

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)
)
TOWN OF DUNCAN)

ORDINANCE NUMBER 20230214-1

AN ORDINANCE TO AMEND CHAPTER 125, ARTICLE IV., DIVISION 4, SUBDIVISION X MHP MOBILE HOME PARK DISTRICT, OF THE TOWN CODE TO SAY SUBDIVISION X MHP MOBILE HOME PARK & CAMPGROUND AND RECREATIONAL VEHICLE PARKS AND TO CHANGE SECTIONS 125-748 TO SECTIONS 125-755 FROM RESERVED TO PURPOSE AND AUTHORITY, DEFINITIONS, CAMPGROUND AND RECREATIONAL VEHICLE PARK REQUIREMENTS, WATER AND SEWER REQUIREMENTS, PLAN REVIEW AND APPLICATION PROCESS, APPEALS, ENFORCEMENT AND GENERAL; AND OTHER MATTERS RELATED THERETO.

WHEREAS, The Town of Duncan, South Carolina (the "Town"), a body politic and corporate and a municipal corporation and political subdivision of the State of South Carolina (the "State"), acting by and through its governing body, the Town Council of Duncan (the "Town Council"), has adopted multiple ordinances for the effective, efficient governance of the Town, which, subsequent to adoption, are codified in the Town of Duncan Code of Ordinances (the "Code of Ordinances"), as amended, from time to time; and

WHEREAS, the Town, acting by and through the Town Council, is authorized by Chapter 35 of Title 11, and specifically, but without limitation, Section 11-35-50 of Chapter 35 of Title 11 of the South Carolina Code, 1976, as amended (the "S.C. Code"), among other sources, to adopt and implement a procurement code and procedures for the Town, not inconsistent with the South Carolina procurement code, as set forth in the S.C. Code; and,

WHEREAS, it is the desire of the Mayor and Council of the Town of Duncan, S.C. to amend Chapter 125, Article IV, Division 4, Subdivision X MHP Mobile Home Park to include Campground and Recreational Vehicle Parks and to Amend Sections 125-748 thru 125-755 of the Town Codes relative to Campground and Recreational Vehicle Parks, and

WHEREAS, the amendment of this section of the code is needed and to establish guidelines and better accommodate Campgrounds and Recreational Vehicle Parks within the municipal areas of the Town of Duncan, and

WHEREAS, the specific applicable Codes to be amended are listed as follows: Section 125-748 Purpose and authority, Section 125-749 Definitions, Section 125-750 Campground and Recreational Vehicle Park Requirements, Section 125-751 Water and Sewer Requirements, Section 125-752 Plan Review and Application Process, Section 125-753 Appeals, Section 125-754 Enforcement and Section 125-755 General.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF DUNCAN, SOUTH CAROLINA, DULY ASSEMBLED THAT:

1. The section of the Codes enumerated and listed above are hereby adopted by reference as though copied and included herein fully.
2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency.
3. This ordinance shall take effect immediately upon its adoption by the Mayor and Council of the Town of Duncan.

Sec. 125-748 Purpose and authority.

- (a) *Purpose.* The purpose of this Ordinance is to better accommodate Campgrounds and Recreational Vehicle Parks within the incorporated areas of the Town of Duncan; to minimize any adverse effects of said properties, both physically and psychologically; to provide a sound, orderly and healthy environment sufficient to meet the needs of property inhabitants; to establish rules and regulations for the development of said recreational properties. It is the intent of the Town of Duncan Council to encourage economic growth, therefore town officials, departments and agencies shall give all due consideration to the proper and fair enforcement of this ordinance.
- (b) *Authority.* The Legislature of the State of South Carolina has in Title 4 of the Code of Laws of South Carolina, 1976, as amended, delegated the responsibility to local governmental units to adopt regulations and policies for the public health, safety, convenience, order, prosperity and general welfare of its citizenry. Further, the responsibility of general planning functions is delegated to the Duncan Planning Commission.
- (c) *General Requirements/Applicability.* All Campgrounds and Recreational Vehicle Parks sited within the Town of Duncan for the first time must comply with the following regulations. Compliance with this Ordinance will affect new growth of a park or campground. Any existing campgrounds and recreational vehicle parks in operation at the time of the adoption of this article who wish to annex into the municipal limits of the Town of Duncan must be permitted and inspected by the Town of Duncan and Spartanburg County. These regulations shall apply to the incorporated areas in the Town of Duncan. However, where sections conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

Sec. 125-749 DEFINITIONS.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning]

Appeals Committee - The Appeals Committee (i.e. The Town of Duncan Board of Zoning Appeals) considers and decides appeals as requested concerning this Ordinance.

