful";~~

~~(g) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.~~

~~(h) The amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.~~

~~(i) A public officer 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 county. Such conditions may include, but are not limited to, the following: defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness.~~

~~(j) Complaints or orders issued by a public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer 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 consecutive 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 be posted in a conspicuous place on the premises affected by the complaint or order. 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 provided by law.~~

~~(k) Any person affected by an order issued by a public officer under this chapter may within sixty days after the posting and service of the order petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer 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 enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer or because of compliance by such person with any order of the public officer.~~

~~(l) A public officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:~~

~~(1) To investigate the dwelling conditions in the county 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.~~

~~(m) This section is adopted pursuant to S.C.Code Ann. Sections 31-15-130, and 6-29-~~

[END OF AMENDMENTS].

2. Severability. If any provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, the remainder of ose portions of the Ordinance ~~that remain~~ shall be in full force and effect.

3. Conflict and Repeal. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
County Attorney

COUNCIL VOTE:

EXHIBIT A

ARTICLE III. – NUISANCES

Sec. 15-21. - Declaration of policy.

Any act of any person, group or business within the unincorporated area of the county whereby the health or life of any person may be endangered, injured or impaired or disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged, is hereby declared to be a nuisance and unlawful. Dwellings and other buildings in the county which are unfit for human habitation or human use due to dilapidation or other conditions rendering the dwelling or building unsafe or unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise hazardous to the welfare of the residents of the county are also declared to be a nuisance. Nuisances include any unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public.

Sec. 15-22. - Specific nuisances.

Acts of nuisance shall include but are not expressly restricted to:

- (1) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises.
- (2) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting pools of water to accumulate and remain upon the premises and become stagnant and foul.
- (3) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county and in a residential area allowing junk, disabled cars and trucks, trash, waste, old lumber or used tires to accumulate and remain upon the premises as a possible harborage for rats, snakes and other vermin.
- (4) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of abandoned or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- (5) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of any compost pile which is of such a nature as to spread or harbor a disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects; but the presence of earthworms in a compost pile shall not constitute a nuisance.
- (6) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county keeping or permitting another to keep upon any premises deleterious

septic material unless such material is contained in containers or vessels which deny access to humans, flies, insects, rodents, vermin and animals.

(7) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county in a residential area maintaining livestock, chickens or groups of other domestic animals in such a manner as to allow the spread or harboring of disease, emit unpleasant odors or harmful gases, or attract rodents, vermin or other disease-carrying pests, animals or insects.

(8) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county maintaining a premises in a condition or a building in a condition which is detrimental to property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

(9) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or motor vehicle parts to remain on such property longer than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential area, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county or any other public agency or entity.

(10) Any unreasonably loud or disturbing noise that causes material, physical or mental discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited. Any noise of such character, intensity intermittent or continued duration which substantially interferes with the comfortable enjoyment of dwellings, hotels or other types of residence by persons of ordinary sensibilities is hereby declared to be a nuisance and is prohibited.

The following acts, whether on or within public or private property, and the causing or permitting thereof, are hereby specifically declared to be unreasonably loud and disturbing noises in violation of this section:

a. The playing or permitting the playing at any time of any radio, tape recorder, phonograph, portable television set, loudspeaker, sound amplifier, amplified or unamplified musical instrument, live music of any kind or any other sound-producing device by any person while inside any theater, retail store, bank, public or private building, public or private modes of transportation, indoor or outdoor public sports area, or any other public or private area, in such manner or with such volume as to unreasonably disturb the quiet, comfort, or peace of the public or private residents.

b. The harboring or keeping of a dog or other animal or bird that by loud and frequent or habitual barking, howling, yelping, crying, crowing, cackling, or singing shall cause disturbance to the neighborhood.

c. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public or private place of the county for an unnecessary or unreasonable period of time, or with such volume as to create any unreasonably loud or harsh sound; provided that the prohibitions of this subsection shall not apply to the sounding of any horn or signaling device when used as a danger warning; and further provided that authorized emergency vehicles may use warning sounds at any time.

d. The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

e. The use within the county of any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such manner or with material of such nature as to create loud or irritating, grating, grinding, rattling, or other noises.

f. The creation within the county of loud or excessive noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or the like, without exercising reasonable care to limit such noise and to confine the same.

g. The operation within the county between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick or hoist, or other appliance, the use of which is attended by loud or disturbing noises.

h. The operation within the county of any noise-creating blower or power fan, the operation of which causes loud or disturbing noise, unless such blower or fan is muffled to deaden such noise.

i. The creation within the county of any loud, irritating, or disturbing noise in the vicinity of any school, institution of learning, church, court of law, hospital, or neighborhood while the same is in use or occupied, and which unreasonably interferes with the workings of such institution, or which disturbs persons of ordinary sensibilities within these buildings or neighborhoods. Signs shall be displayed at or near such public buildings indicating that the same is a school, institution of learning, hospital, court of law, or church. A neighborhood shall be defined as one (1) or more houses.

j. Yelling, shouting, hooting, whistling, singing, loud music (live or recorded), or any other amplified or unamplified equipment on the public or private streets or other public or private areas (to include residences) of the county at any time or place of such duration, frequency, or volume as to disturb the peace, quiet, comfort, or repose of persons in the vicinity of the disturbances listed above.

(11) The owner, occupant or agent of any owner or occupant or user of any one (1) or more lots, parcels or areas within the county using such lot or any building or erection thereon for the purposes of lewdness, or prostitution, or for the sale or distribution or consumption of any illegal

substance are all declared a nuisance and shall be enjoined and abated as provided for in this article.

(12) Any person who makes excessive, unnecessary or unusually loud noises which disturbs others within the unincorporated area of Aiken County. The term "excessive, unnecessary or unusually loud noises" is defined to be any sound which is plainly audible at a distance of two hundred (200) feet from its source.

(13) A dwelling or other building unfit for human habitation or use if conditions exist in such dwelling or building which are dangerous or injurious to the health, safety or morals of the occupants of such dwellings, the occupants of neighboring dwellings, or other residents in the county. Such conditions may include the following (without limiting the generality 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; partial destruction.

(14) Exceptions. The provisions of subsection [15-22](#)(10) shall not apply to or be enforced against:

- i. Any county, law enforcement, or emergency vehicle while engaged in necessary public business;
- ii. Noises of safety signals or warning devices;
- iii. Noises generated by natural phenomena;
- iv. Excavations or repairs of streets or utilities by or on behalf of utility companies, the city, county or state, at night, when the public welfare and convenience renders it impossible to perform such work during the day;
- v. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character; or
- vi. The reasonable use of amplifiers or loudspeakers and any loud noise generated or created in the course of any organized carnival or fair between the hours of 8:00 a.m. and midnight; or
- vii. The reasonable use of amplifiers or loudspeakers in the course of sporting events at ballfields and racetracks in the county; yelling, shouting and cheering at sporting events at ballfields and racetracks in the county; and any loud noise associated with a ballfield or racetrack between the hours of 8:00 a.m. and midnight;
- viii. Sound as the result of normal or routine lawn/yard maintenance and landscaping between the hours of 6:00 a.m. and 10:00 p.m.;
- ix. Any sound emanating from a school or church;

- x. Any noise resulting from activities sponsored or co-sponsored by the county;
- xi. Noise from the use of fireworks or pyrotechnics from 8:00 a.m. until midnight; and
- xii. For those activities listed above, which are normally exempted only during specific hours, the exemption shall be from 8:00 a.m. until the following morning at 1:30 a.m. on the following holidays or their dates of official observance: New Year's Eve, Martin Luther King, Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

