

CHAPTER 1

GENERAL GOVERNMENT

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Article I

Council

§ 1-101 Council form of government.

The form of government for the town shall be the council form as provided by S.C. Code § 5-5-10 (1976).

§ 1-102 Composition of council.

The council shall be composed of a mayor and four (4) council members.

§ 1-103 Compensation of mayor and council.

The mayor shall be paid an annual salary of \$100.00. Each member of council shall be paid an annual salary of \$100.00. The mayor and each member of council shall receive payment for actual expenses incurred in the performance of his official duties. No increase in salary shall take effect during the term of the incumbents in which such change is authorized. Any decrease in salary shall take effect immediately if unanimously approved by all members of council.

§ 1-104 Mayor pro tempore.

The town council shall, at the first meeting of the newly constituted council elect one of its members as mayor pro tempore for a term of two (2) years who shall act as mayor during the absence or disability of the mayor or in case of a vacancy in the office of mayor.

§ 1-105 Absence of mayor and mayor pro tempore.

In the absence or inability to act of both the mayor and mayor pro tempore, the duties of mayor shall devolve on and be performed by such member of council as the council may name.

§ 1-106 Emergency powers; curfew.

The mayor shall have the power to declare a state of emergency and impose a curfew pursuant to Chapter 6, Article II of this Code.

Article II

Elections

§ 1-201 Nonpartisan election procedure.

All regular and special elections for mayor and members of council shall be conducted and results shall be determined in accordance with the nonpartisan plurality election method authorized by S.C. Code § 5-15-61 (1977). No political affiliation shall be placed on the ballot for any candidate.

§ 1-202 Method of election.

The mayor and four (4) council members shall be residents of the town and shall be elected from the town at large pursuant to S.C. Code § 5-15-20(1) (1976).

§ 1-203 Reserved.

§ 1-204 Terms of office.

The mayor shall hold office for four (4) years or until a successor shall be duly elected and qualified. Council members shall be elected to serve for staggered four (4) year terms or until their successors shall be duly elected and qualified.

§ 1-205 Election dates.

- (a) Regular elections for mayor and members of council shall be held on the first Tuesday following the first Monday in November of each odd-numbered year.
- (b) In the event of a tie vote for any office, a runoff election shall be held two (2) weeks after the election in which the tie vote occurred pursuant to S.C. Code § 5-15-125 (1988).
- (c) Special elections to fill vacancies shall be held pursuant to S.C. Code § 7-13-190 (1991).

§ 1-206 Notice of elections.

Public notice of a regular or special election shall be given at least sixty (60) days prior to the election, and shall include the location and hours of operation of the polling place, which shall be in the town hall.

§ 1-207 Filing statement of candidacy; filing fees.

(a) Each person offering as a candidate for mayor or member of council shall do so by filing a notice of candidacy with the election commission by noon on the date thirty (30) days prior to the date of the election in substantially the following form:

I hereby file notice that I am a candidate for election on to the office of mayor/council member in the regular/special municipal election to be held on _____, _____. I certify that I am a qualified elector and resident of the municipality in which I seek election.

(b) The filing fee for a candidate for mayor shall be \$50.00.
The filing fee for a candidate for council shall be \$30.00.

§ 1-208 Election commission.

All town elections shall be conducted by a municipal election commission composed of three (3) electors who shall be residents of the town appointed by council for terms of six (6) years. The terms shall be staggered with the term of one member expiring each two years pursuant to S.C. Code § 5-15-90 (1976).

§ 1-209 Taking office.

Newly elected officers shall be qualified to take office forty-eight (48) hours after the closing of the polls for an uncontested election, and may assume office on the Thursday immediately following a final uncontested election. Incumbents shall hold over until contests are finally determined and successors are qualified and take office.

§ 1-210 Oath of office.

The mayor and each member of council, 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 councilman) of the Town of Pine Ridge, 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 endeavor to preserve

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the peace and carry into effect according to law the purposes for which I have been elected. So help me, God.

Article III

Rules of Procedure

§ 1-301 Meetings of council.

(a) Regular meetings of council shall be held at the town hall on the first Tuesday each month at 7:00 p.m., unless some other time is fixed by council.

(b) Special meetings of council may be held on the call of the mayor, or by a majority of members of council upon written notice. Notice of a special meeting shall be posted on the town hall bulletin board at least 24 hours prior to the meeting, and shall be sent to available members of the news media by the town clerk.

(c) Study sessions or work sessions may be held in the same manner as special meetings. Study sessions are informal sessions for discussion of issues, policies, and items for later official action. No vote or decisions shall be made in study sessions.

