

CHAPTER 1. CHARTER & CODE

MARCH 6, 2015

The Town of Campobello
Campobello, South Carolina
Code of Ordinances
Effective: April 7, 2003

FOREWORD

In 1976, the Town Council adopted a Code of Ordinances, pursuant to the 1976 South Carolina Code of Laws, §5-7-290, as amended, which required every municipality in this state to provide by ordinance for the codification and indexing of its ordinances and the maintenance of those ordinances in a current form reflecting all amendments and repeals.

All ordinances not contained herein have been repealed, except those not repealed as set forth in the ordinance adopting this revision. Those particular ordinances remain in full force and effect.

Appendix A sets forth the latest revision of the South Carolina Freedom of Information Act.

Appendix B sets forth statutory authority for Campobello's Council form of government.

Appendix C sets forth a sample ordinance, as guidance when adding future supplements. It is our desire that this be done on a regular basis, and we have provided for easy insertion of new ordinances and amendments directly at the point of pertinence.

THE MAYOR AND COUNCIL
CAMPOBELLO, SOUTH CAROLINA

HOW TO USE THIS CODE

This code is referenced to the 1976 Campobello Code of Ordinances, ordinances adopted subsequent thereto, the 1976 South Carolina Code of Laws and generally accepted municipal practices. References to them are shown in parentheses as Editors Notes at the beginning or end of chapters, sections or paragraphs, thus providing a cross reference to relevant state statutes and city ordinances. (Numbers used in references below have been chosen arbitrarily.)

1. Unless otherwise noted, all South Carolina Code references apply to the 1976 Code of Laws of South Carolina, as amended. Thus, a reference such as (1976 SC Code §5-7-30) means Title 5, Chapter 7, Section 30.

2. Local ordinances have been referenced to the number and/or date of the ordinance. For example, a reference such as (Ord. #30. 5-8-96) or (Ord. 5-8-96) means the number and date or date of adoption of that particular ordinance respectively. For ordinances without a number, the date of adoption is used.
3. When CTC is used, it means the 1976 Campobello Town Code. Thus a reference such as (CTC 3-4-13) means Title 3, Chapter 4, Section 13.
4. Future ordinances should continue having numbers assigned to them which will provide easier reference to them when codified.

**AN ORDINANCE TO RECODIFY AND ADOPT THE ORDINANCES
AND AMENDMENTS THERETO OF The Town of Campobello, SOUTH CAROLINA**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE Town OF Campobello:

SECTION 1. There is hereby adopted a recodification of the 1976 CODE OF ORDINANCES OF THE Town of Campobello, SOUTH CAROLINA, which was compiled from ordinances adopted thereto.

SECTION 2. This code may be referred to as the “Code of Ordinances of 2003” or the “Town of Campobello Code” or the “Town Codes.”

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided. (1976 SC Code §14-25-65)

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the express duty of the Town Clerk to ensure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed, in the form of supplements, to the holders of this code.

SECTION 5. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed; provided, however, that all ordinances pertaining to annexation; assessments; bonded indebtedness; budgets; buildings; business licenses; contracts; finances; franchises; grant agreements; leases; loans; options; planning; property conveyances; sale, lease or contract to sell lands; subdivision plats; tax levies and other charges and zoning are not repealed. The repeal of these would be contrary to and inconsistent with the intent of this

ordinance, and they shall continue in full force and effect and are not repealed. Resolutions are not repealed by this code.

SECTION 6. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

SECTION 7. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

SECTION 8. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Mayor and Council. Anyone guilty of so doing shall be guilty of a misdemeanor and punished as provided by Section 3 of this Ordinance.

SECTION 9. If any chapter, article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 10. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 11. This ordinance shall become effective April 1, 2003 nunc pro tunc.

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CHAPTER 1. CHARTER

ARTICLE I. THE CHARTER

Editor's Note. In 1975, the South Carolina Legislature enacted into law Act 283 which has become known as "The Home Rule Act." It revised Article VIII (Local Government) of the South Carolina Constitution.

The municipalities of this state were required to adopt by ordinance one of three prescribed forms of local government:

1. The Mayor-Council form,
2. The Council form and
3. The Council-Manager form.

The form adopted was required to be "...the form most nearly corresponding to the form in effect in the particular municipality on March 1, 1974 as determined by the municipal governing body."

(1976 SC Code §5-5-10)

The Town Council adopted the Council form, which met that criteria, and the Secretary of State issued a confirming Certificate of Incorporation which is shown on the following page.