Buffer - means a portion of a yard, which contains fences, walls, berms and plantings located along the perimeter of a parcel of land to lessen the impact of noise, land use intensity and light on adjoining property. The area used in the buffer must be a portion of the property under development and may be a portion of the rear, side or front yard setback requirement.

Camp - land and facilities of camp character intended to provide a temporary outdoor living experience for individuals or groups. For the purpose of this regulation, "camp" shall refer to Family Campground and Resident Camp.

Campground and Recreational Vehicle (RV) Parks - Any parcel or tract of land under the control of any person, organization, or the governmental entity wherein three or more recreational vehicle, recreational park trailer, and 1 or other camping unit sites are offered for use by the public or members of an organization.

Campsite- A specific area within a recreational vehicle park or campground that is set aside for use by a camping unit.

Camping Unit -A portable Structure, shelter, or vehicle, (other than a tent, tent camping is prohibited) designed and intended for occupancy by persons engaged in RVing or camping.

DHEC/Department - the South Carolina Department of Health and Environmental Control and its authorized representatives.

Exposed surface - Ground area composed of barren soil without any vegetation or other means to prevent soil erosion.

Permit - a written document issued by the Codes Department authorizing a person to operate a Campground pursuant to this regulation.

Legal Resident - shall mean the permanent home or dwelling place owned by a person and occupied by the owner thereof and where he/she is domiciled.

Person - any individual, firm, company, corporation, association, government entity, or similar organization.

Recreational Vehicle (RV) - A vehicle or slide-in camper that is primarily designed as temporary living quarters for recreational, camping, or seasonal use: has its own motive power or is mounted on or towed by another vehicle; is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the highways; and can be easily transported and set up on a daily basis by an individual (NFPA 1192)

Sewage - liquid and solid human body wastes and the liquids generated by water-using fixtures and appliances (toilets, sinks, tubs, showers, and washing machines, etc.) from any residence,

place of business, or place of place of public assembly. For purpose of this regulation, sewage shall not be construed to include industrial process wastewater.

Sec. 125-750 CAMPGROUND AND RECREATIONAL VEHICAL PARK REQUIREMENTS.

- (a) The minimum acreage for an RV Park/Campground shall be five (5) contiguous usable acres.
- (b) The maximum number of units for a RV park/campground shall be 12 units per physical acre with the minimum lot size per unit being 20 feet X 40 feet including wash stone inside the perimeter around area not otherwise having a poured concrete pad. Each Campsite must have a minimum of eight (8) feet by twenty (20) feet poured concrete patio.
- (c) The minimum size between units shall be a minimum of 10 feet from campsite.
- (d) Adopt NFPA 1194 Standard for Recreational vehicle parks and campgrounds as a reference to assist any area not covered by ordinance or building codes.
- (e) RV's must be built to the residential building code or the NFPA 1192 Recreational Vehicle construction standard. Utility buildings are not constructed to either standard and are not permitted for occupancy.
- (f) RV and Campground Parks must provide access roads built to the minimum standard detailed below in Sec. 125-750 (p).
- (g) RV and Campground Parks must provide Fire Hydrant 3-way storz connection located at 500 feet to all campsites.
- (h) All land disturbance activities in the creation of an RV and Campground Park or expansion must obtain all necessary permits, including storm water and sediment control permits before land disturbance can begin.
- (i) RV Parks and Campgrounds are commercial designations in accordance with the Spartanburg County Assessor's office and must have a camper/RV park permit issued by Spartanburg County and the Town of Duncan. Their utility use should accordingly be designated as a commercial use. Commercial parks are required to file with the SCDOR for accommodations tax and sales tax on all transient stays of 90 days or less. Failure to comply will require notification of the offending facility to SCDOR by town or county authorities.
- (j) All new RV Park construction as of the date of this regulation shall provide for twenty-five (25) feet of set back from road adjoining neighboring properties with an approved buffer (existing vegetation or structures may qualify for the buffer).

