

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
CITY OF TEGA CAY)

ORDINANCE 604

AN ORDINANCE REPEAL, AMEND, AND OR ADOPT VARIOUS SECTIONS OF CHAPTERS 26, 34, AND 46 OF THE CITY'S CODE AS IT RELATES TO LAW ENFORCEMENT MATTERS

WHEREAS, the City of Tega Cay finds it beneficial to regularly review and update the City Code to ensure that local ordinances remain consistent with current state and federal laws, and reflective of evolving best practices in governance;

WHEREAS, the City Council desire to eliminate provisions that duplicate or conflict with state law to reduce confusion for residents, businesses, and enforcement agencies, thereby promoting transparency and legal clarity; and

WHEREAS, streamlining and modernizing the City Code enhances governmental efficiency, reduces administrative burdens, and supports the City's commitment to responsive and accountable public service.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of Tega Cay, duly assembled, do hereby: repeal

Sec. 26-21.- Special Police.

Sec. 34-48.- Trespassing.

Sec. 34-49.- Graffiti.

Sec. 34-50.- Entering Vehicle.

Sec. 34-75. - Hindering officers in the line of duty.

NOW THEREFORE, BE IT FURTHER ORDAINED, by the Mayor and the City Council of Tega Cay, duly assembled, do hereby repeal and replace the following:

Sec. 34-95. - Disorderly conduct.

It shall be unlawful for any person within the city limits to engage in the following conduct, knowing or having reasonable grounds to know that it will tend to promote or provoke a fight, assault or brawl:

- (1) To use fighting words directed toward another;
- (2) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;
- (3) Damage or disturb public property or the property of another.

Sec. 46-1. - Display or consumption of beer, wine, or other alcoholic beverage in public.

(a) Definitions. As used in this section, the following terms shall have the meanings specified in this subsection:

(1) Alcoholic beverage means any beverage which contains alcohol, regardless of the percentage of alcohol contained therein, including, but not limited to beer, ale, porter and other similar malt or fermented beverages, wine, alcoholic liquors or other liquors or a compound or mixture of them by whatever name called or known.

(2) An open container is defined as any container that has an open or broken seal, or from which any portion of the contents has been removed. This includes but is not limited to, cups, glasses, mugs, bottles, cans, flasks, or any other object designed to hold liquid.

(b) It shall be unlawful for any person to consume, or to possess in an open container, any alcoholic beverage in or on any public street, road, alley, sidewalk, park, public parking area, public gathering place, or on public property within the city.

NOWHEREFORE, BE IT FURTHER ORDAINED, by the Mayor and the City Council of Tega Cay, duly assembled, do hereby adopt the following:

Sec. 34-96.- Resisting arrest; physical interference with law enforcement officer in the performance of public duties

(a) It shall be unlawful for any person, after having been placed under arrest or taken into custody by a law enforcement officer, to physically resist arrest whether actively or by flight.

(b) While a law enforcement officer is actively in the lawful discharge of his duties relating to law enforcement, investigation or arrest, it shall be unlawful for any person to place or position oneself, another person, animal or object in such proximity to the law enforcement officer, or his vehicle, equipment, or the person or persons of law enforcement interest that would have the effect to physically:

(1) Impede, interfere, obstruct, or hinder the law enforcement officer in the performance of the public duty or direct passage.

(2) Threaten the personal safety of the law enforcement officer while in the performance of their public duty; or

(3) Distract or divert the efficient performance of the law enforcement officer from the immediate and safe discharge of their public duties in enforcement, investigation or arrest in order to remove the physical impediment, interference, obstruction, hindrance, threat or distraction.

Sec 34-97.- Physical interference with public officials and employees

While a public official or public employee is actively in the lawful discharge of his duties, it shall be unlawful for any person to place or position oneself, another person, animal or object in such proximity to the official or employee or between the official or employee and his vehicle or equipment which would have the effect to physically:

(1) Impede, interfere, obstruct or hinder the official or employee in the performance of the public duty or direct passage.

(2) Threaten the personal safety of the official or employee while in the performance of the public duty.

Sec. 34-98.- Giving false name and address.

It shall be unlawful for any person to give any other name than his true name and the true place of his residence or address upon the request of a law enforcement officer during the course of an interview or investigation or when given a written or oral notice by any such officer to appear before any court to answer for an offense against any laws of this state or nation, or any ordinances of the city.

Sec. 34-99.- Public intoxication or impairment.

