

## Chapter 2

### ADMINISTRATION\*

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## CENTRAL TOWN CODE

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## ARTICLE I. IN GENERAL

## Sec. 2-1. Form of government adopted.

The town shall have a council form of municipal government with a mayor elected for four years, six councilmembers with four-year terms. One-half of the councilmembers shall be elected every two years. The mayor and council will be elected at large, by a nonpartisan general election using the plurality method authorized in S.C. Code section 5-15-61.

(Code 1979, § 2-101; Ord. No. 95-07-10-FG, 7-10-95)

Cross reference—Nonpartisan municipal election for mayor and councilmembers, § 6-1.

State law references—Similar provisions, S.C. Code 1976, § 5-15-60(1); council form of government, S.C. Code 1976, § 5-11-10 et seq.; method of election, S.C. Code 1976, § 5-15-20 et seq.; term of office, S.C. Code 1976, § 545-40.

## Sec. 2-2. Time of taking office.

(a) Newly elected officers mayor and council persons shall not be qualified pursuant to S.C. Law until at least 48 hours after the closing of the polls.

(b) The newly elected officers shall take office at the first regular council meeting in January following the date of election.

(c) If the results of the election are contested, the incumbent who fills that contested office shall hold over until the election is finally determined.

(Ord. No. 95-07-10-QUA, 7-10-95)

## Sec. 2-3. Administrative fee.

(a) The town hereby imposes an administrative fee in the amount of \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10 et. seq. This fee is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

(b) The town hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the city/town, which shall also be added to the delinquent debt and recovered from the debtor.

(Ord. No. 08-14-06SD, § 1, 9-11-06)

## Secs. 2-4-2-25. Reserved.

ARTICLE II. TOWN COUNCIL

DIVISION 1. GENERALLY

Sec. 2-26. Oath.

The mayor and councilmembers, before entering upon the duties of their respective offices, shall take the following oath:

"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 the state and of the United States. So help me God."

"As mayor (or councilmember) of the Town of Central, 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."

(Code 1979, § 2-201)

State law references—Form of oath, South Carolina Constitution, Art. VI, § 5; oath of office, S.C. Code 1976, § 5-15-150.

Sec. 2-27. Compensation.

The council may determine the annual salary of the mayor and councilmembers by ordinance, but no ordinance changing such salary shall become effective until the date of commencement of the terms of councilmembers elected at the next general election following the change. The mayor and councilmembers may also receive payment for actual expenses incurred in the performance of their official duties, within limitations prescribed by ordinance.

(Code 1979, § 2-203)

State law reference—Salaries and expenses of mayor and councilmembers set by ordinance, S.C. Code 1976, § 5-7-170.

Sec. 2-28. Devolution of powers and duties when mayor absent or incapacitated.

The council shall, at the first meeting after inauguration, appoint one of the councilmembers as mayor pro tempore. It shall be the duty of the mayor pro tempore to act as mayor in the absence of the mayor from the town or when the mayor is incapable of the duties of his office. In the absence or inability to act of both the mayor and mayor pro tempore, the duties of the mayor shall devolve on and be performed by such councilmember as the council shall name.

(Code 1979, § 2-204)

State law reference—Mayor pro tempore, S.C. Code 1976, § 5-7-190.

Sec. 2-29. Meeting for appointment of officers.

At the first regular meeting of the council after the election, all town officers and officials provided for in this Code shall be appointed by the council, except as may be otherwise provided by this Code, other ordinances of the town, or state law.

(Code 1979, § 2-205)

Sec. 2-30. Appointment of special committees.

All special committees shall be appointed by the mayor, unless a ballot is called for.

(Code 1979, § 2-206)

Cross reference—Hearings by committee, § 2-61.

Sec. 2-31. Interested member not to vote.

No member shall, at a council meeting, vote on any question of a private nature if he is personally or pecuniarily interested.

