

## CHAPTER 2

### ADMINISTRATION

#### Article I. In General.

- Sec. 2-1 Adoption of form of government.
- 2-2 Composition of Council
- 2-3 Mayor's term of office.
- 2-4 Terms of office of Council Members.
- 2-5 Staggering of terms of initial Council Members.
- 2-6 Vacancy during term of Mayor or Council Member.
- 2-7 Oath of Mayor and Council Members.
- 2-8 Salaries and expenses of Mayor and Council Members.
- 2-9 Holdover in case of unfilled vacancy at term expiration.

#### Article II. The Mayor.

- Sec. 2-10 Powers and duties generally.
- 2-11 Specific powers and duties.
- 2-12 Emergency powers of Mayor.
- 2-13 Power to suspend officers for disobedience or misconduct.
- 2-14 Rights of accused officer.
- 2-15 Temporary filling of vacant office.
- 2-16 Election of Mayor Pro Tempore; duties.

#### Article III. Town Council.

##### Division 1. Council Meetings.

- Sec. 2-17 Time of meetings of Council.
- 2-18 Minutes of Council meetings.
- 2-19 Presiding officer; rules of order.
- 2-20 Quorum.

##### Division 2. Council Committees.

- Sec. 2-21 Standing committees of Council.
- 2-22 Ad Hoc Committees of Council.
- 2-23 Committee reports on ordinance violations and other matters.
- 2-24 Committee examination of ordinances, recommendations and signature of reports.

##### Division 3. Ordinances Generally.

- Sec. 2-25 Acts to be accomplished by ordinances only.
- 2-26 Adoption of annual budgets and levy of taxes.
- 2-27 Introduction, passage and ratification of ordinances, resolutions, etc.
- 2-28 Contents of proposed ordinances.
- 2-29 Interval between first and second readings.
- 2-30 Exception for emergency ordinances.
- 2-31 Recodification of ordinances; distribution of standard and technical codes.
- 2-32 Loose-leaf ordinance book and current revision thereof.

#### Article IV. Officers Generally.

- Sec. 2-33 Appointment of Town officers.
- 2-34 Filling vacancies in Town offices.
- 2-35 Bonds of Town officers.
- 2-36 Salaries of officers and employees.
- 2-37 Enforcement duties of officers and employees.
- 2-38 Entrance upon premises and vehicles by officers and employees.

#### Article V. Departments.

##### Division 1. Department of General Administration.

- Sec. 2-39 Department of General Administration created.
- 2-40 Town Clerk - Creation of office.
- 2-41 Duties of Town Clerk.
- 2-42 Who may draw on Town funds.
- 2-43 Independent audit of financial records and transactions.
- 2-44 Town Administrator - Creation of office.
- 2-45 Duties of Town Administrator.
- 2-46 Town Attorney - Creation of office.
- 2-47 Duties of Town Attorney.
- 2-48 Building Inspector - Creation of office.
- 2-49 Duties of Building Inspector.

##### Division 2. Police Department.

- Sec. 2-50 Police Department and Office of Chief of Police created.
- 2-51 Powers and duties of police personnel.
- 2-52 Police Chief to enforce public safety and housing law and minimum housing standards law.

##### Division 3. Fire Department.

- Sec. 2-53 Fire Department and Office of Fire Chief created.
- 2-54 Powers and duties of Fire Department personnel.
- 2-55 Investigation of fire and fire hazards.

Division 4. Water and Sewer Departments.

- Sec. 2-56 Creation of Water and Sewer Departments and offices of Superintendent thereof.
- 2-57 Duties of Superintendents of Water and Sewer.

Division 5. Streets and Maintenance Department.

- Sec. 2-58 Creation of Department of Streets and Maintenance and office of Superintendent thereof.
- 2-59 Duties of Superintendent of Streets and Maintenance.

Article VI. Town-owned Real Estate.

- Sec. 2-60 Sale of Town-owned real estate.
- 2-61 Issuance of fee simple deed to exiting property owners on Sullivan's Island.