Definitions as used in this section:

- *Intoxicated or impaired condition.* means a situation or circumstance evidencing material diminishment of one's cognitive, emotional, mental or physical faculties, or loss of control of such faculties due to the ingestion of alcohol or other substances, in such a manner as to threaten or impede the safety of that person or another person, or of the public, or to bring disorder to the public, or to menace the public tranquility, or to deter by the person's presence the public's reasonable enjoyment of a public place.
- *Public place.* means any street, park, sidewalk, public building and premises, any place of business during the time in which it is open to the public or frequented by the public or any portion thereof, and any other place or portion thereof that may be apprehended by the public through the senses of hearing and sight, or to which the public has access.

- (a) It shall be unlawful for any person to be in an intoxicated or impaired condition in any public place in the city.

Sec. 34-100.- Trespass enforcement authorization program

Definitions as used in this section:

- *Conspicuous sign.* means a sign that is at least one square foot in size.
- *Sufficient notice.* means the lettering on a conspicuous sign is at least one inch in height and contains the following language or words of similar notice:
 - o NO TRESPASS AT ANY TIME (OR AS TIMES SET FORTH) PRIVATE PROPERTY UNDER TRESPASS ENFORCEMENT AUTHORIZATION PROGRAM CITY OF TEGA CAY POLICE DEPARTMENT

(a) A property owner, building owner, property manager or person having legal control of property or their legal representative can authorize the City of Tega Cay Police Department to enforce, in absolute police discretion, the trespass statute on their property. To have the possibility of enforcement pursuant to this section, the person must:

- (1) Appear in person at the law enforcement center or police annex or contact the police department for an application and affidavit for the trespass enforcement authorization program; and
- (2) Declare the application and affidavit to be a public record for the purposes of Rule 803(8) of the South Carolina Rules of Evidence, and/or appear in municipal court if subpoenaed.

(b) The application and affidavit must be notarized. After receiving the sworn document, a site visit will be conducted by the police. The police will determine if the location is appropriate for participation and will determine the number and placement of signs provided by the city. The person will be informed if the location is not suitable for enforcement, due to excessive undergrowth or other factors. If the location is suitable or then made suitable, the owner/representative will be notified, and the authorized signs may be purchased by the

participant from the city and will be placed by the city. The notice of participation in the program will be provided to appropriate law enforcement divisions.

(c) It shall be unlawful for any person knowingly to enter or remain upon the premises of another when the consent to enter or remain is either absent, denied, or withdrawn by the owner, occupant, or person having lawful control thereof.

(d) When the property has been posted by the City of Tega Cay with conspicuous signage of sufficient notice declaring the property to be under the trespass enforcement authorization program, it shall be prima facie evidence that consents to enter or remain upon the premises of another is absent, denied, or withdrawn.

(e) It shall be unlawful to deface, damage or remove any sign placed under the authority of this section.

(f) If any provision of this section is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the subsection are valid, unless it appears to the court that the valid provisions of the subsection are so essentially and inseparably connected with, and so dependent upon, the void provisions that it cannot be presumed city council would have enacted the valid provisions without the void one, or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Sec. 34-101.- Public urination and defecation unlawful

It shall be unlawful for any person to urinate or defecate outside to the view of any person from their private property or place of business, or to the view of any person from any highway, street, alley or other public beach, park or way.

Sec. 34-102.- Loitering with harmful purpose or effect; loitering for the purposes of prostitution and loitering for the purposes of drug trafficking

Definitions as used in this section:

- *Commit prostitution.* means to engage in sexual conduct, as defined herein, in exchange for goods or a fee.
- *Conviction.* means an adjudication of guilt, upon verdict, plea or bond forfeiture, pursuant to any federal, state or local law regarding prostitution, loitering for the purposes- controlled substances and includes a verdict of guilty, a finding of guilty and a court's acceptance of any plea other than not guilty.
- *Drug paraphernalia.* means drug paraphernalia as the term is defined S.C. Code § 44-53-100 and section 14-5 of this Code, excluding, however hypodermic syringes or needles in the possession of a confirmed diabetic or a person directed by his or her physician to use such items.
- *Duration.* means the extent or period of time during which an act or conduct exists, continues or persists.
- *Frequency.* means the recurrence, repetition or number of times an act or conduct occurs within a specified time period of any length.
- *Illegal drug activity.* means unlawful conduct contrary to any provision of S.C. Code title 44-53-10 et seq. or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.
- *Intensity* means the display of a distinctive feature of an observable degree in terms of effort, force or the impact of an act or conduct.