(Code 1979, § 2-207)

## CENTRAL TOWN CODE

- Sec. 2-85. Introduction of resolutions.
- Sec. 2-86. Adoption of resolutions.
- Sec. 2-87. Codification of ordinances.
- Secs. 2-88-2-100. Reserved.

### Article III. Officers and. Employees

#### Division 1. Generally

- Sec. 2-1.01. Enforcement of ordinances, laws, etc.
- Sec. 2-102. Use of town equipment and employees.
- Sec. 2-103. Resisting; interfering with.
- Sec. 2-104. Vacancies in office.
- Sec. 2-105. Compensation.
- Secs. 2-106-2-120. Reserved.

#### Division 2. Town Administrator

- Sec. 2-121. Position established.
- Sec. 2-122. Salary.
- Sec. 2-123. Removal from office.
- Sec. 2-124. General duties.
- Secs. 2-125-2-140. Reserved.

#### Division 3. Town Attorney

- Sec. 2-141. Appointment; term
- Sec. 2-142. Duties.
- Sec. 2-143. Compensation.
- Secs. 2-144 2-160. Reserved.

#### Division 4. Clerk and Treasurer

- Sec. 2-161. Appointment; term.
- Sec. 2-162. Bond.
- Sec. 2-163. Notice of council meetings.
- Sec. 2-164. Issuance of licenses and badges.
- Sec. 2-165. Receipt of town money.
- Sec. 2-166. Deposit of town funds.
- Sec. 2-167. Account of town money; monthly balance and report to council.
- Sec. 2-168. Financial statement.
- Sec. 2-169. Collection of claims and accounts.
- Sec. 2-170. Payment of bills.
- Sec. 2-171. Bills not to be paid until approved.
- Sec. 2-172. Other duties.

ARTICLE II TOWN COUNCIL

DIVISION 1. GENERALLY

Sec. 2-26. Oath.

The mayor and councilmembers, before entering upon the duties of their respective offices, shall take the following oath:

"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 the state and of the United States. So help me God."

"As mayor (or councilmember) of the Town of Central, 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."

(Code 1979, § 2-201)

State law references—Form of oath, South Carolina Constitution, Art. VI, § 5; oath of office, S.C. Code 1976, § 5-15-150.

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(Code 1979, § 2-204)

State law reference—Mayor pro tempore, S.C. Code 1976, § 5-7-190.

Cross references—Quorum and rules of order, § 2-51; voting requirements, § 2-55.  
 State law reference—Financial interest of city officers and employees in city contracts, S.C. Code 1976, § 5-7-130.

Secs. 2-32-2-50. Reserved.

#### DIVISION 2. MEETINGS\*

Sec. 2-51. Quorum and rules of order.

(a) A majority of council members serving constitutes a quorum for the conducting of business at any meeting. The mayor or mayor pro tempore shall preside, except when both are absent the members present shall elect a presiding member. Any member present but disqualified from voting on a question by state law due to a conflict of interest shall be counted for purposes of a quorum.

(b) Except as otherwise required by state law or this Code, all proceedings shall be governed by Robert's Rule of Order, newly revised edition, and the town attorney may act as parliamentarian. Questions of order shall be decided by the mayor or the presiding member of council without debate, subject to appeal of the council.

(c) The mayor and council realizing the importance of attending various council meetings, such as work sessions, public hearings, special called meetings, and regular council meetings. (Ord. No. 97-03-02, § 1, 4-14-97; Ord. No. 11-14-05CR, 11-14-05)

Cross reference—Interested member not to vote, § 2-31.

State law reference—Duty of mayor to preside over council meetings, S.C. Code 1976, § 5-7-220.

Sec. 2-52. Agenda.

Matters to be considered by council at a regular or special meeting shall be placed on a written agenda publicly posted by the town clerk at least 24 hours prior to the meeting. Matters not on the agenda may be placed on the agenda upon request from any member of council unless two of members object.