## CHAPTER 2

### ADMINISTRATION.

#### Article I. In General.

##### Sec. 2-1. Adoption of form of government.

The form of government known as the Council Form of Government, as set forth in Title 5, Chapter 5 and 11, Code of Laws of South Carolina, 1976, is adopted for the Town of Sullivan's Island. (9-25-75)

##### Sec. 2-2. Composition of Council.

The Town Council of Sullivan's Island shall be composed of seven (7) members, six (6) Council Members and a Mayor. (9-2-75)

##### Sec. 2-3. Mayor's term of office.

The Mayor shall serve a four (4) year term from June, 1977, and the term of that office thereafter shall be four (4) years, pursuant to S5-15-40, Code of Laws of South Carolina 1976. (8-2-76, S3)

##### Sec. 2-4. Terms of office of Council Members.

The terms of office of Council Members shall be for four (4) years; provided, however, that the terms of office of the Council members elected in June, 1977, shall be so staggered so that no more than three (3) members shall be elected at a given election for a regular four (4) year term, pursuant to S5-15-40, Code of laws of South Carolina, 1976. (8-2-76, S1)

##### Sec. 2-5. Staggering of terms of initial Council Members.

Of those Council Members elected at the June 1977 election, those three (3) Council Members receiving the three largest numbers of votes shall serve four (4) year terms, and those three (3) receiving the three (3) lowest numbers of votes shall serve two (2) year terms, but thereafter all successors elected to a regular term shall serve four (4) years, so that the election shall comply with this chapter.

The determination of which Councilmember shall serve four (4) year terms and which Council Member shall serve an initial two (2) year term beginning in 1977 shall be as follows: if three (3) or more candidates receive a majority vote in the first election, then of those, the three receiving the largest number of votes cast in the first election shall serve four year terms; if less than three (3) candidates receive a majority vote in the first election; those so elected shall serve four (4) year terms and the vacant four (4) year terms shall be filled by those elected and receiving the largest votes in the second or

subsequent elections equal to the number of vacancies to be filled; the remaining three (3) elected Council Members shall serve terms of two (2) years. (8-2-76, S2; 4-4-77).

Sec. 2-6. Vacancy during term of Mayor or Council Member.<sup>1</sup>

A vacancy during the term of the Mayor or any Council Member shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty (180) days or more prior to the next general municipal election.

Sec. 2-7. Oath of Mayor and Council Members.

The Mayor and Council members before entering 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 Sullivan's 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 endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God.

Sec. 2-8. Salaries and expenses of Mayor and Council Members.

The Town Council, by ordinance adopting the annual operating budget or by special ordinance, shall determine the annual salaries of the Mayor and Council Members, but no salary change shall become effective until the date of commencement of the terms of Council Members elected at the next general election following ratification of the ordinance setting forth the change. The Mayor and Council Members also may receive payment for actual expenses incurred in the performance of their duties and approved by Council. (see amendment of 5-18-93 in file giving Council members the option to be compensated an amount of \$25 per year to render them eligible for SC Retirement System membership).

Sec. 2-9. Hold-over in case of unfilled vacancy at term expiration.

A Mayor or Council Member whose term has expired shall continue in office until his successor has been elected and qualified, but when the terms of two or more Council Members expire simultaneously and successors to some but not all of them have qualified, then the Council Member to hold over temporarily shall be determined by lot among those whose terms are expiring.

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<sup>1</sup> For similar state law, see S5-7-200, Code of Laws of S.C. 1976

## Article II. The Mayor.

### Sec. 2-10. Powers and duties generally.

The Mayor shall be the chief executive of the Town. As such, he shall have the powers and perform the duties prescribed for him by statute, this Code and other ordinances. He shall be vigilant and active at all times in causing the ordinances and laws for the government of the Town to be duly executed and put in force. The Mayor shall have the usual powers and duties incident to his office. (7-21-75, 5-15-78)

### Sec. 2-11. Specific powers and duties.

The Mayor shall:

A. Appoint, suspend and remove Town employees, with the advice and consent of Town Council.

B. Direct and supervise all municipal agencies.

1. Give such directions to subordinate officers of the Town as may be necessary to carry the ordinances and the police laws and regulations into effect.
2. Direct an annual audit to be made of the books of the Town Clerk and other officers of the Town having custody or control of any funds or securities of the Town.
3. Call upon officers, boards, commissions and agencies of the Town, from time to time, as he may deem necessary to furnish him in writing with any information connected with any of their respective offices.
4. Submit or cause the submission of all necessary reports on the operation of municipal agencies and the finances thereof.
5. Communicate to the Town Council from time to time such information and recommend to the Council such measures as may tend to improve the finances, the police, the health, security, cleanliness, ornament and general welfare of the Town. (Ord. 7-21-75)

### Sec. 2-12. Emergency Powers of the Mayor.

It shall be the duty of the Mayor to take all proper measures for the suppression of riots and the preservation of public order. Whenever at times of catastrophe, disaster, rioting or civil disturbance it appears that local police authorities will be unable to maintain public order and protect lives or property, he may issue a proclamation declaring a state of emergency, requiring city officers and employees and requesting citizens to assist him. Under such conditions, he may request the assistance of the military and police forces of state and other local agencies. He also may declare a general or limited curfew, imposing such conditions as to him shall appear necessary to protect life and property and maintain peace and good order.

