STATE OF SOUTH CAROLINA

ORDINANCE NUMBER 19-12

COUNTY OF DORCHESTER)

AN ORDINANCE TO SUPPLEMENT THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY AMENDING CHAPTER 28, ARTICLE I. BY ADDING SECTION 28-7 TO PROHIBIT THE PASSING OF ITEMS TO OR FROM THE OCCUPANT OF A MOTOR VEHICLE ON A ROADWAY IN A LANE OF TRAVEL

WHEREAS, Dorchester County is empowered to adopt ordinances as may appear to be necessary and proper for the security, general welfare and convenience of the county and for preserving health, peace, order and good government.

NOW, THEREFORE, BE IT ORDAINED by the Dorchester County Council, duly assembled,

Chapter 28 of the Code of Ordinances, Dorchester County, South Carolina is hereby amended by adding Section 28-7, which shall read as follows:

Sec. 28-7. – The passing of items to or from the occupant of a motor vehicle on a roadway.

(1) Intent of section. This section is intended to provide for the free flow of motor vehicle traffic on roadways in Dorchester County. County Council finds that any non-occupant person who distributes any item to an occupant of a motor vehicle, receives any item from an occupant of a motor vehicle, or exchanges any item with an occupant of a motor vehicle, while the motor vehicle is upon a roadway presents a threat to the free and safe flow of motor vehicle traffic. By this section, County Council intends to promote the health, safety and welfare of the citizens traveling by vehicle or on foot in the County.

(2) *Definitions.* For purposes of this section, the following definitions apply:

(a) *Pass/Passing.* The distribution of any item between a non-occupant and an occupant of a motor vehicle, the receiving of any item by a non-occupant from an occupant of a motor vehicle, or the exchange between a non-occupant and an occupant of a motor vehicle of any item, when the motor vehicle is located in a lane of travel in a roadway.

(b) *Roadway.* All public roads open to motorized vehicles within the county. This definition excludes private roads and private property. This definition also excludes areas in which parking is permitted.

(c) Item. Any physical object.

(3) *Prohibition on roadways.* It shall be unlawful to violate any of the prohibitions set forth below in the County.

(a) No non-occupant person shall knowingly distribute any item to an occupant of a motor vehicle, receive any item from an occupant of a motor vehicle, or exchange any item with the occupant of any motor vehicle, when the vehicle is located in a lane of travel in the roadway.

(b) This section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.

(c) This section shall not apply to any law enforcement officer acting in the scope of his/her official duty.

(d) This section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

(4) *Penalty.* Any non-occupant violating the prohibitions contained in this Ordinance is subject to a fine of not more than \$500.

(5) *Severability.* If any provision of this section is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

This Ordinance shall become effective upon third and final reading.

Adopted this 22nd day of April 2019.

George H. Bailey, Sr., Chairman Dorchester County Council

First Reading: 03/04/2019 Second Reading: 04/01/2019 Public Hearing: 04/01/2019 Third Reading: 04/22/2019

ATTEST:

Tracey L. Langley, Clerk of Council