(Ord. No. 97-03-02, § 2, 4-14-97)

Sec. 2-53. Meeting of council.

(a) Regular meetings of council shall be held at 7:00 p.m. on the second Monday in each month unless changed by majority vote of members present at any regular or special meeting.

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\*Editor's note—Ord. No. 97-03-02, adopted Apr. 14, 1997, has been codified as superseding Ch. 2, Art. II, Divs. 2 and 3, §§ 2-51-2-62, 2-81 and 2-82; hence, §§ 1-11 of such ordinance have been designated as §§ 2-51-2-61 and §§ 12-18 of such ordinance have been designated as §§ 2-81-2-87, at the discretion of the editor. Formerly, Divs. 2 and 3 pertained to similar subject matter as derived from the Code of 1979, §§ 2-208 2-221.

State law reference—Meetings of council generally, S.C. Code 1976, § 5-7-250.

(b) Special meetings of council may be held on the call of the mayor or a majority of members of council. The town clerk shall, at least 24 hours prior to a special meeting, post notice and agenda on the bulletin board in the town hall and give notice to all available members of council, persons, organizations, and news media which request notification.

(c) All regular and special meetings of council shall be open to the public.  
(Ord. No. 97-03-02, § 3, 4-14-97)

Sec. 2-54. Executive sessions.

(a) By majority vote in a public meeting, council may hold an executive session as permitted by the state Freedom of Information Act, S.C. Code § 30-4-70.

(b) No vote or formal action shall be taken in executive session.

(c) Minutes of executive sessions shall not be taken unless required by majority vote of council.

(d) It shall be unlawful for a member of council or persons in attendance to disclose to another person or make public the substance of a matter discussed in executive session.  
(Ord. No. 97-03-02, § 4, 4-14-97)

Sec. 2-55. Voting requirements.

(a) All actions of council shall be by majority vote of members present at a public meeting, including suspension of a rule of order. No proxy, mail, telephonic, facsimile, electronic or absentee vote may be cast.

(b) Every member of council present, including the mayor or presiding member shall vote on every question except when required to refrain from voting by state law.

(c) A roll call vote shall be required if requested by any member of council.

(d) The vote on every question shall be recorded in the minutes.

(e) No member of council shall leave the council chamber while in public session without permission of the presiding officer.

(Ord. No. 97-03-02, § 5, 4-14-97)

Cross reference—Interested member not to vote, § 2-31.

State law reference—Financial interest of city officers and employees in city contracts, S.C. Code 1976, § 5-7-130.

Editor's note—The provisions of former § 2-55, which pertained to the mayor presiding at council meetings and the presence of quorum and derived from Code 1979, § 2-212, have been transferred to § 2-62.

Sec. 2-56. Motions.

(a) A motion may be made orally or in writing.

(b) A motion to reconsider must be made by a member who voted with the majority, and it must be made at the same or next succeeding meeting.

(c) A substitute motion may be made only for the purpose of restating and clarifying a pending motion and amendments; it may not be used to introduce a new or alternative proposal.

(Ord. No. 97-03-02, § 6, 4-14-97)

**Editor's note**—The provisions of former § 2-56, which pertained to the order of proceedings and derived from Code 1979, § 2-213, have been transferred to § 2-63.

**Sec. 2-57. Minutes of meetings.**

The town clerk shall keep minutes of all public meetings which shall be a matter of permanent public record. At each regular council meeting the minutes of the previous meeting must be presented for approval. Minutes do not constitute the official record of a meeting until approved by council. A member of council may place a written expression of his or her position on a matter in the minutes not later than the next regular meeting.

(Ord. No. 97-03-02, § 7, 4-14-97)

**State law reference**—Duty of clerk to keep minutes of council proceedings, S.C. Code 1976, § 5-7-220.

**Sec. 2-58. Appearance of citizens.**

(a) Any citizen of the municipality may speak at a regular meeting during public session on a matter pertaining to municipal services and operation, except personnel matters, by signing an agenda list maintained by the clerk prior to the meeting stating the subject and purpose for speaking. Each person who gives notice may speak for five minutes during public session once properly recognized by the mayor or presiding member.

