

**TITLE I
GOVERNMENT AND ADMINISTRATION**

**CHAPTER 1
GENERAL PROVISIONS**

Section 1.1.10 Form of Government Adopted

Section 1.1.20 Seal of the Town

§1.1.10 Form of Government Adopted

The form of government for the Town of Seabrook Island is Mayor/Council. The term of office for the Mayor and Council members shall be two (2) years. Elections shall be nonpartisan and at-large. This provision shall not, however, prevent the terms of office for the Mayor and Council Members from extending beyond two (2) years if such is necessary to comply with Sections 1.7B.30 and 1.7B.90 of the Seabrook Island Town Code.

On May 18, 1987, the voters approved the incorporation of the Town of Seabrook Island and elected to retain the initial form of government mandated by the South Carolina Code, without change. (Ordinance 87-8, 9/24/87; amended Ordinance 1994-04, 7/14/94)

§1.1.20 Seal of the Town

[Reserved]

(Ordinance 87-8, 9/24/87)

**CHAPTER 2
MAYOR AND COUNCIL**

Section 1.2.10	Mayor
Section 1.2.20	Town Council
Section 1.2.30	Compensation
Section 1.2.40	Oath of Mayor and Council Members
Section 1.2.50	Emergency Powers of Mayor
Section 1.2.60	Powers of Mayor

§1.2.10 Mayor

The Mayor shall be the chief administrative officer of the Town. He shall be responsible to the Town Council for the administration of all affairs for which he is charged and shall have the powers and duties as prescribed by law.

As authorized by statute, the Mayor is empowered to appoint and remove employees, direct administration of departments, preside at Council meetings, enforce laws and ordinances, prepare and submit the annual operating and capital budget, appoint advisory committees, and perform other duties as required under the mayor-council form of government. (Ordinance 87-8, 9/24/87)

§1.2.20 Town Council

Except as otherwise provided, all powers of the Town and the determination of all matters of policy shall be vested in the Town Council, with each member, including the Mayor, having one (1) vote. (Ordinance 87-8, 9/24/87)

§1.2.30 Compensation

§1.2.31 The annual salaries of the Mayor and Council members shall be as fixed from time to time by ordinance. For the first two years of the Town's operation, no salary shall be paid to the Mayor and to Town Council members.

§1.2.32 No ordinance changing these salaries shall become effective until the date of commencement of the terms of two (2) or more members elected at the next general election following any change, at which time it will become effective for all members, whether or not they were elected in such election.

§1.2.33 The Mayor and Council members may receive reimbursement for actual expenses incurred in the performance of their official duties. (Ordinance 87-8, 9/24/87)

§1.2.40 Oath of Mayor and Council Members

The Mayor and Council members, before enter upon the duties of their respective offices, shall take the following oath, to wit:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States."

"As Mayor (or Council Member) of the Town of Seabrook Island, I will equally, fairly, and impartially, to the best of my ability, and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God." (Ordinance 87-89, 9/24/87)

§1.2.50 Emergency Powers of Mayor

§1.2.51 Upon the happening of any one or more of the following events, to wit:

- (a) the formation of any unruly mob;
- (b) the existence of a state of war, whether declared or not, or of any insurrection;
- (c) the occurring of any tornado, hurricane, cyclone, earthquake, flood or any other force which disrupts or threatens to disrupt the normal activities of the community;
- (d) the occurrence of multiple acts of arson; or of any acts which unduly alarm and/or threaten the public;
- (e) the occurrence of a nuclear accident;

the Mayor, or in his absence, the Mayor pro-tem, may declare a state of emergency to exist within the corporate limits of the Town. The state of emergency shall be

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 2: MAYOR AND COUNCIL

declared by proclamation signed by the Mayor and posted on the Town's official bulletin board(s), and shall be legally effective immediately upon posting. The proclamation shall be in substantially the following language:

"It has been determined that (here state the event giving rise to the emergency) has occurred within the corporate limits of the Town of Seabrook Island, South Carolina, and that accordingly, a state of emergency does in fact exist. I therefore proclaim a state of emergency and invoke the provisions of Section 1.2.50 of this Ordinance."

§1.2.52 In the event a state of emergency is declared by the Mayor (or Mayor pro-Tem) under the provisions of subsection §1.2.51 hereof, the Mayor or Mayor pro-Tem shall become vested with the following extraordinary powers, which may be exercised at the discretion of that official:

- (a) to establish curfew to be effective within the corporate limits;
- (b) to prohibit the sale of gasoline, explosives, dynamic and/or any other type of inflammable or explosive materials; firearms or any other materials or supplies or any component parts thereof which could readily be utilized as weapons;
- (c) to mobilize and deputize the community safety task force under the command of the Mayor (or mayor pro-Tem) and the county chief of police;
- (d) to disperse assemblies or congregations of people;
- (e) to suspend issuance of parade permits; and/or
- (f) to order evacuation of the Town.

§1.2.53 Any orders issued by the Mayor under his extraordinary powers during a declaration of state of emergency shall be effective immediately with the posting of the orders upon the Town's official bulletin board(s), or upon verbal communications by the Mayor directly to the persons or person whom the order is intended to affect.

§1.2.54 The state of emergency shall legally end when the Mayor determines that the peace and good order of the Town are no longer threatened and declares this in a proclamation which shall be posted upon the Town's official bulletin board(s).

§1.2.55 Any powers of the community safety task force as authorized under Subsection §1.2.52(c) of this section shall only be exercised after mobilization by the Mayor and shall immediately cease upon the proclamation of the end of the state of

emergency.

§1.2.56 Anyone violating any provision of this section or any orders issued by the Mayor; hereunder shall, upon conviction, be punished as provided in Section 1.3D.90 of this Ordinance. (Ordinance 87-8, 9/24/87)

§1.2.60 Powers of Mayor

The Mayor is authorized to negotiate and enter into agreements, subject to ratification of Town Council, with other jurisdictions for the initiation and/or the continuance of public services for the Town of Seabrook Island on an interim basis, pending the adoption of municipal ordinances and the creation of municipal programs for the delivery of these services. These services shall include, but shall not be limited to, the following:

- (a) police protection.
- (b) fire protection.
- (c) magistrate review.
- (d) water service.
- (e) garbage and trash collection. (Ordinance 87-6, 10/8/87)

**CHAPTER 3
PROCEDURES, COMMITTEES, AND ORDINANCES**

ARTICLE A: Town Council

Section 1.3A.10	Regular Meetings
Section 1.3A.20	Special Meetings-Emergency Meetings
Section 1.3A.30	Mayor pro tempore
Section 1.3A.40	Presiding Officer: Clerk of Council-Parliamentarian
Section 1.3A.50	Annual Meetings: Appointment of Town Officers, Boards and Commissions
Section 1.3A.60	Notice of Meetings
Section 1.3A.70	Council Agenda
Section 1.3A.80	Council Minutes
Section 1.3A.90	Quorum
Section 1.3A.100	Order of Business
Section 1.3A.110	Duty to Attend Meetings
Section 1.3A.120	Addressing the Council
Section 1.3A.130	Recognition of Speakers
Section 1.3A.140	How Often Members May Speak
Section 1.3A.150	Motions and Resolutions Generally
Section 1.3A.160	Manner of Voting and Recording of Votes
Section 1.3A.170	Explanation of Vote
Section 1.3A.180	Members Having Personal or Pecuniary Interest Not to Vote
Section 1.3A.190	Roll Call Votes: Tie Votes
Section 1.3A.200	Voting by Mayor
Section 1.3A.210	Decision of Chair: Appeals
Section 1.3A.220	Majority Vote Required: Exception
Section 1.3A.230	Rules; Rescinded Suspended or Altered
Section 1.3A.240	Executive Session
Section 1.3A.250	Additional rules

§1.3A.10 Regular Meetings

The regular meeting of Town Council shall be held the fourth Tuesday of each month, except when such Tuesday shall fall on a legal holiday, in which event the meeting shall be held the following Tuesday. Each regular meeting shall be called to order at 2:30 p.m. (Ordinance 87-8, 9/24/87; amended Ordinance 1996-11, 7/17/96; amended Ordinance 1997-15, 1/98; amended Ordinance 1999-16, 12/28/99)

§1.3A.20 Special Meetings - Emergency Meetings

Special meetings and emergency meetings shall be held at any time on the call of the Mayor or of majority of Council members. (Ordinance 87-8, 9/24/87)

§1.3A.30 Mayor pro tempore

§1.3A.31 The Mayor pro tempore shall be elected from among the members of Town Council, and shall serve for a term of one (1) year. A sitting Mayor pro tempore may be re-elected. (Ordinance 1988-11, 11/10/88)

§1.3A.32 In the event of the sickness or temporary absence of the Mayor pro tempore, while acting as Mayor, the chairman of the first standing committee in the order herein listed in Chapter 3, Article B of this Title shall act as Mayor. (Ordinance 87-8, 9/24/87)

§1.3A.40 Presiding officer; Clerk of Council-Parliamentarian

§1.3A.41 It shall be the duty of the Mayor to take the chair as presiding officer of all meetings of Town Council. In the absence of the Mayor, the Mayor tempore shall preside. In the absence of Mayor pro tempore, the first standing committee in the order listed in Article B shall preside.