(d) Executive sessions may be called in accordance with the South Carolina Freedom of Information Act. Attendance at executive sessions shall be limited to members of Council and invitees unanimously approved by Council. No vote or formal action may be taken in executive session. It shall be unlawful for any person to disclose to another person or the public the substance of a matter discussed in executive session.

§ 1-302 Agenda.

(a) Matters to be considered by council at a regular meeting shall be placed on a written agenda prepared by the town clerk not later than noon of the Friday immediately preceding a Thursday meeting or 24 hours prior to a different meeting time set by council. Persons requesting inclusion on the agenda shall state the topic and any request for special equipment prior to the deadline.

(b) The agenda for any public meeting and unapproved minutes for the previous meeting shall be posted by the town clerk on a bulletin board at town hall at least 24 hours prior to the meeting.

(c) Matters not on the agenda may be added and considered upon request of a member of council or the administrator by unanimous consent of Council members.

§ 1-303 Quorum; presiding officer.

(a) A majority of the Council members serving shall constitute a quorum for the transaction of business at any meeting. In the absence of a quorum, members present may adjourn from time to time and seek attendance of absentees. A member disqualified from voting by state law due to a conflict of interest shall be counted for purposes of a quorum.

(b) The mayor, or in his absence the mayor pro tempore, shall preside at all meetings. In the absence of the mayor and mayor pro tempore, the members present shall elect a presiding member.

§ 1-304 Rules of order.

(a) Except as otherwise required by state law or ordinance, all proceedings of council shall be governed by *Robert's Rules of Order*. Questions of order shall be decided by the mayor without debate, subject to appeal to the council.

(b) The order of business shall be as set forth on the meeting agenda, unless changed by majority consent.

(c) A member of Council may not speak until recognized by the presiding officer. No member may speak on any question more than five minutes or more than twice without leave of Council, except to explain a vote.

(d) Only members of Council may speak on a question. Discussion is not in order unless there is a pending question before the Council.

(e) Remarks ruled out of order by the presiding officer may not be continued.

(f) A person disrupting a meeting shall be requested to leave the meeting. Upon failure to leave, the disrupting person shall be subject to prosecution for violation of §1-315 or disorderly conduct pursuant to § 6-310(6) of this Code.

§ 1-305 Appearance of citizens.

(a) A person placed on the agenda for a regular or special meeting will be recognized to speak for ten minutes, unless time is shortened or extended by the presiding officer.

(b) At public hearings on zoning matters, proponents shall speak first for a maximum of five minutes per person and thirty minutes for all speakers. No person may speak more than once without permission of the presiding officer. Upon conclusion of proponents' presentation, opponents may speak under the same conditions. Thereafter, written comments from proponents, then from opponents, received prior to the hearing will be read in full or in summary by the presiding officer. Then, proponents will have two minutes for rebuttal, followed by two minutes for response by opponents.

(c) At public hearing, other than zoning, each person addressing Council may speak once for a maximum of five minutes, unless shortened or extended by the presiding officer.

§ 1-306 Voting.

(a) All actions of council shall be by majority vote of members present and qualified to vote. Each member, including the mayor, shall have one vote. No proxy or absentee vote may be cast.

(b) The mayor and each member of council shall vote on every question by signifying "yes" or "no" except when required to refrain from voting by state law.

(c) A roll call vote may be required by any member of council.

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

(e) A member may have a position or reasons for voting for or against a measure recorded in the minutes by presenting the reasons in writing to council at the next regular meeting.

§ 1-307 Motions.

(a) A motion may be made orally or in writing; however, a motion shall be reduced to writing at the request of any member of council.

(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.

§ 1-308 Minutes.

The town clerk shall keep minutes of all public meetings of the council as permanent public records. At each regular council meeting the minutes of the previous meetings shall be presented for approval. Unless a reading of minutes is requested by a member of Council, minutes distributed to each member prior to a meeting shall be approved or corrected and approved without a reading. Minutes shall not be considered the official record of a meeting until approved by the council by vote at a public meeting. Minutes of executive sessions will not be taken.

§ 1-309 Standing committees.

The mayor shall at the beginning of each fiscal year appoint or reappoint members to the following standing committees of council, to serve at the pleasure of the mayor:

(1) Finance Committee. The Finance Committee shall be responsible for assisting in preparation and administration of a balanced budget, planning for and recommending methods to meet financial needs of the town, monitoring revenues and expenditures, making financial reports to Council when requested, and such other fiscal duties as may be assigned by Council.