(b) Time allotted for public session will be 30 minutes. By a majority vote council may extend the time allotted for public session.

(Ord. No. 97-03-02, § 8, 4-14-97)

**Sec. 2-59. Attorney may attend; parliamentarian; duties.**

The town attorney may attend all meetings of council. The attorney may act as parliamentarian, prepare ordinances and resolutions, review all ordinances, resolutions **and** documents presented to council **and** give opinions on questions of procedure, form and law to members of council. In the absence of the town attorney, the mayor or the presiding officer shall act as the parliamentarian if one is needed.

(Ord. No. 97-03-02, § 9, 4-14-97)

**Sec. 2-60. Clerk to attend; duties.**

The town clerk is ex officio clerk of council. The clerk shall give notices of meetings, post agendas, attend regular and special meetings, record votes of council, keep minutes of council meetings, and perform such other duties as may be assigned.

(Ord. No. 97-03-02, § 10, 4-14-97)

## Sec. 2-61. Hearings by committee.

Council may appoint a special committee to assist in or hold a public hearing for council at any time upon any matter pending before it. Minutes or reports of hearings held by special committee shall be filed with the town clerk as public record.

(Ord. No. 97-03-02, § 11, 4-14-97)

Cross reference—Appointment of special committees, § 2-30.

## Sec. 2-62. Mayor to preside; presence of quorum.

Immediately, at the hour appointed for meeting, the mayor shall take the chair and, if a quorum is present, shall proceed to business. A majority of the members of the council shall constitute a quorum.

(Code 1979, § 2-212)

State law references—Council meetings; rules and procedures, S.C. Code 1976, § 5-7-250.

## Sec. 2-63. Order of proceedings.

The order of the proceedings of the council shall be as follows:

- (1) Invocation;
  - (2) Reading of the minutes of the last meeting of the council;
  - (3) Public session (30 minutes total);
  - (4) Receipt and disposition of petitions (15 minutes total);
  - (5) Reports from special committees;
  - (6) Consideration of ordinances already in possession of council;
  - (7) Introduction and consideration of new ordinances and resolutions;
  - (8) Reports from mayor and administrator;
  - (9) Miscellaneous business not included in any of the preceding items;
  - (10) Adjournment.
- (Code 1979, § 2-213)

Secs. 2-64----2-80. Reserved.

## DIVISION 3. ORDINANCES AND RESOLUTIONS':

Sec. 2-81. Ordinances required.

(a) Council shall act by ordinance in all matters required by law to be done by ordinance, including:

- (1) Adopt or amend an administrative code or code of ordinances, establish, alter or abolish any municipal department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violation;
- (3) Appropriate funds and adopt a budget.
- (4) Grant, renew or extend franchises, licenses or rights-of-ways in public streets or public property and close abandoned streets after public newspaper notice and public hearing;
- (5) Authorize the borrowing of money or the issuance of bonds;
- (6) Levy taxes, assess property for improvements or establish service charges for services;
- (7) Annex area to the municipality;
- (8) Convey or lease or authorize the conveyance or lease of any lands of the municipality; and
- (9) Amend or repeal any ordinance.

(b) In all other matters council may act either by ordinance or resolution, written or oral, recorded in the minutes.

(Ord. No. 97-03-02, § 12, 4-14-97)

State law reference—Acts of council required to be done by ordinance, S.C. Code 1976, § 5-7-260.

Sec. 2-82. Form of ordinance and resolutions.

