

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-13

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 8, BUSINESSES AND BUSINESS REGULATIONS; SECTION 8-27, PROOF OF INSURANCE; SO AS TO DELETE THE REQUIREMENT FOR CONTRACTORS AND SUBCONTRACTORS TO SUBMIT PROOF OF INSURANCE AS A PRECONDITION TO THE ISSUANCE OF A BUSINESS LICENSE

WHEREAS, pursuant to Section 8-27 of the Town Code for the Town of Seabrook Island, South Carolina (the "Town Code"), all contractors and subcontractors operating within the Town must certify and show evidence to the satisfaction of the Town of adequate liability and worker's compensation insurance as a precondition to the issuance of a Town business license; and

WHEREAS, the requirement to provide evidence of insurance, which was imposed by Ordinance 2013-05 (adopted October 22, 2013), applies only to one class of businesses and, thereby, places an additional burden on certain businesses that does not apply to other businesses within the Town; and

WHEREAS, insurance requirements for businesses are generally under the purview of state government, rather than local government; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend Section 8-27 of the Town Code to delete the requirement for contractors and subcontractors to certify and show evidence liability and worker's compensation insurance as a precondition to the issuance of a Town business license;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Section 8-27 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Article 8, Businesses and Business Regulations; Section 8-27, Proof of Insurance; is hereby amended to read as follows:

Sec. 8-27. - ~~Proof of insurance~~Reserved.

~~All contractors and subcontractors (see Rate Class 8)* shall certify and shall show evidence to the satisfaction of the town of adequate liability and worker's compensation insurance as a precondition to the issuance of a business license.~~

(Ord. No. 2013-05, § I, 10-22-2013)

SECTION 2. Severability.

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction 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.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: October 27, 2020
Public Hearing: November 17, 2020
Second Reading: November 17, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk