

# CHAPTER 13. PUBLIC PEACE-OFFENSES

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## CHAPTER 13. PUBLIC PEACE. OFFENSES

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### **CHAPTER 13. PUBLIC PEACE. OFFENSES**

#### **ARTICLE I. ORDINANCE SUMMONS**

Editor's Note. This article is commonly referred to as the "Ordinance Summons" or "Summons Ordinance." It is authorized by §56-7-80 of the 1976 South Carolina Code of Laws which established precise requirements to be followed when utilized.

#### **13.101. SUMMONS ORDINANCE. PROCEDURE FOR OFFENSES OTHER THAN BREACH OF PEACE.**

- a. In all actions for the violation of the provisions of the ordinances of The Town of Campobello, not amounting to a breach of the peace, the initial process may be a summons issued by the

town officials or employees, who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the Municipal Court at a time to be set in the summons.

b. The summons shall cite only one (1) violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date and location of the hearing;
- (4) A description of the ordinance violated;
- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

c. Breach of peace shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

d. Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court, upon conviction, shall be guilty of a misdemeanor.

e. The Council shall designate individuals who shall be authorized to issue municipal summons which shall be spread upon the minutes of Council.

f. This section shall not apply to any ordinance which regulates the use of motor vehicles on the public roads.

g. This section shall not be construed as a limitation upon the power of any person, officer or employee to seek or pursue any other lawful process or legal remedy.

h. The bond amount for violations shall be prescribed by the Municipal Judge. Bonds shall be posted in the manner prescribed by the Municipal Judge. Town code enforcement officers, when appointed, and town law enforcement officers shall be prohibited from accepting bonds.

i. Any summons issued under the provisions of this article shall not be used to perform a custodial arrest.

## **ARTICLE II. ALCOHOLIC BEVERAGES**

Editor's Note. Although South Carolina law has preempted municipalities in this field, this article has been included to assist the members of the Police Department when enforcing the provisions hereof. The various references to state law should prove helpful.

### **13.201. DEFINITIONS.**

a. ALCOHOLIC LIQUORS as used in this chapter shall mean any spirituous malt, vinous, fermented, brewed or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and used as a beverage.

(1976 SC Code §61-3-20)

b. NONALCOHOLIC AND NONINTOXICATING as applied to beverages shall mean all beers, ales, porter and other similar malt or fermented beverages containing not in excess of 5 percent (5%) of alcohol by weight and all wines containing not in excess of 21 percent (21 %) of alcohol by volume.

(1976 SC Code §61-9-10)

### **13.202. JURISDICTION.**

The Municipal Court shall try and determine all cases involving any violation of this article occurring within the corporate limits and shall have jurisdiction over such criminal cases, with the right and duty of sending such cases, occurring within the corporate limits but beyond its jurisdiction to try, to the higher courts

(1976 SC Code §5-7-30, §61-13-770)

**13.203. PRIOR OFFENSES.**

A conviction, plea of guilty, plea of nolo contendere or forfeiture of bond for the violation of any of the laws of this state, or of the United States relating to alcoholic liquor shall constitute prior offense for the purpose of any prosecution, or for the purpose of imposition of sentence for any subsequent violation of this chapter

**13.204. SALES. PROHIBITED HOURS.**

a. All businesses which possess an on-premises consumption permit for alcohol beverages shall be closed for business between the hours of 2:00 A. M. and 5:00 A. M, Monday through Saturday, and shall remain closed between the hours of 12:00 midnight on Saturday and 5:00 A. M. Monday.

b. It shall be unlawful for any person or business to sell or offer for sale any beer or wine between the hours of 2:00 A. M. and 5:00 A. M. Monday through Saturday, and between the hours of 12:00 midnight Saturday and sunrise Monday morning, except those establishments licensed by the state to sell alcoholic beverages in containers of two (2) ounces or less during lawful hours.

(1976 SC Code §61-9-90)

**13.205. UNLAWFUL TO SELL UNLESS TAX PAID.**

a. It shall be unlawful for any person to sell or permit to be sold any beer, ale, porter, wine, malt or other beverage authorized to be sold under South Carolina statutes regulating same, on which tax levied be not paid.(1976 SC Code §61-9-20)

b. The first offense shall be a misdemeanor and within the jurisdiction of the Magistrate's Court.

**13.206. MINORS. SALE.**

It shall be unlawful for any person to sell beer, ale, porter, wine or other malt or fermented beverage to a minor under the age of twenty-one (21) years.  
(1976 SC Code §61-9-40, §61-9-80)

**13.207. SAME. FALSE AGE.**

It shall be unlawful for any person to whom beer or wine cannot be lawfully sold to knowingly give false information concerning his age for the purpose of purchasing beer or wine.

