

**ORIGINAL  
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**ORDINANCE NO.: 2024-048**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 22, Streets, Sidewalks and Other Public Places, Article III, Obstructions, Sec. 22-71, Prohibited; removal, Adding Sec. 22-75, Signs in the Right-of-Way, Sec. 22-76, Signage Removal, Sec. 22-77, Appeals and Amending Article IV, Banners Over Streets and Right-of-Way, Sec. 22-108, Application for Approval and Sec. 22-109, Administration and enforcement; appeals; exceptions*

BE IT ORDAINED by the Mayor and Council this 18<sup>th</sup> day of June, 2024, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 22, Streets, Sidewalks and Other Public Places, Article III, Obstructions, Sec. 22-71, Prohibited; removal, Sec. 22-75, Signs in the Right-of-Way, Sec. 22-76, Signage Removal, Sec. 22-77, Appeals and Article IV, Banners Over Streets and Right-of-Way, Sec. 22-108, Application for Approval and Sec. 22-109, Administration and enforcement; appeals; exceptions is amended to read as follows:

**ARTICLE III. OBSTRUCTIONS**

**Sec. 22-71. Prohibited; removal.**

- (a) It shall be unlawful to create or allow an obstruction of any street within the city without the consent of city council.
- (b) Any obstruction found in any street within the city, after due notice to remove the obstruction and refusal or neglect to do so, shall be removed at the expense of the person causing such obstruction. On knowledge or information given to the city manager or his/her designee that any street or part of a street is occupied or obstructed, by any person, without the consent of the city council, the city manager or his/her designee shall notify the person so occupying or obstructing the street or a part of a street to remove such obstruction or occupancy within three days. The city manager or his/her designee is also further authorized to remove the obstruction or occupancy at the expense of the party occupying or obstructing such street or thoroughfare, without such notice, whenever immediate harm to the rights of the city makes any delay in the enforcement of this section improper.
- (c) For the purposes of this section, the term "obstruction" means any object other than a lawfully parked motor vehicle.
- (d) For the purposes of this section, the term "street" shall include any area within the street right-of-way including the area between the curb-line and adjacent property lines.

(Code 1979, § 4-2051; Ord. No. 2002-016, 4-17-02)

**Sec. 22-72. Congregating on streets and sidewalks.**

All persons are forbidden from congregating and obstructing the sidewalks or streets in front of churches, hotels, business places and other buildings of public resort within the corporate limits of the city. The chief of police and any member of the police force shall have power to arrest and commit any person offending in any of the provisions of this section.

(Code 1979, § 4-2052)

**Sec. 22-73. Obstructing sidewalks with barrels, boxes or merchandise.**

It shall be unlawful for any person to obstruct the pavement or sidewalks with barrels or boxes or with any article of merchandise.

(Code 1979, § 4-2053)

**Sec. 22-74. Pedestrians on sidewalks.**

All pedestrians shall be required to keep to the right and to avoid unnecessary stops on the sidewalks so as to avoid blocking of the sidewalk, crosswalks or the entrance to any store or building.

(Code 1979, § 4-2054)

**Sec. 22-75. Signs in the Right-of-Way**

It shall be unlawful for any person to place, display, affix, or permit to be located a signage within the public right-of-way, unless exempt by State statute or explicitly permitted by the city manager. A person who violates this section shall be guilty of a misdemeanor punishable, upon conviction, by a fine of not more than one hundred dollars or imprisoned for not more than thirty days.

State Law Reference-- Unlawful to display, place, or affix posters within right-of-way. S.C. Code 1976, §57-25-10.

**Sec. 22-76. Signage Removal.**

Any and all signs that are determined to be placed or permitted to be located in an area as outlined in Sec. 22-75, shall be subject to the following:

Immediate removal and disposal, and a written notification of the unlawful activity to the owner or his agent, or the party responsible for erecting said signage, citing the location and date of the removal. Wherein there are three (3) or more violations of this subsection by the same owner or his agent, or person responsible for erecting the signage, within a calendar year, the person shall be subject to a removal fee as follows:

Third through seventh removal:	\$100.00
Eighth through ninth removal:	\$250.00
Tenth or more removal:	\$500.00

However, no owner or his agent, or the party responsible for erecting the signage shall be charged with accumulating more than one removal fee in any 24-hour period.

**Sec. 22-77. Appeals**

Any person assessed a removal fee in accordance with Sec. 22-76 may appeal the imposition of the removal fee to the City Manager or his/her designee. Such appeal shall be in writing and shall be made to the City Manager within ten (10) days of the date of notification of the fee. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the fee or other enforcement decisions.

