

ORDINANCE NO. 2024-6

AN ORDINANCE TO AMEND CHAPTER 20, ARTICLE VI, OFFENSES AGAINST PROPERTY TO ADD SECTION 20-166 CAMPING, SECTION 20-167 BEGGING, AND SECTION 20-168 LOITERING OF THE CITY OF BARNWELL, SOUTH CAROLINA, CODE OF ORDINANCES.

WHEREAS, the Mayor and City Council find it necessary to protect public and private property within the incorporated area of the City from the destruction that accompanies camping; and

WHEREAS, the Mayor and City Council find it to be in the best interest of the City to ensure that proper health and safety accommodations are provided to those who do camp; and,

WHEREAS, the Mayor and City Council find it to be in the best interest of the City to prevent degradation of public and private lands and assure that such lands can be utilized for their intended purpose; and,

WHEREAS, the Mayor and City Council find it necessary and prudent to adopt the following.

Sec. 20-166- CAMPING

- (a) For purposes of this chapter, camping is defined as residing in or using any public or private property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings (including, but not limited to clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire or using any tents, regularly cooking meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using public or private property as a living accommodation for one or more nights, with the intent to camp.
- (b) Camping on public property. Except as may be permitted within parks by the City, it is unlawful to camp or squat upon any public property owned or maintained by the City, including, without limitation, streets, easements, parks, dump sites, creek beds, parking lots, or corporation yards. No person shall set up tents, shacks, house trailers, motor homes, campers, or any other temporary or permanent shelter for the purpose of overnight camping or squatting, nor shall any person leave in any such place any movable structure or special vehicle to be used or that could be used for such a purpose, such as a house trailer, tent, automobile, or the like.
- (c) Camping on private property. Except as otherwise provided in this section, it is unlawful to camp or squat upon private property within the incorporated area of the

City. No person shall set up tents, shacks, campers, or any other temporary or permanent shelter for the purpose of overnight camping or squatting, nor shall any person leave upon any private property any movable structure or special vehicle to be used or that could be used for such a purpose, such as a tent or automobile, or the like.

- (d) *Exceptions.* This section shall not apply to persons camping upon their own land or camping with the owner of the land, or to persons camping with the written consent of the owner of the land, provided that such written consent is in their possession at the time and is shown upon demand of any peace officer, and provided that all local zoning ordinances of the City are met and all State regulations are complied with. This section shall not apply to persons lawfully camping within campgrounds or trailer parks specifically designated or approved for such use pursuant to the Zoning Ordinance of the City.
- (e) *Penalty.* Any person who violates any provision of this section shall severally for each such violation be guilty of a misdemeanor, punishable as provided in section 1-7 of this Code.

Sec. 20-167- BEGGING

It shall be unlawful for any beggar or indigent person to solicit alms or assistance in any form on the streets or public places of the municipality. Any person found so doing shall be deemed guilty of a misdemeanor.

Sec. 20-168 – LOITERING

It shall be unlawful for any person to loiter, loaf, remain or wander in a park or other public place, or in or upon the public ways of the city.

Public place, as used in this Section shall mean any location within the City to which the public has a right to resort, a place which is in point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public. It shall also mean a place in which the public has an interest as affecting the safety, health, morals and welfare of the community, a place exposed to the public, and where the public gather together or pass to and from.

As used in this Section, *Loitering* shall mean remaining idle in essentially one location spending time idly, loafing or walking around aimlessly in a public place, including vacant lots and other private property unattended by the owner, and in the absence of written proof of permission from the owner, or to conduct oneself in such a manner as to:

- (1) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (2) Create or cause to be created a danger of a breach of the peace;
- (3) Obstruct or hinder the free passage of vehicles or pedestrians;
- (4) Obstruct or interfere with any person lawfully in any public place;
- (5) Engage in gambling;

- (6) Engage in prostitution;
- (7) Solicit or engage in any business, trade or commercial transaction unless specifically authorized or licensed to do so;
- (8) Unlawfully use or possess an unlawful drug;
- (9) Unlawfully use or possess beer or wine.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Barnwell, South Carolina, in Council **duly assembled on November. 4, 2024**, that Chapter 20, of the City of Barnwell Code of Ordinances is amended.

First Reading: 10-7-24

Second & Final Reading: 11-4-24

Attest:

Kim Marie Vargo
Kim Vargo, Clerk & Treasurer

Peggy Kirlaw
Peggy Kirlaw, Mayor Pro Tem

Louis Claytor III
Louis Claytor III, Council Member

Wanda Highsmith
Wanda Highsmith, Council Member

CITY OF BARNWELL, SC

Ron Still
Ron Still, Mayor

Alicia Davis
Alicia Davis, Council Member

Jana Myers
Jana Myers, Council Member

Ricky Dixon
Ricky Dixon, Council Member