**13.208. SAME. PURCHASE OR POSSESSION.**

- a. It shall be unlawful for any minor under the age of twenty-one (21) years to purchase, or knowingly have in his possession any beer, ale, porter, wine or any other similar malt or fermented beverage. Any such possession shall be prima facie evidence that it was knowingly possessed.
- b. This section shall not apply to any employee lawfully engaged in the sale or delivery of any such beverage in an unopened container.

**13.209. SAME. PURCHASE FOR TRANSFER.**

It shall be unlawful for any person to transfer beer, wine or alcoholic liquor to persons under twenty-one (21) years of age for the purpose of consumption.  
(1976 SC Code §61 -1 3-287)

**13.210. SAME. EMPLOYMENT.**

It shall be unlawful for any person under the age of twenty-one (21) years to work as an employee, or otherwise, in a retail, wholesale or manufacturing liquor business or business establishment or for any person knowingly to employ any person under the age of twenty-one (21) years in such business.  
(1976 SC Code §61-13-340)

**13.211. LICENSED PREMISES. DRINKING. POSSESSION PROHIBITED HOURS.**

- a. It shall be unlawful for any person to drink alcoholic liquors on the premises of any retail, wholesale or

manufacturing alcoholic liquor business or business establishment.  
(1976 SC Code §61-13-350)

b. Any person who drinks beer or wine or possesses beer or wine in an open container between the hours of 12:00 midnight Saturday night and sunrise Monday morning, at any place licensed to sell beer or wine, upon conviction, shall be guilty of a misdemeanor.  
(1976 SC Code §61-9-110)

c. It shall be unlawful to sell, give away, disperse or permit the consumption of any wine, beer or malt liquor in a place of business, including the premises, between the hours of 12:00 midnight and 7:00 a.

### **13.212. SAME. ACTS PROHIBITED. REVOCATION OF LICENSE.**

No holder of a permit authorizing the sale of beer or wine or any servant, agent or employee of the permittee shall knowingly do any of the following acts upon the licensed premises covered by such holder's permit:

1. Sell beer or wine to any person while such person is in an intoxicated condition;
2. Permit gambling or games of chance;
3. Permit any lewd, immoral or improper entertainment, conduct or practices;
4. Permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under local ordinances or the laws of the state;
5. Sell, offer for sale or possess any beverage or alcoholic liquor the sale or possession of which is prohibited on licensed premises under the laws of this state.

A violation of any of the foregoing provisions shall be grounds for the revocation or suspension of such holder's permit by the state.  
(1976 SC Code §61-9-410)

### **13.213. SAME. SALES AFTER LICENSE REVOKED, CANCELED OR SUSPENDED.**

It shall be unlawful for any licensee, or any holder of a license, to sell beer or wine at wholesale or retail, to sell or offer to sell beer or wine after such license shall have been revoked or canceled or during the period

of a suspension of such license.  
(1976 SC Code §61-9-440)

**13.214. PUBLIC CONVEYANCES OR VEHICLES. SALES. DRINKING.**

a. It shall be unlawful for anyone to sell from any vehicle any quantity of alcoholic liquors, stamped or unstamped.  
(1976 SC Code §61 -1 3-374)

b. Any person who shall drink alcoholic liquor in any public conveyance, upon conviction, shall be deemed guilty of a misdemeanor.

**13.215. PERMITTEE SELLING DRAFT BEER TO BE APPROVED BY DHEC.**

No person holding a retail permit to sell beer, ale, porter and other similar malt or fermented beverages, issued by the state, shall sell such beverages on draft, on tap or from kegs or other containers on the premises described in the permit, unless approved by the rules and regulations of DHEC governing eating and drinking establishments and other retail food establishments.  
(1976 SC Code §61-9-81 0)

**13.216. SAME. PERMIT AND HEALTH CERTIFICATE TO BE POSTED.**

Both the permit issued by the state and the certificate of approval issued by DHEC shall be conspicuously posted on the premises.  
(1976 SC Code §61-9-820)

**13.217. MANUFACTURE TO SELL, BUY, ETC, UNLAWFUL.**

It shall be unlawful for any person, firm or corporation to manufacture, store, receive, transport, buy, sell, barter, exchange or deliver any unlawfully manufactured alcoholic beverages in the corporate limits.

**13.218. PURCHASE.**

It shall be unlawful for any person to purchase or otherwise procure any alcoholic liquor other than that purchased from licensed dealers within the state.  
(1976 SC Code §61 -1 3-230)

**13.219. CONSUMPTION AT CERTAIN PLACES. PUBLIC PROPERTY.**

- a. It shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.
- b. It shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, roads or other public place within the corporate limits of The Town of Campobello.
- c. Possession of such container shall constitute prima facia evidence of a violation of this section.
- d. This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.

**ARTICLE III. AMUSEMENTS. DEVICES**

Editor's Note. Municipalities have the power to declare nuisances but must enact them by specific ordinance and, even then, they are subject to judicial review. (Morrison v. Rawlinson, 193, S.C. 25, 7 S.E. 2d 635 (1940).) (See §15.301, this code, for advertising noises.)

