Ordinances
1984

January
Council
Carmen

Bill No. 1984-8 #5
Introduced November 28, 1984

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE COUNCIL:

Section 1. The code of ordinances, consisting of titles 1 through 9, each inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Isle of Palms, South Carolina," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the city passed on or before 9/7/83 to the extent provided in section 2 hereof.

Section 2. All provisions of the code shall be in full force and effect from and after (date of adoption), and all ordinances of a general and permanent nature of the city, enacted on final passage on or before 9/7/83, and not included in the code or recognized and continued in force by reference therein are hereby repealed from and after (date of adoption), except as hereinafter provided no resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. (a) The repeal provided for in section 2 hereof shall not affect the following:

(1) 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 ordinance;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;

(3) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of the code;

(4) Any ordinance or resolution fixing salaries of officers or employees of the city;

(5) Any appropriation ordinance or resolution;

(6) Any right or franchise granted by the mayor and council

to any person, firm or corporation;

(7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;

(8) Any ordinance or resolution establishing and prescribing the street grades of any streets in the city;

(9) Any ordinance or resolution providing for local improvements or assessing taxes therefor;

(10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the city, or providing regulations for the same;

(11) Any ordinance annexing property to the city;

(12) Any zoning ordinance of the city or amendments thereto;

(13) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures;

(14) Ordinances or resolutions prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with the code;

(15) Any ordinance or resolution fixing utility rates and charges;

(16) Any ordinance enacted after 9/7/83.

(b) Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. Whenever in the code an act is prohibited, or is made or declared to be unlawful or an offense or a misdemeanor by the mayor and council, or whenever in the code the doing of any act is required or the failure to do any act is declared to be unlawful by the mayor and council, and no specific penalty is provided therefor, the violation of any provisions of the code shall be punished by a fine of not more than $200, or imprisonment for a term not exceeding 30 days, as provided in section 1-3-66 of the code.

Section 5. Any and all additions and amendments to the code when passed in any form as to indicate the intention of the mayor and council to make the same a part thereof shall be deemed to be incorporated in the code so that reference to the "Code of Ordinances of the City of Isle of Palms, South Carolina," shall be

understood and intended to include such additions and amendments.

Section 6. In case of the amendment by the mayor and council of any section of the code for which a penalty is not provided, the general penalty as provided in section 1-3-66 of the code shall apply to the section as amended; or in case the amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in the other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

Section 7. A copy of the code shall be kept on file in the office of the clerk-treasurer, preserved in loose-leaf form, or in some other form as the clerk-treasurer may consider most expedient. It shall be the express duty of the clerk-treasurer, or someone authorized by the clerk-treasurer to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the mayor and council to make the same a part of the code when the same have been printed or reprinted in page form, and to extract from the code all provisions which may be repealed from time to time by the mayor and council. This copy of the code shall be available for all persons desiring to examine it.

Section 8. It shall be unlawful for any person to change or alter by additions or deletions, any part or portion of the code, or to insert or delete pages or portions thereof, or to alter or tamper with the code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-3-66 of the Code of Ordinances of the City of Isle of Palms, and in section 4 of this ordinance.

Section 9. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 10. This ordinance shall become effective on (date of ratification)

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL ON THIS 19th DAY OF February, 1985.

Clay Cable, Mayor

Michael R. Bartos, Council Member

Carmen R. Bunch, Council Member

William T. Greer, Council Member

Robert Kunreuther, Council Member

Leo B. McDonald, Council Member

Thomas Murph, Council Member

Elizabeth Smiley, Council Member

Michael Tolomea, Council Member

ATTEST:

Nellie S. McDuffie
Clerk-Treasurer

Bill No. 1984-5
Introduced: 1-9-85

A BILL

CABARET LICENSE

Cabaret License. A class A cabaret license, when issued by the city clerk under authority of the city council, shall entitle the holder thereof to give, permit, produce, present, conduct and offer entertainment or exhibitions consisting of radio stations disc jockey promotional activities, music, dancing, singing, floor shows and cabaret performances only upon the licensed tavern premises. The fee for class A cabaret license shall be _____ for each day of such entertainment.

License--Revocation grounds. A cabaret license may be suspended or forfeited and revoked by the city council for disorderly or immoral conduct on the premises, or for the violation of any of the rules, regulations or laws governing or applying to cabaret premises or premises licenses to sell intoxicating liquor.

License--Application. No license shall be granted hereunder unless the person or corporation desiring the same shall first have paid the fee therefor and shall have filed with the city clerk a written application therefor under oath and on forms to be furnished by the city clerk, designating the kind of license applied for, the address and description of the premises for which the license is desired, and such other information as may be required to insure compliance with this chapter, state law or such as may be required by the city council.

License--Conditions. No cabaret shall be licensed, maintained or operated except in conformity with the following regulations. Violation of any of the following conditions shall be cause for suspension or revocation of such license.

A. Every room used for cabaret purposes shall have a direct entrance from the public street, unless the entire interior thereof shall be visible through windows from the street, and all parts of the premises shall be open and unobstructed by partitions, screens or other devices. This provision shall not, however, be applicable to licensed hotels, motels or restaurants whose principle business is the furnishing of food and/or lodging to patrons.