The mayor shall exercise direction and control of Town emergency operations, as provided by the Sullivan's Island "Emergency and Disaster Evacuation Plan", adopted by Town Council.

Sec. 2-13. Mayor's power to suspend officers for disobedience or misconduct.

It shall be the duty of the Mayor, in case of the disobedience or misconduct of any of the Town officers elected by the Town Council, to suspend such officer, if necessary, until the charges shall be heard and tried by the Council. (Ord. 7-21-75)

Sec. 2-14. Rights of accused officer.

At any public hearing of charges preferred by the Mayor against any Town officer, the accused shall have the right to counsel and process to compile the attendance of witnesses and the production of books and papers in his own defense. (Ord. 7-21-75)

Sec. 2-15. Temporary filling of vacant office.

The Mayor, in case of any vacancy that may occur in any Town appointive office, or when any appointive Town officer may be suspended, shall be authorized to appoint persons to fill such vacancies until they can be filled by the Town Council, or as provided by statute. (Ord. 7-21-75)

Sec. 2-16. Election of Mayor Pro Tempore; duties.<sup>2</sup>

The Town Council at its annual meeting shall elect a Council member to serve as Mayor Pro Tempore until the next annual meeting and thereafter until his successor shall have been elected and qualified. They Mayor Pro Tempore shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs in the office of Mayor, the Mayor Pro Tempore shall serve as Mayor until a successor is elected.

Article III. Town Council.

Division 1. Council Meetings.

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<sup>2</sup> For similar state law, see S5-7-190, Code of Laws of SC 1976.

Sec. 2-17. Time of meetings of Council.

- A. Regular meeting of the Town Council shall be held on the third Tuesday in every month at 6:00 PM at the Town Hall. (9-16-86)(2-19-08)
- B. The annual meeting shall be held on the third Tuesday in June of each year at the same time and place.
- C. Special meetings shall be held at the same place, unless prevented by physical conditions, at such times as the Mayor shall call and designate on his own initiative or on the written request of not less than three Council Members. Side meeting notice shall state the nature and objects of the call.
- D. All regular, annual and special meetings of Council shall be open to the public. The Town Clerk shall give public notice of all such meetings by advertising, posting on the Town bulletin board, or other method directed by Council.
- E. Whenever a regular meeting date falls on a holiday observed by the town office, the meeting shall be held on the succeeding Wednesday. (8-20-84)

Sec. 2-18. Minutes of Council meetings.

The Town Clerk shall keep minutes of all Council meetings, which shall be presented for approval at the next Council meeting and, when approved, shall become a part of the permanent records, shall be posted on the Town bulletin board, and shall be indexed by the Clerk.

Sec. 2-19. Presiding officer; rules of order.

The Mayor, or in his absence, the Mayor Pro Tempore, shall preside at all Council meetings. Meetings shall be conducted under Robert's Rules of Order, Newly Revised, 1970 Edition, except when said rules conflict or are inconsistent with state law, this code, Town ordinances or rules of order adopted by Council. All questions of order shall be decided by the Mayor without debate, subject to an appeal to Council. Rules of order may be suspended only by unanimous consent of those Council members who are present.

Sec. 2-20. Quorum.

The presence of the presiding officer and at least three other members of Council shall constitute a quorum for the conduct of business. If a quorum fails to appear within fifteen minutes after the appointed hour, no member shall be required to attend longer, unless he chooses to do so.

Division 2. Council Committees.

Sec. 2-21. Standing Committees of Council.

A majority of the Town Council at each annual meeting shall appoint all standing committees of Council. To promote efficiency in administration, Council may appoint subcommittees for special areas of committee responsibility. Council shall appoint Council members to fill committee membership which may be necessary or conducive to the convenience of committee members. The Chairman of each committee shall be selected by a majority of the committee.

The Mayor shall be an ex-officio member of all standing committees.

The standing committees of Council shall be:

Committee on Personnel, consisting of three members of Council, to whom shall be referred all matters relating to administration of the Town personnel ordinance, policies and procedures.

Committee on Police, consisting of three members of Council, to whom shall be referred all matters relating to the police.

Committee on Fire, consisting of three members of Council, to whom shall be referred all matters relating to the fire department.

Committee on Building and Construction, consisting of three members of Council, to whom shall be referred all matters relating to building and construction.

Committee on Water and Sewers, consisting of three members of Council, to whom shall be referred all matters relating to the water and sewer departments.

Committee on Streets and Maintenance, consisting of three members of Council, to whom shall be referred all matters relating to streets, drainage, street signs, street lighting, sanitation and town buildings.