Video poker machines are a current contentious problem for the South Carolina General Assembly, in spite of recent court rulings. Until this matter has been resolved by the state, this article has been added to provide guidance for the Council if and when applications are received for such machines. (Gambling is prohibited. See §14.303 of this code.)

The Business License Ordinance of Campobello governs amusement devices as to application for permits, inspections, verifications and revocations, etc. This article derives from generally accepted municipal. Practices.

### **13.301. DEFINITION OF TERMS.**

As used in this article, unless the context otherwise indicates:

AMUSEMENT DEVICE shall mean any machine for the playing of amusements or video games, without free play feature operated by a slot wherein is deposited any coin or thing of value.

1. It also shall include any machine for the playing of games or amusements, which has a free play feature, operated by a slot wherein is deposited any coin or thing of value and such machine is of the nonpayment pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.

2. It also shall include any machine of the nonpayment type, in-line pin game or video game with free play feature operated by a slot wherein is deposited any coin or thing of value except machines of the non-payout pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.

OPERATOR shall mean any person, firm, corporation, partnership or association who maintains for use or permits the use of, on any place or premises occupied by him, any amusement device as defined above.

OWNER shall mean any person, firm, corporation, partnership or association engaged in the business of selling or leasing amusement devices as defined above.

### **13.302. HOURS OF OPERATION. CONDITIONS AND RESTRICTIONS.**

All businesses operating video poker and amusement machines licensed pursuant to the 1976 South Carolina Code §12-21-2720 (A) (3) shall cease operation of said machines between the hours of 2:00 A. M. and 5:00 A. M. Monday through Saturday and between the hours of 12:00 midnight Saturday and 5:00 A. M. Monday.  
(1976 SC Code §61-9-90)

**13.303. GAMBLING DEVICES NOT PERMITTED.**

Nothing in this article shall in any way be construed to authorize, license or permit any gambling or gambling devices, the operation of which is made unlawful under the laws of this state. (See also §14.418, this code.)

**13.304. MUSICAL DEVICES. HOURS OF BUSINESS.**

It shall be unlawful for any place of business having in its possession for use any piccolo, nickelodeon, radio, television or other music-making machine, to be open between the hours of 12:00 midnight and 8:00 a.m. the following day.

**13.305. SAME. REGULATING BUSINESSES.**

It shall be unlawful for any person to operate any coin-operated mechanical device for making music in any place of business between the hours of 12:00 midnight and 8:00 a.m. or to operate such device between the hours of 12:00 midnight on Saturday and 8:00 am. on the following Monday.

**13.306. SAME. OPERATED LOUDLY.**

It shall be unlawful to operate at any time, any musical device of any nature, however operated, that is operated so loudly as to make a noise to disturb the repose of the community; provided, that this section shall not prohibit the operation of a radio, television, electronic games or other instruments in the home, which are so operated as not to disturb the peace.

**13.307. AMUSEMENT PLACES TO HAVE ENTRANCES OPENING ONTO STREET.**

All places of public amusements, for safety purposes, shall have entrances which open onto a public street.

**13.308. CARNIVALS AND STREET SHOWS PROHIBITED WITHOUT PERMIT.**

- a. All carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the Council.
- b. Permits, when issued, shall specify the date, time, place, length of show, duration of appearance and all other details as may be required by Council.

**13.309. DISTURBANCE AT ENTERTAINMENTS, GATHERINGS, ETC.**

It shall be unlawful for any person to behave disorderly in any public hall or other place of amusement, entertainment or gathering or to enter the same in a drunken condition or to interrupt any play, performance, lecture, entertainment or service therein or any player, speaker or other person taking part therein.

**ARTICLE IV. OFFENSES AGAINST MORALITY, DECENCY AND PUBLIC WELFARE**

Editors Note. This article derives from the 1976 South Carolina Code of Laws, and generally accepted municipal practices and appropriate state statutes.

**13.401. IMMORAL PURPOSES. SOLICITATION, PREMISES.**

It shall be unlawful for any person to invite or entice any person upon any street, public square or enclosure to accompany, go with or follow such person to any place for immoral purposes, or to incite, entice or address any person from any door, window, porch or portico of any house or building, to enter any house, go with or accompany such person to any place for immoral purposes.  
(1976 SC Code §16-15-90)

**13.402. SAME. TRANSPORTATION OF PERSONS.**

It shall be unlawful for any person to transport, carry, convey or assist by aiding, abetting, encouraging, requesting or other, in transporting, carrying, conveying in or accompanying by any ways and means whatsoever any person for any immoral purpose.  
(1976 SC Code §16-15-90)

**13.403. SAME. INFORMATION OR DIRECTION.**

It shall be unlawful for any person to give information about any house or place for immoral purposes, whether the communication be by word of mouth, or direction, telephone or in writing. (1976 SC Code §16-15-90)

**13.404. SAME. LEASE. USE OF PLACES, ETC.**

It shall be unlawful for any person to take, rent, use or occupy any place for immoral purposes.

