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## **COUNCIL LEGISLATIVE COMMITTEE MEETING AGENDA TUESDAY, SEPTEMBER 17, 2024**

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The Council Legislative Committee will conduct a meeting on Tuesday, September 17, 2024 at 10:00 a.m. at City Hall (Mayor's Conference Room), 1737 Main Street, Second Floor, Columbia, SC 29201. The meeting can be viewed online at [www.columbiasc.gov](http://www.columbiasc.gov). Please contact the City Clerk's Office at (803)545-3045 or [cityclerk@columbiasc.gov](mailto:cityclerk@columbiasc.gov) if you have questions regarding the meeting.

The Honorable Daniel J. Rickenmann, Chair  
The Honorable William Brennan, District III ▪ The Honorable Aditi Bussells, At-Large

*Prior to entering the meeting please turn all electronic communication devices to the silent, vibrate or off position. All presenters are asked to speak directly into the microphone for recording purposes.*

### **CALL TO ORDER**

### **COMMITTEE DISCUSSION**

1. Automated Traffic Safety Cameras – Ms. Jessica Shand, The Southern Group
2. State Legislative Priorities for 2025 Session - Mr. Kyle Michel, Kyle Michel Law Firm; Mr. Damon Jeter, Jet Corp Consulting Group, LLC; and Ms. Caroline Delleney, Due South Advocacy, LLC
3. Review of Fines for Littering - The Honorable Aditi Bussells

### **ADJOURNMENT**



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**MEETING DATE:** September 17, 2024

**DEPARTMENT:** City Clerk

**FROM:** *Erika Hammond, City Clerk*

**SUBJECT:** Automated Traffic Safety Technologies – Ms. Jessica Shand, The Southern Group

**FUNDING SOURCE & ORIGINAL BUDGET:**

**FOCUS AREAS:** Safe Communities



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**MEETING DATE:** September 17, 2024

**DEPARTMENT:** City Clerk

**FROM:** *Erika Hammond, City Clerk*

**SUBJECT:** State Legislative Watchlist for 2025 Session -  
Mr. Kyle Michel, Kyle Michel Law Firm; Mr.  
Damon Jeter, Jet Corp Consulting Group, LLC;  
and Ms. Caroline Delleney, Due South  
Advocacy, LLC

**FUNDING SOURCE &  
ORIGINAL BUDGET:**



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**MEETING DATE:** September 17, 2024

**DEPARTMENT:** City Clerk

**FROM:** *Erika Hammond, City Clerk*

**SUBJECT:** Review of Fines for Littering - The Honorable Aditi Bussells

**FUNDING SOURCE & ORIGINAL BUDGET:**

**ATTACHMENTS:**

- Columbia Code of Laws Article V Litter (DOCX)
- SC Code of Laws 16-11-700 Littering (DOCX)

- CODE OF ORDINANCES  
Chapter 8 - ENVIRONMENTAL HEALTH AND SANITATION  
ARTICLE V. LITTER

## **ARTICLE V. LITTER<sup>1</sup>**

### **Sec. 8-231. Littering prohibited; responsibility for removal.**

- (a) No person shall dump, throw, drop, deposit, discard or otherwise dispose of litter or other solid waste upon any public property in the city or upon private property in this city or in the waters of the city, whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except:
- (1) When such property is designated by the city for the disposal of litter and other solid waste and such person is authorized to use such property for such purpose.
  - (2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.
- (b) Responsibility for the removal of litter from property or receptacles shall be upon the owners of the property or upon the owner of the property where the receptacle is located.

(Code 1979, § 9-1001)

State law reference(s)—Similar provisions, S.C. Code 1976, § 16-11-700.

### **Sec. 8-232. Liability of driver when litter is thrown from vehicle.**

The driver of any vehicle, other than a commercial carrier, shall be held liable if it cannot be determined which vehicle occupant committed any acts in violation of this article.

(Code 1979, § 9-1002)

Cross reference(s)—Motor vehicles and traffic, ch. 12.