- (k) RVs that are deemed uninhabitable by the Town will not be allowed to be placed, parked, or stored on any RV parks in the Town.
- (l) All RVs must have a current vehicle registration and registration tag affixed to the unit.
- (m) The wheels or similar devices for transportation of any RV shall not be removed except for repairs lasting no longer than 10 days.

Modifications of existing RV Parks that are made after the date of this regulation shall meet the same requirements as set forth above.

- (n) RV parks and Campgrounds shall comply with the Americans with Disability Act, (ADA). Level, accessible sites of the appropriate size in accordance with the NFPA 1194 are a requirement.
- (o) Areas of disturbed ground shall be covered or protected with vegetative growth capable of preventing soil erosion, and preserving natural features and landscape as much as possible.
- (p) Areas designated for parking and loading or for circulation shall be physically separated from public streets. All drives shall be twenty feet (20') wide, and shall be located at least fifty (50) feet from any street intersection. All interior streets shall be private and not public, and shall be constructed using a minimum standard of 6 inches crush and run stone and 2 inches of asphalt binder. Street grades shall not exceed twelve percent (12%) (note: max 15% in county road standards, but 12% is standard). All roads are to be paved.
- (q) Each Campsite shall be serviced by public water and sewer or other systems approved by DHEC or shall not be located less than one hundred fifty feet (150') from drinking water supply.
- (r) Durable, watertight, refuse containers, with fly-tight covers sufficient to contain all refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than five hundred (500) feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet or sixty (60) gallons for each five (5) campsites or the equivalent thereof if containers are provided at individual sites. All camp trash and debris must be disposed of by a private qualified third-party provider.
- (s) No structure or addition can be attached to or supported by a recreational vehicle that would render the vehicle immobile. All structures and construction associated with Campgrounds or Recreational Vehicle Parks must be permitted and inspected by the Spartanburg County Building Codes Department.
- (t) All recreational vehicles located in camps within the Town of Duncan must have current Department of Motor Vehicle tags.

- (u) The owner of the property or the operating agent shall be responsible for maintaining the camp in compliance with these regulations.
- (v) All utilities shall be placed underground.
- (w) Campsite requirements:
 - (1) Each campsite shall be plainly marked and identified by a numbering system approved by the Spartanburg County GIS.
- (x) Electrical services - All electrical services supplying power for camping units must meet the following requirements:
 - (1) Electrical service size of 20, 30 and 50 amps or be designed and approved by the Building Official.
 - (2) All campers must be cord and plug connected to their service.
 - (3) Electrical outlets must be provided in accordance with the most current state adopted National Electrical Code.
- (y) Lighting. All streets within the campsite shall be lighted at night. For lighting of horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" (no light output above 90 degrees at any lateral angle around the fixture). Fixtures shall not be mounted in excess of 25 feet above finished grade. All other outdoor lighting such as floodlights and spotlights shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway.
- (z) Signage. All signage shall be in accordance with the provisions set forth in the Town Sign Ordinances.

Sec. 125-751 WATER AND SEWER REQUIREMENTS.

- (a) Campgrounds shall be provided with safe public drinking water systems. Such systems shall be sized, installed and maintained in accordance with latest State and Spartanburg County adopted International Plumbing code and DHEC regulations.

- (b) Each campsite shall have full hookup sites including water, sewer and 20, 30 and 50 amp electrical service.
- (c) Sewage shall discharge into an approved public collection, treatment and disposal system, if available. Where the use of onsite wastewater treatment and disposal systems is necessary, the systems shall be installed and operated in accordance with applicable regulations and standards of DHEC.
- (d) Each campsite which serves recreational vehicles having self-contained toilet.
 - (1) All campsites must have sewer risers that are provided, the risers must be part of an approved sewage collection system and be equipped with removable, tight-fitting covers.

Sec. 125-752 PLAN REVIEW AND APPLICATION PROCESS.

