

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The provisions of this and the following chapters and sections shall constitute and be designated the "The Code of the City of Chesnee, South Carolina," and may be so cited.

(Comp. of Ords. 1989, § 1-1)

State law reference—Codification authority, S.C. Code 1976, § 5-7-290.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council or 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 a bond is required, an undertaking in writing shall be sufficient.

City. The words "the city" shall mean the City of Chesnee in the County of Spartanburg and the State of South Carolina, except as otherwise noted.

Code. Whenever the words "Code" or "this Code" are used they shall mean the Code of the City of Chesnee as designated in section 1-1.

Computation of time. In computing any period of time prescribed or allowed by this Code the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

Council or city council The words "the city council" or "the council" shall mean the city council of the City of Chesnee, South Carolina.

County The word "county" shall be construed to mean the County of Spartanburg in the State of South Carolina.

Delegation of authority Whenever a provision appears requiring the head of a department or other officer of the city to do some act or to make certain inspections, it is to be construed to authorize the head of the department or other officer of the city, as the case may be, to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision designate otherwise.

Gender A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month The word "month" shall mean a calendar month.

Number Words used in the singular include the plural and the plural includes the singular number.

Oath The word "oath" 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 equivalent to the words "affirm" and "affirmed."

Officers, departments, etc Whenever the title of an officer, department, board or other agency is given it shall be construed as though the words "of the City of Chesnee, South Carolina" were added.

Owner The word "owner," applied to building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property, except real property, as defined in this section.

State law reference—"Personal property" defined, S.C. Code 1976, § 15-1-40.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

State law reference—"Property" defined, S.C. Code 1976, § 15-1-50.

Public notice. Public notice shall mean a notice published at least once in a newspaper of general circulation in Spartanburg County.

Real property and real estate. The terms "real property" and "real estate" shall include lands, tenements and hereditaments.

State law reference—"Real property" defined, S.C. Code 1976, § 15-1-30.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Signature or subscription. The word "signature" or "subscription" includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of South Carolina.

Statute references. Whenever reference is made to state law or to the state statutes, it shall be construed to refer to the latest edition of the Code of Laws of South Carolina, as amended.

Street. The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

Tenant or occupant. The word "tenant" or "occupant," 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.

Tense. Words used in the past or present tense include the future as well as the past and present.

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

Year. The word "year" shall mean a calendar year.

Sec. 1-3. Catchlines, history notes and references.

(a) The catchlines of the several sections of this Code, printed in boldface type, and the chapter, article and division headings are intended as mere catchwords to indicate the contents of the section, chapter, article or division and shall not be deemed or taken to be titles of such section, chapter, article or division, nor, unless expressly so provided, shall they be so deemed when any of such section, chapter, article or division, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

(Comp. of Ords. 1989, § 1-2)

Sec. 1-4. Effect of repeal or expiration of ordinance.

(a) 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.

(b) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived, without express words to that effect.

(Comp. of Ords. 1989, § 1-7)

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgement 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 by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

(Comp. of Ords. 1989, § 1-6)

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code, which amend, repeal or in any way affect this Code, when numbered in accordance with the numbering system of this Code and printed or typed for inclusion herein, shall, as numbered and printed or typed or omitted, in the case of repeal, be prima facie evidence of such subsequent ordinances numbered or omitted are readopted as a new Code by the council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of the City of Chesnee, South Carolina, is hereby amended to read as follows . . ." The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is added, the following language may be used: "That the Code of the City of Chesnee, South Carolina, is hereby amended by adding a section, to be numbered _____, which section shall read as follows . . ." The new section may then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-7. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the council during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, when necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate number to sections and other subdivisions to be inserted in the Code and where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sec-

tions of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-8. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any ordinance promising or guaranteeing the payment of money by the city, or authorizing the issuance of any bonds of the city, or any evidence of the city's indebtedness, or any contract, agreement, lease, deed or other instrument or obligation assumed by the city or creating interest and sinking funds;
- (2) Any right or franchise, permit or other right granted by any ordinance;
- (3) Any personnel regulations; any ordinance establishing salaries of city officers and employees or any civil service rules;
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating any street, alley or other public way in the city;
- (5) Any ordinance establishing and prescribing the street grades in the city;
- (6) Any appropriation ordinance or any ordinance levying or imposing taxes or fees;
- (7) Any ordinance providing for local improvements and assessing taxes therefor;
- (8) Any ordinance dedicating or accepting any subdivision in the city;

- (9) Any ordinance establishing the official plat of the city;
- (10) Any zoning map amendment or land use or rezoning ordinance;
- (11) Any ordinance annexing territory or excluding territory from the city;
- (12) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code;
- (13) Any ordinance calling an election;
- (14) Any ordinance creating special districts or assessing taxes therefor;
- (15) Any temporary or special ordinance;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the clerk-treasurer's office.

Cross reference—Ordinances, § 2-201 et seq.

Sec. 1-9. Annexed property.

All property annexed to the city pursuant to the laws of the State of South Carolina shall become a part and parcel of the city upon the passage of an ordinance of annexation by the city council, and shall be subject to all the rights, privileges and duties of all other property in the city.

(Comp. of Ords. 1989, § 1-8)

Cross reference—Zoning of annexed areas, App. A, § 3E.

State law reference—Change of corporate limits, S.C. Code 1976, § 5-3-10 et seq.

Sec. 1-10. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided for, the

violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days or both. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(Comp. of Ords. 1989, § 1-5))

Cross reference—Maximum penalties imposed by municipal court, § 12-5.

State law reference—Maximum penalty authorized for violation of municipal ordinances, S.C. Code 1976, § 5-7-30.