Committee on Real Estate, consisting of three members of Council, to whom shall be referred all matters relating to ownership, purchase, sale or lease of town-owned real estate.

Committee on Recreation, consisting of three members of Council, to whom shall be referred all matters relating to the creation, expansion or improvement of facilities and programs in the area of parks and recreation.

Committee on Ways and Means, consisting of all members of Council, to whom shall be referred all matters connected with Town finances, taxes and licenses. Additionally, this committee shall prepare and submit an annual operating budget and capital improvement program to Council for its consideration and approval. (7-21-75; 3-15-76; 5-15-78)

Sec. 2-22. Ad hoc committees of Council.

The Council also may appoint ad hoc committees to handle any matter which does not logically fall within the duties of a standing committee.

Sec. 2-23. Committee reports on ordinance violations and other matters of interest.

Each standing committee shall report from time to time to the Town Council such violations of ordinances as they may ascertain, or any other matter connected with their particular subjects which may seem to them to be the best interest of the Town. (7-21-75)

Sec. 2-24. Committee examination of ordinances, recommendations and signature of reports.

It shall be the duty of each of the standing committees and the members thereof to examine the ordinances of the Town pertaining to the subject with which such committee is especially charged and to endeavor to ascertain, from time to time, whether the ordinances appertaining are sufficient and satisfactory, and to suggest to the council from time to time such changes in the ordinances as they may deem proper.

All committee reports to Council shall be signed by a majority of the committee. (7-21-75)

Division 3. Ordinances generally.

Sec. 2-25. Acts to be accomplished by ordinance only.<sup>3</sup>

In addition to other acts required by law to be done by ordinance, Council shall accomplish the following acts only by ordinance:

- A. Adopt or amend an administrative code or ordinance, create, alter or abolish any municipal department, office or agency;
- B. Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
- C. Appropriate funds and adopt a budget;

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<sup>3</sup> For similar state law, see S5-7-260, Code of Laws of SC, 1976.

- D. Grant, renew or extend franchises, or close or abandon streets;
- E. Authorize the borrowing of money or the issuance of bonds;
- F. Levy taxes, or assess property for improvements;
- G. Annex area to the Town;
- H. Convey or lease or authorize the conveyance or lease of any lands of the Town;  
and
- I. Amend or repeal any ordinance described in items (A) through (H) above.

In all other matters Council may act either by ordinance or resolution, recorded in the minutes.

Sec. 2-26. Adoption of annual budgets and levy of taxes.

Council shall pass annually prior to the beginning of the fiscal year an ordinance or ordinances adopting operating and capital budgets for the operation of the town government. In said budgets, Council shall identify the sources of anticipated revenue, including taxes, necessary to meet the financial requirements of the budgets adopted. Council shall further provide for the levy and collection of taxes, necessary to meet all budget requirements, except as provided for by other revenue sources.

Sec. 2-27. Introduction, passage and ratification of ordinances, resolutions, etc.

A. All laws passed by the Council shall be in the form of ordinances, which shall receive three readings. The first reading shall be by title only, for information; no amendment shall then be in order. The bill thus presented shall be recorded as part of the official proceedings, and lie over until the next meeting of the Council. No notice shall be necessary for the introduction of an ordinance.

B. The style of all ordinances shall be "Be it ordained by the Town Council of Sullivan's Island, in Meeting Assembled."

C. Discussion and debate on an ordinance shall be had in connection with its second reading. After the ordinance shall have been read and all amendments and privileged motions (if any) disposed of, the question shall be "Shall this ordinance be ordered to a third reading?" If the decision is in the affirmative, the ordinance shall be accordingly ordered to a third reading; a decision in the negative shall be a rejection.

D. At its third reading, the ordinance shall be read by its title only, unless any member shall call for the reading of the entire ordinance. After the ordinance shall have been so read, the question shall be, "Shall this ordinance be ordered to be engrossed for

ratification?" Upon the third reading of an ordinance, no amendment shall be offered, except by unanimous consent or previous notice.

E. After an ordinance shall have passed its third reading and shall have been ordered to be engrossed for ratification it shall be ratified in open meeting by being signed by the Mayor and Town Clerk. An ordinance having passed its third reading cannot at a subsequent meeting be considered, except by unanimous consent, two-thirds of the members of the Town Council being present at that meeting. It shall be the duty of the Town Clerk to have an ordinance which has passed its third reading engrossed and ready for ratification at the first regular meeting held after it has passed its third reading, and neither the Town Clerk nor the Town Council shall have power to withhold its ratification, except by unanimous consent of the Town Council, two-thirds of the Council being present.