**13.405. BAWDY. HOUSES.**

The keeping of a bawdy house, disorderly house or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house, or other building situated within the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution. (1976 SC Code §16-15-90, §16-15-110)

**13.406. ADULT CLUBS.**

a. Adult clubs are defined as businesses catering to adults for the purpose of exciting its customers in a salacious manner.

b. Such clubs are hereby declared unlawful in The Town of Campobello.

**13.407. OBSCENE MATERIAL DISPLAY OR SALE.**

It shall be unlawful for any person to post or make any indecent, obscene or profane writing or pictures, or to make, sell, exhibit or offer for sale any indecent or lewd book, picture or anything of like character. (1976 SC Code §14-25-90, §16-15-150, et seq.)

**13.408. INDECENT EXPOSURE. LANGUAGE.**

It shall be unlawful for any person to make any indecent exposure of his person or to curse or use any obscene or indecent language or to permit same on any of the streets, alleys or other public ways or places in the town.  
(1976 SC Code §16-15-130)

**13.409. PEEPING TOMS.**

It shall be unlawful for any person to enter upon the private property of another to spy or look into the windows or doors of any building located on private property; provided, this section does not apply to police officers in the actual discharge of their duties.

**13.410. DISTURBING THE PEACE.**

It shall be unlawful for any person to conduct himself in such a manner as to result in a disturbance of the peace to the inhabitants of the town or to knowingly aid, assist or abet therein.

**13.411. LOITERING.**

a. It shall be unlawful for any person to loiter in or upon any street, park, public place or in any public building or obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street, park or public place.

b. For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

(1) Obstruction of the unhampered passage of pedestrians or vehicles;

(2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or

(3) Refusing to move when requested to do so by a Peace Officer, provided the Peace Officer has exercised his discretion reasonably under the circumstances in order to preserve or

promote public peace  
and order.

**13.412. PUBLIC DRUNKENNESS.**

It shall be unlawful for any person to create a nuisance or disturbance upon the public streets or in any public place in a drunken condition.  
(1976 SC Code §16-17-530)

**13.413. INTOXICATING BEVERAGES. DRINKING IN PUBLIC.**

It shall be unlawful for any person or persons to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public places.  
(1976 SC Code §1 4-25-90) (See §14.214, this code, for drinking in public conveyances.)

**13.414. INTERFERENCE WITH STREETS. SIDEWALKS ETC.**

It shall be unlawful for any person to close or in any manner interfere with the free use of any public street or thoroughfare, sidewalk or alley without the previous written consent of the Council.

**13.415. SPITTING.**

It shall be unlawful for any person to spit upon any sidewalk or other public place, or upon the floor, walls or any other part of any building or room which is used by the public.  
(1976 SC Code §1 4-25-90)

**13.416. SCHOOL DISTURBANCES.**

It shall be unlawful:

1. For any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school, (b) to loiter about such school premises or (c) to act in an obnoxious manner thereon; or
2. For any person to enter upon any school premises or loiter around the premises, except on business,

without the permission of the principal or person in charge.  
(1976 SC Code §16-17-420)

**13.417. DANCE HALLS UNLAWFUL ON SUNDAYS.**

It shall be unlawful for any person to keep open or operate any public dance hall, or allow any person to continue thereat, between the hours of 12:00 midnight Saturday, and 7:00 a.m, Monday, and all such places shall be and remain closed to the public between such hours.

**13.418. GAMBLING PROHIBITED. EXCEPTIONS.**

a. It shall be unlawful for any person to engage in gambling or games of chance, to keep or operate, or permit to be kept or operated, any slot machines, punch board, tip-board, or other device pertaining to games of chance of whatsoever name or kind.

b. Exceptions shall include automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin or bill deposited therein, and in which there is no element of chance, as maybe permitted by state statutes. (See also 14.303, this code.)  
(1976 SC Code 16-19-40)

**13.419. SAME. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.**

Upon the charging of any person in Municipal Court of a violation hereof, it shall be the duty of the police, whenever possible, to seize and take into possession any gaming device, machines, punch board, tip-board, or other device of whatever name or kind pertaining to games of chance. Upon conviction in Municipal Court, it shall be the duty of the police officers of the town to destroy the gaming device of whatever name or kind.

**13.420. SAME. HOUSES UNLAWFUL.**

It shall be unlawful for any person or persons to keep or maintain a gambling house or room or place where people resort to engage in gambling or games of chance, or to permit gambling or games of

chance in any building on their premises or under their control.

**13.421. FORTUNE-TELLING.**

It shall be unlawful, without a valid permit or license, to engage in the business, trade or profession of fortune-telling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.  
(1976 SC Code 40-41-310)

**ARTICLE V. OFFENSES AGAINST THE PEACE. PUBLIC POLICY**

Editor's Note, This article derives from the 1976 South Carolina Code of Laws, and generally accepted municipal practices.