(15) The development official is authorized to issue permits for temporary extensions for the activities exempted between the hours of 8:00 a.m. and midnight as specified in subsection (14) of this section to extend the exemption until 1:30 a.m. on days other than those holidays set forth in subsection (14)xii. Permits shall be subject to the following conditions and provisions:

- a. A permit may be granted for periods of time from one (1) day to ten (10) consecutive days;
- b. For multi-day events not held on consecutive days, each day or group of consecutive days shall constitute a separate event and require a separate permit;
- c. No more than four (4) permits may be granted for any applicant or location for any calendar year;
- d. The total number of days for all permits granted for any applicant or location shall not exceed ten (10) days for any calendar year.

Sec. 15-23. - Definition.

For the purpose of this article, *residential area* is defined as property developed primarily for residential use.

Buildings shall mean any structure which is used or intended to be used by humans but not specifically included in the term "dwellings." Nothing in this article shall be construed to apply to those buildings used primarily in an agriculturally related manner.

County shall mean that area comprising the county, other than municipalities.

Dwelling shall mean any dwelling or structure, or part thereof; used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Junk shall include, but is not limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery, and the following old, scrap, or used items: metal, rope, rags, batteries, paper, cardboard, plastic, rubber, pallets, appliances, motors, industrial or commercial fixtures, rubbish, debris, and wrecked, dismantled or disabled motor vehicles or parts thereof. The term shall also mean, but not be limited to, old or scrap copper,

brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous materials.

Owner shall mean the holder of the title in fee simple and every mortgagee of record.

Parties in interest shall mean all individuals, associations, corporations, and others who have interest of record in a dwelling or building and any who are in possession thereof.

Sec. 15-27. - Summons to appear in magistrate's court.

Any county code enforcement officer or officer commissioned pursuant to S.C.Code Ann. Section 4-9-145 is authorized to issue a uniform ordinance summons pursuant to S.C.Code Ann. Section 56-7-80 for violations of this Code of Ordinances.

Sec. 15-30. - Penalty.

Any person, persons or entities violating any provision of this article shall be guilty of a misdemeanor, punishable by a fine of five hundred (\$500.00) dollars, thirty (30) days imprisonment, or both.

Sec. 15-31. - Remedies not exclusive.

The remedies provided within this chapter are not exclusive and shall not prohibit pursuit of any other remedies available in law or equity.

Secs. 15-32—15-34. - Reserved.

Sponsor(s)	: County Council	I, _____
First Reading	: March 3, 2026	Council Clerk, certify that this Ordinance was
Committee Referral	: Judicial & Public Safety	published for a public hearing on _____.
Committee Consideration Date	: March 3, 2026	
Committee Recommendation	:	
Second Reading	:	
Public Hearing	:	
Third Reading	:	
Effective Date	:	

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

An Ordinance to Amend Aiken County Code of Ordinances Chapter 15, "Licenses, Permits and Miscellaneous Business Regulations," Article II, "Peddling, Soliciting, and Panhandling."

WHEREAS:

1. Pursuant to Section 4-9-25 of the South Carolina Code of Laws, 1976, as amended, "[a]ll counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State," and "[t]he powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties"; and
2. Council desires to confirm that those wishing to exercise their rights under the First Amendment to the United States Constitution and Article I, Section 2 of the South Carolina Constitution may continue to do so by amending the County's "Peddling, Soliciting, and Panhandling" ordinance as provided for hereinbelow.

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. Aiken County Code of Ordinances Chapter 15, "Licenses, Permits and Miscellaneous Business Regulations," Article II, "Peddling, Soliciting, and Panhandling," is hereby amended by the addition of Section 13-20.1, which shall provide in full:

"Sec. 13-20.1 Article not abridging First Amendment Rights.

This Article shall not apply to any person or group of people who wish to go door-to-door or otherwise exercise their rights to freedom of religion, freedom of speech, freedom of the press, freedom of association, freedom of petition, and freedom of peaceable assembly as guaranteed in the First Amendment to the United States Constitution and Article I, Section 2 of the South Carolina Constitution."