(a) Every proposed ordinance shall be introduced in writing in the form required for final adoption which shall include:

- (1) A title briefly describing the content;
- (2) An enacting clause;
- (3) The provisions of the ordinance including section numbers of the ordinance;
- (4) Citation of any ordinance repealed;
- (5) The effective date of the ordinance;

\*State law references—Authority to enact ordinances, S.C. Code 1976, § 5-7-30; form and procedure for adoption of ordinances, S.C. Code 1976, § 5-7-270; adoption of standard codes or technical regulations in ordinances, S.C. Code 1976, § 5-7-280.

Note—See editor's note following Art. II, Div. 1, of this chapter.

- (6) The town attorney may approve the form and the assignment of an ordinance number;
- (7) Space for date of reading and public hearing; and
- (8) Spaces for the signatures of the mayor or presiding member of council and the municipal clerk attesting notice.

(13) Written resolutions may be similar in form and may be approved by the town attorney.  
(Ord. No. 97-03-02, § 13, 4-14-97)

#### Sec. 2-83. Introduction of ordinances.

An ordinance may be proposed by any member of council. A proposed ordinance may be referred to the town attorney as to form. The town attorney or administrator may render assistance in the preparation of notice and ordinances. After an ordinance is in proper form, the town attorney may send the ordinance to the town clerk to be held for public inspection. An ordinance is considered to be introduced when it appears on an agenda, or is added to an agenda for a public meeting of council and its title is read.

(Ord. No. 97-03-02, § 14, 4-14-97)

#### Sec. 2-84. Enactment of ordinances.

(a) An ordinance must be prepared in writing and introduced in the form required for final adoption as required by section 2-82 of this division.

(b) No ordinance may be adopted until it has been read two times and on separate days with at least six days between each reading.

(c) An emergency ordinance may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance may not levy taxes, relate to a franchise or a service rate, and it expires automatically on the sixty-first day following enactment. (As required by S.C. Law Code, §§ 5-7-250 and 5-7-270)

(d) The introduction and reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of council.

(e) After the introduction and reading of any ordinance, a member of council may request a public hearing which may be held if approved by a majority of council present and set for a time prior to final adoption of the ordinance. A public hearing may be held on the same date as the final reading.

(f) Any ordinance may be amended on final reading.

(g) Upon final adoption by vote of council, an ordinance shall be signed by the mayor or presiding member of council and attested by the town clerk, who shall file the original ordinance or resolution with the minutes in the permanent public records.

(Ord. No. 97-03-02, § 15, 4-14-97)

**Sec. 2-85. Introduction of resolutions.**

A voice motion is considered to be the introduction of an oral resolution which requires no written record other than a notation in the minutes. A resolution proposed in writing shall be introduced in the same manner as an ordinance.

(Ord. No. 97-03-02, § 16, 4-14-97)

**Sec. 286. Adoption of resolutions.**

Written resolutions may be adopted on one reading, unless a public hearing is set by majority vote of council members present.

(Ord. No. 97-03-02, § 17, 4-14-97)

**Sec. 287. Codification of ordinances.**

All ordinances shall be codified in a loose leaf Code of Ordinances, except those adopted by reference and maintained in separate volumes, and copies shall be available for public inspection and purchased at reasonable cost.

(Oth. No. 97-03-02, § 18, 4-14-97)

**Secs. 2-88 \_ 2-100. Reserved.****ARTICLE III. OFFICERS AND EMPLOYEES\***

## DIVISION 1. GENERALLY

**Sec. 2.101. Enforcement of ordinances, laws, etc.**

All officers and employees of the town shall enforce obedience to such statutes, provisions of this Code, or any ordinances, resolutions, or rules and regulations, or orders issued thereunder, as may relate to their regular duties, and any other statutes, provisions of this Code, or ordinances, resolutions, rules, regulations, or orders with whose enforcement they are properly chargeable, by any measures provided therein, by the proper report of any violation thereof and by instituting such proceedings as may be necessary to such enforcement.

(Code 1979, § 2-301)

**Sec. 2-102. Use of town equipment and employees.**

(a) No town equipment will be allowed outside the town limits, unless to do work on town property. No town equipment or employees will be allowed to do any work on private property inside the town limits, unless the problem originated on the town's property.