**13.501. DISORDERLY CONDUCT. DEFINED.**

a. It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public inconvenience, annoyance, alarm or recklessly create a risk thereof by:

(1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace; or

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or addresses of abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or

(4) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent or profane writing, picture, mark or figure on any wall, fence, house or structure.

b. For the purpose of this section "public" means affecting or likely to affect any person or persons in a place to which the public or a substantial group has access; among the places included are

highways,  
transport facilities, schools, prisons, apartment houses, places of business or  
entertainment, governmental  
buildings, any neighborhood, in automobiles, etc.  
(1976 SC Code §15-25-90, §16-17-530) (See §14.410 for "Disturbing the Peace.")

### **13.502. FIREARMS. CARRYING. EXCEPTIONS.**

It shall be unlawful for any person to carry about the person, whether concealed or not, any pistol, except as follows:

1. Any person carrying a permit issued by lawful authority, pursuant to South Carolina statutes.
2. Marshals, sheriffs, police officers or other law enforcement officers, or peace officers of the federal government or other states when they are carrying out official duties while in this state.
3. Members of the Armed Forces of the United States or of the National Guard, organized reserves or the state militia when on duty.
4. Members of organizations authorized by law to purchase or receive firearms from the United States or this state, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while the members are at or going to or from their places of target practice, or their shows and exhibits.
5. Licensed hunters or fishermen while engaged in hunting or fishing.
6. Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of that person while possessing, using or carrying a pistol in the usual or ordinary course of business,
7. Guards of common carriers, banks and other financial institutions while engaged in that capacity and guards engaged in protection of property of the United States or any agency thereof.

8. Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations,
9. Any person in his home, or upon his real property, or fixed place of business.
10. Any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.
11. Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of one's fixed place of business.
12. Any night watchman while engaged in his duties as a night watchman.

**13.503. SAME. DISCHARGE. DANGEROUS DEVICES.**

a. It shall be unlawful for any person to point at or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.

b. It shall be unlawful, within the corporate limits, to fire, aim or discharge any air rifle, pellet rifle, sling shot or other device, in any manner, which may be intentionally used to harm any person or property.

*\*See Amended Firearms Ordinance 13.512(9-26-03)*

c. Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or like performances or to peace officers in the discharge of their duties.  
(1976 SC Code §16-23-410)

**13.504. CONCEALED WEAPONS.**

Except as herein provided, it shall be unlawful for any person to possess or carry concealed about his person any dirk, metal knuckles, razor, ice pick, or other weapon usually used for the infliction of personal injuries.  
(1976 SC Code §16-23-460)

**13.505. SAME. CARRYING WEAPONS. KNIVES.**

a. It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries.

This section shall not apply to peace officers while in the discharge of their duties.

b. It shall be unlawful for any person within the town to possess

or conceal upon his person any knife, measuring seven (7) inches or greater in length either when opened or unopened, or any switchblade knife.

(1) For the purposes of this section, the term "switchblade knife" shall mean any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.

(2) This section does not apply to pocket knives, which when open, do not exceed five and one-half (5 1/2) inches in overall length.  
(1976 SC Code §16-23-20)

### **13.506. CRIME WATCH AREA. CITY DESIGNATED.**

The Council hereby declares The Town of Campobello to be a "Crime Watch Area," and hereby authorizes the placing of signs upon highway rights-of-way upon highways entering the town designating the community as a "Crime Watch Area." Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the General Assembly.  
(1976 SC Code 57-1-90)

### **13.507. SWEARING FALSELY WHEN TAKING OATHS.**

It shall be unlawful for any person to willfully and knowingly swear falsely under oath in giving evidence in the Municipal Court, or at any other time or place within the corporate limits where an oath has been taken before any person who may be qualified to administer oaths.

### **13.508. INTERFERING WITH WORSHIP, PUBLIC GATHERINGS OR MEETINGS.**

It shall be unlawful for any person to interfere with or disturb any religious worship or public gatherings or meetings.

(1976 SC Code §16-17-520)

**13.509. RIOTS. INSTIGATING, AIDING, PARTICIPATING.**

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no

wound inflicted, shall be subject to and liable for each offense as a misdemeanor.

(1976 SC Code §16-5-120, §16-5-1 30)

**13.510. NOISE. UNREASONABLE PROHIBITED.**

a. The creation of any unreasonably loud, disturbing and unnecessary noises and noises of such

character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any

ordinary, reasonable person are hereby prohibited.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in

violation of this section; provided however, that such enumeration shall not be construed to be exclusive of

other noises:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other

vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of

control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the

vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh

sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such manner, or with such

volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is

reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances

residing in a dwelling or other type of residence in the vicinity.

- (3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
- (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises there-from.
- (6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the town Council, which permit may be renewed for a period of three (3) days or less while the emergency continues.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.
- (9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity

thereof, provided,  
however, that this subsection shall not apply to houses of worship.  
(See also §15.303, this code.)