**Secs. 22-78—22-100. Reserved.**

## **ARTICLE IV. BANNERS OVER STREETS AND RIGHTS-OF-WAY**

### **Sec. 22-101. Generally.**

Banners may be hung over or within the rights-of-way of streets and roads in the city only as permitted in this article.

(Code 1979, § 4-2061; Ord. No. 96-57, 11-6-96)

### **Sec. 22-102. "Banner" defined.**

As used in this article, the term "banner" means a sign made of cloth or other flexible material suspended by ropes or cables from two or more utility poles or other similar supports.

(Code 1979, § 4-2062; Ord. No. 96-57, 11-6-96)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 22-103. Permitted banners; contents.**

- (a) All banners must advertise or publicize a civic, cultural or philanthropic event scheduled to take place within the city on a specified date.
- (b) The event must be one that the public is encouraged to attend, such as festivals and walk-a-thons, and not a celebratory or congratulatory occurrence, and must be open to all persons without regard to race, religion, gender or national origin. A reasonable fee may be charged for admission to the event.
- (c) The event must be sponsored by:
  - (1) A religious, charitable, scientific or educational organization that qualifies for exemption from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986;
  - (2) A nonprofit civic league operated exclusively for the promotion of social welfare;
  - (3) A nonprofit horticultural organization; or
  - (4) A nonprofit business league or chamber of commerce.

The sponsor must certify that paid advertising is not the primary means of advertising the event.

- (d) A banner may bear the name or trademark of not more than one business enterprise that is providing financial support for the event, but the name or trademark of the business enterprise may not cover more than 20 percent of the total area of the banner. A banner may not contain any other commercial message.
- (e) No banner may contain any deceptive, defamatory or obscene matter.

(Code 1979, § 4-2063; Ord. No. 96-57, 11-6-96)

### **Sec. 22-104. Materials and construction; maximum size.**

All banners must be made of nylon net material or be of such a design as allows for air flow through the banner to reduce strain on the supporting poles. The city may cut air holes in the material as it sees fit. The maximum size for a net-type banner shall be 50 inches in height and 50 feet long. The maximum size for other type banners shall be 48 inches high by 40 feet long. Each banner must have a one-quarter-inch rope sewn into the border on the top and the bottom.

(Code 1979, § 4-2064; Ord. No. 96-57, 11-6-96)

**Sec. 22-105. Permitted locations.**

Banners may be hung across or within rights-of-way only at the following intersections:

- (1) Across Gervais Street at the Congaree River Bridge.
- (2) Across Gervais Street at Park Street.
- (3) Across Gervais Street at Sumter Street.
- (4) Parallel to Gervais Street at Bull Street.
- (5) Across Elmwood Avenue at Lincoln Street.
- (6) Across 2300 Bull Street in front of DHEC.
- (7) Harden Street and Green Street.
- (8) Harden Street and Devine Street.
- (9) Blossom Street and Saluda Avenue.
- (10) Senate Street.
- (11) Other such locations as approved by traffic engineering division.

(Code 1979, § 4-2065; Ord. No. 96-57, 11-6-96)

**Sec. 22-106. Placement and removal.**

- (a) All banners shall be hung and removed by city personnel. The fees specified in this article must be paid before banners will be hung.
- (b) Banners may be hung not more than one week prior to the beginning of the event to which they relate, and the banners will be removed as soon as practicable following the conclusion of the event.
- (c) The organization requesting the banners must provide the banners and all rope or cable necessary to hang them. The city will not be responsible for any damage to banners, regardless of how such damage occurs.
- (d) No more than one banner may be erected for any single event.

(Code 1979, § 4-2066; Ord. No. 96-57, 11-6-96)

**Sec. 22-107. Fee for hanging banners.**

A fee of \$100.00 must be paid to the city in advance for the hanging and removal of each banner.

(Code 1979, § 4-2067; Ord. No. 96-57, 11-6-96)

**Sec. 22-108. Application for approval.**

All requests to hang banners must be in writing and must state the following information:

- (1) The name, the address and the telephone number of the organization making the request, and the name of the individual to whom communications concerning the request should be directed;
- (2) A description of and the date of the event for which banners are requested;
- (3) The locations for which banners are requested;
- (4) A statement that the event will be open to all persons without regard to race, religion, gender or national origin, subject only to the payment of a reasonable admission fee, if applicable; and

- (5) Information sufficient to enable the city manager or his/her designee to determine whether the organization requesting the banners is:
- a. A religious, charitable, scientific or educational organization that qualifies for exemption from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986;
  - b. A nonprofit civic league operated exclusively for the promotion of social welfare;
  - c. A nonprofit horticultural organization; or
  - d. A nonprofit business league or chamber of commerce.

