

The Town of Yemassee

South Carolina

THE CODE OF ORDINANCES

Effective

September 1, 2001

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FOREWORD

In the data sent to us the town for the preparation of this code, there was an ordinance, "...adopting a new Code of Ordinances for the Town of Yemassee ..." It consisted of seventeen chapters and provided that it, "shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the Town Council, prior to 1990, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose."

Unfortunately, neither the ordinance nor the fronting page was signed. Other than the year (1990), no month or day was stipulated. That being the case, the editors of this code have chosen to assume the intent of the Town Council was to adopt the code and, therefore, we have utilized the contents of that code as the basis for The Code of Ordinances of 2001. In doing so, we have omitted provisions made obsolete by state laws or amending ordinances by Town Council and have added others that may be required.

(On a separate page, the names of the members of Town Council and the Town Clerk were listed as "OFFICERS OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, 1990." These however did not constitute signatures to adopt the code, as required by South Carolina law.)

Since that time, various ordinances have been adopted by Council and, again, no effort was made to codify them as required by Section 5-7-290 of the South Carolina Code of Laws, until the Council entered into a *Memorandum of Agreement* with the publishers of this code to do so.

That action was taken to bring that code current into this volume, reflecting all subsequent amendments and repeals. All ordinances not contained herein have been repealed, except specific ones that are set forth in the ordinance adopting this revision. They are also enumerated in Appendix D.

At the end of this volume, several appendices and one exhibit are included to facilitate the use of this code; they are:

Appendix A. The South Carolina *Freedom of Information Act*.

Appendix B. Mayor-Council form of government.

Appendix C. Sample ordinance when amending this code.

Appendix D. Ordinances not repealed by this code.

Exhibit 1. *Schedule of Rates and Fees*.

YEMASSEE TOWN CODE

It is the desire of the Mayor and Council that the user of this volume will find it user-friendly. Any questions should be addressed to the Mayor, any member of Council or the Town Clerk.

THE MAYOR AND COUNCIL
YEMASSEE, SOUTH CAROLINA

HOW TO USE THIS CODE

This code is a complete revision of all ordinances of the town. Editor's Notes are shown at the beginning or end of chapters, sections or paragraphs, to provide a cross-reference to relevant state statutes and town ordinances. Generally accepted municipal practices have been inserted in some instances.

1. Unless otherwise noted, all South Carolina Code references apply to the 1976 Code of Laws of South Carolina, as amended. Thus, a reference such as (1976 SC Code §5-7-30) means Title 5, Chapter 7, Section 30 of the 1976 South Carolina Code of Laws.

2. Local ordinances have been referenced to either the number of the ordinances or date of adoption, when available. For example, an arbitrary reference such as (Ord. #30. 5-8-96) or (Ord. 5-8-96) means the number and date or date of adoption of that particular ordinance, respectively. For ordinances without a number, the date of adoption is used.

3. When YQ is used as a reference, it refers to the Yemassee Questionnaire completed by the town prior to the recodification of this code. Example: (YQ 4) means question #4 on the questionnaire.

4. When YTC is used, it refers to the 1990 Yemassee Town Code. Thus a reference such as (YTC 3-4-13) means Chapter 3, Article 4, Section 13.

5. Future ordinances should have numbers assigned, to facilitate the identity of ordinances in future supplements and to provide easy reference to them when subsequently codified.

Many municipalities use only a number without using the year, such as No. 23, No. 24, etc., In other municipalities, however, ordinance numbers begin with the year of adoption followed by 1, 2, 3, etc., for example: No. 01-1, No. 01-2, No. 01-3, etc.

R. Powell Black
Editor

YEMASSEE TOWN CODE

ORDINANCE NO. _____

AN ORDINANCE TO CODIFY THE ORDINANCES OF THE TOWN OF YEMASSEE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF YEMASSEE:

SECTION 1. There is hereby adopted a codification of the ordinances of THE TOWN OF YEMASSEE into a CODE OF ORDINANCES, which has been compiled from ordinances adopted by the town.

SECTION 2. This code may be referred to as the *Code of Ordinances of 2001* or the *Yemassee Town Code* or the *Town Code*.

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days, or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided.

(1976 SC Code §14-25-65)

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the duty of the Town Clerk to insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. Resolutions are not repealed by this code.

SECTION 6. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

SECTION 7. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

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SECTION 8. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Town Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this Ordinance.

SECTION 9. If any chapter, article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 10. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed; provided, however, that all ordinances pertaining to annexation; assessments; bonded indebtedness; budgets; buildings; business licenses; contracts; fair housing; franchises; grant agreements; impact fees; leases; loans; options; planning; property conveyances; sale, lease or contract to sell lands; subdivision plats; tax levies and other charges and zoning are not repealed; that the repeal of these would be contrary to and inconsistent with the intent of this ordinance. They shall continue in full force and effect and are not repealed.

SECTION 11. This ordinance shall become effective September 1, 2001.

First Reading

J. L. Goodwin, Mayor

Second Reading

Jerry Cook, Council Member

Third Reading

Simon Jinks, Council Member

ATTEST:

Colin Moore, Council Member

Town Clerk

Peggy Bing-O'Banner, Council Member

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