### **Sec. 8-233. Transport of loose materials.**

- (a) It shall be unlawful for any person to transport any loose materials by truck or other motor vehicle within the corporate limits of the city unless the material is covered and secured in such a manner as to prevent litter on public and private property.
- (b) Lack of adequate covering and securing of material while the loaded truck or other motor vehicle is in motion shall in itself constitute a violation of this section.

(Code 1979, § 9-1003)

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<sup>1</sup>Cross reference(s)—Solid waste management, ch. 19.

State law reference(s)—Litter Control Act of 1978, S.C. Code 1976, § 44-67-10 et seq.

### **Sec. 8-234. Throwing confetti or other materials.**

It shall be unlawful for any person to engage during any festival occasion or at any other time in the throwing of confetti (excepting that known and designated as ribbon confetti, being and consisting of rolls of lightest tissue), flour, rubber balls, iodoform or other drugs or any material whatsoever serving the same purpose, upon any person.

(Code 1979, § 9-1004)

### **Sec. 8-235. Containers required at certain establishments.**

To help prevent or reduce litter by pedestrians and motorists, owners of publicly patronized or used establishments and institutions, as may be designated by the city public services department, shall provide on their premises, and maintain in good condition, adequate containers that meet standards prescribed by the public services department. These owners shall regularly empty these containers into roll carts or bulk containers for collection by the city or private collection service. This requirement shall be applicable to, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, motels, hospitals, schools, colleges and universities.

(Code 1979, § 9-1005)

### **Sec. 8-236. Unlawful disposal.**

- (a) It shall be unlawful for any owner, manager, employee, agent or independent contractor who works for a retail, commercial or institutional establishment (such persons include solicitors, vendors, etc.) to deposit materials from that business in any receptacle maintained on a sidewalk, at any other location for disposal of litter by pedestrians or motorists, or at any other unauthorized disposal site.
- (b) Any establishment or institution which cannot meet any of the prescribed requirements of this section shall make appropriate arrangements for collection and disposal thereof or transport to a state-permitted landfill.

(Code 1979, § 9-1006)

### **Sec. 8-237. Duty of owner or occupant to keep premises clean; sweeping litter into street, sidewalk or drain.**

- (a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- (b) Owners, agents, occupants or lessees whose properties abut a city right-of-way shall be responsible for keeping the area up to and including the curb gutter or street line free of litter and unsightly growth.
- (c) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage system. Sidewalk and strip sweepings must be picked up and put into roll carts, litter containers or commercial bulk containers.
- (d) The director of public services shall provide written notice to the owner, agent, occupant or lessee identifying any deficiencies or violation requiring correction five days prior to any other enforcement action taken in regard to the provisions of this section.

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(Supp. No. 32)

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(Code 1979, § 9-1007)

Cross reference(s)—Streets, sidewalks and other public places, ch. 22.

**Secs. 8-238—8-260. Reserved.**

**South Carolina Code of Laws, Title 16 - Crimes and Offenses,  
CHAPTER 11 Offenses Against Property, ARTICLE 7 Trespasses and  
Unlawful Use of Property of Others**

**SECTION 16-11-700.** Dumping litter on private or public property prohibited; exceptions; responsibility for removal; penalties.

(A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74), and including cigarette butts and cigarette component litter, upon waters or public or private property in the State for which he is not the legal owner or a person otherwise granted permission by the legal owner including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:

(1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

(B) Responsibility for the removal of litter from property or receptacles is upon the person convicted pursuant to this section of littering the property or receptacles. If there is no conviction for littering, the responsibility is upon the owner of the property.

(C) A person who violates the provisions of this section in an amount not more than fifteen pounds, including cigarette butts and cigarette components, is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars and not more than one hundred dollars or imprisoned for not more than thirty days. In addition to the fine or term of imprisonment, the court also must impose eight hours of litter-gathering labor or other form of community service.

(D) The fine for a deposit of a collection of litter or garbage in an amount not more than fifteen pounds in an area or facility not intended for public deposit of litter or garbage is not less than fifty dollars and not more than one hundred and fifty dollars. The provisions of this subsection apply to a deposit of litter or solid waste, as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74), including cigarette butts and cigarette components, in an area or facility not intended for public deposit of litter or garbage. This subsection

does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this subsection, the court also shall impose a minimum of sixteen hours of litter-gathering labor or other form of community service.