\***Cross references Animal** control officer, § 3-26; fire chief, § 7-21; municipal judge, § 10-1.

(b) However, the mayor and council have the power to approve the use of town equipment if operated by town employees outside the town limits, if the occasion should arise.

(Ord. No. 12-202-9, 5-13-88)

Sec. 2-103. Resisting; interfering with.

It shall be unlawful for any person to resist or interfere with any member of the police department, any member of the fire department, or any other municipal officer or employee in the discharge of his duties.

(Code 1979, § 2-302)

Sec. 2-104. Vacancies in office.

-Whenever any officer of the town elected by the council shall be removed from office, die, resign, or become incapable of performing the duties incident to his office any longer, a new election shall be ordered by the council to fill the vacancy during the unexpired term for which the office, had been conferred on the person so removed, dead., resigned, or incapacitated.

(Code 1979, § 2-303)

Sec. 2-105. Compensation.

Unless otherwise provided by this Code, other ordinances of the town, or state law, the salary of each officer of the town elected by the council shall be fixed, designated, and regulated by resolution of the council from time to time as the council shall deem fit, except as otherwise provided. Such salary shall be payable at such times and in sums indicated in such resolution by the clerk and treasurer on approval of the mayor.

(Code 1979, § 2-304)

Sec. 2-106. Immediate family members or guests; cost of accommodations at meetings.

When it is necessary for town council members, administration, volunteers, or any persons related to the town to attend conferences, meetings or any event where accommodations are provided, it shall be acceptable for immediate family- members or guests to attend the meetings with the employee or volunteer and stay in the same accommodations as long as the accommodations are the same as provided for all participants on the premise of the event. The town shall not incur extra cost for the immediate family members or guest.

(Ord. No. 07-13-09TC, 8-10-09)

Editor's note—Ord. No. 07-13-09TC, adopted Aug. 10, 2009, did not specifically amend the Code; hence, inclusion herein as § 2-106 was at the discretion of the editor. See also the Code Comparative Table.

Secs. 2-107-2-120. Reserved.

## DIVISION 2. TOWN ADMINISTRATOR\*

## Sec. 2-121. Position established.

The office of town administrator is hereby established. The town administrator shall serve at the pleasure of the council, who will be appointed solely on the basis of his executive and administrative qualification. He shall be bonded, and such cost shall be paid by the town. He shall be responsible for the proper administration of the policy and affairs of the town and, to that end, shall have the power and authority to carry out those duties.

(Code 1979, § 2-701)

## Sec. 2-122. Salary.

The salary shall be at the pleasure of council, and the salary shall be increased at the pleasure of council.

(Ord. of 8-13-84)

## Sec. 2-123. Removal from office.

If the administrator fails to perform his duties in an adequate manner, a majority of the council may vote to terminate. Those members voting for removal shall state their reasons for such vote. The action of the town council in removing the town administrator shall be final. In all cases the town administrator shall receive 30 days' notice of his removal.

(Ord. of 8-13-84)

## Sec. 2-124. General duties.

The town administrator shall be responsible to the town council for the proper administration of the policies and affairs of the town and to:

- (1) Direct, supervise, and coordinate administrative activities and operations;
- (2) Appoint department heads with the approval of the council;
- (3) Appoint other town employees with the approval of the department heads;
- (4) Suspend or dismiss other town employees with the approval of the department heads;
- (5) Suspend or dismiss department heads with the approval of the council;
- (6) Prepare a proposed annual operating budget, in consultation with the clerk and treasurer, council budget and finance committee, and department heads;
- (7) Have responsibility for the administration of an annual operating budget after adoption;
- (8) Recommend and administer personnel policies, classification, compensation, and evaluation for all town employees;

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\*State law reference—Employment of town administrator, S.C. Code 1976, § 5-11-40.