F. Any member of Council presenting a proposed ordinance, resolution, report or other paper shall endorse his name thereon. Only the Mayor, a Council Member or a Council Committee may introduce a resolution or a proposed ordinance or a report. When introduced, a proposed ordinance or resolution shall be in writing and shall be in the form required for final adoption. (5-15-78)

Sec. 2-28. Contents of proposed ordinances.

Every proposed ordinance shall include:

- A. A title briefly and accurately describing its content.
- B. The enacting clause, which shall begin with the words: "Be it ordained by the Town Council of Sullivan's Island".
- C. The provisions of the ordinance, including section numbers if it is to be codified as a new section, or if it is to amend, replace or repeal an existing section of the Code.
- D. The effective date of the proposed ordinance.
- E. Spaces for inspection of the dates of adoption and ratification, the signature of the Mayor or Mayor Pro Tempore, if he is presiding, and attestation by the Town Clerk.
- F. Space for insertion of the ordinance number. The number shall be inserted by the Clerk at the time of ratification and shall be the year of ratification followed by a slash and the arithmetic sequence of ordinances ratified that year; e.g., the sixth ordinance ratified in 1979 shall be numbered 1979-6.

If desired by the author or considered advisable for legal reasons, an ordinance may also contain a preamble setting forth the findings of fact or reasons or the basis on which the ordinance is proposed.

Sec. 2-29. Interval between first and second Council readings.

An interval of at least six days shall intervene between the first and second Council readings of proposed ordinances.

Sec. 2-30. Exception for emergency ordinances.<sup>4</sup>

Notwithstanding the provisions of Sections 2-26 and 2-29, the Town Council, to meet public emergencies affecting life, health, safety or the property of the people, may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of Council present. An emergency ordinance shall be effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.

Sec. 2-31. Recodification of ordinances; sale of standard and technical codes.

The general and permanent ordinances of the Town of Sullivan's Island shall be professionally rectified and indexed not less frequently than once every ten years, and Town Council shall provide the necessary funds thereof. Copies of the latest recodification, which may be typewritten or printed, bound or loose-leaf, shall be available for public inspection during normal business hours at the office of the Town Clerk. Copies of standard or technical regulations adopted by reference by Council also shall be available for distribution.

Sec. 2-32. Loose-leaf ordinance book and current revision thereof.

In addition to copies of ordinances appearing in the official minutes of Council, the Town Clerk as a public record shall keep and maintain a loose-leaf ordinance book, which shall consist of the latest professional recodification, wherein the Town Clerk shall insert immediately after ratification in an appropriate place all new, amending or repealing ordinances. The Town Clerk shall place on the first page of each inserted ordinance a notation of the number of the inserted ordinance, date of ratification and number of repealed or amended ordinance, if any. The ordinance book index also shall be appropriately amended to reflect said inserted and deleted ordinances.

Article IV. Officers Generally.

Sec. 2-33. Appointment of Town officers.

The appointment of officers to offices created by Town Council shall take place at the annual meeting of Council, and person so appointed shall continue in office until the next

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<sup>4</sup> For similar state law, see S5-7-250(d), Code of Laws of SC, 1976

annual meeting of Council and thereafter until his successor is appointed and qualified, unless he vacates the office or is removed for cause.

Sec. 2-34. Filling vacancies in Town offices.

Council shall fill the unexpired term of any office vacancy which occurs between annual meetings; provided that the Mayor may name a temporary appointee to perform the duties of an officer absent for a short while because of sickness, leave or any other cause.

Sec. 2-35. Bonds of Town officers.

Those Town officers who handle town money shall be bonded within ten days of election to office. The bond, for the benefit of the Town of Sullivan's Island, its successors and assigns, shall be conditioned upon faithful discharge of the duties of office. It shall be written in an amount approved by the Council Committee on Ways and Means, with a surety company licensed to do business in South Carolina, and the premium therefor shall be paid by the Town.

Sec. 2-36. Salaries of officers and employees.

The salaries of officers and employees of the Town of Sullivan's Island shall be set forth in the ordinance adopting the budget, but may be adjusted from time to time by ordinance or resolution of Town Council, as emergency require.

Sec. 2-37. Enforcement duties of officers and employees.

It shall be the duty of all officers and employees to enforce statutes, ordinances, rules and regulations pertaining to their designated sphere of activity, to assist other officers and employees of the Town, to report violations of Town ordinances, and to institute or appear as a witness in proceedings to enforce statutes, ordinances, rules and regulations.

Sec. 2-38. Entrance upon premises and vehicles by officers and employees.