(Code 1979, § 4-2068; Ord. No. 96-57, 11-6-96)

**Sec. 22-109. Administration and enforcement; appeals; exceptions.**

- (a) The city manager or his /her designee shall administer and enforce the terms of this article. Any decision made by a designee of the city manager disapproving a request to hang a banner may be appealed to the city manager, whose decision shall be final.
- (b) Requests to hang banners will be considered and approved, if appropriate, in the order in which they are received.
- (c) The terms of this article do not apply to banners hung by the city for its own purposes.

(Code 1979, § 4-2069; Ord. No. 96-57, 11-6-96)

**Secs. 22-110—22-130. Reserved.**

**Sec. 22-169. Issuance of a special event permit does not obligate city services or constitute co-sponsorship.**

Issuance of a special event permit does not obligate or require the city to provide city services, equipment or personnel. City services, equipment or personnel may be provided for special events based upon consideration of availability and cost recovery. Issuance of a permit, provision of city services, equipment or personnel and/or waiving of any fee does not imply or constitute city co-sponsorship or endorsement or allow the use of the city seal.

The use of the city seal or the words "City of Columbia" or any facsimile thereof that would reasonably imply an official endorsement or sponsorship of the event by the city is prohibited absent express written authorization from the city manager.

( Ord. No. 2023-064 , 6-20-23)

**Sec. 22-170. Cost recovery.**

- (a) The required deployment of city services will be determined by the city taking into consideration the type of event, location of the event, whether alcohol is being served, the number of participants, the level of street or right-of-way usage and the need for pedestrian and traffic control.
- (b) Fees and costs shall be stated in the special events fee schedule and/or other departmental fee schedules as approved by city council.
- (c) The applicant is required to pay all fees and costs at the time of submission of the application.
- (d) Failure to pay shall prevent the application from being processed.

( Ord. No. 2023-064 , 6-20-23)

**Sec. 22-171. Parade permit required.**

Unless otherwise indicated, the provisions regarding special events are applicable to parade permits. It shall be unlawful for any person to engage in, participate in, aid, form, start or stage any parade or procession or any special event as defined herein subject to the exceptions found herein on any of the streets or in any other public places within the corporate limits of the city without first having secured a special events permit from the chief of police to do so; provided, however, that funeral processions and governmental agencies acting within the scope of their official functions are excepted from this article.

( Ord. No. 2023-064 , 6-20-23)

**Sec. 22-172. Reconsideration of denial of permit.**

If the city manager or her designee disapproves the application, he or she shall notify the applicant, setting forth reasons for the denial. The applicant shall then apply in writing to the city manager for reconsideration.

( Ord. No. 2023-064 , 6-20-23)

**Sec. 22-173. Appeals.**

Any applicant shall have the right to appeal the denial of a special event or parade permit to the city council. The appeal shall be taken within five days after receipt of the notice of denial.

( Ord. No. 2023-064 , 6-20-23)

**Sec. 22-174. Public conduct during parades.**

- (a) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (b) *Driving through parade.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) *Parking on parade route.* The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police may post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

( Ord. No. 2023-064 , 6-20-23)

**Secs. 22-175—22-200. Reserved.**

Requested by:

Councilman Will Brennan

Approved by:

  
City Manager

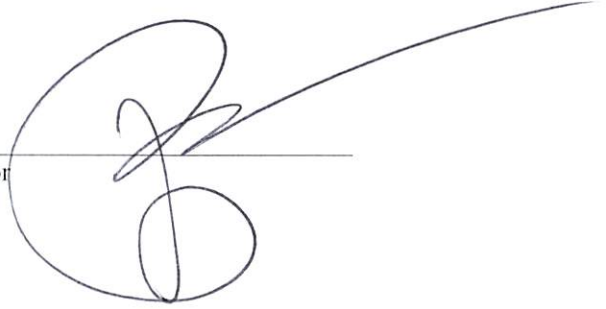
Approved as to form:

  
City Attorney

Introduced: 6/4/2024

Final Reading: 6/18/2024

Mayor



ATTEST:

  
City Clerk