- (9) Monitor the financial condition of the town, estimate present and future financial needs;
  - (10) Prepare monthly reports on financial activities;
  - (11) Prepare monthly reports and administrative activities;
  - (12) Combine or consolidate job positions within departments as necessary or prudent to maximize manpower utilization and efficiency;
  - (13) Recommend and administer policies governing purchasing procedures and inventory control;
  - (14) Authorize the purchase of services, materials, supplies, and equipment which do not require the taking of bids, provided such items are appropriated in the annual operating budget, capital improvements budget, or revenue sharing budget;
  - (15) Authorize shifts in departmental budget line items, provided that overall departmental budget appropriations do not change, with concurrence of finance committee;
  - (16) Investigate complaints concerning administrative matters and personnel performance;
  - (17) Prepare and submit to the town council at the end of each fiscal year a complete annual report on the finances and administrative activities of the town;
  - (18) Delegate, after informing the mayor, to other administrative officers subject to his direction and, supervision, the authority to exercise specified duties and responsibilities as may be considered appropriate;
  - (19) Provide the town council with information, guidance, and leadership in matters of policy determination. In this area, the administrator should take an active role in the pursuance of grants and other monies for municipal use;
  - (20) Serve as a public relations man with all agencies connected with the municipality;
  - (21) Attend seminars that update job knowledge for the town administrator;
  - (22) Eliminate any communication problems. No councilmember or mayor shall give any town employee a direct order. The town administrator shall have the responsibility of issuing orders and purchase orders to town employees. Except in case of an emergency, the mayor or council may give direct orders in the absence of the administrator.
- (Ord. of 8-13-84)

Secs. 2-125-2-140. Reserved.

## DIVISION 3. TOWN ATTORNEY\*

## Sec. 2-141. Appointment; term.

There shall be appointed by the council, at the time for the regular election by the council of town officers, a town attorney, whose term of office shall be for two years or until his successor is duly appointed and qualified.

(Code 1979, § 2-501)

## Sec. 2-142. Duties.

It shall be the duty of the town attorney to enter appearance in all actions, cases, and special proceedings and to conduct all suits in all courts, in which the town is or shall be a party, to prosecute cases in the town court, and to investigate titles and give opinions on questions of law, when requested so to do by the council or the mayor.

(Code 1979, § 2-502)

## Sec. 2-143. Compensation.

The salary of the town attorney shall be for the ordinary services rendered to the council and mayor, as provided and regulated by resolution of the council.

(Code 1979, § 2-503)

Sees. 2-144--2-160. Reserved.

## DIVISION 4. CLERK AND TREASURER

## Sec. 2-161. Appointment; term.

At the time appointed for the regular election of the officers of the town, there shall be appointed by the council an officer to be known as the clerk and treasurer of the town, who shall hold office for an indefinite term, or until his successor is duly appointed and qualified, unless removed from such office by the council for sufficient cause.

(Code 1979, § 2-401)

## Sec. 2-162. Bond.

Before entering upon the duties of his or her office, the clerk and treasurer shall enter into bond in such sum as may be required and in such, surety company as shall be approved by the council, for the faithful performance of his duties. The premium on such bond shall be paid by the town.

(Code 1979, § 2-402)

\*State law reference—Appointment of municipal attorney, S.C. Code 1976, § 5-7-230.

State law reference—Appointment of municipal clerk, S.C. Code 1976, § 5-7-220.

Sec. 2-163. Notice of council meetings.

The clerk and treasurer shall give notice to all members of the council of all regular and special meetings.

(Code 1979, § 2-412)

Sec. 2-164. Issuance of licenses and badges.

The clerk and treasurer shall issue licenses and badges for which provision may be made.

(Code 1979, § 2-405)

Sec. 2-165. Receipt of town money.

The clerk and treasurer shall receive all money belonging to the town.

(Code 1979, § 2-404)

Sec. 2-166. Deposit of town funds.

