

## THE CODE

### GENERAL PROVISIONS

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## Sec. 1-1. Designation and citation of Code.

The provisions embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Central, South Carolina" and may be so cited. Such Code may also be cited as "Central Town Code."

(Code 1979, § 1-101)

State law references—Requirement that city codify ordinances, S.C. Code 1976, § 5-7-290; admissibility of Code into evidence, S.C. Code 1976, § 19-3-10.

## Sec. 1-2. Definitions and rules of construction.

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

*And; or:* The word "and" may be read as "or," and the word "or" may be read as "and," where the sense requires it.

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

*Code.* Whenever the words "Code" or "this Code" are used, they shall mean the Code of the Town of Central as designated in section 1-1.

*Computation of time.* In computing any period of time prescribed or allowed by this Code the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor such holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday.

State law reference—Similar provisions, South Carolina Rules of Civil Procedure, Rule 6(a).

*Council; town council.* The words "the council" or "the town council" shall mean the council of the Town of Central, South Carolina.

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

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

State law reference—Similar provisions, S.C. Code 1976, § 2-7-30.

*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.

*May; shall.* The word "may" is permissive; the word "shall" is mandatory

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

*Number Words* used in the singular include the plural, and the plural includes the singular number.

State law reference—Similar provisions, S.C. Code 1976, § 2-7-30.

*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."

*Official time standard.* Whenever certain hours are named, they shall mean standard time or daylight saving time as may be in current use in the town.

*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 term "personal property" includes every species of property except real property, as defined in this section.

State law references—"Person" defined, S.C. Code 1976, § 2-7-30; "personal property" defined, S.C. Code 1976, § 15-1-40.

*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.

State law reference—"Property" defined, S.C. Code 1976, § 15-1-50.

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

State law reference—Similar provisions, S.C. Code 1976, § 15-1-30.

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

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

*Signature or subscription.* The word "signature" or "subscription" shall include a mark when the person cannot write.

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

*Street.* The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, lane, alley, viaduct, bridge and the approaches thereto within the town, and shall mean the entire width thereof between opposed, abutting property lines. It shall be construed to include a footpath or sidewalk, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the town council.

*Tenant or occupant.* The word "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.

State law reference—"Tense" defined. S.C. Code 1976, § 2-7-30.

*Town.* The words "the town" shall mean the Town of Central, in the County of Pickens, in the State of South Carolina, except as otherwise provided.

*Writing and written.* The words "writing" and "written" shall include printing and any other mode of representing words and letters.

*Year* The word "year" shall mean a calendar year.  
(Code 1979, § 1-102)

Sec. 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of ordinances or resolutions existing at the time of adoption of this Code, shall be considered as continuations thereof and not as new enactments.

(Code 1979, § 1-103)

Sec. 1-4. Catch lines of sections.

The catchlines of the several sections of this Code 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, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch lines, are amended or reenacted.

(Code 1979, § 1-105)

Sec. 1-5. Effect of repeal or expiration of ordinance.

(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.

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

It is hereby declared to be the intention of the town 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 the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and

sections of this Code, since the same would have been enacted by the town council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

(Code 1979, § 1-104)

Sec. 1-7. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend, repeal, or in any way affect this Code, when numbered in accordance with the numbering system of this Code and printed. Or typed for inclusion in this Code, shall, as numbered and printed or typed or omitted, in the case of repeal, be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances, numbered. or omitted, are readopted as a new Code by the council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section \_\_\_\_\_ of the Code of the Town of Central, South Carolina, is hereby amended to read as follows: . . . The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is added, the following language may be used: "That the Code of the Town of Central, South Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_, which section shall read as follows: . ." The new section may then be set out in full as desired.

(d) All sections, articles, chapters, or provisions desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be.

Sec. 1-8. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the 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, when 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 catch lines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, 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 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.

Sec. 1-9. Certain ordinances, rights, etc., not affected by Code.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:
  - (1) Promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligations assumed by the town;
  - (2) Containing any administrative provisions of the council not in conflict or inconsistent with the provisions of this Code;
  - (3) Prescribing rates for town utility services;
  - (4) Granting any right or franchise and establishing any rates therefor;
  - (5) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the town;
  - (6) Making any appropriation;
  - (7) Levying or imposing taxes, not inconsistent with this Code;
  - (8) Adopting community antenna television system regulations;
  - (9) Providing for local improvements and assessing taxes therefor;
  - (10) Dedicating or accepting any plat or subdivision in the town;
  - (11) Adopting, extending, or contracting the boundaries of the town;
  - (12) Prescribing the number, classification, or compensation of any city officers, employees, or agents, not inconsistent herewith;
  - (13) Pertaining to zoning or subdivision regulations;
  - (14) Any other ordinance, or part thereof, which is not of a general and permanent nature;

(15) Relating to the firefighters' pension plan;

(16) Adopted after August 12, 1991;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the office of the town clerk.

(b) 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.

Sec. 1-10. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the town or in any rule, regulation, or order promulgated by any officer or agency of the town under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance, rule, regulation, or order the doing of an act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provisions of this Code or any such ordinance, or rule, regulation, or order shall be punished by a penalty as provided in S.C. Code 1976, § 5-7-30; provided such penalty shall not exceed the penalty provided by state law for a similar offense. Except where otherwise provided, each day any violation of any provision of this Code or of any ordinance, rule, regulation, or order shall continue shall constitute a separate offense. (Code 1979, § 1-106)

Cross references—Maximum penalty to be imposed by the municipal court, § 10-5; offenses and miscellaneous provisions generally, Ch. 12.

State law references—Penalty for violation of ordinances and regulations, S.C. Code 1976, § 5-7-30; imposition of fines and penalties by municipal courts, S.C. Code 1976, § 14-25-65.