§1.3A.42 The Clerk/Treasurer of the Town shall serve as Clerk of Council.

§1.3A.43 The Town Attorney shall act as Parliamentarian. (Ordinance 87-8, 9/24/87)

§1.3A.50 Annual Meetings: Appointment of Town Officers, Boards and Commissions.

Except as otherwise provided by State law or any ordinance to the contrary, the Mayor shall, at the first regular Council meeting in December of each year, appoint, with majority consent of Council, all Town officers and officials necessary to the operation of the Town government and all members of Town boards and commissions with the exception of those offices required by State law to be filled by Council. (Ordinance 87-8, 9/24/87; amended Ordinance 1998-02, 2/4/98)

§1.3A.60 Notice of Meetings

The Clerk/Treasurer shall give notice to the public of all regular and special meetings of the Town Council. Such notice shall meet the requirements of the Freedom of Information Act. (Ordinance 87-8, 9/24/87)

§1.3A.70 Council Agenda

§1.3A.71 Regular Meetings. The Council agenda shall list all the items to be considered according to the order of business in §1.3A.100. Any item not listed on the published agenda shall require the consent of a majority of Council members present prior to consideration. The order of business as prescribed on the agenda may be changed upon consent of a majority of Council members present. The Council agenda shall be published and made available to Council members and the public no later than the Tuesday preceding the scheduled meeting.

§1.3A.72 Special Meetings. The Council agenda for special meetings shall list only those items which were included in the original call for the meeting. No items may be added. (Ordinance 87-8, 9/24/87)

§1.3A.80 Council Minutes

§1.3A.81 The Clerk/Treasurer shall attend all meetings of the Town Council and keep minutes of the proceedings of Council. The minutes of Council shall conform to the general rules as prescribed in "A Handbook for Municipal Clerks in South Carolina". The literary style shall conform to Example 1 in the "Handbook".

§1.3A.82 The minutes of Council shall be made available to Council members for review within seven (7) working days after the respective meeting. The minutes shall be approved at the next regular meeting of Town Council.

§1.3A.83 The minutes of Council shall be made available for public review in accordance with the requirements of the Freedom of Information Act. (Ordinance 87-8, 9/24/87)

§1.3A.90 Quorum

§1.3A.91 Immediately at the hour appointed for the meeting of Town Council, the presiding officer shall take the chair and call the meeting to order. He shall then direct the Clerk to call the roll and, if a quorum is present, proceed with the business

of Council as prescribed by the agenda. If a quorum of Town Council fails to appear within 15 minutes after the hour appointed, no member shall be required to attend longer, unless he chooses to do so.

§1.3A.92 A quorum shall consist of a majority of the members of Council. (Ordinance 87-8, 9/24/87)

§1.3A.100 Order of Business

§1.3A.101 Regular Meetings. The order of proceedings of the Town shall be as follows:

- (a) The minutes of the past Council meeting shall be read by the Clerk/Treasurer.
- (b) Citizen presentations.
- (c) Citizen comments.
- (d) Reports from standing committees.
- (e) Reports from Town officers, boards and commissions.
- (f) Reports from special or joint committees.
- (g) Petitions received, referred or disposed of.
- (h) Bills already in possession of the Council to be taken up for a second reading or be ratified.
- (i) Introduction of new bills or resolutions.
- (j) Miscellaneous business.
- (k) Citizen comments.
- (l) Council member comments.

§1.3A.102 The above order of proceeding shall be governed as follows:

- (a) Reading of the minutes of the past Council meeting by the Clerk/Treasurer unless a motion to approve the minutes as corrected is passed by a majority

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

of those members present, the minutes of all meetings which have not been approved shall be read in their entirety excluding appendices, corrected, if necessary, and approved by majority vote.

- (b) Citizen presentations. Persons wishing to make formal reports or requests to Council shall so notify the Clerk/Treasurer no later than 48 hours prior to the Council meeting, and shall provide the Clerk/Treasurer with a written copy of such reports or request to be made to Council. The Clerk/Treasurer shall add all such citizen presentations to the formal agenda of the Council meeting. No more than thirty (30) minutes shall be allowed for citizen presentations, and shall be divided equally among those requesting to make a presentation.

- (c) Citizen comments. Persons wishing to speak shall be recognized by the Mayor or other presiding officer of the meeting, in accordance with the following priority of order: (1) persons who have notified the Clerk/Treasurer prior to the meeting of their desire to speak, and have furnished the Clerk/Treasurer with a written copy of their comments to be made to Council; (2) persons who have notified the Clerk/Treasurer prior to the meeting of their desire to speak, but have not furnished a copy of their comments to the Clerk/Treasurer; (3) all other persons indicating a desire to speak. Thirty (30) minutes are allowed for citizens' comments and shall be divided equally among those wishing to speak.

- (d) Report from Standing Committees. This should include only those standing committees of Council in the order listed in Section 1.3B.10. All reports from standing committees shall be submitted, in writing, to the Clerk/Treasurer prior to the start of the meeting.

- (e) Reports from Special or Joint Committees. This shall include only those special or joint committees appointed by the Mayor and Council. All reports should be submitted in writing prior to the start of the meeting.

- (f) Reports from Town officers, boards and commissions.

- (g) Petitions received, referred, or disposed of. This is to include all petitions, letters of requests etc., which have been proposed to Council. If a petition previously received by Council has been referred, the report on that petition shall be made here. When action has been taken on a petition, the disposition shall be reported here. All petitions and requests shall be submitted, in writing, one (1) week prior to the date of the Council meeting at which time the proposed actions requested. All reports on petitions and requests shall be submitted, in writing, prior to the start of the meeting.

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

- (h) Bills already in possession of the Council to be taken up for a Second Reading or to be ratified. All bills and resolutions shall be in a form approved by Council and read.
- (i) Introduction of new Bills or Resolutions. All bills and resolutions shall be in a form approved by Council and read.
- (j) Miscellaneous business. This shall include any matter that is not included in any of the other orders. All subjects/matters to be included here must be submitted to the Clerk/Treasurer for inclusion on the agenda.
- (k) Citizen comments. Persons wishing to speak shall be recognized by the Mayor or other presiding officer of the meeting, in accordance with the following priority of order: (1) persons who have notified the Clerk/Treasurer prior to the meeting of their desire to speak, and have furnished the Clerk/Treasurer with a written copy of their comments to be made to Council; (2) persons who have notified the Clerk/Treasurer prior to the meeting of their desire to speak, but have not furnished a copy of their comments to the Clerk/Treasurer; (3) all other persons indicating a desire to speak. Thirty (30) minutes are allowed for citizens' comments and shall be divided equally among those wishing to speak; and (4) member comments.

