

ORDINANCE NO. 14-08-08

AN ORDINANCE TO PROHIBIT SOLICITATION BY PERSONS OTHER THAN RESCUE SQUADS, VOLUNTEER FIRE DEPARTMENTS, OR CHARITABLE OR ELEEMOSYNARY ORGANIZATIONS ON PUBLIC STREETS AND HIGHWAYS

WHEREAS, Berkeley County wishes to provide reasonable limits as necessary to protect the health and safety of motorists, pedestrians, and those soliciting funds on behalf of rescue squads, volunteer fire departments, and charitable or eleemosynary organizations; and

WHEREAS, Berkeley County wishes to allow such solicitation of funds only under certain prescribed conditions.

NOW, THEREFORE, BE IT ORDAINED by Berkeley County Council, in a meeting duly assembled, that:

Section 1. Except as authorized herein and subject to the provisions of Section 5-27-910 of the South Carolina Code of Laws, 1976, as amended, no person shall stand on a highway or street for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

Section 2. Any rescue squad, volunteer fire department, charitable organization, or eleemosynary organization may solicit funds on highway and streets located within the unincorporated areas of Berkeley County so long as such organization has obtained a permit as provided in Section 3 and such organization retains the permit within its possession at the site of the solicitation.

Section 3. The Berkeley County Sheriff's Office shall issue a permit to organizations described in Section 2; provided that the Sheriff's Office may, as a condition of such permit, impose such reasonable limits upon the solicitation as it determines are necessary to protect the health and safety of motorists, pedestrians, and those soliciting for an organization and to ensure that the solicitation does not unreasonably impeded the flow of traffic. No organization may be issued more than two (2) permits per calendar year. A permit may be issued for up to six (6) days. Solicitations may only occur during daylight hours.

Section 4. The violation of any provision of this ordinance shall be subject to a fine not exceeding \$500.00, imprisonment not exceeding 30 days, or both. Each day or portion thereof during which a violation of any ordinance of this provision is continued or committed is a separate offense.

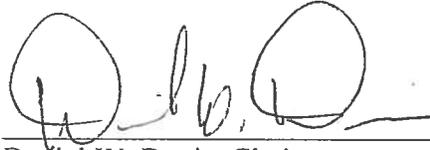
Section 5. As provided in Section 5-27-910 of the South Carolina Code of Laws, 1976, as amended, Berkeley County is immune from liability as provided in the South Carolina Tort Claims Act for any loss or injury occurring as a result of these solicitations.

Section 6. If any portion of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section

Section 7. This Ordinance shall become effective on third reading.

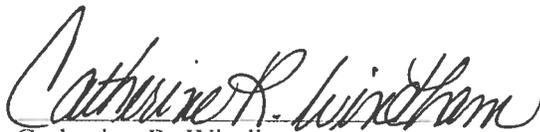
ENACTED this 27th day of May, 2014.

BERKELEY COUNTY, SOUTH CAROLINA



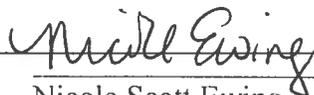
Daniel W. Davis, Chairman
Berkeley County Council

ATTEST:



Catherine R. Windham
Clerk to Council

APPROVED AS TO FORM:

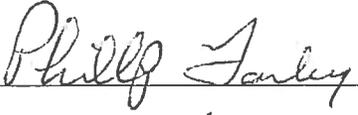
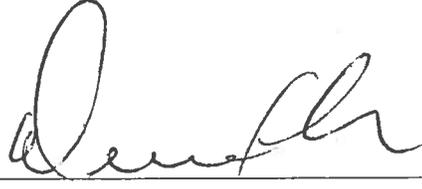
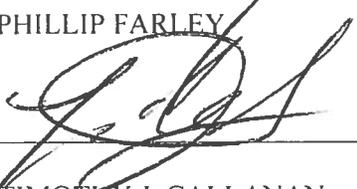
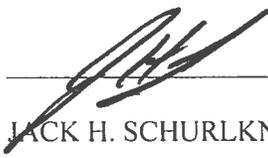
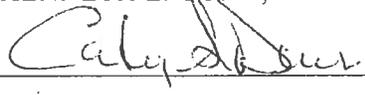


Nicole Scott Ewing
County Attorney

First Reading:	March 24, 2014
Second Reading:	April 28, 2014
Public Hearing:	May 27, 2014
Third Reading:	May 27, 2014

14-05-08

MEMBERS OF COUNTY COUNCIL

 _____		 _____	
PHILLIP FARLEY	Voting <u>YES</u>	DENNIS L. FISH	Voting <u>YES</u>
 _____		 _____	
TIMOTHY J. CALLANAN	Voting <u>YES</u>	JACK H. SCHURLKNIGHT	Voting <u>YES</u>
 _____			
KENNETH E. GUNN, JR.	Voting <u>YES</u>	CALEWELL PINCKNEY, JR.	Voting _____
 _____		 _____	
CATHY S. DAVIS	Voting <u>YES</u>	STEVE C. DAVIS	Voting <u>YES</u>