An officer or employee in performing his duties may enter premises or vehicles at reasonable times when authorized or required by this Code or by statute, ordinance, rule, regulation or court order, to do so.

Article V. Departments.

Division 1. Department of General Administration.

Sec. 2-39. Department of General Administration created.

A Department of General Administration for the Town of Sullivan's Island hereby is created to function at the direction and supervision of the ways and means committee

chairman. To it shall be assigned those officers and functions which by their nature do not logically fall under or are not assigned to other departments.

Sec. 2-40. Town Clerk - Creation of office.<sup>5</sup>

The office of Town Clerk of Sullivan's Island hereby is created. The Town Clerk shall be appointed by Council and shall function in the Department of General Administration.

Sec. 2-41. Duties of Town Clerk.

The Town Clerk shall give members of Council notice of all meetings thereof. He shall attend all Council meetings and keep a permanent record of all proceedings. In behalf of Council, he shall receive and deliver all petitions, motions, information, applications, and communications, and shall make all communications that the Town Council shall direct.

The Clerk shall be the custodian of the official copies of all ordinances and indexes and codification thereof, which shall be available for public inspections at the Town Hall at reasonable times.

The Clerk shall be the custodian of the titles and deeds of town-owned property, bonds, insurance policies and financial records of the Town.

The Clerk shall receive all monies due or coming to the Town, deposit the same as shall be directed by Town Council or any committee acting under its authority, and shall pay out monies only as directed in like manner.

The Clerk shall keep a current account of all monies, accounts and inventories of Town property, real and personal, and render reports thereon as directed by Town Council. He shall issue all licenses and badges for which provision may be made and shall safeguard the stock of unissued licenses and badges.

The Clerk shall sign or countersign all purchase orders after assuring that the necessary funds therefor have been budgeted by Town Council.

The Clerk also shall perform such other duties and services in connection with the foregoing duties and relative thereto or connected therewith as shall from time to time be prescribed the Town Council.

Sec. 2-42. Who may draw on Town funds.

Any Town funds deposited shall be subject to the joint order of the Mayor and the Town Clerk provided, that in the absence or disability of the Mayor, the Mayor Pro Tem shall have the authority to act for him, and in the absence of both of them, the Chairman of the Committee on Ways and Means shall act, and in the absence or disability of the

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<sup>5</sup> For state law creating office, see S5-7-220 Code of Laws of SC, 1976.

Town Clerk, the Town Administrator shall have authority to act for him. (7-21-75, 8-20-91)

Sec. 2-43. Independent audit of financial records and transactions.<sup>6</sup>

The Town Council shall provide funds for an independent annual audit of all financial records and transactions of the town government by a certified public accountant or firm of such accountants having no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers. The auditor shall be selected not later than thirty days after the beginning of the fiscal year, and the contract shall be for a term not less than one nor more than four years. Council in its discretion may accept for inclusion in the general audit an independent audit of any municipal agency or department.

Sec. 2-44. Town Administrator - Creation of Office.

The Town Council of Sullivan's Island may create the office of Town Administrator, who shall function in the Department of General Administration. The title may be assigned solely to one person, or may be assigned as an additional title to a person holding another office of the Town of Sullivan's Island. (8-20-91)

Sec. 2-45. Duties of Town Administrator.

The Town Administrator shall work under the Mayor and Town Council and shall perform such duties as shall be assigned to him, including, but not limited to: transmission of instructions from the Mayor and Town Council to Department heads, investigation of complaints, petitions and other matters for the Mayor and Town Council, preparation of reports, surveys and studies relating to governmental functions, problems, activities and programs for the use of the Mayor and Council and the compilation of submission of data, as directed by the Mayor and Council. The Town Administrator shall supervise the normal and usual day-to-day operational functions of the Town --- prepare, develop and supervise the annual budget and maintain records and investments of all Town monies and accounts, including the Special Revenue Fund. (5-22-91; 8-20-91)

Sec. 2-46. Town Attorney - Creation of Office.<sup>7</sup>

The Office of Town Attorney hereby is created. The Town Attorney shall be licensed to practice law in state and federal courts in South Carolina.

Sec. 2-47. Duties of Town Attorney.

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<sup>6</sup> For similar state law, see S5-7-240, Code of Laws of SC, 1976.

<sup>7</sup> For state law creating office, see S5-7-230, Code of Laws of SC, 1976.

The Town Attorney shall function in the Department of General Administration, subject to the direction and supervision of the Mayor and Town Council. He shall advise the Mayor, the Town Council members, and Town Officers on legal matters affecting the Town of Sullivan's Island or said officials and officers in their official capacities and, when required by Council, shall render a formal legal opinion in writing. He shall draw or review the draft of proposed ordinances and legal instruments to be considered or executed by Town Council. He shall attend Council meetings and Municipal Court, when requested by the Mayor and/or Town Council Member and shall be the legal representative of the Town on routine court matters. Additionally, he may be retained by the Town Council for protracted or extraordinary litigation.