§1.3A.103 Special Meetings. The order of proceedings for a special meeting shall be that order as published on the agenda for that special meeting. No items may be added. (Ordinance 87-8, 9/24/87)

§1.3A.110 Duty to Attend Meetings

It shall be the duty of the Mayor and Council members to attend all regular meetings of the Town Council and, when notified, to attend all extra or special meetings of the Town Council called pursuant to this chapter. (Ordinance 87-8, 9/24/87)

§1.3A.120 Addressing the Council

Every member, when about to speak, shall raise his hand and, address the Mayor as "Mr. Mayor", but shall not proceed with his remarks until recognized and named by the Mayor. In speaking, he shall avoid any disrespect to the Council and all personalities, and shall confine himself to the question under consideration. In the absence of the Mayor the presiding officer shall be addressed as "Mr. Chairman". (Ordinance 87-8, 9/24/87)

§1.3A.130 Recognition of Speakers

The presiding officers when addressed by a member who asks to speak, shall name the member, using no title but that of "Council Member". The member who shall ask first in order, shall be first heard; and if two (2) or more members ask about the same time, the presiding officer shall decide who shall speak first. (Ordinance 87-89, 9/24/87)

§1.3A.140 How Often Members May Speak

No member shall speak a second time on the same question until every member desirous of speaking shall have spoken; and no member shall speak more than twice on the same question without leave of Council, except to submit an explanation. Nor shall he speak at any time longer than ten (10) minutes. (Ordinance 87-8, 9/24/87)

§1.3A.150 Motions and Resolutions Generally

Every motion or resolution, when offered and seconded, shall be subjected to the decision of the presiding officer, but one at a time shall be offered for the consideration of the Town Council, and shall be decided unless withdrawn by the mover. (Ordinance 87-8, 9/24/87)

§1.3A.160 Manner of Voting and Recording of Votes

§1.3A.161 Upon the call for the question, the Clerk/Treasurer shall repeat, word by word, question before the Council, and shall then ask those in favor of the question to respond saying "aye", and those not in favor of the question to respond by saying "nay", and shall record the number of members so responding to each.

§1.3A.162 The ayes and nays on any question shall always be ordered when requested by a member. The Clerk/Treasurer shall call the roll and take names of all who vote aye and all vote nay, which he shall enter in the minutes. When the question has been stated and the first response has been made to the Clerk's call, all debate shall cease, and no member shall say more than "yea", "nay", or "abstain".

§1.3A.163 During the call, no member shall leave the Council chamber. Every member present shall, when his name is called, give his vote, or state that he is abstaining. (Ordinance 87-8, 9/24/87)

§1.3A.170 Explanation of Vote

A member may be permitted to explain his vote only by leave of a majority of Council, and for such explanation he may be allowed not more than five (5) minutes, and he may, if he desires, have his reasons for voting for or against any measure recorded in the minutes. (Ordinance 87-8, 9/24/87)

§1.3A.180 Members Having Personal or Pecuniary Interest Not to Vote

Members of Council shall refrain from voting in matters of personal interest as provided by State law. (Ordinance 87-8, 9/24/87)

§1.3A.190 Roll Call Votes: Tie Votes

All roll call votes shall be called alphabetically. If, after all members, including the Mayor, have voted, the vote is equally divided, the question shall be decided in the negative. (Ordinance 87-8, 9/24/87)

§1.3A.200 Voting by Mayor

The Mayor shall vote in all cases except when he is personally interested or shall be excused, his name being called last in the call of the "ayes" and "nays". (Ordinance 87-8, 9/24/87)

§1.3A.210 Decision of Chair; Appeals.

All questions of order shall be decided by the presiding officer without debate, subject to any appeal to Council. In all cases where an appeal is made from the decision of the chair, the presiding officer shall refer the question to Council, and the final decision shall be determined by majority vote. (Ordinance 87-8, 9/24/87)

§1.3A.220 Majority Vote Required; Exception

All bills, resolutions or any other and all matters upon which a vote of Council is asked or required shall be determined by a majority of votes actually given; excepting as herein otherwise specifically provided. (Ordinance 87-8, 9/24/87)

§1.3A.230 Rules; Rescinded Suspended or Altered

Any of the foregoing rules, except those requiring unanimous consent, can be rescinded, suspended or altered by an affirmative vote of three-fourths (3/4) of the members present. (Ordinance 87-8, 9/24/87)

§1.3A.240 Executive Session

Council may go into executive sessions in accordance with the Freedom of Information Act, upon motion of any Council member duly seconded, upon obtaining a majority vote of Council members present.

All meetings of the Town Council, as well as committees, sub-committees, boards, etc., of the Town shall be conducted in accordance with the South Carolina Freedom of Information Act. All information relative to the operation and conduct of the Town of Seabrook shall be available to the public in accordance with the provisions of said Act. (Ordinance 87-8, 9/24/87)

§1.3A.250 Additional rules

§1.3A.251 The Town Council may from time to time, by resolution, adopt such additional rules, not inconsistent with this chapter, as may be expedient for the transaction of business.

§1.3A.252 The rules of parliamentary procedure as comprised in Robert's Rules of Order shall govern the Council in all cases in which they are not inconsistent with the foregoing rules. (Ordinance 87-8, 9/24/87)

ARTICLE B: Committees

- Section 1.3B.10 Standing Committees
- Section 1.3B.20 Creation and Purpose of External Affairs Commission
- Section 1.3B.30 Utility Commission

§1.3B.10 Standing Committees

The Town Council shall have the following standing committees:

§1.3B.11 Ways and Means, consisting of all members of Council plus the Mayor.

§1.3B.12 Public Safety, consisting of two (2) members of Council plus the Mayor.

§1.3B.13 Public Works, consisting of two (2) members of Council plus the Mayor.

(Ordinance 87-8, 9/24/87; amended Ordinance 88-1, 2/11/88; amended Ordinance 1989-08, 10/12/89)

§1.3B.20 Creation and Purpose of External Affairs Commission

This section is adopted in order to promote the long-range planning and development concerns which may affect the Town of Seabrook Island.

There is created an External Affairs Commission for the Town of Seabrook Island. The purpose of the Commission is to assist the Mayor and Town Council in looking beyond the Town's boundaries to help assure that the actions of the surrounding regions and communities are taken into consideration and that a proper relationship is developed with those groups in the surrounding area who are engaged in regional planning and development. More specifically, the purpose of this Commission is to evaluate potential future growth and proposed development (including land use plans) for those areas outside the town limits and provide necessary interaction with surrounding regional entities to help assure the current and future needs of the Town of Seabrook Island are met.

§1.3B.21 Membership and Terms. The Mayor of the Town of Seabrook Island shall appoint, with the approval of Town Council, up to nine (9) registered voters (not to include any elected officials or other already appointed officials active in town government) to form an External Affairs Commission of the Town of Seabrook Island. The members of the External Affairs Commission shall initially be assigned by the Mayor, with the approval of Town Council, to terms of not more than three (3)

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

years or less than one (1) year on a staggered basis to ensure continuity. Thereafter, all members will be appointed for a term of three (3) years. (Ordinance 1998-02, 2/24/98)

§1.3B.22 Organization. The Commission shall elect a chairman and vice-chairman from its members, who will serve for a term of one (1) year and who may be re-elected. The Commission shall appoint a secretary, who may be an officer or employee of the Town or of the Commission.

§1.3B.23 Compensation. Members will serve without compensation. Members may be reimbursed for actual expenses incurred in the course of Commission business, as determined and authorized by the Mayor and Town Council.

§1.3B.24 Powers and Duties. This Commission is to provide the Town of Seabrook Island with an external focus in time and space and to provide coordination between the Mayor and Town Council and other regional entities engaged in development activities which may have an impact on the Town of Seabrook Island. It shall be the function of the External Affairs Commission to:

- (a) assure that the Town of Seabrook Island has a voice in all surrounding regional planning and development activities;
- (b) promote the Town of Seabrook Island's interest with the surrounding regional entities engaged in planning and development;
- (c) when requested, act as the liaison between the Mayor and other entities whose activities may impact the Town of Seabrook Island;
- (d) advise the Town's Planning Commission of issues and/or developments that could affect current or future town plans;
- (e) receive input from the Town's Planning Commission which is relevant to the relationship of the External Affairs Commission with outside entities;
- (f) prepare written reports on findings and activities for the Mayor and Town Council as necessary; and
- (g) provide permanent representatives to those external entities determined by the Commission, with the advice and consent of the Mayor and Town Council.

The External Affairs Commission is to have the authority granted to it by the Mayor and Town Council. (Ordinance 1994-01, 2/10/94; amended Ordinance 1995-06, 6/8/95; amended Ordinance 1998-02, 2/24/98)

§1.3B.30 Utility Commission

§1.3B.31 Purpose. This section is adopted to establish an elected utility commission, hereafter known as “the Seabrook Island Utility Commission” (the Commission) to oversee the establishment, acquisition, and operation of a municipally owned water and sewer system by the Town.