(2) Public Safety Committee. The Public Safety Committee shall be responsible for proper conduct of the police department, civil defense procedures, emergency safety procedures, and coordination of emergency services. The chairperson of this committee shall be Police Commissioner with duties as assigned by Council.

(3) Public Utilities and Health Committee. The Public Utilities and Health Committee shall be responsible for supervision and operation of the town water and sewer systems pursuant to rules and regulations promulgated by Town Council, which is the Commission of Public Works. The Committee shall provide for enforcement of standard code inspections and qualifications of plumbers and electricians. The Committee shall be responsible for planning, recommendations to Council, and enforcement of sanitation and health regulations and ordinances.

(4) Property and Recreation Committee. The Property and Recreation Committee shall be responsible for care, protection, maintenance, and insuring of public structures, grounds and parking areas of the town. The Committee shall have administrative responsibility over repairs, maintenance, excavation, planting and cutting of trees in all public streets, and public property in the town. The Committee shall make recommendations to Town Council for programs of street improvement, beautification, and recreation.

All standing committees shall study and report on such matters as may be referred to the committees by Council from time to time. Reports of standing committees shall be called for at council meetings in the order listed above.

§ 1-310 Special committees.

Council may create a committee, with members appointed by the mayor, to assist council or to hold a public hearing at any time upon a matter pending before it.

§ 1-311 Meetings and reports of committees.

- (a) All meetings of committees shall be held in compliance with the Freedom of Information Act.
- (b) Committee reports may be in writing. Reports involving expenditure of money shall include the amount to be expended, or an estimate thereof, and the proposed sources of funding.
- (c) All minutes and reports of committees shall be maintained by the town clerk as public records.

§ 1-312 Town administrator to attend.

The town administrator shall attend all meetings of council unless excused. He shall keep council advised of the status of matters pending for council consideration, make recommendations, present ordinances and resolutions for council action, and participate in the discussion of any matter involving the welfare of the town.

§ 1-313 Town attorney to attend.

The town attorney shall attend meetings of council when requested to do so. He may act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and legal documents presented to council, and give opinions upon questions of procedure, form and law to any member of council.

§ 1-314 Town clerk to attend.

The town clerk shall attend all meetings of council. The clerk shall give notices of meetings, prepare and post the agenda, record votes of council, keep minutes of council meetings, and perform such other duties as may be assigned.

§ 1-315 Disruption of meetings unlawful.

It shall be unlawful for any person to disrupt, interrupt, or interfere with the proceedings of council, a committee of council, a town board or commission, municipal court, or any other official body while it is in session.

Article IV

Ordinances

§ 1-401 Ordinances required.

The town 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 ordinance, create, alter or abolish any town 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 the violation thereof;
- (3) appropriate funds and adopt a budget;
- (4) Grant, renew or extend franchises, licenses or rights in public streets or in public property, and close abandoned streets;
- (5) Authorize the borrowing of money or the issuance of bonds;
- (6) Levy taxes, assess property for improvements or establish service charges;
- (7) Annex areas to the town;
- (8) Convey or lease or authorize the conveyance or lease of any lands of the town; and
- (9) Amend or repeal any ordinance described in items (1) through (8) above.

In all other matters, the council may act either by ordinance, resolution, or on motion, written or oral, which shall be recorded in the minutes.

§ 1-402 Form of ordinances.

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

- (1) A number;
- (2) A title briefly describing the contents;
- (3) Findings, reasons or basis for the ordinance, if desired and when appropriate;
- (4) An enacting clause as follows: "Be it ordained by the Town Council of Pine Ridge, South Carolina,";
- (5) Citation of any ordinance repealed;
- (6) The provisions of the ordinance including section numbers;
- (7) The effective date of the ordinance, dates of first and second readings; and

- (8) Space for the signatures of the mayor or, in the absence of the mayor, the presiding member of council and the official attesting notice of adoption.

§ 1-403 Emergency ordinances.

Emergency ordinances shall be adopted in accordance with the provisions of S.C. Code §5-7-250(d) (1976), and §1-406(c) of this Code.

§ 1-404 Ordinances relating to streets.

Prior to the introduction of an ordinance granting a franchise, license or right for the use of any street or public property, or for the permanent closing of any abandoned street, the applicant for such ordinance shall publish a notice in two separate issues of a newspaper having general circulation in the town stating the nature of the franchise, license or right sought or a description of the street sought to be closed, and the date on which the application is to be presented to town council which shall be at least one week after the last notice. This requirement shall not apply to the temporary closing of a public street initiated by council.

§ 1-405 Introduction of ordinances.