2. Severability. If any provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, those portions of the Ordinance that remain shall be in full force and effect.
3. Conflict and Repeal. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

This Ordinance shall become effective on _____.

Adopted at the regular meeting of Aiken County Council on _____.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
County Attorney

COUNCIL VOTE:

Sponsor(s)	: County Council	I, _____
First Reading	: March 3, 2026	Council Clerk, certify that this Ordinance was
Committee Referral	: Judicial & Public Safety	published for a public hearing on _____.
Committee Consideration Date	: March 3, 2026	
Committee Recommendation	:	
Second Reading	:	
Public Hearing	:	
Third Reading	:	
Effective Date	:	

ORDINANCE NO.

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

Authorizing Referendum to Determine Whether the South Carolina Department of Revenue May Issue Temporary Permits in Aiken County to Allow for the Possession, Sale, and Consumption of Alcoholic Liquors by the Drink to *Bona Fide* Nonprofit Organizations and Business Establishments Authorized to be Licensed for Consumption-on-Premises Sales.

WHEREAS:

1. Subsection 61-6-2010(A) of the Code of Laws of South Carolina, 1976, as amended, provides that the South Carolina Department of Revenue, “[m]ay issue a temporary permit to allow the possession, sale, and consumption of alcoholic liquors by the drink. This permit is valid for a period not to exceed twenty-four hours and may be issued only to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for sales”; and
2. Further pursuant to Subsection 61-6-2010(A), the Department of Revenue, “[s]hall charge a nonrefundable filing fee of one hundred dollars for processing each application and a daily permit fee of fifty dollars for each day for which a permit is approved,” provided that the Department, “[m]ust also offer the option of an annual fifty-two week temporary permit for a nonrefundable fee of three thousand dollars per year”; and
3. Subsection 61-6-2010(C)(4) provides, “[a] county or municipal governing body by ordinance may also call the referendum. Upon receipt of a copy of the ordinance filed with the county or municipal election commission at least sixty days before the date of the next general election, the commission shall conduct the referendum in the manner provided in this section at that general election”;

NOW, THEREFORE, BE IT ORDAINED BY THE AIKEN COUNTY COUNCIL THAT:

1. Pursuant to Subsection 61-6-2010(C)(4)(a), a referendum shall be held at the next general election with the question on the ballot to be as follows:

“Shall the South Carolina Department of Revenue be authorized to issue temporary permits in Aiken County for a period not to exceed twenty-four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for consumption-on-premises sales?”
2. The “Explanation” section to accompany the ballot question specified in the preceding paragraph shall provide as follows:

“In accordance with S.C. Code Ann. Section 61-6-2020, “Temporary permits upon referendum vote,” the South Carolina Department of Revenue, “[m]ay issue a temporary permit to allow the possession, sale, and consumption of alcoholic liquors by the drink. This permit is valid for a period not to exceed twenty-four hours and may be issued only to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for sales. The department shall charge a nonrefundable filing fee of one hundred dollars for processing each application and a daily permit fee of fifty dollars for each day for

which a permit is approved. An application must be filed for each permit requested. The department must also offer the option of an annual fifty-two week temporary permit for a nonrefundable fee of three thousand dollars per year. However, the optional fifty-two week permit must not extend beyond the expiration date of the biennial license issued pursuant to this chapter. If the expiration date is less than fifty-two weeks from the date of the application for the optional fifty-two week permit, the department must prorate the three thousand dollar fee on a monthly basis. The department in its sole discretion shall specify the terms and conditions of the permit.