Statutory authority for this form of government can be found at Title 5, Chapter 11, 1976 South Carolina Code of Laws, and a reprint of that authority is included in this code as Appendix C.

**THE STATE OF SOUTH CAROLINA
BY THE SECRETARY OF STATE**

WHEREAS, the municipality of Campobello, S. C.
is incorporated under the laws of the State of South Carolina.

AND WHEREAS, a charter has been issued to the above municipality of Campobello, S. C.
(February 9,1882)

AND WHEREAS, Section 47-20 of the 1962 Code of Laws, as amended, requires that all
municipalities to adopt a specific form of government.

AND WHEREAS, an ordinance was filed with the Secretary of State on July 6 1976, setting
forth:

FIRST: The name of the municipality is Town of Campobello, S.C,

SECOND: The form of government adopted is Council form of government.

NOW THEREFORE, I.O. Frank Thornton, Secretary of State, by virtue of authority vested in me
by section 47-22 of the 1962 Code, as amended, do hereby issue to the municipality of the Town
of Campobello, S.C., this Certificate of Incorporation with the privileges, powers and
immunities, and subject to the limitations prescribed in Act. No. 283 of 1975.

GIVEN under my Hand and Seal of the State, This the 6th day of July in the year of our Lord
one thousand nine hundred and 1976, and in the two hundred and first year of the Independence
of the United States of America. Secretary of State.

ARTICLE II. THE CODE

1.201. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and following chapters and sections constitute and are
designated as “The Code of Ordinances of Campobello, South Carolina” and may be so cited.
They may be cited also as the “Campobello Town Code” or “The Town Code.”

**1.202. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING
ORDINANCES.**

The provisions appearing in this Code, as far as they are the same as those ordinances existing at the time of the adoption hereof, shall be considered as a continuation thereof and not as new enactments.

1.203. SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Mayor and Council, that if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code since the same would have been enacted without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

1.204. CATCH LINES OR CATCHWORDS OF SECTIONS.

The catch lines of the several sections of this Code printed in capital letters, a different type or underlined are intended as mere catchwords to indicate or emphasize the contents of such sections, not as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catch lines, are amended or re-enacted.

1.205. DEFINITIONS.

In the construction of this Code and all other ordinances, the following definitions shall be observed, unless the context clearly requires otherwise:

AND, OR The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it,

BOND -When bond is required, an undertaking in writing shall be sufficient.

BUSINESS DISTRICT shall mean the territory contiguous to and including a street when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

CLERK shall mean the Municipal Clerk. As provided in §5-7-220 of the 1976 South Carolina Code of Laws. However, the title may be used interchangeably with, "Clerk", "Town Clerk" or, if one person holds both positions, "Clerk/Treasurer."

CODE shall mean the October 1, 1976 Town Code or this code, as the text indicates.

COMPUTATION OF TIME shall mean the time within which an act is to be done and be computed by excluding the first day and including the last, and if the last day be Sunday or a legal holiday, that shall be excluded.

CORPORATE LIMITS shall mean the legal boundary of The Town of Campobello.

COUNCIL, MAYOR AND COUNCIL OR TOWN COUNCIL shall mean the Mayor and Council of The Town of Campobello, as defined in the 1976 South Carolina Code of Laws, Section 5-11-20.

COUNTY shall mean the County of Spartanburg.

COURT shall mean the Municipal Court of The Town of Campobello.

DAY shall mean a period of twenty-four (24) hours.

DELEGATION OF AUTHORITY shall mean that whenever a provision or section of this code appears requiring the head of a department of the town to do some act or make certain inspections, it shall be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly designate otherwise.

DHEC shall mean the South Carolina Department of Health and Environmental Control.

DOMESTIC ANIMAL shall mean any of various animals (as the horse or sheep) domesticated so as to live and breed in a tame condition.

EMERGENCY VEHICLE shall mean vehicles of the fire and police departments, ambulances and/or emergency vehicles or public service corporations as are designated by the Police or Fire Chief

INTERPRETATION shall mean in the interpretation and application of any provision of this code, it shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this code imposes greater restrictions upon the subject matter than the general provision imposed by this code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

JUNK shall mean old iron, glass, paper or other waste that may be used in some form again; second hand, or worn or discarded articles, clutter, something of poor quality or of little meaning, worth or significance, including abandoned automobile parts or abandoned vehicles.

JUNKYARD shall mean a yard or area used to store sometimes resalable junk.

KEEPER AND/OR PROPRIETOR shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

LIVESTOCK shall mean animals kept or raised for use or pleasure, especially farm animals kept for use and profit.

MAY shall be permissive.