(11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.

(13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the Chief of Police.

(14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

(15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise. Any motor vehicle operated within The Town of Campobello be kept under proper control at all times.

(16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.  
(1976 SC Code §5-7-30. Morrison v. Rawlinson. 193 S. C. 25, S. E. 2d 635(1940))

(Editor's Note. "The maximum noise ordinance fine that can be imposed for a first offense is \$200.00 plus assessments." 1992 Op Atty Gen. No. 92-51.)

**13.511. DRUGS DEFINED. DECLARED UNLAWFUL.**

a. The term “Drug Paraphernalia” is hereby defined as equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

b. It shall be unlawful to possess drug paraphernalia within the corporate limits with the intent of selling, donating, or otherwise distributing same for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

(Editor’s Note. Act No. 400 of the 1982 5. C. Legislature amended §44-53-110 of the 1976 South Carolina Code of Laws, as amended, relating to narcotics and controlled substances. This defined paraphernalia as used in administering or preparing marijuana, hashish or oils thereof or cocaine, to provide certain exceptions, to include paraphernalia in the definition of deliver or delivery and to amend the 1976 code by adding §44-53-391. That made it unlawful to advertise for sale, manufacture, possess, sell or deliver or to possess with the intent to sell or deliver paraphernalia.)

**13.512 Amended Firearms Ordinance**

TO AMEND THE CODE OF THE TOWN OF CAMPOBELLO, SOUTH CAROLINA, TO AMEND CHAPTER 13, ARTICLE V, SECTION 13.503b

BE IT ORDAINED by the Mayor and members of Council of the Town of Campobello, South Carolina, in council assembled:

Section 1 The Code of the Town of Campobello is amended to add the following Section to Chapter 13, Article V.

Section 2 Said Section shall read as follows:

Firearms.Discharge

Any parcel of property larger than five acres within the town limits shall be exempt from Firearms Ordinance restrictions for all legal hunting, target practice and recreational use.

## **ARTICLE VI. OFFENSES AGAINST PROPERTY**

Editors Note. This article derives from the 1976 South Carolina Code of Laws, and generally accepted municipal practices.

### **13.601. MALICIOUS MISCHIEF.**

It shall be unlawful for any person to willfully or maliciously destroy or in any manner injure any property, real or personal, public or private, not his own within the Town of Campobello.

### **13.602. DAMAGING PROPERTY.**

Any person or persons who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person or persons, upon conviction, shall be guilty of a misdemeanor.  
(1976 SC Code §16-11-510, §16-11-520)

### **13.603. FAILURE TO LEAVE PREMISES WHEN ORDERED.**

Any person or persons who, when requested to leave the premises of another or the house wherein any one or more persons shall conduct business (except offices of public officers), shall refuse to do so, upon conviction, shall be guilty of a misdemeanor.  
(1976 SC Code §16-11-620. State v. Hanapole, 255 S. C. 258, 178 S. E. 2d 247 (1970))

**13.604. PETIT LARCENY. DEFINED.**

a. Petit larceny is hereby defined as any article of goods, choices in action, bank bills, bills receivable, chattels or other article of personalty of which, by law, larceny may be committed or of any such fixture or part or product of the soil, severed from the soil by an unlawful act, or has a value of one thousand dollars (\$1,000.00).

b. The act is hereby declared to be a misdemeanor.

**13.605. STOLEN GOODS.**

Any person who shall buy, receive, or have in his possession any goods or chattels or other property, knowing the same to have been stolen, upon conviction, shall be guilty of a misdemeanor. (1976 SC Code §16-1 3-1 80)

**13.606. TRESPASSING.**

a. For the purposes of this section, private property shall mean the house and land surrounding the house, either owned or rented or occupied by any person.

b. Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor and be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not exceeding thirty (30) days.

c. When any owner or tenant of any lands shall post a notice in four (4) conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.

d. Any person entering upon the lands of another for the purpose of hunting, fishing, trapping, netting, gathering fruit, wild flowers, cultivated flowers, shrubbery, straw, turf, vegetables or herbs or cutting timber on

the same, without the consent of the owner or manager thereof, upon conviction, shall be guilty of a misdemeanor.

(Editor's Note. For detailed information regarding this subject, please refer to Title 16, Chapter 11, of the 1976 South Carolina Code of Laws, as amended.)

**13.607. SIGNATURE OR PROPERTY. OBTAINING BY FALSE PRETENSES.**

Any person who shall, by any false pretense or representation, obtain the signature of any person to any written instrument or shall obtain for any other person any chattel, money, valuable security or other property, real or personal, if the sum of the written instrument or the value of the property so obtained does not exceed two hundred dollars (\$200.00), with the intent to cheat and defraud any person of such property, upon conviction, shall be guilty of a misdemeanor and the punishment shall be not more than is permitted by law without presentment or indictment by the grand jury.

