

Chapter 1

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General Provisions

Sec. 1.1. How Code of Ordinances Is Cited and Designated

The ordinances embraced in this and the following chapters and sections shall constitute and be designated, *THE CODE OF ORDINANCES OF THE TOWN OF SWANSEA, SOUTH CAROLINA, 2000*, and it may be so cited. Hereinafter, within these chapters and sections, it shall be referred to as Code of Ordinances of Swansea, or simply, The Code.

Sec. 1.2. Provisions Considered as Continuations of Existing Ordinances.

The provisions appearing in this Code of Ordinances of Swansea, so far as they are the same as those of prior Code and all ordinances adopted subsequent thereto and included herein, shall be considered as a continuation thereof and not as new enactments.

Sec. 1.3. Severability of Parts of Code of Ordinances.

It is hereby declared to be the intention of the Town Council that sections, paragraphs, sentences, clauses and phrases of the Code of Ordinances are severable, and if any phrase, clause, sentence, paragraph or section of this Code of Ordinances shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code of Ordinances of Swansea.

Sec. 1.4. Descriptive Leads.

The descriptive leads of the several sections of this Code of Ordinances are intended to indicate the contents of this section and shall not be deemed to be titles nor as any part of the section, unless expressly provided herein.

Sec. 1.5. Definitions and Rules of Construction.

In the construction of this Code of Ordinances 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 if 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 bond is required, an undertaking in writing shall be sufficient.

Computation of Time. The time within which an act is to be done shall be computed by excluding the first day and including the last, and if the last day be Sunday or a legal holiday, that shall be excluded. (See S.C. Code, 1962, Section 10:2.)

Council or Town Council. The words "council" or "town council" shall mean the Town Council of the Town.

County. The word "county" shall mean the County of Lexington, State of South Carolina.

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

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

Number. Words used in the singular number include the plural and the plural shall include the singular number.

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".

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 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. This term shall include every species of property, except real property, as defined in this section.

Preceding, following. The words "preceding" and "following" shall mean the next before and the next after, respectively.

Property. The word "property" shall include real and personal property.

Real Property and Real Estate. These terms shall include lands, tenements and hereditaments.

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

Shall. The word "shall" shall be mandatory.

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.

Signature or Subscription. This term shall include a mark when a person cannot write.

State. The word "State" or "this State" shall be construed to mean the State of South Carolina

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, and approaches thereto and all other public thoroughfares in the town, and shall mean the entire width thereto and all other public thoroughfares in the town, and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is express or unless such construction would be inconsistent with the manifest intent of the town council.

Town. The word "town" shall be construed to mean the Town of Swansea, South Carolina.

Sec. 1.6. General Penalty.

Whenever in this Code, or in any Ordinance of the Town, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or Ordinance or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision of this Code or any such Ordinance shall be punished by a fine not exceeding five hundred (\$500) dollars or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Each day any violation of this Code or any such Ordinance shall continue will constitute a separate offense. In addition to the penalties set out in this Section, any provision of the code or any other Town Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

Sec. 1.7. Liability of Corporation and/or Agents for Violations.

Any violation of the Code by any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization while acting within the scope of his/her office or employment shall in every case also be deemed to be a violation by such corporation, association or organization for the violation by it or any provision of this Code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

Sec. 1.8. Effect of Repeal or Expiration of Ordinance.

The repeal of an Ordinance, or its expiration by virtue of any provision contained herein, 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 expires.

When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

Sec. 1.9. Town Seal.

The Town Seal shall consist of one ring, bearing the words, "Town of Swansea, South Carolina.

The Town Seal shall be affixed by the clerk-treasurer to all contracts and legal documents to which the Town of Swansea, South Carolina shall be a party thereto.

At the discretion of the town council, the Town Seal shall be remanded to the custody of the town administrator or the clerk-treasurer who shall have the responsibility for the care thereof.

Sec. 1.10 Date of Municipal Elections.

All municipal elections for mayor and council members, other than special elections, shall be held on the second Tuesday of November on odd years. The mayor and representatives of districts one and two shall be elected in the year 2009, and every four years thereafter. (The mayor is at-large.) Representatives from districts three and four shall be elected in the year 2011, and every four years thereafter. The mayor and council members serve four-year terms. Each newly elected official shall take office at the next scheduled council meeting following the election.