Sec. 2-48. Building Inspector - Creation of Office.<sup>8</sup>

The office of Building Inspector for the Town is hereby created. The Building Inspector shall be appointed by Council or Town Council may elect to contract for building inspection services. The function shall be in the Department of General Administration, subject to the direction of the Town Council and its Committee on Buildings and Construction. Building inspection may be a full-time or part-time employee or a contracted service, as the Council from time to time shall determine. (12-15-75; 3-16-92)

Sec. 2-49. Duties of Building Inspector.

The Building Inspector or Building Inspections Contractor shall review and approve or disapprove plans for new construction, renovation, repair or demolition of buildings or structures. The employee or contractor shall inspect all construction or reconstruction to assure compliance with the building code, the standard construction codes and technical regulations adopted by Council, the flood control laws, the zoning laws and other applicable laws and regulations. The Building Inspector or Building Inspections Contractor shall have full police power to enforce said laws and regulations. (3-19-92)

Division 2. Police Department.<sup>9</sup>

Sec. 2-50. Police Department and office of Chief of Police created.

A Police Department of the Town of Sullivan's Island and the office of Chief of Police are hereby created. The Chief of Police shall be appointed by Town Council and shall administer the department, subject to the direction of the Town Council or its Police

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<sup>8</sup> For state law as to appointment, see S5-25-120, Code of Laws of SC, 1976.

<sup>9</sup> For state law as to appointment of Chief, see S5-7-110, Code of Laws of SC, 1976.

Committee, acting through its Chairman. The department's second in command shall be the Assistant Chief of Police of the Town. (8-21-90)

Sec. 2-51. Powers and duties of police personnel.

The Chief of Police, the Assistant Chief of Police and policemen should be vested with all the powers and duties conferred by law upon constables and shall perform such additional duties as are imposed upon them by Town Council. It shall be their duty to enforce the provisions of this Code and all Town ordinances, rules and regulations and to assist other town officers and employees in the enforcement thereof. They shall enforce state statutes adopted by reference by Town Council and other state law with respect to which jurisdiction has been vested in municipal officers. They shall exercise their power on all public and private property within the corporate limits of Sullivan's Island and on all property owned or controlled by the Town of Sullivan's Island, wheresoever situate, and in all other areas to which police jurisdiction or criminal jurisdiction of the Town of Sullivan's Island may be extended by state law.

Sec. 2-51A Uniform Ordinance Summons.

The Town of Sullivan's Island does hereby adopt the Uniform Ordinance Summons in the form presented to Council duly assembled (a copy of which is attached hereto and made a part of this Ordinance), and further authorizes all law enforcement officers and code enforcement officers of the Town of Sullivan's Island to enforce all ordinances and codes of the Town of Sullivan's Island as from time to time may be amended by citing the violation on the Uniform Ordinance Summons and the service of the Uniform Ordinance Summons on any such violator.

Nothing contained in this Section shall prohibit the Town of Sullivan's Island nor any of its law enforcement or code enforcement officers from enforcing ordinances by means otherwise authorized by law. (6-19-00)

Sec. 2-52. Police Chief to enforce public safety and housing law and minimum housing standards law.

The Police Chief shall be the Deputy Public Safety and Housing Officer and shall perform the duties of the Public Safety and Housing Officer when that officer is absent and when so directed by the Town Council or its representative. (1-17-89)

Division 3. Fire Department.<sup>10</sup>

Sec. 2-53. Fire Department and office of Fire Chief created.

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<sup>10</sup> For state law as to appointment of Fire Chief, see S5-25-20 and 5-25-110, Code of laws of SC, 1976.

A Fire Department for the Town of Sullivan's Island and the office of Fire Chief are hereby created. The Fire Department shall be administered by the Fire Chief, appointed by and subject to the direction and supervision of the Town Council or its Fire Committee, acting through its Chairman. The department's second in command shall be the Assistant Fire Chief of the Town. (8-21-90)

Sec. 2-54. Powers and duties of Fire Department personnel.

The Fire Chief or, in his absence, the Assistant Fire Chief, shall direct and control all operations at a fire. Any person who shall oppose, interfere with, or refuse to obey the directions of the Fire Chief or other officer of the Fire Department or in any way interfere with the Fire Department or in any way interfere with the Fire Department at a fire may be arrested and removed beyond the area of operations, and upon conviction shall be punished as provided in Section 1-7.