§1.3B.32 Election of Commissioners; Terms of Office. The citizens of the Town shall elect three (3) of its citizens to serve as Utility Commissioners. The Commissioners elected shall initially serve terms of office of two (2), four (4), and six (6) years, respectively. The terms of office above designated shall be ascertained by the Commissioners after the election by lot. At each general election for municipal officers following the expiration of the term of the Commissioner holding the short term and at every such election every two (2) years thereafter, one (1) such Commissioner shall be elected for a term of six (6) years. Candidates for the offices of Utility Commissioner shall file to seek office in accordance with the provisions of Seabrook Island Town Code Sections 1.7B.10 through 1.7B.80. There shall be no filing fee required of candidates for the Utility Commission.

§1.3B.33 Qualification; Organization; Officers; Vacancies. The Mayor shall notify the persons so elected as members of the Commission of their election. The persons elected or appointed to such office shall qualify by taking the same oath as the elected officers of the municipality take. At the first meeting of the Commission after the election, and after any election for a full term, the Commission shall organize by the electing one (1) of their number as chairman of the Commission. The Clerk of the municipality shall act as secretary of the Commission. The Mayor and Council shall fill any vacancy occurring in the Commission by appointment for the unexpired term.

§1.3B.34 Powers and Duties. The members of the commission shall make all necessary decisions and take all necessary actions concerning the operation of the Town of Seabrook Island's water and sewer system. Such authority shall be exercised without the approval of the Seabrook Island Town Council unless South Carolina law provides to the contrary. The members of the Commission shall have full control and management over the Town's water and sewer system. The Commission may supply and furnish water and sewer services and may require payment of such rates, tolls, and charges as it may establish for the use of water and sewer services. The Commission shall have complete authority to service all customers currently serviced by Heater of Seabrook, Inc. and to assume all contractual obligations of Heater of Seabrook, Inc. to service customers outside the Seabrook Island Town limits. The Commission may not incur any indebtedness as evidenced by monetary loans without

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

the concurrence of the Town Council. The Commission shall make a full and complete statement in a standard accounting format to the Town Council by the twentieth day of each month of its receipts and disbursements of all kinds during the previous month. The Commission shall also submit an annual financial report to the Town Council in a standard accounting format.

- (a) Any and all contracts, operational agreements, and other purchasing decisions made by the Commission shall be in accordance with the provisions of the Seabrook Island Town Code.

- (b) Town Council must approve by ordinance any plan by the Commission to service new customers outside the Town limits of Seabrook Island or outside of those areas with contractual obligations with Heater of Seabrook, Inc. at the time the Town takes possession of the system. The Commission must document the economic and other advantages for serving these customers and the capital charges, if any, for serving these customers. The Town Council shall be required to hold a public hearing on any such request received from the Commission. After the adoption of such ordinance by Town Council, the question of providing water and/or sewer services to new customers must be submitted to the voters of the Town for approval.

- (c) Town Council has the authority to intervene and direct the Commissioners to take specific operational actions only if:
 - (1) The Commission defaults on meeting its required payments of principal and/or interest to the holders of debt obligations, and notice of default is filed; or

 - (2) The Commission fails to observe the covenants of its debt obligations and the Town is notified by the holder of the obligation that the Commission is out of compliance with the Covenants.

- (d) The Commission is empowered to take all actions which it deems necessary to establish and operate the Town of Seabrook Island's water and sewer system unless provided to the contrary by this section or state law.

- (e) The Commission shall have the authority to expend those monies which it receives from the operation of the Town's water and sewer system. Priority of payment shall be given to those notes and loans utilized to acquire the water and sewer system.

§1.3B.35 Limitations on Use of Revenues. Town Council shall not require the Commissioners to use any revenue from water and sewer operations for Town

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

business license tax, property taxes, or any other Town purposes. Revenue from operations in excess of requirements for debt service, debt retirement, capital improvements and replacing reserves may be used to provide rebates to customers or to reduce rates to customers.

§1.3B.36 Rules and Regulations. The Commission shall adopt such rules and regulations as it deems necessary for the operation of the Town's water and sewer system, but in no event shall the rules and regulations adopted by the Commission exceed the authority conferred upon it by the Code of Laws of South Carolina and this section.

§1.3B.37 Intent. It is the intent of the Town of Seabrook Island that the Commission fully operate and perform those duties that are necessary to effectively operate a municipal water and sewer system, and that all acts therein shall be in accordance with the Code of Laws of South Carolina, as amended.

§1.3B.38 Compensation. No salary shall be paid to the members of the Commission. The members of the Commission may receive reimbursement for reasonable expenses incurred in the performance of their official duties. (Ordinance 1995-12, 8/21/95; amended Ordinance 2000-02, 3/28/00)

ARTICLE C: Adoption of Ordinances

- Section 1.3C.10 Ordinances: Duty to Enact
- Section 1.3C.20 Enacting Clause
- Section 1.3C.30 Procedures for Enactment
- Section 1.3C.40 Ordinance Book: Notation of Amending and Repealing Ordinances
- Section 1.3C.50 Ordinance Jurisdiction and Annexations

§1.3C.10 Ordinances: Duty to Enact

It shall be the duty of the Town Council to pass, from time to time, such ordinances as in their judgment shall best promote the interests of the citizens and property holders of the Town. (Ordinance 87-8, 9/24/87)

§1.3C.20 Enacting Clause

The style of all ordinances shall be "Be it Ordered and Ordained by the Council of the Town of Seabrook Island, S.C., and it is ordained by the authority of said Council." (Ordinance 87-8, 9/24/87)

§1.3C.30 Procedures for Enactment

§1.3C.31 Town Laws to be in the Form of Ordinances. All laws passed by the Town Council shall be in the form of ordinances, which shall receive two (2) readings. There shall be a minimum of six (6) days between the first and second readings. No notice shall be necessary for the introduction of a bill.

§1.3C.32 First Reading. The first reading of a bill shall be by title only. (Ordinance 98-02, 2/24/98)

§1.3C.33 Second Reading. The second reading of a bill shall be by title only; provided that any section of a bill may be read, word-by-word, upon request of any Council member. All amendments offered at second reading shall be read, word-by-word, prior to a vote on the amendment. After the bill shall have been so read and all amendments and privileged motions, if any, disposed of, the question shall be "*Shall this bill pass, the title thereof changed to an Ordinance and be incorporated into the Municipal Code for the Town of Seabrook Island?*" Upon a decision in the negative, the bill shall be rejected. Upon a decision in the affirmative, the bill shall be passed, and shall take effect as an ordinance of the Town immediately upon passage; provided that if an effective date is specified, the

bill shall take effect as an ordinance of the Town upon such effective date. (Ordinance 87-8, 9/24/87; amended Ordinance 1998-02, 2/24/98)

§1.3C.40 Ordinance Book: Notation of Amending and Repealing Ordinances

§1.3C.41 The book in which the ordinances are engrossed shall be known as the "Ordinance Book of the Town of Seabrook Island, South Carolina."

§1.3C.42 The Clerk/Treasurer shall write on the first page of every ordinance that has been amended or repealed the words "amended" or "repealed" as the case may be. The amended or repealed sections of the amended ordinances shall be redlined and a cross-reference made to the amending ordinances giving the ordinance number, ratification date and the page thereof in the ordinance book. (Ordinance 87-8, 9/24/87)

§1.3C.50 Ordinance Jurisdiction and Annexations

The "Ordinance Book of the Town of Seabrook Island, South Carolina" and the provisions contained herein shall hereafter govern activities within the incorporated areas of the Town of Seabrook Island as now or hereafter established, including all annexations adopted by ordinance by the Town of Seabrook Island Town Council.

§1.3C.51 Portion of Seabrook Island Road (State Road No. 1875) annexed. The entirety of the right-of-way of Seabrook Island Road (State Road No. 1875) lying between the Town's current corporate limits and Kiawah Island Parkway is annexed to and incorporated within the Town of Seabrook Island, SC. The description of the area annexed upon adoption of Ordinance 1990-01 is as follows:

- (a) A section of Road S-1875, being 66 feet in width, beginning at a point fifty feet south of the current center line of the Kiawah Parkway right-of-way (intersection of Kiawah Parkway right-of-way with Seabrook Island Road right-of-way) and continuing in a southwesterly direction for approximately 1.05 miles to the end of state maintenance at Landfall Way.

- (b) This being a portion of the property acquired by the South Carolina Department of Transportation from Margaret H. Beckett and Dorothy H. McKee by Right-of-Way Easement dated February 28, 1973, and Elizabeth H. Stringfellow by Right-of-Way Easement dated March 7, 1973, and filed in the SCDOT Deed Vault in Columbia, South Carolina, under Road S-1875, File 10.702. (Ordinance 1990-01, 3/8/90)

§1.3C.52 Portion of Andell Tract annexed. The following property was annexed into the Town of Seabrook Island, SC upon adoption of Ordinance 1992-07:

- (a) ALL that certain piece, parcel or tract of land, situate, lying and being on Seabrook Island, Charleston County, South Carolina, containing 6.485 acres, and being more particularly shown and designated as "AREA 1 AND AREA 2" on that certain plat by Mark S. Busey, RLS, dated August 5, 1992 and entitled "A Boundary Survey of a 6.485 Acre Tract of Land Being a Portion of the Andell Tract Owned by East Seabrook Limited Partnership Located on Seabrook Island, Charleston County, South Carolina", Said plat being recorded in Plat Book CK at Page 20 in the Charleston County RMC Office.

- (b) BEING A PORTION of the property conveyed to East Seabrook Limited Partnership by deed of Margaret Hamilton Beckett, Dorothy Hamilton M^cKee and Elizabeth H. Stringfellow dated January 26, 1989 and recorded in Book L-181 at Page 846 in the aforesaid RMC Office. TMS#: Portion of 204-00-00-130 (Ordinance 1992-07, 2/11/93)

ARTICLE D: Codes and Definitions

Section 1.3D.10	Town Code Adopted
Section 1.3D.20	Code to be Updated Periodically
Section 1.3D.30	Available for Inspection and Copies
Section 1.3D.40	How Code Designated and Cited
Section 1.3D.50	Definitions and Rules of Construction
Section 1.3D.60	Catchlines or Sections
Section 1.3D.70	Effect of Repeal of Ordinances
Section 1.3D.80	Severability of Parts of Code
Section 1.3D.90	General Penalty: Continuing Violations

§1.3D.10 Town Code Adopted

The ordinances adopted to date by the Town of Seabrook Island are hereby codified in a document to be called "The Town Code for the Town of Seabrook Island". All ordinances adopted subsequent to this initial codification shall be numbered and inserted into the Town Code, in accordance with its organizational format by subject matter. (Ordinance 88-6, 6/9/88)

§1.3D.20 Code to be Updated Periodically

From time to time, which shall be at least once annually, the official copy of the Town Code shall be updated by adding to the Code all ordinance provisions adopted since the previous update. (Ordinance 88-6, 6/9/88)

§1.3D.30 Available for Inspection and Copies

A current copy of the Town Code shall be kept in the Town's offices and shall be available for public inspection during the Town's regular office hours. Upon requests the Town will provide copies of the Town Code, or parts thereof, to interest parties, provided that such copies will be made subject to the availability of personnel and the fee charged for such copies may include all costs of copying, including personnel time. (Ordinance 88-6, 6/9/88)

§1.3D.40 How Code Designated and Cited

The ordinances embraced in this volume shall constitute and be designated "The Town Code for the Town of Seabrook Island, South Carolina", and may be so cited. (Ordinance 87-8, 9/24/87)

§1.3D.50 Definitions and Rules of Construction

In the construction of this code and of all other town ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Town Council:

- (a) Town. The words "the town" or "this town" shall mean the Town of Seabrook Island, South Carolina.
- (b) Computation of time. The time within which an act is to be done shall be computed by excluding the first day and including the last day, and if the last day is a Saturday or Sunday or a legal holiday, that shall be excluded.
- (c) Council or Town Council. The words "the council" or "the town council" shall mean the Town Council of the Town of Seabrook Island, South Carolina.
- (d) County. The words "the county" or "this county" shall mean the County of Charleston, South Carolina.
- (e) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- (f) Number. Words used in the singular include the plural, and the plural includes the singular number.
- (g) Oath; Swear; Sworn. 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".
- (h) Officers and officials of the Town. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "Clerk/Treasurer", "chief of police", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the Town of Seabrook Island, South Carolina.
- (i) Owner. The word "owner", applied to a building, condominium 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.
- (j) Person. The word "person" shall extend and be applied to firms, partnerships associations, organizations and bodies politic and corporate, or any combinations thereof, as well as to individuals.

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

- (k) Personal property includes money, goods, chattels, things in action and evidences of debt.
- (l) Preceding, Following. The words "preceding" and "following" shall mean next before and next after, respectively.
- (m) Property. The word "property" shall include real and personal property.
- (n) Real Property and Real Estate shall include lands, tenements, condominiums and time-sharing arrangements.
- (o) Roadway. The word "roadway" shall mean that portion of a street improve designated or ordinarily used for vehicular travel.
- (p) Sidewalk. The word "sidewalk" refers to a paved, surfaced or leveled strip of land in front or on the sides of house or lot of land lying between, and generally parallel to, the property line and the street, used as a pedestrian walkway.
- (q) Signature or subscription includes a mark when the person cannot write.
- (r) State. The words "the state" or "this state" shall be construed to mean the State of South Carolina.
- (s) Street. The words "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, viaducts and all other public ways and thoroughfares.
- (t) Tenant or occupant. The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- (u) Tense. Words used in the present tense include the future as well as the present.
- (v) Written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise. (Ordinance 87-8, 9/24/87)

§1.3D.60 Catchlines or Sections

The catchlines of the sections and subsections of this code are intended merely as catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (Ordinance 87-8, 9/24/87)

§1.3D.70 Effect of Repeal of Ordinances

§1.3D.71 The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

§1.3D.72 The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed. (Ordinance 87-8, 9/24/87)

§1.3D.80 Severability of Parts of Code

Unless otherwise noted in the adoption of each specific Ordinance, it is hereby declared to be the intention of the Town 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 or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ordinance 87-8, 9/24/87) Furthermore, if any part of this Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances. (Ordinance 2004-03, date of adoption)

§1.3D.90 General Penalty: Continuing Violations

Whenever in this code or in any ordinance or resolution of the Town Council or in any rule, regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 3: PROCEDURES, COMMITTEES, AND ORDINANCES

or any such ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding thirty (30) days, in the discretion of the judge of the Town court. Each day any violation of any provision of this code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense. (Ordinance 87-8, 9/24/87; amended Ordinance 1993-05, 10/14/93)

**CHAPTER 4
OFFICERS AND DEPARTMENTS**

ARTICLE A: Clerk/Treasurer

Section 1.4A.10	Position Created
Section 1.4A.20	Appointment: Salary
Section 1.4A.30	Duties of the Clerk/Treasurer

§1.4A.10 Position Created

The office of Town Clerk and Treasurer is hereby established to comply with the requirements of Section 5-7-220, South Carolina Code of Laws, 1976, as amended. The Clerk/Treasurer shall provide accounting, clerical, secretarial and custodian services to Town Council and the Mayor, and shall act as the Clerk of Council for regular, special and emergency meetings of Town Council. (Ordinance 87-89, 9/24/87)

§1.4A.20 Appointment; Salary

The Clerk/Treasurer shall be recommended by the Mayor and appointed by Town Council and shall serve at its pleasure. The Clerk/Treasurer shall receive such salary as may be provided by Town Council. (Ordinance 87-8, 9/24/87)

§1.4A.30 Duties of the Clerk/Treasurer

The duties of the Clerk/Treasurer shall include the following:

- (a) The Clerk/Treasurer shall give members of Council notice for all meetings thereof. He shall attend all Council meetings and keep a permanent record of all proceedings. On behalf of Council, he shall receive and deliver petitions, motions, information, applications and communications, and shall make such communications as Town Council shall direct.
- (b) The Clerk/Treasurer shall have the proceedings of Council promptly published in a local newspaper when so required by Council.
- (c) The Clerk/Treasurer shall have charge of and be responsible for the preservation of all papers, records and documents of every description pertaining to the Town, except where such materials are maintained by and in the possession of another governmental entity under contract with the Town for the provision of a specific service.