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPALITY may be used interchangeably with “town” and shall mean the entire area within the corporate limits of The Town of Campobello.

NAME OF MAYOR AND COUNCIL, OR OTHER OFFICER shall be construed as though the words “of The Town of Campobello” were added.

NONTECHNICAL AND TECHNICAL WORDS shall apply to the usage of such words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

NUMBER See “Rules of Construction.” (1 .306 of this chapter.)

OATH, SWEAR SWORN shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words “swear” and “sworn” shall be the equivalent to words “affirm” and “affirmed” and vice versa.

OWNER shall mean and include, when applied to a building or land, any part-owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

PERSON shall include a corporation, firm, partnership, association, organization and any other group as a unit, as well as an individual or individuals.

PERSONAL PROPERTY shall include every species of property, except real property, as defined in this Section.

PRECEDING, FOLLOWING shall mean the next before and the next after, respectively.
PROPERTY shall include real and personal property.

PUBLIC PLACE shall mean any park, cemetery, school yard or open space adjacent thereto, including all other properties owned or controlled by public authority.

REAL PROPERTY AND REAL ESTATE shall include lands, tenements and the hereditaments.

RESIDENCE shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed as his residence.

RESIDENCE DISTRICT shall mean territory contiguous to and including a street not comprising a business district when the property on such street for a distance of three hundred feet or more is in the main improved with dwellings or dwellings and buildings in use with residences.

ROAD WAY shall mean that portion of a street improved, designed ordinarily used for vehicular travel.

SC DOT shall mean the South Carolina Department of Transportation.

SEAL shall mean the corporate seal of the town, as may be adopted by the Council.

SHALL- shall be mandatory.

SIDEWALK shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb and the adjacent property line intended for the use of pedestrians.

SIGNATURE OR SUBSCRIPTION shall mean a "mark," when a person cannot write. STATE shall mean The State of South Carolina.

STREET shall include streets, avenues, boulevards, highways, roads, alleys, lanes, bridges, and all other public thoroughfares and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Council.

TAX COLLECTOR shall mean the Spartanburg County Treasurer.

TENANT OR OCCUPANT when applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

TREASURER shall mean the Municipal Treasurer, if appointed separately from the Town Clerk.

WRITING The words "writing" or "written" shall include printing and any other mode of representing words and letters.

1.206. RULES OF CONSTRUCTION.

As used in this code and all ordinances, in all cases in which the spirit and intent may require it, the following shall apply:

1. Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.
2. All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
3. All words importing the present tense shall apply to the future, also.

1.207. GENERAL PENALTY. CONTINUING VIOLATIONS.

Whenever in this code or in any ordinance, resolution, rule, regulation or order promulgated by any agency or officer thereof under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, where no specific penalty is provided for the violation thereof, the violation of any such provisions of this Code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding five hundred (\$500) dollars or by imprisonment for a period not exceeding thirty (30) days, or both plus any assessments that may be due; provided, however, that no penalty shall exceed the penalty provided by state law for similar offenses. Each day any violation of this Code or any ordinance, rule or regulation shall continue shall constitute a separate offense. (1976 SC Code §14-25-65)

1.208. LIABILITY OF CORPORATIONS; THEIR AGENTS, ETC.

- a. Any violation of this code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.
- b. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

1.209. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

1.210. AMENDMENTS TO CODE.

- a. All ordinances adopted subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this code and printed for inclusion herein, in the case of repealed chapters, sections and subsections, or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.
- b. Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in substantially the following, but not necessarily the exact language: “that Section xxx of the Town Code of the Town of Campobello is hereby amended as follows “ The new provisions may then be set out in full as enacted; the text and numbering system consistent with this code.
- c. In the event a new section not heretofore existing in the code is to be added, the following language may be used: “...that the Campobello Town Code, 2002 is hereby amended by adding a section, to be numbered which section shall read as follows:“ The new section shall then be set out in full. The sections of this ordinance may be renumbered to accomplish such intention.
- d. All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

(Editor’s Note. Please refer to Appendix B for detailed guidance when preparing ordinances.)

1.211. ALTERING CODE.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever, which may cause the laws of this municipality to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in §1.307 hereof.

1.212. PROSECUTION WHERE DIFFERENT PENALTIES EXIST.

In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the municipality, the prosecuting officer may elect under

which to proceed. Not more than one recovery shall be had against the same person for the same offense.

1.213. MUNICIPAL SEAL.

The municipality shall have a common seal, to be in the custody of the Clerk. The seal shall be affixed to all official documents of the municipality as may be directed by the Council.