The clerk and treasurer shall deposit, in such bank as the town council may direct, all funds of the town received by him or her, when such funds shall amount to the sum of \$100.00.

(Code 1979, § 2-409)

Sec. 2-167. Account of town, money; monthly balance and report to council.

The clerk and treasurer shall keep an account of all money belonging to the town, in such form as may be required by the council. He or she shall balance his accounts every month and shall make a report to the council at its next meeting thereafter.

(Code 1979, § 2-410)

Sec. 2-168. Financial statement.

The clerk and treasurer shall make and publish in accordance with the requirements of state law a statement of the financial condition of the town.

(Code 1979, § 2-411)

State law references—Municipalities of over two hundred inhabitants shall publish quarterly statements of receipts and disbursements, S.C. Code 1976, § 5-21-50; municipal audit required, S.C. Code 1976, § 5-7-240.

Sec. 2-169. Collection of claims and accounts.

The clerk and treasurer shall collect all claims and accounts that may be due and payable to the town.

(Code 1979, § 2-403)

Sec. 2-170. Payment of bills.

The clerk and treasurer shall pay such bills as they may be ordered by the town council to pay.

(Code 1979, § 2-408)

Sec. 2-171. Bills not to be paid until approved.

It shall be unlawful for the clerk and treasurer to pay any invoice or claim whatsoever against the town 'before such bills or claims shall have been approved by the town council and/or by the town administrator, if for budgeted items. Invoices are to be paid on the second and fourth Friday of each month.

(Code 1979, § 2-406)

Sec. 2-172. Other duties.

The clerk and treasurer shall perform such other duties as may be annexed to his or her office or that he or she may be required by ordinance or the town council to perform.

(Code 1979, § 2-113)

Secs. 2473-2-190. Reserved.

#### ARTICLE IV. LOCAL HOSPITALITY TAX

Sec. 2-191. Imposed.

There is hereby imposed a local hospitality tax of two percent on the gross proceeds of the sale of prepared meals and beverages in establishments, hereafter ("vendor") within the town licensed for on-premises consumption of alcoholic beverages, beer or wine. Payment of the hospitality tax established hereby shall be the liability of the customer.

(Ord. No. 08-05-03LHT, § 1, 8-11-03)

Sec. 2-192. Collected.

The tax imposed by this article shall be collected from the customer when payment for meals or beverages is tendered and shall be held in trust for the benefit of the town until remitted as provided in section 2-193 below.

(Ord. No. 08-05-031,HT, § 2, 8-11-03)

Sec. 2-193. Payment.

Payment of the hospitality tax established herein shall be remitted by the vendor to the town on a monthly basis, along with such return or form as may be established by the town for such purposes, not later than the twentieth day of the month and shall cover the tax due for the previous month. Any tax not timely remitted shall be subject to a penalty of five percent

\*Editor's note—Ord. No. 08-05-03LHT, §§ 1-5, adopted Aug. 11, 2003, did not specifically amend the Code; hence, inclusion, herein as Art. IV, §§ 2-191-2-195 was at the discretion of the editor. See also the Code Comparative Table.

Cross reference—Licenses and Business Regulations, Ch. 9.

of the sum owed for each month or portion thereof until paid. The failure to collect from the customer the tax imposed by this article shall not relieve the vendor from making the required remittance.

(Ord. No. 08-05-031L1-1T, § 3, 8-11-03)

**Sec. 2-194. Failure to remit.**

The failure of any vendor subject to this article to remit to the town the tax imposed by the provisions of this article shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to 30 days, or both.

(Ord. No. 08-05-03LHT, § 4, 8-11-03)

**Sec. 2495. Local hospitality tax account.**

There is hereby established a special account to be known as the local hospitality tax account into which the taxes remitted shall be deposited by the town and used solely for the purposes provided by law.

(Ord. No. 08-05-03L1-1T, § 5, 8-11-03)