An ordinance may be proposed by any member of council. A proposed ordinance shall be referred to the town attorney, when appropriate, for approval as to form, and he shall render assistance in the preparation of ordinances when requested to do so. After an ordinance is in proper form and the required notices have been given, the town clerk shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when it appears on an agenda for a public meeting of council and its title is read.

§ 1-406 Enactment of ordinances.

(a) An ordinance to levy a tax, adopt a budget, appropriate funds, grant a franchise, license or right to use or occupy a public street or public property for commercial purposes shall be complete in the form in which it is finally passed, and in such form remain on file with the town clerk for public inspection at least six days before final adoption.

(b) No ordinance shall be adopted until it shall have been read two times and on two separate days with at least six (6) days between each reading.

(c) Emergency ordinances 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 shall expire automatically on the sixty-first day following enactment.

(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 of an ordinance, any member of council may request a public hearing which may be held at any time designated by the council prior to final adoption.

(f) Upon final adoption by vote of council, an ordinance shall be signed by the mayor, or presiding member in the absence of the mayor, and attested by the clerk. The town clerk shall file the original in a book especially prepared for that purpose as a permanent record.

§ 1-407 Introduction of resolutions.

A voice motion of a member of council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the clerk in the council minutes.

§ 1-408 Adoption of resolutions.

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

§ 1-409 Codification of ordinances.

All ordinances relating to administration, health, safety, vehicles, streets (except franchises and encroachments), traffic, crimes and offenses, utilities, town court, and any other ordinances or portions of ordinances as required by council shall be codified annually in this Code of Ordinances. Standard codes, technical regulations, business license ordinances and zoning ordinances may be cited in the code by reference and copies thereof shall be made available by the clerk for distribution or for purchase at a reasonable price.

Article V

Administration

§ 1-501 Administrator.

The town council shall appoint a town administrator who shall hold office at the pleasure of council.

§ 1-502 Duties of administrator.

The duties of the administrator shall be set forth in a job description, which shall include:

- (1) Generally administer employees, departments and services of the town under guidelines established by the mayor;
- (2) Assist committees of council;
- (3) Implement policies and assignments of council or the mayor;
- (4) Report to council on the status of finances, services and projects of the town;
- (5) Make recommendations to council on any matters related to town functions;
- (6) Attend all meetings of council; and
- (7) Perform other duties assigned by council or the mayor.

§ 1-503 Town clerk.

There shall be appointed by the town council an officer who shall have responsibilities of town clerk. The clerk may be given additional responsibilities as treasurer and/or administrator.

§ 1-504 Duties of clerk.

The clerk shall be the clerk of town council and give notice of meetings, post the agenda, attend regular and special meetings, record votes of council, keep minutes of council meetings and perform such other duties as may be assigned.

§ 1-505 Bond.

The council may require coverage of the administrator and the clerk/treasurer by a fidelity bond in such amount as council deems adequate. The costs of such bond shall be paid by the town.

§ 1-506 Town attorney.

The council shall appoint a town attorney who shall hold office at the pleasure of council. The compensation of the town attorney shall be set by council.

§ 1-507 Duties of Town attorney.

The town attorney shall attend meetings of council when requested by council. He may act as parliamentarian, draft and propose ordinances, resolutions, review ~~at~~ ordinances, resolutions and documents presented to council and give opinions upon questions of procedure, form and law to any member of council and other town officials. The town attorney shall prosecute cases when requested before the municipal court when a jury trial is demanded or the defendant is represented by an attorney and defend ~~at~~ civil suits against the town.

§ 1-508 Reserved.

§ 1-509 Reserved.

§ 1-510 Personnel regulations.

(a) The mayor is authorized to supervise the administrative employees of the town. The mayor shall develop, and revise as needed, a job description for each administrative employee. The mayor shall conduct periodic job performance reviews for all administrative employees and make reports to council on the results.

(b) The administrator is authorized to conduct the day to day business of the town subject to guidelines established by the mayor.

(c) All employees of the town shall serve at the pleasure of the employer. No employee shall be given a contract or term of employment.

§ 1-511 Police commissioner.

The mayor shall appoint the chairperson of the Public Safety Committee who shall serve as the Police Commissioner, at the pleasure of the mayor. The Police Commissioner shall develop job descriptions for and supervise the employees in the Police Department. The Police Commissioner shall conduct periodic job performance reviews for all law enforcement employees and make reports to council on the results. The police chief is authorized to conduct the day to day business of the police department subject to guidelines established by the Police Commissioner. The Police Commissioner shall have no law enforcement powers.