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 4: OFFICERS AND DEPARTMENTS

- (d) The Clerk/Treasurer shall issue all notices, personal and general which the interest, convenience, laws and orders of the Town require in the administration of its government, as directed by the Mayor or by Town Council.
- (e) The Clerk/Treasurer shall be the custodian of the official copies of all ordinances and indexes and codifications thereof, which shall be available for public inspection at the Town's offices at reasonable times.
- (f) The Clerk/Treasurer shall be the custodian of the titles and deeds of Town-owned property, bonds, insurance policies and financial records of the Town.
- (g) The Clerk/Treasurer shall receive all monies due or coming to the Town, deposit the same as shall be directed by the Mayor, Town Council or any committee acting under its authority, and shall pay out monies only as duly authorized.
- (h) The Clerk/Treasurer shall be the general accountant for the Town and shall keep a current account of all monies, accounts and inventories of Town property, real and personal, and render reports thereon as directed by the Mayor or Town Council. He shall issue all licenses and badges for which provision may be made and shall safeguard the stock of unissued licenses or badges.
- (i) The Clerk/Treasurer shall be authorized to countersign, as a second signature only, all checks issued by the Town.
- (j) The Clerk/Treasurer shall be the custodian of the Town seal.
- (k) The Clerk/Treasurer shall perform such other duties and services in connection with the foregoing duties as shall from time to time be prescribed by the Mayor and/or Town Council.
- (l) The Clerk/Treasurer shall have staff level responsibilities, subject to the direction and approval of the Mayor, to keep bills of the Town in order and in line for payment as due, to prepare checks for signature and to prepare periodic financial reports required by state and/or federal agencies, including accommodation tax reports. (Ordinance 87-8, 9/24/87; amended Ordinance 88-2, 2/11/88)

ARTICLE B: Zoning Administrator

Section 1.4B.10 Appointment
Section 1.4B.20 Duties

§1.4B.10 Appointment

An administrative official, known as the “Zoning Administrator”, shall be appointed by the Mayor to administer and enforce the Town’s Development Standards Ordinance (DSO) and other codes as assigned.

§1.4B.20 Duties

The duties of the Zoning Administrator shall include the following, in addition to those duties necessary to administer and enforce the provisions of all ordinances pertaining to the use and development of land within the incorporated area of the Town of Seabrook Island provided for in Article 19 of the Development Standards Ordinance (DSO).

- (a) Interpreting and enforcing provisions of the Town of Seabrook Island Development Standards Ordinance.
- (b) Serving as secretary of the Board of Zoning Appeals.
- (c) Receiving, examining and processing all requests for amendments to the Development Standards Ordinance and the Zoning Map.
- (d) Maintaining permanent and current records of the Development Standards Ordinance including, but not limited to, all zoning map amendments; ordinance amendments; conditional use, variance, and special exception approvals; appeals, and applications thereof and records of hearings thereon. Such records shall be open to the public during the office hours of the Zoning Administrator.
- (e) Preparing and having available in book, pamphlet or map form, on or before January 1st of each year:
 - (1) The compiled text of the Development Standards Ordinance and amendments thereto, including all amendments adopted through the preceding December 31st.
 - (2) The zoning map, showing boundaries and identifications of general zoning districts and planned development districts, as of the preceding December 31st.

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 4: OFFICERS AND DEPARTMENTS

- (f) Maintaining, for sale or free distribution to the public, a supply of copies of the zoning map or maps, the compiled text of the Development Standards Ordinance and rules of the Board of Zoning Appeals.

- (g) Providing such clerical, technical, and consultive assistance as may be required by the Board of Zoning Appeals and Planning Commission in the exercise of their duties related to the zoning ordinance. (Ordinance 87-8, 9/24/87; amended Ordinance 1995-06, 6/8/95)

- (h) Serving as the Building Official in the administration of building permit applications and other codes as designated.

ARTICLE C: Town Attorney

- Section 1.4C.10 Appointment and Duties
- Section 1.4C.20 Qualifications

§1.4C.10 Appointment and Duties

The Town Attorney shall be appointed by the Town Council for a term of one (1) year. The Town Attorney shall be legal counsel to the Town and shall perform such other duties as required by law or ordinance.

§1.4C.20 Qualifications

The Town Attorney shall be admitted to practice law in South Carolina and shall be a member of the State Bar of South Carolina in good standing. (Ordinance 87-8, 9/24/87)

ARTICLE D: Appointive Positions, Generally

Section 1.4D.10 Terms of Appointive Positions.

Section 1.4D.20 Exceptions

§1.4D.10 Terms of Appointive Positions

Unless otherwise stated in a specific provision of this Code, the term of office for all appointive officers, commissions and committees of the Town shall be for one (1) year beginning January 1st and ending December 31st.

§1.4D.20 Exceptions

With the exception of appointive officers, this section shall not apply to employees of the Town. (Ordinance 1989-09, 10/12/89)

**CHAPTER 5
FINANCIAL ADMINISTRATION**

ARTICLE A: General Provisions

Section 1.5A.10	Fiscal Year
Section 1.5A.20	Budget; Adoption and Administration
Section 1.5A.30	Expenditure of Funds
Section 1.5A.40	Financial Statements
Section 1.5A.50	Annual Audit
Section 1.5A.60	Investment Policy
Section 1.5A.70	Surplus Budgetary Funds

§1.5A.10 Fiscal Year

The Town fiscal year shall begin January 1st and end December 31st. (Ordinance 88-3, 3/10/88)

§1.5A.20 Budget; Adoption; Administration

Prior to the beginning of each fiscal year, the Town Council shall adopt an annual operating budget. The budget shall be submitted to Council by the Mayor prior to October 1st for such review and revision as Council shall desire. Following adoption of the budget, the Mayor shall be responsible for its administration. The Mayor shall have the authority to approve any reasonable unbudgeted expenditure that may exceed a particular line item budget but will not cause the total annual expenditures to exceed the total amount of the annual budget. The budget shall be adopted in the manner provided for by ordinance and may be modified during the year only by a majority vote of Town Council. Council may, in its discretion, adopt separate budgets for capital expenditures or other specific purposes. (Ordinance 88-3, 3/10/88; amended Ordinance 1994-11, 1/12/95; amended Ordinance 1996-06, 5/9/96)

§1.5A.30 Expenditure of Funds

All expenditures of Town funds or Town controlled funds shall be by check except for petty cash items of less than twenty-five dollars (\$25.00). All such checks shall be signed by two (2) parties. Town Council shall designate by resolution those parties authorized to sign Town checks. (Ordinance 88-3, 3/10/88)

§1.5A.40 Financial Statements

The Town Clerk/Treasurer shall keep an itemized account of all receipts and disbursements and shall prepare quarterly statements of such accounts, which shall be posted on the Town's bulletin board. (Ordinance 88-3, 3/10/88)

§1.5A.50 Annual Audit

The Town Council shall provide for an annual audit of all Town financial records and transactions. Such audit shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the municipal government or any of its officers. The report of the audit shall be filed in the office of the Clerk/Treasurer as a public record and shall be made available for public inspection. (Ordinance 88-3, 3/10/88)

§1.5A.60 Investment Policy

§1.5A.61 All investments of Town funds must be made in a manner and into such financial instruments that will not subject the Town's funds to losses. Investments of Town funds are to be restricted to the following financial instruments; (a) South Carolina local government investment pool; (b) securities of the United States Government or an agency of the United States Government; (c) financial institutions providing FDIC coverage on the full amount of the Town's funds.

§1.5A.62 The maturity and/or availability of the investment of Town funds must match the Town's funding needs and should not be subject to the financial risk of market losses from changes in interest rates. Investments which cannot be readily withdrawn must be for a fixed and definite period of time.

(a) Investments and securities of the United States Government or an agency of the United States Government cannot exceed twenty-four (24) months from the date of such investment.

(b) Investments in financial institutions fully insured by the FDIC cannot exceed twelve (12) months from the date of such investment.