**13.608. CREDIT CARDS. OBTAINING CREDIT OR PROPERTY UNLAWFULLY.**

a. The term "credit card," as used in this section, means an identification card, credit number, credit device or other credit document issued to a person by a business organization which permits such person to purchase or obtain goods, property or services on the credit of such organization.

b. The word "notice," as used in this section, shall be construed to include whether notice given to the purchaser in person or notice given to him in writing. Such notice in writing shall be presumed to have been given when deposited as registered or certified matter, in the United States mail, addressed to such person at his address as it appears in the files of the issuer of the credit card.

c. It shall be unlawful for any person to knowingly use, for the purpose of obtaining credit or for the purchase of goods, property or services:

(1) A credit card which has not been issued to such person and which is not used with the consent of the person to whom issued; or,

(2) A credit card which has been revoked or canceled by the issuer of such card and notice thereof has been given to such person; or,

(3) A credit card which has expired; or

(4) A credit card which is false, fictitious or counterfeit.

d. Any person violating the provisions of this section, when the amount of credit or purchase obtained is less than fifty dollars (\$50.00), upon conviction, shall be guilty of a misdemeanor.

### **13.609. PROPERTY SECURED BY FRAUDULENT IMPERSONATION OF OFFICER.**

Anyone who shall take upon himself to act as an officer with the intent to defraud any government, firm or person, or shall in such pretension or pretended character demand, obtain or receive from any government, firm or person any money, paper, document or other valuable thing of a value less than twenty dollars (\$20.00), upon conviction, shall be guilty of a misdemeanor.

### **13.610. SHOPLIFTING.**

Shoplifting is hereby declared to be a misdemeanor. Upon conviction, a person shall be guilty of shoplifting who:

1. Takes possession of, carries away, transfers from one person to another or from one area of a wholesale or retail mercantile establishment to another area, or cause to be carried away or transferred any merchandise displayed, held, stored or offered for sale by any wholesale or retail mercantile establishment with the intention of depriving the owner of the possession, use or benefit of said merchandise without paying the full value thereof.

2. Alters, transfers or removes any label, price tag marking, indication of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a wholesale or retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the established value with the intention of depriving the owner of the full value of said merchandise.

3. Transfers any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.  
(1976 SC Code §16-13-110)

**13.611. FAILING TO RETURN BOOKS, ETC. BORROWED FROM PUBLIC INSTITUTIONS.**

Whoever shall borrow from any library, school, museum, collection or exhibition any book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article belonging to or in the care of said organizations, under any agreement to return it, thereafter shall fail to return said borrowed article, shall be given written notice, mailed to his last known address by certified mail or delivered in person, to return such borrowed article within fifteen (15) days; and in the event that such person shall thereafter willfully and knowingly fail to return such borrowed article within fifteen (15) days, such person shall be guilty of a misdemeanor.

**13.612. PUBLIC EVENTS. GAINING ADMISSION WITHOUT PAYMENT.**

It shall be unlawful for any person:

1. Where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.
2. Unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission.

3. To aid, abet or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

**13.613. BREAKING INTO MOTOR VEHICLE. GASOLINE TANK, PUMP, ETC.**

a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, in the daytime or in the nighttime, with intent to steal the same or anything of value therefrom or attached or annexed thereto or used in connection therewith or in the perpetuation of any criminal offense, upon conviction, shall be guilty of a misdemeanor.

b. Whoever shall break or attempt to break any tank, pump or other vessel, where kerosene, gasoline or lubricating oil is stored or kept, upon conviction, shall be guilty of a misdemeanor.

**13.614. BAD CHECKS. UNLAWFUL TO ISSUE. PENALTY.**

a. It shall be unlawful to draw, make, issue or deliver fraudulent checks to another person, firm or corporation.  
(1976 SC Code §34-11-60)

b. For such checks issued to the town, a penalty fee shall be charged the issuer. Such fee shall be as set forth in the "Schedule of Rates and Fees" as shown on Exhibit I of this code.

**13.615. LANDMARKS; ALTERING, REMOVING.**

If any person shall knowingly, willfully, maliciously or fraudulently cut, fell, alter or move any certain boundary tree or other allowed landmark, lamp post, post or shade tree, such person so offending, upon conviction, shall be guilty of a misdemeanor.

**13.616. FENCES: REMOVING. DESTROYING OR LEAVING DOWN.**

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crop or uncultivated lands or who shall leave open any gate or leave down

any bars or other structure intended for a like purpose, upon conviction, shall be guilty of a misdemeanor.

**13.617. PROPERTY OF CITY TO BE RETURNED.**

Upon leaving town employment or any town office, it shall be unlawful for any employee or official, including volunteers, to fail to return to the city any city property or equipment issued to him, including this Code of Ordinances.

**ARTICLE VII. OFFENSES AGAINST THE PERSON**

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Title 16, Chapter 3, and generally accepted municipal practices.

