

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Orangeburg County, South Carolina," and may be so cited. Such ordinances may also be cited as the "Orangeburg County Code." (Code 1983, § 1-1)

Sec. 1-2. Definitions and rules of construction; generally.

In the construction of this Code and of all ordinances of the county, the following definitions and rules of construction shall be observed unless inconsistent with the manifest intent of the council or the text clearly requires otherwise:

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In the construction of this Code and of all ordinances of the county, all things and places therein referred to, shall, unless a contrary intention appears, be construed to mean things and places situated in the county or employed by or appertaining to the county.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Clerk. The word "clerk" shall mean the clerk to the county council.

Code. The word "Code" shall mean the Code of Ordinances, Orangeburg County, South Carolina, as designated in section 1-1.

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 Sunday or a legal holiday, that shall be excluded.

State law reference—Computation of time, S.C. Rules of Civ. Pro., Rule 6(a).

Council, county council. The words "the council" or "the county council" shall mean, the county council for Orangeburg County, South Carolina.

County. The word "county" shall be construed to mean the County of Orangeburg, in the State of South Carolina.

County limits. The words "county limits" shall mean the legal boundaries of Orangeburg County.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. Words importing the masculine gender shall include the feminine and neuter.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as

may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. Words used in the singular shall include the plural and words used in the plural shall include the singular number.

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."

Officer, official, board, commission or committee. Whenever reference is made to any officer, official, board, commission or committee, the reference will be taken to be to such officer, official, board, commission or committee of Orangeburg County.

Owner. The word "owner," applied to a building 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.

Person. The word "person" shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property. The words "personal property" include every species of property except real property.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property, real estate. The words "real property" and "real estate" shall include lands, tenements and hereditaments.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

Shall, may. The word "shall" is mandatory; "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street or road between the curblin, or the lateral lines of the roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The words "signature" and "subscription" include a mark when the person cannot write, when such mark is witnessed by a longhand signature.

State. The words "the state" or "this state" shall be construed to mean the State of South Carolina.

Statute references. References to statutes such as S.C. Code 1976, § 4-9-10 shall mean and refer to the Code of Laws of South Carolina of 1976 as amended.

Street, road. The words "street" and "road" shall include avenues, boulevards, highways, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the county, and shall mean the entire width thereof between opposed abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the county council.

Tenant or occupant. The words "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.

Tense. Words used in the past or present tense include the future as well as the past and present.

Week. The word "week" shall be construed to mean seven days.

Written or in writing. The words "written" or "in writing" shall include printing and any other mode of representing words and letters.

Year. The word "year" shall mean a calendar year.
(Code 1983, § 1-2)

Sec. 1-3. Catchlines, history notes and references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, or 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.

(b) The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

(Code 1983, § 1-3)

Sec. 1-4. Effect of repeal or expiration of ordinances.

(a) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

(b) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

(Code 1983, § 1-4)

Sec. 1-5. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those previously adopted by the council, shall be considered as continuations thereof and not as new enactments.

(Code 1983, § 1-5)

Sec. 1-6. Severability of parts of Code.

It is hereby declared to be the intention of the 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 invalid by 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.

(Code 1983, § 1-6)

Sec. 1-7. Supplementation of Code.

(a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the county council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the county council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings, and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code. (Code 1983, § 1-7)

Sec. 1-8. General penalty; continuing violations.

(a) Wherever in this Code, or in any ordinance of the county, any act is prohibited or is declared to be unlawful or an offense or 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, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or any such ordinance, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days.

(b) Each day any violation of this Code, or any such ordinance, resolution, rule, regulation or order shall continue, such violation or continuance shall constitute, except where otherwise provided, a separate offense. (Code 1983, § 1-8)

State law references—Authority to provided penalties for ordinance violations not in excess of jurisdiction of magistrates' court, S.C. Code 1976, § 4-9-30(14); jurisdiction of magistrates' court, S.C. Code 1976, § 22-3-550.

Sec. 1-9. Certain ordinances and resolutions not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or other-

wise affect the validity of any of the following ordinances or resolutions, which are not included herein:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;
- (2) Any appropriation ordinance or resolution or ordinance or resolution providing for the levy of taxes or for an annual budget, or prescribing salaries for county officers and employees;
- (3) Any ordinance or resolution granting any franchise, permit or other right;
- (4) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
- (5) Any ordinance or resolution authorizing or otherwise relating to any public improvement project or work;
- (6) Any temporary or special ordinance or resolution or ordinance or resolution of limited interest or transitory nature;
- (7) Any ordinance granting any specific tax exemptions;
- (8) Any ordinance regarding subdivision plat approval;
- (9) Any ordinance creating, establishing, etc., any special district;

and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Code 1983, § 1-10)

Sec. 1-10. Code not to affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code. (Code 1983, § 1-11)

Sec. 1-11. Ordinance summons.

(a) *Created.* There shall be made available to the code enforcement officers of this county an ordinance summons which complies with the requirements of S.C Code 1976, § 56-7-80. The form shall be substantially the same as the form which is attached hereto, and incorporated by reference and is on file in the office of the clerk to council.

(b) *Responsibility for issuance of books and forms.* The finance department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.

(c) *Responsibility of issuing officer.* Any officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "court copy" to the appropriate judicial office within 48 hours of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "officer copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "officer copy" of the summons in to the finance department within 48 hours.

(d) *Responsibility for recordkeeping and auditing.* The finance department shall be responsible for keeping the summons forms which have been turned in by law enforcement officers in a manner which will allow for an annual audit of the summons forms.

(Code 1983, § 1-12)