§1.5A.63 Town funds shall not be invested in any form of derivative instrument or any into any investment which involves a security bonding agreement. (Ordinance 1995-16, 10/12/95)

§1.5A.70 Surplus Budgetary Funds

At the end of the first quarter of the current fiscal year, the Mayor and Town Council shall determine whether the Town's general fund contains any excess funds from the prior fiscal year. The Mayor and Town Council may consider whatever factors they deem necessary to determine what amount of the Town's general fund balance shall be deemed excess funds. At that point the Mayor and Town Council may apply as much of the excess as they determine reasonable to the debt of the Seabrook Island Utility Commission. (Ordinance 2000-16, 1/23/01)

ARTICLE B: Purchasing Requirements

Section 1.5B.10 Purchasing of Items Less than \$2,500.00

Section 1.5B.20 Purchasing of Items Between \$2,500 and \$5,000

Section 1.5B.30 Purchasing of Items Greater than \$5,000

§1.5B.10 Purchasing of Items Less than \$2,500

All purchases and/or contracts of less than Two Thousand Five Hundred and No/100 Dollar (\$2,500) may be made in the open market, without advertisement and without the necessity of complying with the provisions of this ordinance. (Ordinance 88-3, 3/10/88; amended Ordinance 1994-11, 1/12/95)

§1.5B.20 Purchasing of Items Between \$2,500 and \$5,000

All purchases and contracts of less than Five Thousand and No/100 Dollar (\$5,000) but more than Two Thousand Five Hundred and No/1 00 Dollars (\$2,500) may be made in the open market, without newspaper advertisement and without observing the formal competitive bidding procedures set forth below, but shall be undertaken in accordance with the following procedures:

§1.5B.21 All open market purchases shall, wherever possible, be based on at least three price quotations.

§1.5B.22 The Mayor, or his or her designate, shall solicit quotations by direct mail or by telephone to be confirmed in writing by the person offering the price quotation. The final purchasing decision shall be the responsibility of the Mayor.

§1.5B.23 The Mayor, or his or her designate, shall keep a record of all orders and the quotations submitted, and such records shall be open to public inspection during normal business hours. (Ordinance 88-3, 3/10/88; amended Ordinance 1994-11, 1/12/95)

§1.5B.30 Purchasing of Items Greater than \$5,000

All purchases and/or contracts exceeding Five Thousand and No/100 Dollars (\$5,000) shall be made in accordance with competitive bidding procedures set forth below:

§1.5B.31 Invitation to Bid. The Mayor, or his or her designate, shall solicit bids by mail, telephone, newspaper, or by any other reasonable means designed to secure

responsible bidders. Invitations to bid shall be advertised or noticed ten (10) days prior to the date on which bids are due, unless due to extraneous time constraints, such cannot be complied with.

§1.5B.32 Bid Deposits.

- (a) All purchases amounting to Five Thousand and No/1 00 Dollars (\$5,000) or more must provide a bid security. Bid deposits shall be prescribed in the public notice inviting bids. The amount of such deposit shall be five percent (5%) of the bid and shall be in the form of a certified check, bond, or cash. Bid deposits may be waived provided notice of such is given when bids are solicited.
- (b) Unsuccessful bidders shall be entitled to the return of surety required within thirty (30) calendar days after the awarding of the contract or the rejection of all bids.
- (c) Upon the failure of a successful bidder to enter into a contract within seven (7) calendar days after the Town tenders the proposed contract, the bidder shall forfeit the bid deposit.

§1.5B.33 Submission and Opening of Bids.

- (a) All bids shall be submitted to the Office of the Town of Seabrook Island during normal business hours in a sealed condition with identification contained on the envelope containing the bid.
- (b) Bids shall be submitted at the designated place no later than the date and time stated in the notice of bid.
- (c) Bids shall be opened in public at the time and place stated in the public notice.
- (d) A tabulation of all bids received shall be made available for public inspection.

§1.5B.34 Analysis and Recommendation of Bidder. Contracts shall be awarded to the lowest responsive, responsible bidder. In determining the lowest responsive, responsible bidder, in addition to price, consideration may be given to:

- (a) the ability, capacity, and skill of the bidder to provide the services required;
- (b) the capability of the bidder to perform the contract or provide the services promptly, or within the time specified without delay or interference; and

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 5: FINANCIAL ADMINISTRATION

- (c) the character, integrity, reputation, judgment, experience and efficiency of the bidder.

**CHAPTER 6
MUNICIPAL COURT**

Section 1.6.10	Creation
Section 1.6.20	Powers, Duties and Jurisdiction
Section 1.6.30	Clerk
Section 1.6.40	Appointment of Municipal Judges
Section 1.6.50	Jurisdiction
Section 1.6.60	Fines and Penalties
Section 1.6.70	Authority of Judge To Issue Rules for Conduct of Business
Section 1.6.80	Motions for New Trial
Section 1.6.90	Appeals
Section 1.6.100	Subpoena of Witnesses
Section 1.6.110	Demand for Jury Trial - Composition of Jury
Section 1.6.120	Commissioners to Prepare Jury Box
Section 1.6.130	Jury Commissioners

§1.6.10 Creation

There is established in the Town a court known as the "Municipal Court of the Town of Seabrook Island". (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.20 Powers, Duties and Jurisdiction

The Municipal Court shall have jurisdiction to try all cases arising under the ordinances of the municipality. The court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.30 Clerk

The Council shall designate a clerk of the city court, who shall keep such records and make such reports as may be required by the municipal judge or the state court administrator. Council may designate the Clerk/Treasurer or other municipal employee to serve as clerk of the court. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.40 Appointment of Municipal Judges

Town Council shall appoint as many municipal judges as it deems necessary to preside within the municipal court system. Each municipal judge shall serve for a term of four (4) years. Before entering into the duties of his office, such judge shall take and subscribe to the oath of office prescribed by Article VI, Section 5 of the South Carolina Constitution. The Town Council shall designate at its discretion and pleasure one municipal judge to serve as chief administrator who shall assign all cases within the municipal court system and schedule all pending matters. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.50 Jurisdiction

The municipal judge may hear and determine all cases within the jurisdiction of municipal courts under state law, including violations of municipal ordinances. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.60 Fines and Penalties

§1.6.61 Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a State law within the jurisdiction of such court he may impose a fine or imprisonment, or both, not to exceed five hundred dollars (\$500.00) and thirty (30) days as allowed by law.

§1.6.62 The municipal judge may suspend sentences imposed by him or her upon such terms and conditions as he or she deems proper including, without limitation, restitution and public service employment. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.70 Authority of Judge to Issue Rules for Conduct of Business

The judge of the municipal court shall have the power to make such rules and regulations not inconsistent with the laws of the land for conducting the business of the municipal court as may be necessary for the dispatch of such business, the preservation of order and the furtherance of public justice. It is unlawful for any person to fail, neglect or refuse to comply with such rules and regulations so made. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.80 Motions for New Trial

No motion for a new trial in the municipal court shall be heard unless made within five (5) days from the rendering of the judgment. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.90 Appeals

§1.6.91 Any party shall have the right to appeal from the sentence or judgment of the municipal court to the court of General Sessions of the county. Notice of intention to appeal setting forth the grounds for appeal, shall be given in writing and served on the municipal judge or the clerk of the municipal court within ten (10) days after sentence is passed or judgment rendered or a motion for a new trial is denied or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the municipality, to appear and defend such appeal at the next term of the court of General Sessions or shall pay the fine assessed.

§1.6.92 In the event of an appeal, the municipal judge shall make a return to the court of General Sessions, and the appeal shall be heard by the presiding judge upon such return. The return of the municipal judge shall consist of a written report of the charges preferred, the testimony, the proceedings, and the sentence of judgment. When the testimony has been taken by a reporter, as provided herein, the return shall include the reporter's transcript of the testimony. The return shall be filed with the clerk of the court of General Sessions of the county held and the cause shall be docketed for trial in the same manner as is now provided for appeals from magistrate's courts. There shall be no trial de novo on any appeal from a municipal court. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.100 Subpoena of Witnesses

A judge of the municipal court, on the application of any party to a case pending before him, shall issue a subpoena citing any person whose testimony may be required in such cause to appear before him at a certain time and place, not more than twenty (20) miles from the residence of such witness, to give evidence. Such subpoena shall be served personally at least one (1) day before such attendance is required. If such person shall neglect or refuse to attend, the judge may order such witness to be brought before him or, if any witness attending shall refuse to give evidence, without good cause shown, the judge may commit him to the jail of the county for not longer than one (1) day. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.110 Demand for Jury Trial-Composition of Jury

Any person to be tried in the municipal court may, prior to trial, demand a jury trial, and such jury when demanded, shall be composed of six (6) persons drawn from the qualified electors of the municipality in the manner prescribed in this article. The right to a jury trial shall be deemed waived unless demand is made prior to trial. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.120 Commissioners to Prepare Jury Box

The jury commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box. The jury commissioners shall prepare a jury box at such times and in such manner as provided for in South Carolina Code of Laws, 1976, Section 14-25-145, et seq. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

§1.6.130 Jury Commissioners

The council shall appoint not less than three (3) nor more than five (5) persons to serve as jury commissioners for the municipal court; provided, however, that the council may act as jury commissioners in lieu of appointing such commissioners. (Ordinance 1996-17, 12/17/96; amended Ordinance 1999-09, 10/26/99)

**CHAPTER 7
ELECTIONS**

ARTICLE A: Municipal Election Commission

Section 1.7A.10 Creation of a Municipal Election Commission

Section 1.7A.20 Membership

Section 1.7A.30 Powers and Duties

Section 1.7A.40 Compensation

§1.7A.10 Creation of a Municipal Election Commission

There is created an Election Commission for the Town of Seabrook Island. (Ordinance 87-09, 9/24/87)

§1.7A.20 Membership

The Election Commission shall be composed of three (3) electors, who shall be residents of the Town of Seabrook Island. Members shall be appointed by Town Council, and shall serve for a term of six (6) years; provided, that, of the members first appointed to the Election Commission, one (1) shall serve a term of six (6) years, one (1) shall serve a term of four (4) years and one (1) shall serve a term of two (2) years. All terms shall end on the thirty-first day of December of the appropriate year. (Ordinance 87-9, 9/24/87; amended Ordinance 89-9, 10/12/89)

§1.7A.30 Powers and Duties

The Election Commission shall have all the functions, powers and duties as authorized under Section 5-15-100 et seq. of the South Carolina Code of Laws, 1976, as amended. (Ordinance 89-9, 10/12/89)

§1.7A.40 Compensation

Members will serve without compensation. Members may be reimbursed for actual expenses incurred in the course of Commission business, as determined and authorized by Town Council. (Ordinance 87-9, 9/24/87)

ARTICLE B: Municipal Elections

- Section 1.7B.10 Elections to be Nonpartisan-Nonpartisan Plurality Method Selected
- Section 1.7B.20 Elections to be At Large
- Section 1.7B.30 Times of Municipal Elections
- Section 1.7B.40 Public Notice and Filing of Candidacy
- Section 1.7B.50 Filing Fees [Repealed 6/8/95]
- Section 1.7B.60 Eligible Voters - Conduct of the Election
- Section 1.7B.70 Time of Taking Office - Oaths
- Section 1.7B.80 Contest of the Election
- Section 1.7B.90 Terms of Office
- Section 1.7B.100 Special Elections

§1.7B.10 Elections to be Nonpartisan-Nonpartisan Plurality Method Selected

All regular and special elections for the offices of Mayor and Town Council shall be nonpartisan elections using the nonpartisan plurality method pursuant to Section 5-15-61 of the South Carolina Code of Laws, 1976, as amended. (Ordinance 1989-02, 5/11/89; amended Ordinance 1999-04, 5/25/99)

§1.7B.20 Elections to be At Large

§1.7B.21 The members of the Town Council shall be elected from the municipality at large.

§1.7B.22 The Mayor shall be elected at large. (Ordinance 1989-02, 5/11/89; amended Ordinance 1999-04, 5/25/99)

§1.7B.30 Times of Municipal Elections

General municipal elections shall be held on the first Tuesday after the first Monday in November in every odd numbered year. Special elections shall be called as needed. (Ordinance 1989-02, 5/11/89; amended Ordinance 1994-04, 7/14/94; amended Ordinance 1999-04, 5/25/99; amended Ordinance 2000-06, 6/27/00; amended Ordinance 2003-04, 7/22/03)

§1.7B.40 Public Notice and Filing of Candidacy

§1.7B.41 Public notice of all municipal elections shall be given at least ninety (90) days prior to the election. Advance notice of elections and candidate filing information may be given.

§1.7B.42 Candidates for the offices of Mayor, Town Council and the Seabrook Island Utility Commission shall file a Statement of Candidacy with the Municipal Election Commission no earlier than the day following publication of the public notice of the election and such Statement of Candidacy must be received at Town Hall no later than sixty (60) days prior to the date of the election. Filing shall be accomplished by delivering the Statement of Candidacy to the Municipal Election Commission in care of The Town Clerk-Treasurer at Town Hall. (amended Ordinance 2003-04, 7/22/03)

§1.7B.43 At the time of filing a statement of candidacy, each candidate shall also file a statement of economic interest. Such statement shall be filed on forms of the State Ethics Commission, which will be furnished to the candidate by the Municipal Election Commission, and all questions must be answered completely and truthfully. The Municipal Election Commission shall not place on the ballot the name of any candidate who fails to comply with this requirement.

§1.7B.44 The Municipal Election Commission shall place the names of all qualified candidates upon the ballot. Names shall appear in alphabetical order of the candidates' last names. No political party affiliation shall be placed on any ballot for any candidate. (Ordinance 1999-04, 5/25/99)

§1.7B.50 Filing Fees

Section (formerly Section 1-7-105) repealed by Ordinance 1995-05, 6/8/95.

§1.7B.60 Eligible Voters-Conduct of the Election

§1.7B.61 Eligible voters must be registered with the Charleston County Board of Voter Registration at least thirty (30) days prior to the election. Determination of voter eligibility shall be made by the Charleston County Board of Voter Registration pursuant to applicable State law.

§1.7B.62 All municipal elections shall be conducted by the Municipal Election Commission pursuant to Section 5-15-100 et seq. of the South Carolina Code of Laws, 1976, as amended.

§1.7B.63 The Municipal Election Commission shall coordinate and make arrangements with the Charleston County Election Commission for the use of the necessary voting equipment and for the tabulation and reporting of all ballots, including absentee ballots. (Ordinance 1999-04, 5/25/99)

§1.7B.70 Time of Taking Office-Oaths

§1.7B.71 Candidates elected to the offices of Mayor and Council shall be sworn in and shall assume office on the third business day following election, or as soon thereafter as the election results are certified. Candidates shall take the oaths of office set forth in §1.2.40 of the Town Code.

§1.7B.72 If the results of the election are contested, the incumbent(s) shall hold over until the contest is finally determined. (Ordinance 1999-04, 5/25/99)

§1.7B.80 Contest of the Election

Within forty-eight (48) hours after the closing of the polls, any candidate may contest the results of the election as reported by the managers, by filing a written notice of such contest, together with a concise statement of grounds, with the Municipal Election Commission. The Municipal Election Commission shall review such contest in accordance with the procedures set forth in Section 5-15-130 and 5-15-140 of the South Carolina Code of Laws, 1976, as amended. (Ordinance 1999-04, 5/25/99)

§1.7B.90 Terms of Office

All terms of office for the Mayor and Town Council Members for the Town of Seabrook Island shall be extended until a general municipal election is held pursuant to §1.7B.30 of the Seabrook Island Town Code and successors are sworn in pursuant to Section 1.7B.70 of the Town Code. (Ordinance 1994-4, 7/14/94; Ordinance 1999-04, 5/25/99)

§1.7B.100 Special Elections

The petition of any candidate in any special election must be submitted in accordance with §1.7B.40 not later than twelve o'clock noon on the sixtieth (60th) day prior to the date of the holding of the election, or if the sixtieth (60th) day falls on a Saturday or Sunday, by not later than twelve o'clock noon on the following Monday.

TITLE I: GOVERNMENT AND ADMINISTRATION
CHAPTER 7: ELECTIONS

The Municipal Election Commission or its designee must certify the petition complies with all appreciable ordinances by no later than twelve o'clock noon on the forty-fifth (45th) day prior to the date of holding the election, or if the forty-fifth (45th) day falls on a Saturday or Sunday, by twelve o'clock noon on the following Monday. (Ordinance 1999-04, 5/25/1999)

**CHAPTER 8
PERSONNEL**

Section 1.8.10 Personnel Policies and Procedures Adopted

§1.8.10 Personnel Policies and Procedures Adopted

The Town hereby adopts the personnel policies and procedures entitled "Town of Seabrook Island Employee Packet". (Ordinance 1999-08, 10/26/99)