(B)(1) The filing and permit fees must be distributed by the State Treasurer to the municipality or county in which the retailer who paid the fee is located. The revenue may be used only by the municipality or county for the following purposes:

(a) capital improvements to tourism-related buildings including, but not limited to, civic centers, convention centers, coliseums, aquariums, stadiums, marinas, parks, and recreational facilities;

(b) purchase or renovation of buildings which are historic properties as defined in Section 60-12-10(4) and (5);

(c) festivals that have a demonstrable and significant impact on tourism;

(d) local youth mentor programs to serve juvenile offenders under the jurisdiction of the family court;

(e) contributions to matching funds necessary for a local government or entity to receive funding from the Legacy Trust Fund pursuant to Chapter 22, Title 51;

(f) contributions to a redevelopment authority pursuant to Chapter 12, Title 31;

(g) acquiring fee and less than fee interest in land while it is still available to be held in perpetuity as wildlife preserves or believed to be needed by the public in the future for active and passive recreation uses and scenic easements, to include the following types of land: ocean, harbor, and pond frontage in the form of beaches, dunes, and adjoining backlands; barrier beaches; fresh and saltwater marshes and adjoining uplands; land for bicycle paths; land protecting existing and future public water supply, well fields, highway buffering and aquifer recharge areas; land for wildlife preserves; and land for future public recreational facilities;

(h) nourishment, renourishment (resanding), and maintenance of beaches;

(i) dune restoration, including the planting of grass, sea oats, or other vegetation useful in preserving the dune system;

(j) maintenance of public beach access;

(k) capital improvements to the beaches and beach-related facilities, such as public parking areas for beach access; dune walkovers and restroom facilities, with or without changing rooms, at public beach parks; and

(l) construction and maintenance of drainage systems.

(2) The revenue may not be used for operating expenses of tourism-related buildings.”

3. County Council requests pursuant to Section 61-6-2010 that the Board of Elections and Voter Registration of Aiken County conduct the referendum at the next general election, which at the time of this ordinance is scheduled for November 3, 2026, that the Board, “[c]ause a notice to be published in a newspaper circulated in the county or municipality, as the case may be, at least seven days before the referendum,” and that the Board, “[p]ublish the results of the referendum and certify them to the South Carolina Department of Revenue”

Adopted at the regular meeting of Aiken County Council on _____, 2026.

ATTEST:

SIGNED:

Katelyn Gorby, Council Clerk

Gary Bunker, Chairman

REVIEWED BY: _____
Brad Farrar, County Attorney

IMPACT STATEMENT: Undetermined income to Aiken County from permit filing fees.

COUNCIL VOTE:

**AIKEN COUNTY COUNCIL
CONTINGENCY FUND FY2026**

STATUS REPORT AS OF February 18, 2026

BALANCE OF CONTINGENCY FUND TO DATE: \$17,025.00

FY 2026 APPROPRIATIONS

Resolution #	Allocations	District #	Request	
25-07-104	American Legion Auxiliary- Unit 71	3	Back to school donation drive	(\$100.00)
	Aiken Symphony	7	Annual sponsorship/ magazine ad	(\$350.00)
	Aiken Regulators Baseball	At-Large (100), 1 (200), 3 (100), 5 (100), 6 (100), 7 (200), 8 (200)	Team fundraiser	(\$1,000.00)
25-08-118	Belvedere Girls Softball	5	Program funding support	(\$1,000.00)
	Aiken County Historical Society	4 & 5 (\$500 each)	Palmetto Lodge Historical Marker	(\$1,000.00)
	Town of Jackson	At-Large (250) & 2 (750)	Hook & Cook Festival	(\$1,000.00)
	North Augusta Rotary Club	4 & 5 (500 each)	Scholarship Program	(\$1,000.00)
	Aiken Lions Club	7	Golf Tournament fundraiser	(\$200.00)
	Warrenville Railroad Heritage	6	Beautification of historical marker	(\$1,000.00)
	Jacksonville Community Commission	3 & 6 (500 each)	Community festival sponsorship	(\$1,000.00)
25-09-136	Midland Valley High School Baseball	3	Baseball program sponsorship banner	(\$200.00)
	Aiken County Veterans Council	At-Large (200), 1 (300), 4,5,6 (100 ea), 8 (200)	JROCT Chairmans Cup event	(\$1,000.00)
25-10-158	South Aiken High School	7	Cheer Team- Competition expenses	(\$500.00)
	American Legion LBC Post 153	3	Scholarship Programs	(\$1,000.00)
	Wagener Bulldawgs	1	Youth Football Programs	(\$300.00)
	Zubly Cemetery Association	2 (500), 3 (500)	Maintenance and cleanup efforts	(\$1,000.00)
	Beech Island Historical Society	At-Large (500), 3 (500)	Programming sponsorship	(\$1,000.00)
	Midland Valley Lions Club	3 (500), 4 (250)	Programming and funding assistance	(\$750.00)
	Nicholson Village	8	Community clean efforts	(\$500.00)
	Bel-Ridge Baptist Church	4 (250), 5 (750)	Sponsor Community event	(\$1,000.00)
25-11-173	Breezy Hill Baptist Church	At-Large (200), 2 (250), 3 (200), 4 (100), 5 (100), 7 (125), 8 (25)	Christmas on Breezy event	(\$1,000.00)
	Valley Empty Stocking Fund	At-Large (200), 3 (100), 5 (100), 6 (150), 7 (150), 8 (300)	Christmas assistance program	(\$1,000.00)
	North Augusta Lions Club	4 & 5 (500 each)	Christmas Parade fundraiser	(\$1,000.00)
	Children's Place	1 (200) & 2 (250)	Guardian Angel program	(\$450.00)
	March of Dimes	2	Funding for programming	(\$250.00)
	Better World Art Studio	6 & 8 (500 each)	Annual tree lighting event	(\$1,000.00)
	Working for Christ Ministries	6 (500), 7 (200), 8 (200)	Thanksgiving Meal Day event	(\$900.00)
	HCMV Veterans Park	3 & 6 (500 each)	Beautification Projects	(\$1,000.00)
25-12-192	Wagener Epoch Girls Squad	1 (300), 2 (200), 3 (250), 4 (250)	Program opportunity trip	(\$1,000.00)
	Silver Bluff Booster Club	2	Golf tournament fundraiser	(\$300.00)
	Friends of the Aiken Animal Shelter	1	Programming needs	(\$200.00)
26-01-02	Wagener VFW Post 6304	1	Program Funding Assistance	(\$300.00)
26-01-07	Tri-Development Center	7	Golf Tournament Sponsorship	(\$500.00)
	Battle of Aiken	7	Battle of Aiken/ Wild West Fest	(\$1,000.00)
	American Legion Post 71	4 & 5 (\$500 each)	Palmetto Boys State Funding	(\$1,000.00)
	Aiken County Roads & Bridges	1	Church sign for Salley Methodist	(\$175.00)
26-02-18	American Legion Auxiliary Unit 71	4 & 5 (\$500 ea)	Palmetto Girls State Program	(\$1,000.00)
	GVW Fire Department	3 (100), 4 (200), 6 (500), 8 (200)	Graniteville Community Fishing Rodeo	(\$1,000.00)

Contingency Fund By District
Expenditures and Balances as of February 18, 2026
(Each District begins the Fiscal Year with \$5000)

	<u>District</u>	<u>Spent</u>	<u>Available</u>
Bunker	At-Large	\$1,450	\$3,550
Felder	1	\$1,975	\$3,025
Kellems	2	\$2,500	\$2,500
Feagin	3	\$4,550	\$450
Ball	4	\$3,650	\$1,350
Haskell	5	\$4,650	\$350
Napier	6	\$3,850	\$1,150
Siders	7	\$3,225	\$1,775
Hightower	8	\$2,125	\$2,875
TOTAL		<u>\$27,975</u>	<u>\$17,025</u>