(a) Campsite plans that will accommodate (2) two or more individual units must be approved by the Town of Duncan Planning Commission and designed with the following provisions on a site plan:

- (1) All individual campsite layouts, property lines, buffers, and setbacks; and
- (2) Landscape plan and signage plan; and
- (3) Road provisions for access to each developed site; and
- (4) All water, sewer/septic and electrical amenities; and
- (5) DHEC approvals for septic/sewer systems, soil erosion and sediment control; and
- (6) Location and layout of reception area, recreational area, service buildings and storage areas; and
- 7) Trash disposal/containment plan that includes the type of containers and a schedule for trash pick-up; and
- (8) Any other structures associated with the property development (i.e. picnic shelters, swimming pools, boat ramps, piers, club houses).

Sec. 125-753 APPEALS

(a) The Town of Duncan Zoning Board of Appeals shall hear and decide all variances of matters specified by this Ordinance. Notice of such variance request shall be in writing and shall be filed within thirty (30) days of the time that the decision being appealed is rendered.

(b) Variances:

(1) The Duncan Planning Commission of Appeals, when so appealed to and after a hearing, may vary the application of any provision of this Ordinance to any particular case when in its opinion, the enforcement thereof would do manifest injustice.

(2) A variance shall be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the relief would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a relief will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances.

(c) A decision of the Duncan Planning Commission of Appeals to vary the application of any provision of this Ordinance or to modify an order of the Town of Duncan Codes shall specify in what manner such relief or modification is made, the conditions upon which it is made, and the reasons thereof.

(d) Any person aggrieved by the decision of the Duncan Planning Commission of Appeals or any taxpayer may appeal such decision to the Town of Duncan Council.

(e) Decisions:

(1) The Duncan Planning Commission of Appeals shall, in every case, reach a decision as to the variance request at or before the next meeting or within twenty (20) business days, whichever comes first.

(2) If a decision of the Duncan Planning Commission of Appeals reverses or modifies a refusal, order or disallowance of the Town of Duncan Ordinance Codes and Inspections Office, or varies the application of any provision of this Ordinance, the Town of Duncan Codes Office shall take action within ten (10) business days in accordance with such decision by the Planning Commission.

(3) Every decision of the Duncan Planning Commission of Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Town of Duncan Codes Office and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be made publicly available in the Town of Duncan Codes Office.

Sec. 125-754 ENFORCEMENT.

- (a) The Town of Duncan Council, by and through its designated official, shall have the duty and responsibility to enforce all provisions of the codes adopted by this Ordinance, as may be deemed proper for the welfare, safety, and health of the citizens of the Town of Duncan, within the incorporated municipal areas.
- (b) Designation of Offenses: Any person, entity or its representative or agent whose acts, actions or failure to act causes a violation of the codes adopted herein shall be issued a Uniform Ordinance Summons, citing said violation. A Uniform Ordinance Summons may be issued by any town official or employee designated as a code enforcement officer and shall not be used to perform any custodial arrest for violations of this ordinance. Any act, action, failure to act or violation of the codes adopted herein is prohibited and declared to be unlawful. Violation of this Ordinance shall constitute a misdemeanor. All violations charged pursuant to a Uniform Ordinance Summons, shall vest in the jurisdiction of the Magistrate Court for the Town of Duncan. Any bond amount for violations shall be prescribed, set and held by the presiding Magistrate.
- (c) Penalties and Violations - The penalty for each violation of this Ordinance shall be punishable by a fine of not more than two hundred dollars (\$200). Each day any violation of this Ordinance continues shall constitute a separate offense.

Sec. 125-755 GENERAL.

- (a) Should any portion, section or subsection of this Ordinance be declared null and void, all remaining portions, sections or subsections shall remain in full force and effect.
- (b) This Ordinance may be amended or modified from time to time, provided, however, such amendments or modifications shall be accomplished in the same manner as the original enactment to this Ordinance.
- (c) This Ordinance shall become effective and enforceable upon two (2) readings and a public hearing.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2023.

ATTEST:

Clerk, Town of Duncan

Mayor, Town of Duncan

First Reading: _____

Second Reading: _____

Public Hearing: _____