**13.701. ASSAULT AND BATTERY.**

It shall be unlawful for any person to commit an assault or assaults and battery upon any other person.

**13.702. POINTING PISTOL OR GUN AT ANY PERSON.**

It shall be unlawful for any person to point at any other person any loaded or unloaded firearm. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatrical or like performances or to peace officers in the discharge of their duties.

**13.703. UNLAWFUL TO THROW OBJECT INJURING PERSON OR DAMAGING PROPERTY.**

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken, or other property belonging to another damaged or destroyed.

**13.704. REFRIGERATORS. ABANDONMENT PROHIBITED.**

a. It shall be unlawful for any person to abandon or discard any refrigerator, ice chest or other type of airtight container of a capacity sufficient to contain any child without, prior to such

abandonment, removing  
the door, lid or other device for the closing thereof.

b. It shall also be unlawful for any person in charge of property to knowingly permit any such container to remain thereon accessible to children without removing the door, lid or other device for the closing thereof.  
(1976 SC Code §16-3-1010)

### **13.705. WELLS, OPEN PITS PROHIBITED.**

It shall be unlawful for any owner or tenant to permit or allow any abandoned well or pit to remain open and unprotected on any place or premises owned or occupied by such person.

## **ARTICLE VIII. PARADES. DEMONSTRATING. PICKETING . SOLICITING**

Editors Note. This article derives from court decisions, appropriate state statutes, and generally accepted municipal practices.

### **13.801. PERMIT REQUIRED.**

a. It shall be unlawful to parade, picket or march or solicit funds unless a permit has been secured from the Town of Campobello.

b. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the Town Clerk, for subsequent approval by the Council, not less than forty-eight (48) hours prior to the time of such parade.

c. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, solicitation, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, solicitation, parading or marching.

d. When picketing or engaging in "demonstrations," no person shall:

- (1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.
- (2) March, parade, solicit, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the Council.
- (3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.
- (4) Damage or destroy or injure the person or property of others.
- (5) Block, in any manner, the streets and means of ingress and egress to places of business.
- (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
- (7) Interfere in any matter with the attendance, during school hours, of children in the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason, or permitting them to be or remain in churches or other places used in such demonstrations.
- (8) Picket other than in accordance with the following principles:
  - (a) In small numbers.
  - (b) In a manner so as not to interfere with pedestrians or vehicular traffic.
  - (c) In a manner so as not to block entrances or exits to or from picketed establishments.
  - (d) No more than four (4) pickets posted at any one time at any one business establishment.
  - (e) No more than two (2) business establishments picketed in the same block at the same time.
  - (f) No picket trespassing upon the property of the business establishment being picketed.

(g) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.

(h) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.

(9) "Demonstrate," other than in accordance with the following principles:

(a) Walking not more than two (2) abreast upon the public sidewalks or in groups of not more than thirty (30) persons.

(b) Observe all traffic control devices.

(c) Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.

(d) Assemble peacefully and speak peacefully for a period of time not exceeding thirty (30) minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.  
(1976 SC Code §1 4-25-90.) (Darlington v. Stanley, 239 5. C. 139, 122 S.E. 2d 207 (1961))

(10.) This section shall not apply to funeral processions, the United States Armed Forces, the military forces of this state or the Police and Fire Departments of the town.  
(Editor's Note. See §18.401, this code, for other funeral processions.)

**13.802. SAME. ISSUANCE.**

Upon receipt of an application for a permit for a parade, procession or gathering, the Council shall, in its discretion, issue a permit therefore, subject to considerations of the public convenience, welfare and necessity.

**13.803. SAME. RESTRICTIONS AND SAFEGUARDS.**

The Council shall have the authority to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as it shall deem fit or proper.

**13.804. SAME. CULTS, ETC.**

Cults, masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in The Town of Campobello, unless authorized by the Council prior thereto.

**ARTICLE IX. PENALTIES**

**13.904. PARTIES TO A CRIME.**

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions, upon conviction, shall be guilty of such offense.

**13.904. GUILTY PLEA. NOLO CONTENDERE. FORFEITURE OF BAIL.**

The entry of any plea of guilty or nolo contendere or the forfeiture of any bail posted for the violation of any provision of this code or for the violation of any other law or municipal ordinance shall have the same effect as a conviction after trial under such provisions.

**13.904. CRIMINAL LAWS OF STATE OF SOUTH CAROLINA ADOPTED.**

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the 1976 South Carolina Code of Laws, and mandatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application

and the  
punishment of which is within the jurisdiction of the Council.

**13.904. MISDEMEANOR.**

The violation of any provision of this chapter shall constitute a misdemeanor.

**13.905. PENALTY.**

Unless otherwise provided herein, upon conviction, the violation of any section of this code shall be punishable by a fine of not more than five hundred dollars (\$500.00) plus all court assessment fees and/or imprisonment for not more than thirty (30) days, or both.