

**Chapter 1**  
**GENERAL PROVISIONS**

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

The provisions in this and the following chapters and sections shall constitute and be designated "The Code of the City of Spartanburg, South Carolina, 1988," and may be so cited. Such Code may also be cited as "Spartanburg City Code, 1988."

**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 Spartanburg 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 Spartanburg 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 Spartanburg, South Carolina.

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

*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."

*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.

*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.

*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.

*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. Catch lines, history notes and references.**

- (a) The catch lines 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 catch lines, 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.

**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.

**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 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 by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

**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 until such time that this Code and 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 Spartanburg, 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 Spartanburg, 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 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 catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings and titles;
  - (3) Assign appropriate numbers 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 sections 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, rights, etc., not affected by Code.**

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:
  - (1) Promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;

- (2) Containing any administrative provisions of the council not in conflict or inconsistent with the provisions of this Code;
- (3) Prescribing rates for city utility services;
- (4) Granting any right or franchise and establishing any rates therefor;
- (5) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;
- (6) Making any appropriation;
- (7) Levying or imposing taxes, not inconsistent with this Code;
- (8) Adopting community communications regulations;
- (9) Providing for local improvements and assessing taxes therefor;
- (10) Dedicating or accepting any plat or subdivision in the city;
- (11) Adopting, extending or contracting the boundaries of the city;
- (12) Prescribing the number, classification, or compensation of any city officers, employees or agents, not inconsistent herewith;
- (13) Pertaining to zoning or subdivision regulations;
- (14) Any other ordinance, or part thereof, which is not of a general and permanent nature;
- (15) Relating to the firefighters pension plan;
- (16) Adopted after February 22, 1988;

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 office of the city clerk.

- (b) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

**Sec. 1-9. Incorporation; corporate limits; official map.**

- (a) All citizens of the state having resided in the city shall be deemed and are hereby declared a body politic and corporate, and the city shall be called and known by the name of Spartanburg.
- (b) Extensions of the corporate limits of the city are as shown by corporate limit lines drawn on the official map of the city which is maintained in the office of the city manager.

**Sec. 1-10. Annexed property.**

- (a) *Generally.* All property annexed to the city pursuant to the laws of the state 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.
- (b) *Liability for city taxes.* All property annexed in the city will be liable for city taxes from the day of annexation, which taxes shall be prorated on a calendar year basis.
- (c) *Zoning classification.* All property annexed to the city shall be zoned at the highest residential classification according to the then existing zoning ordinance; provided, however, city council may designate such other zoning classification of the property to be annexed as follows:
  - (1) If the property to be annexed is vacant and the property owner requests zoning less restrictive than the existing zoning for all adjacent property, the request for zoning shall be referred to the planning commission and recommendation made thereon;
  - (2) In all other cases, city council may designate the zoning of the property being annexed in the annexation ordinance after considering the existing use of the property, if any, and the zoning of adjacent property.

**Sec. 1-11. 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 a 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 thereof, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) 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.

**Sec. 1-12. Municipal uniform ordinance summons.**

Any person or entity violating any provision of the Code of the City of Spartanburg may be issued a uniform ordinance summons. Issuance of the uniform ordinance summons shall vest jurisdiction in the Municipal Court to hear and dispose of the charge for which the uniform ordinance summons was issued and served. The uniform ordinance summons may be issued by any city public safety officer or any other city employees designated as code enforcement officers. The bond amount for violations shall be prescribed by the chief municipal court judge. City public safety or code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons. The uniform ordinance summons shall not be used to perform a custodial arrest.

Sec. 1-13. Service of Municipal Uniform Ordinance Summonses, Warrants and Municipal Court Orders.

Municipal Uniform Ordinance Summonses, Warrants and Municipal Court Orders shall be served on individuals charged with violation of provisions of this Code including the Zoning Ordinances of the City of Spartanburg by one of the following means:

(a) Delivery of a copy thereof to (1) the individual; (2) an adult of discretion at the residence where the individual resides; (3) the agent of the individual. Service of a Summons, Warrant or Order may be accomplished either within or without the confines of the City of Spartanburg.

(b) Service by certified mail, return receipt requested and restricted delivery to addressee only.

(c) Leaving a copy of the Summons, Warrant or Order at a conspicuous place on the property affected by the Ordinance and forwarding a copy of the Summons, Warrant or Order by ordinary mail to the property owner's last known address as shown on the records of the Spartanburg County Assessor's Office.