

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE # 807

AN ORDINANCE TO PROTECT COUNTY ROADWAYS FROM UNNECESSARY OR ADVANCED DETERIORATION AND PROVIDE PENALTIES FOR VIOLATIONS

WHEREAS, Marlboro County Council finds that any act of any person, group, business or industry within the unincorporated area of the County which results in the unnecessary or advanced deterioration of County roadways constitutes an additional and preventable increase in repairs and unintended roadway hazards for the residents in Marlboro County. This ordinance intends to regulate or prohibit, in whole or in part, the operation and parking of any specified class or size of motor vehicle, trailer or semitrailer on any highways or specified parts thereof under the jurisdiction of the County whenever, in the judgment of the local authority, the regulation or prohibition is necessary to provide for the public safety and prevent unnecessary damage; and

WHEREAS, Marlboro County Council finds that to promote, protect and preserve the integrity of the roadways in Marlboro County such instances causing unnecessary and advanced deterioration must not be permitted.

NOW, THEREFORE, BE IT ORDAINED BY THE MARLBORO COUNTY COUNCIL DULY ASSEMBLED THAT:

- A. This Ordinance shall be referred to as the Marlboro County Road Protection Ordinance.

- B. With respect to streets and roads under the jurisdiction of the county, and with the reasonable exercise of the police power, the local authority, as defined in this chapter, is hereby authorized and empowered to:
 - 1. Regulate the standing or parking of vehicles on county streets and roads;
 - 2. Regulate traffic on county streets and roads by traffic control signs;
 - 3. Regulate or prohibit the turning of vehicles or specified types of vehicles at intersections; and
 - 4. Regulate load and weight limits to prevent damage of roadways.

- C. Obedience of no parking and reduced weight control devices.

For the purpose of this chapter, a vehicle is defined as every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power. For the purpose of this chapter, a motor vehicle is defined as every vehicle which is self-propelled, except mopeds.

- 1. It shall be unlawful for the driver of any motor vehicle traveling upon a county roadway upon which the county council has authorized the placement and

maintenance of a traffic control device indicating "MAX WEIGHT 10,000 LBS," at all or at such times as shall be indicated by the traffic control device, to use such posted roadway for the purpose of avoiding or evading paying for the overnight storage of commercial vehicles. Such posted roadways shall be used only for the purpose of traveling to and from a destination and where parking a vehicle weighing over 10,000 pounds is not the intended outcome.

2. It shall be unlawful for the driver of any motor vehicle traveling upon a County roadway or any part thereof, which the County Council has authorized the placement and maintenance of a traffic control device indicating "NO PARKING ON MEDIAN" meaning that vehicular traffic shall proceed to intended driveway or property and parking to be limited to the owner's property away from the shoulder of the roadway.

D. Justification of reduced load and weight limits.

1. Anything in the state uniform act regulating traffic on highways or this chapter to the contrary notwithstanding, the County authority with respect to streets and highways under the jurisdiction of the County may prescribe, by notice as herein provided, loads and weights lower than the limits prescribed in other laws **whenever, in their judgment, any street or road or part thereof or any bridge or culvert shall, by reason of its design, deterioration, rain or other climatic or natural causes, be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight shall exceed the limits prescribed in the notice.**
2. The local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer or semitrailer on any highways or specified parts thereof under the jurisdiction of the county whenever, in the judgment of the local authority, the regulation or prohibition is necessary to provide for the public safety and convenience on the highways or parts thereof by reason of traffic density, intensive use thereof by the traveling public or other reasons of public safety and convenience.

FORMAL ADOPTION OF SC CODE 50-26-40. RESTRICTIONS ON USE OF ALL-TERRAIN VEHICLE (ATV).

A person sixteen years of age or younger who operates an all-terrain vehicle on public land must be accompanied by an adult. It is unlawful to operate an all-terrain vehicle on public land between one-half hour after sunset to one-half hour before sunrise unless it is operated with headlights turned on. **It is unlawful to cross any watercourse on public land on an all-terrain vehicle except at a designated ford, crossing, bridge, or if the watercourse is bisected by a trail.** An all-terrain vehicle must have an effective muffler system in good working condition, a USDA Forest Service approved spark arrester in good working condition, and a brake system in good operating condition. It is unlawful to operate an all-terrain vehicle while under the influence of alcohol or any controlled substance. **It is unlawful to operate an all-terrain vehicle in a reckless manner.**

With the formal adoption of the SC Code regarding ATV's, it is to be included that unnecessary destruction of County roads due to excessive or improper use of and ATV will be regulated in the same manner as weight limits; a formal citation will be given, and the accused will be required to appear in court.

ENFORCEMENT

1. Marlboro County Codes Enforcement is hereby designated as the local County authority for implementation of this chapter.
2. The notice or the substance thereof shall be posted at conspicuous places at terminals of an all-intermediate crossroads and road junctions with the section of highway to which the notice shall apply. After any notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this article.

PENALTIES

Any person violating the provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred (\$100) dollars and not more than five hundred (\$500) and may be held responsible for repair costs as a result of additional offenses after issuance of initial citation.

Penalty for violation of SC Code pertaining to ATV's, unless otherwise specified, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars.

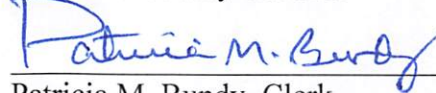
Adopted this 13th day of April, 2021.

(SEAL)

ATTEST:



Jason K. Steen, Chairman
Marlboro County Council



Patricia M. Bundy, Clerk
Marlboro County Council

First Reading: February 9, 2021
Second Reading: March 9, 2021
Public Hearing: April 13, 2021
Third Reading: April 13, 2021