Sec. 2-55. Investigation of fires and fire hazards.

The Fire Chief shall cooperate with the Building Inspector, the Police Department and the State Fire Marshall in investigating the origin of fires and in the abatement of discontinuance of fire hazards and shall make such reports as required in connection therewith.

Sec. 2-55.1. Fire Chief to enforce public safety and housing law and minimum housing standards law.

The Fire Chief shall be the Public Safety and Housing Officer of the Town of Sullivan's Island. He shall on his own initiative or upon complaint, inspect buildings or other structures to determine whether they are hazardous to life or property, and particularly defined in the Public Safety and Housing Law and the Minimum Housing Standards Ordinance of the Town of Sullivan's Island. (1-17-89)

Division 4. Water and Sewer Departments.

Sec. 2-56. Creation of Water and Sewer Departments and offices of Superintendent thereof.

A Water Department of the Town of Sullivan's Island and the office of Superintendent of Water are hereby created. Likewise, a Sewer Department of the Town of Sullivan's Island and the office of Superintendent of Sewer hereby are created. The Superintendent of Water and Superintendent of Sewers shall be appointed by the Town Council and shall administer the departments, subject to the direction and supervision of the Town Council or its Water and Sewer Committee, acting through its Chairman.

Sec. 2-57. Duties of Superintendents of Water and Sewers.

The Superintendent of Water shall be responsible for enforcement of Code provisions, ordinances, rules and regulations applicable to the water system in the Town of Sullivan's Island and shall have full police power with respect thereto.

The Superintendent of Sewers shall be responsible for enforcement of the Code provisions, ordinances, rules and regulations applicable to the sewer system in the Town of Sullivan's Island and shall have full police power with respect thereto.

#### Division 5. Streets and Maintenance Department.

##### Sec. 2-58. Creation of Department of Streets and Maintenance and office of Superintendent thereof.

A Department of Streets and Maintenance hereby are created. The Superintendent of Streets and Maintenance shall be appointed by the Town Council and shall administer the Department, subject to the direction and supervision of Town Council or its Committee on Streets and Maintenance, acting through its Chairman.

##### Sec. 2-59. Duties of Superintendent of Streets and Maintenance.

The Superintendent of Streets and Maintenance shall be responsible for enforcement of Code provisions, ordinances, rules and regulations relating to streets, drainage, street signs, street lighting, sanitation, building and maintenance, and shall have full police power with respect thereto.

##### Sec. 2-60. Sale of Town-owned real estate.

The Town Council shall not offer for sale or sell, any piece or parcel or real estate owned by the Town, except in the following manner:

- A. By advertising the real estate at least three (3) times in a newspaper of general circulation in the metropolitan area, calling for sealed bids on the same, and reserving the right to reject any and all bids or to accept any bid most advantageous to the Town;
- B. By advertising the real estate at least three (3) times in a newspaper of general circulation in the metropolitan area, offering it for sale at public auction, with or without a minimum price; or
- C. In the event sale at an acceptable price is not accomplished by one of these methods, by listing the real estate with the real estate exchange at a minimum price after specific approval by the Town Council.

This Section shall not apply to sales to Town-owned real estate to agencies processing the power of condemnation, or sales to public agencies for public purposes. (11-21-77, S1)

Sec. 2-61. Issuance of fee simple deed to existing property owners on Sullivan's Island.

The Town of Sullivan's Island shall issue fee simple deeds for real estate owned by property owners in the Town of Sullivan's Island, only in the following manner:

1. Applicant shall give written request to the Town Clerk, along with a Twenty-Five (\$25.00) Dollar fee, and provide a plat of the property and a current title opinion of an attorney who is a member of the South Carolina Bar Association stating that the lease and sole interest in the property is owned by the person or persons requesting the fee simple deed and that nothing has been done to alienate any interest in the property owner of his predecessor in title by the Town of Sullivan's Island which granted the original leasehold interest.
2. Upon receipt of the above, the Town Clerk shall forward all documents to the Town Attorney who will conduct the necessary research. Upon approval by the Town Attorney, the Town Attorney shall draft a deed and forward all documents and the proposed deed to the Real Estate Committee Chairmen. Upon approval of the Real Estate Committee Chairman, the deed shall be forwarded to the Town Clerk, who shall place the deed on the agenda of the next meeting of Council, for execution.
3. After execution of the deed, the Town Clerk shall forward the deed to the owner or his duly appointed representative by cover letter instructing the recipient that the deed must be recorded at the office of the Register of Mesne Conveyances and a copy of the recorded deed furnished to the Town of Sullivan's Island.