- *Known drug trafficker means* a person who has, within the knowledge of the arresting officer, been convicted, upon verdict, plea or bond forfeiture, within the last two years in any court of any illegal drug activity.
- *Known prostitute or procurer means* a person who within the last two years previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted, upon verdict, plea or bond forfeiture, of an offense involving prostitution.
- *Loiter* means to idly stand, sit, lie about or remain in essentially any one place or location with a harmful purpose or effect inimitable to the public expectation of peace, order and use of facility. This section may not be construed to prevent orderly picketing or other lawful assembly.
- *Manner* means the bearing or demeanor of the actor in accomplishing the act or conduct, or the means or mode of accomplishment of the act or conduct.
- *Public place* means an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- *Sexual conduct* means any of the following:
 - (1) Sexual intercourse in its ordinary sense, which occurs upon any penetration, however slight, or contact between persons involving the sex organs of one and the mouth or anus of another;
 - (2) Masturbation, manual or instrumental, of one person, or of one person by another.

(a) Loitering for harmful purpose or effect.

Unless flight by the actor or other circumstance makes it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and the conduct which was observed and raised suspicion. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears to the finder of fact at trial that the explanation given by the actor was actually true and, if believed by the peace officer at the time, would have dispelled the alarm. A person is guilty of loitering with harmful purpose or effect when, given the time and place, the person exhibits conduct differentiated from that of law abiding citizen, such conduct being of observable frequency, intensity, manner or duration as observed by the law enforcement officer that alarm and further investigation is warranted. Among the acts, conduct, facts or activities which may be considered in determining whether such alarm is warranted is whether the actor:

- (1) Shows an intent to establish physical control, to the exclusion of others, over an identifiable public area by the placement of objects so as to prevent another's use, or by recumbence, lounging or sleeping in a public place in a prolonged physical occupation unusual for a law abiding citizen;
- (2) Shows intent to intimidate, frighten or harass others by word or conduct from entering that area;
- (3) Is or is becoming apparently intoxicated or unaware of the surroundings;
- (4) Obstructs or hinders vehicles or pedestrians, or persons lawfully in the place;

- (5) Takes flight upon appearance of a law enforcement officer;
- (6) Refuses to identify himself, upon detention and investigation based upon articulable reasonable suspicion;
- (7) Appears to be engaged or about to be engaged in the commission of a crime;
- (8) Manifestly endeavors to conceal himself or any object;
- (9) Congregates or remains within the boundaries of a commercial property either after business hours, or during business hours without contemporaneous commercial activity, when the premises are posted with conspicuous "No Loitering" signs, with such loitering constituting a public nuisance;
- (10) Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving loitering.

(b) Loitering for the purposes of prostitution.

A person is guilty of loitering for the purposes of prostitution if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution. Among the acts, conduct, facts or activities which may be considered in determining whether the actor is engaged in loitering for the purposes of prostitution are that he or she:

- (1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or
- (2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
- (3) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
- (4) Inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer; or
- (5) Is a known prostitute or procurer, and is observed engaging the acts or conduct enumerated immediately above; or

(c) Loitering for the purposes of drug trafficking.

A person is guilty of loitering for the purposes of drug-trafficking if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to engage in unlawful conduct involving controlled substances according to federal, state or local laws regulating same. The following acts, conduct, facts or activities do not by themselves constitute the crime of drug-traffic loitering. Among the acts, conduct, facts or activities that may be considered in determining whether the actor is engaged in drug-traffic loitering are that he or she:

- (1) Is seen by the officer to be in possession of drug paraphernalia; or
- (2) Is a known drug trafficker (provided, however, that being a known drug trafficker, by itself, does not constitute the crime of drug-traffic loitering); or
- (3) Repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation; or
- (4) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or

- (5) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
- (6) Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity; or
- (7) Has been evicted as the result of his or her illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.

FIRST READING: June 16, 2025

SECOND READING: July 14, 2025

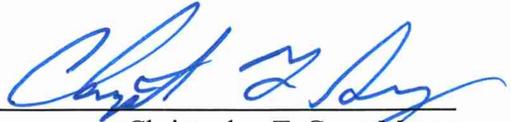
Enacted this 14th day of July 2025, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

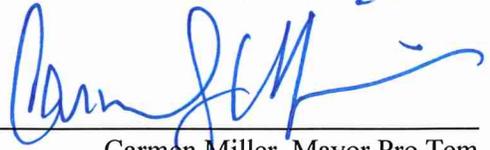
Signature Page to Follow

SIGNED:

CITY OF TEGA CAY




 Christopher T. Gray, Mayor

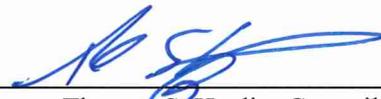

 Carmen Miller, Mayor Pro Tem


 Brian D. Carter, Councilmember

ATTEST:


 Charlie Funderburk, City Manager


 Scott G. Shirley, Councilmember


 Thomas S. Hyslip, Councilmember

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the resolution passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the 14th day of July, 2025.


 Casey O'Brien, Municipal Clerk