(1) The court, instead of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of community service.

(2) In addition to other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner of the property upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by any person before the date of execution of sentence.

(E) A person who violates the provisions of this section in an amount exceeding fifteen pounds, but not exceeding five hundred pounds on any public or private property, any portion of the road right of way, fresh-water lake, river, canal or stream, or tidal or coastal waters of the State must be charged with illegal dumping of litter and is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete sixteen hours of litter-gathering labor or perform other community service. For a second conviction, the person must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete twenty-four hours of litter-gathering labor or other community service. For a third or subsequent conviction, the person must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. In addition, the court shall require the violator to complete thirty-two hours of litter-gathering labor or other community service.

(F)(1) A person who violates the provisions of this section in an amount exceeding five hundred pounds is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned not more than one year, or both. In addition, the court may order the violator to:

(a) remove or render harmless the litter that he dumped in violation of this subsection;

(b) repair or restore property damaged by, or pay damages for damage arising out of, his dumping of litter in violation of this subsection; or

(c) perform community service relating to the removal of litter dumped in violation of this subsection or relating to the restoration of an area polluted by litter dumped in violation of this subsection.

(2) A court may enjoin a violation of this subsection.

(3) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than five hundred pounds of litter in violation of this subsection is declared contraband and is subject to seizure and summary forfeiture to the State.

(4) If a person sustains damages in connection with a violation of this subsection that gives rise to a felony against the person or his property, a court, in a civil action for those damages, shall order the wrongdoer to pay the injured party threefold the actual damages or two hundred dollars, whichever amount is greater. In addition, the court shall order the wrongdoer to pay the injured party's court costs and attorney's fees.

(5) A fine imposed pursuant to this subsection must not be suspended, in whole or in part.

(G)(1) When the penalty for a violation of this section includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the penalty is mandatory and must not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the litter-gathering portion of the penalty that must be equal to the amount of fifteen dollars an hour of litter-gathering labor. Probation must not be granted instead of the litter-gathering requirement, except for a person's physical or other incapacities.

(2) Funds collected pursuant to this subsection instead of the mandatory litter-gathering labor must be remitted to the county or municipality where the littering violation took place. The money collected may be used for the litter-gathering supervision.

(H) A prior violation within the meaning of this section means only a violation of this section which occurred within a period of five years including and immediately preceding the date of the last violation.

(I) Magistrates and municipal courts have jurisdiction to try violations of subsections (A), (B), (C), (D), (E), and (F).

(J)(1) This section shall not apply to the discarding of deceased fish, game, or wildlife, or the parts or remains thereof, taken as a result of legal hunting or fishing pursuant to Title 50. The exception provided for by this subsection does not apply to deceased animals, animal parts, or remains thereof that are deposited or discarded onto the private lands or waters of another without the owner's permission.

(2) For the purposes of subsections (E) and (F), illegal dumping is defined as disposing of more than fifteen pounds of any collection of solid waste, litter, or other materials defined in subsection (A), including discarded, deceased animals or deceased animal parts which create a hazard to the public health and welfare, but not defined as a careless, scattered littering of smaller items.

(K)(1) Nothing in this section shall prohibit the authority of a local government to enforce ordinances relating to the upkeep of property pursuant to Section 4-9-25 and Section 5-7-80.

(2) If a conflict occurs between this section and the Solid Waste Policy and Management Act as contained in Chapter 96, Title 44, the latter controls.

(L) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(M) Nothing in this section shall be construed as granting any cause of action against the State, any political subdivision, or any employee thereof acting in their official capacity to an individual performing community service under this section who is completing litter pickup without direct oversight, including any claim under Workers' Compensation. Routine follow up to ensure completion of litter pickup by a county, municipality, or state employee is not considered oversight.