Sec. 1.11 Polling Places and Hours.

All municipal elections shall be conducted in accordance with the election laws of the State of South Carolina, with the polls open from seven o'clock a.m. to seven o'clock p.m. The polling place for the Town of Swansea shall be the courtroom of the law enforcement center, 320 West Third Street, Swansea, and/or such other places located within the city limits as the town council may designate.

Sec. 1.12 Election Laws Governing.

All municipal elections in the Town of Swansea shall be held in accordance with the laws, rules and regulations as adopted by ordinance in this Town Code of Swansea and the laws of the State of South Carolina.

Sec. 1.13 Composition and Election of Council.

The Town Council shall be composed of a mayor and four council members. The mayor is elected at large, and four council seats are elected by district. These persons shall be elected at non-partisan elections to be held as herein provided in accordance with the state law applicable to the town. (Refer to Attachment "A" for official boundaries of the four single member districts.)

Sec. 1.14 Eligibility for Mayor and Council Members.

To be eligible for the position of mayor and council members of the town, a person

shall be a duly qualified elector of the town under the constitution and statutes of the State.

Sec. 1.15 Term of Mayor and Council Members.

The mayor and council members shall hold office for the period of four years and until their successors shall be duly elected and have been qualified. A specific time for taking office and for relinquishing the same shall be determined by the present council and shall be set forth in Chapter 2, this Code.

Sec. 1.16 Administration of the 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:

"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. As mayor (or council member) of the Town of Swansea, 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 the peace and carry into effect, according to law, the purpose for which I have been elected. So help me God."

Sec. 1.17. Election of Mayor and Council.

(a) All general and special elections for the offices of mayor and council shall be nonpartisan general elections using the plurality method as described in S.C. Code 1976, § 5-15-61.

(b) Any qualified elector may be a candidate for office.

(c) Declaration of candidacy shall be upon forms provided by the town clerk and returned to the town clerk. The town clerk will file with the Lexington County Election Commission. The Lexington County Election Commission shall validate all declarations and place the name of the candidate upon the ballot. The Lexington County Election Commission will handle the voting polls, tallying of votes, and the reporting of the election result to the media.

(d) The election results for nonpartisan general and special elections using a plurality method shall be determined in accordance with the following:

(1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.

(2) When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest

number of votes, equal in number to the number of offices to be filled, shall be declared elected.

(e) No political party affiliation shall be placed on any ballot for any candidate.

(f) Elections shall be conducted in the manner prescribed under S.C. Code 1976, title 7, as amended.

State Law Reference-South Carolina Election Law, S.C. Code 1976, § 7-1-10 et seq.

Sec. 1.18 Filing Fee.

All candidates for the office of mayor and council of the town shall at the time of filing as a candidate for office pay the currently required filing fee as defined in Section 1.21 of this Ordinance.

Sec. 1.19 State Law Governs.

All general and special elections in the town shall be duly governed by the provisions of the South Carolina Code of Laws of 1976, as amended.

Sec. 1.20 Eligibility for Voting.

All electors of the town duly qualified to vote under the constitution and laws of the state shall be permitted to vote.

Sec. 1.21 Statement of Candidacy.

Candidates must qualify to have their names placed upon the ballot by a filing statement of candidacy with the municipal election commission and paying a filing fee of fifty (\$50) dollars for the office of mayor without opposition and forty (\$40) dollars with opposition; for council members, twenty-five (\$25) dollars without opposition and twenty (\$20) dollars with opposition. The rate of pay would be eighteen thousand two hundred (\$18,200.00) dollars per year for mayor and one thousand (\$1,000.00) dollars per year for council. This is to be paid at the end of each calendar year. Fees must be paid at least sixty (60) days prior to the election in which the person wishes to be a candidate. Such statement shall contain the candidate's signature as he/she wishes his/her name to appear on the ballot, the office for which he/she is qualifying, his/her residence address and the precinct and number of his/her registration certificate. (Revised in yearly budget)

Sec. 1.22 Special Elections and Referendums.

Special elections and referendums may be ordered by the council from time to time and shall be ordered when and as required by law.

Sec. 1.23 Time of Taking and Leaving Office.

Newly elected officers shall not be qualified and take office pursuant to S.C. Code 1976, § 5-15-120, until at least 48 hours after the closing of the polls.