

COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

ORDINANCE NO. 85-16

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 10 OF THE HORRY COUNTY CODE OF ORDINANCES, PERTAINING TO DISTRIBUTION OF UNSOLICITED MATERIALS.

WHEREAS, Horry County desires to maintain a state of natural beauty for the enjoyment and safety of its citizens and guests; and

WHEREAS, Accumulation of printed materials on private property can signal that a house is unoccupied, inviting criminal behavior; and

WHEREAS, Horry County Council finds that regulation of distribution of unsolicited materials is necessary to enhance public safety, preserve aesthetics, maintain and improve property values and to reduce expenditure of public funds to address nuisances.

NOW THEREFORE, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

Section 1. Amendment of Distribution of handbills, Chapter 10, Article II. Article II of Chapter 10 of the Horry County Code of Ordinances is hereby amended as follows. (add underlined language and delete ~~strikethrough~~ language).

Sec. 10-30. - Distribution of unsolicited handbills, advertising material, circulars and newspapers.

(a)

~~Permission required for~~ Distribution of unsolicited handbills, advertising material, circulars or newspapers on private property.

It shall be unlawful for any person, association, firm, corporation or other entity to deposit, hand out or distribute or sell or cause to be deposited, handed out, distributed or sold any commercial or noncommercial handbill, other advertising material, circular or newspaper, upon any private premises, in such a manner that causes additional material to be deposited when there already exists one or more unremoved articles of unsolicited material which was deposited by the same person, association, firm, corporation or other entity. if requested by anyone thereon not to do so or if there is placed on such private premises a conspicuous notice indicating in any manner that the occupants of the premises do not desire to have their right of privacy disturbed or to have any such handbills or distributed upon the premises.

(b)

~~Permission required for~~ Distribution of commercial handbill on public property.

~~It shall be unlawful for any person to deposit, hand out or distribute, sell, cause to be deposited, handed out or sold any commercial handbill upon any public property, without the prior permission of the public entity owning and/or controlling that property.~~

It shall be unlawful for any person to deposit, hand out or distribute, sell, cause to be deposited, handed out or sold any unsolicited commercial handbill, advertising material, circular or newspaper upon any vacant or uninhabited premises.

(c)

Responsibility for ~~litter~~ unsolicited materials.

~~It shall be unlawful for any person to deposit, hand out or distribute, sell, cause to be deposited, handed out or sold any unsolicited commercial handbill, advertising material or newspaper upon any vacant or uninhabited premises.~~ It shall be the responsibility of the person, association, firm, corporation or other entity distributing handbills unsolicited materials and the owner and/or occupant of the premises upon which the handbills are distributed to ensure that all copies of the handbills unsolicited materials are disposed of in a manner consistent with this ordinance applicable law ~~except that no owner, entity and/or occupant shall be charged under this section if they did not give permission for the distribution of the handbills on their premises.~~

(d)

Penalties. The penalties for violation of this section shall be punishable under the provisions of Section 10-42 of this chapter.

Section 2. Severability: If a Section, Sub-section, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section, or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

Section 3. Conflict with Preceding Ordinances: If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, then the preceding Section, Sub-section, or part shall be deemed repealed and no longer in effect.

Section 4. Effective Date: This Ordinance shall become effective upon third reading.

HORRY COUNTY COUNCIL

Mark Lazarus, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
~~Jimmy Washington~~ Dennis DiSabato, District 3
Gary Loftus, District 4
Tyler Servant, District 5
Cam Crawford, District 6

Harold Phillips, District 7
Johnny Vaught, District 8
W. Paul Prince, District 9
~~Jody Prince~~ Danny Hardee, District 10
Al Allen, District 11

Attest:

Patricia S. Hartley, Clerk to Council

Date of First Reading: October 4, 2016
Date of Second Reading: October 18, 2016
Date of Third Reading: October 2, 2018