HISTORY: 1962 Code Section 16-396; 1952 Code Section 33-551; 1949 (46) 466; 1953 (48) 160; 1957 (50) 269; 1959 (51) 140; 1966 (54) 2290; 1967 (55) 209, 478; 1971 (57) 853; 1972 (57) 2563; 1973 (58) 205; 1978 Act No. 496 Section 7; 1987 Act No. 135 Section 1; 1988 Act No. 530, Sections 1, 3; 1991 Act No. 63, Section 2; 1992 Act No. 307, Section 1; 1993 Act No. 184, Section 92; 1994 Act No. 288, Section 1; 1994 Act No. 497, Part II, Section

36U; 1999 Act No. 100, Part II, Section 106; 2000 Act No. 387, Part II, Section 54B; 2000 Act No; 387, Part II, Section 92A; 2004 Act No. 306, Section 1, eff September 8, 2004; 2018 Act No. 214 (H.4458), Section 1, eff May 18, 2018.

#### Effect of Amendment

2018 Act No. 214, Section 1, rewrote the section, restructuring the offenses to include cigarette butts, cigarette component litter, and deceased animals in the purview of the statute and restructuring penalties.

**SECTION 16-11-710.** Acceptance of cash bond in lieu of immediate court appearance in litter control prosecutions.

When any person is charged with a violation of 16-11-700 or any county ordinance relating to litter control, any officer authorized to enforce such law or ordinance may accept a cash bond in lieu of requiring an immediate court appearance. Such bond shall not exceed the maximum fine provided for a conviction of the offense charged and may be forfeited to the court by the enforcement officer if the person charged fails to appear in court.

HISTORY: 1962 Code Section 16-396.1; 1975 (59) 317.

## State Law Changes for Fighting Litter

The General Assembly's Act 214 of 2018 made numerous changes to the way that littering offenses are penalized under state law.

The law, found in [SC Code Section 16-11-700](#), prohibits littering or disposing of any solid waste in waterways and public property. It also prohibits dumping solid waste on any private property in all instances where the person dumping the trash is not the property owner and does not have permission from the property owner.

Here are the penalties that became effective in 2018:

- Dumping less than 15 pounds of litter: a fine of \$25 – \$100, plus eight hours of community service, such as litter cleanup.
- Dumping any amount from 15 – 500 pounds: a fine of \$200 – \$500, or up to 30 days in jail, plus community service. The amount of community service depends on the number of convictions — 16 hours for the first conviction, 24 hours for the second and 32 hours for the third or any instance past that.
- Dumping any amount above 500 pounds: a fine of \$500 – \$1,000, or up to a year of jail time, or both. Municipal courts have jurisdiction on cases involving any amount of litter, including amounts above 500 pounds, but are limited to \$500 as a maximum fine.

For any conviction, the court can also order the person to clean up litter from public or private property, with the property owner's permission. In cases of more than 500 pounds of waste, the court can also order the violator to repair the property or pay damages.

<https://www.masc.sc/uptown/05-2019/state-law-changes-fighting-litter>

## What are the state penalties for littering in South Carolina?

The South Carolina General Assembly recently enacted Act 214 of 2018, amending Section 16-11-700 of the state litter laws. This action by the Legislature was done in an effort to give magistrates and municipal courts greater flexibility in the prosecution of litter cases. The new law makes it easier to achieve court-ordered community service/litter pick up by removing the requirement for supervision. Act 214 also “makes the penalties fit the crime” by classifying violations into distinct categories as shown below and providing for a definition of litter.

<https://www.palmettopride.org/enforcement/sc-litter-laws/>

Category	Base Fines	Actual Fines with Assessments & Buyouts
Litter of less than 15 pounds (example: cigarette butt, food wrapper, beverage container)	\$25 - \$100 fine 8 hours community service	\$221.88 - \$377.50
Litter of less than 15 pounds in an illegal dumpsite	\$50 - \$150 fine 16 hours community service Made to pick up	\$393.75 - \$601.25
Illegal Dumping of 15 - 500 pounds	\$200 - \$500 fine 16 - 32 hours community service	\$705 - \$1,327.50
Illegal Dumping of more than 500 pounds	\$500 - \$1,000 fine Must clean up	\$1,567.50 - \$2,605