B. Efficient means shall be employed to prevent the ordinary sounds of music, dancing, singing or entertainment within the cabaret from being heard on adjoining premises or on the public street; and no unusually loud music, singing or entertainment or any boisterousness or noisy conduct on the part of the patrons shall be permitted.

C. All cabarets shall be reasonably lighted at all times when any patrons shall be therein, and at all times when the same is open to the public.

D. Every cabaret shall be closed to the public and no patron shall be therein during the time that liquor or fermented malt beverages may not be sold.

E. No minor shall be permitted in any cabaret unless accompanied by parent or guardian.

F. No prostitute, procurer or vagrant shall be permitted upon the premises of any cabaret.

G. No intoxicated person shall be permitted to remain in any cabaret, and no person bordering on intoxication shall be served with any beverage containing alcohol or be permitted to dance in any cabaret.

H. No entertainment or dancing shall be permitted which is vulgar, suggestive, licentious or offensive to public morals and decency.

I. Every cabaret shall be provided with separate isolated toilets and lavatory facilities for each sex, which shall be constructed and maintained in a sanitary condition in conforming with the laws of the state, and regulations of the City of Isle of Palms.

J. There shall be in every cabaret premises not less than two doors for exits leading to the outside, each not less than three feet in width and opening outwardly.

K. No cabaret shall be allowed to present, permit, produce, conduct or offer entertainment or exhibitions consisting of radio station disc jockey promotional activities, live music, dancing, singing, floor shows or cabaret performances on Sunday.

Bill No. 1984-5
Introduced: 1-9-85

A BILL

CABARET LICENSE

Cabaret License. A class A cabaret license, when issued by the city clerk under authority of the city council, shall entitle the holder thereof to give, permit, produce, present, conduct and offer entertainment or exhibitions consisting of radio stations disc jockey promotional activities, music, dancing, singing, floor shows and cabaret performances only upon the licensed tavern premises. The fee for class A cabaret license shall be _____ for each day of such entertainment.

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Bill No: 1984-3
Introduced: 11/14/84

A BILL

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF ISLE OF PALMS BY DELETING THEREFROM THE SECTIONS REGARDING PLANNED RESIDENTIAL DEVELOPMENT AND ALL REFERENCES THERETO.

Be it ordained by the Mayor and City Council of the City of Isle of Palms, South Carolina, in Council Assembled:

WHEREAS, on October 10, 1984, the City Council of the City of Isle of Palms received a Petition concerning the deletion of the Planned Residential Development portion of the City of Isle of Palms Zoning Ordinance ; and

WHEREAS, the City Council of the City of Isle of Palms is required to act on said Petition, pursuant to the requirements of the Code of Laws of South Carolina (1976) (As Amended),

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms that:

SECTION 1: PURPOSE AND INTENT.

The purpose of this Ordinance is to delete from the Zoning Ordinance of the City of Isle of Palms the Section regarding Planned Residential Development, and all references thereto.

SECTION 2: AMENDMENTS.

The following portions of the Zoning Ordinance for the City of Isle of Palms are hereby deleted:

a) Chapter 5 , Article E - Planned Residential Development, §5-5061 through §5-5068.

b) All references to said article or to a Planned Residential Development.

SECTION 3:

This Bill, after having passed the required three (3) readings, being ready for ratification in open Council at the next meeting of said Council, or at such time as prescribed by the City Council.

This Bill shall become effective upon ratification as an Ordinance.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL ON THIS 19th DAY OF FEBRUARY, 1985.

L. CLAY CABLE

1984-1

(appendix no. 8)

AN ORDINANCE SETTING SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY FRANCHISE FEES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA IN COUNCIL ASSEMBLED:

This franchise made and entered into this 9th day of May, 1984, by and between Southern Bell Telephone and Telegraph Company and the City of Isle of Palms, a municipal corporation of the State of South Carolina witnesseth:

WHEREAS, Section 5-7-30, Code of Laws of South Carolina, (1976) (as amended) authorizes a city to make charges for the use of public streets, and

WHEREAS, the use of public streets by privately owned telephone companies imposes an substantial burden and impact upon city services, street maintenance, traffic control, public safety, general welfare and convenience of the City residence, and

WHEREAS, said telephone companies enjoy a substantial freedom from competition in the activities for which the public streets are occupied by poles, lines and related equipment, above and below ground, and

WHEREAS, it appears that a fee of three (3%) percent of certain gross revenues is the rate adopted after consideration of the factors related to the use of the streets and the rates charged by the municipalities.

NOW, THEREFORE, for and in consideration of the benefits to be received, the payments to be made and the

covenants and agreements herein contained, the same to be well and truly kept and performed, the parties hereto agree with each other, both for themselves and their successors and assigns as follows:

That a franchise fee for the use of the public streets of the City of Isle of Palms by Southern Bell Telephone and Telegraph Company a privately owned, State regulated telephone company shall be computed and paid as follows:

A. On or before June 30, 1984, Southern Bell Telephone and Telegraph Company shall pay three (3%) percent of recurring local service revenues, less uncollectibles, received in the City of Isle of Palms in 1983 credited to accounts 500 through 506 inclusive under the uniform system of accounts approved by the Federal Communications Commission, not including independent company settlements, for services within the City of Isle of Palms.

B. Commencing July 1, 1984 and each month after for a period of Fifteen (15) years, and thereafter until such time as this ordinance is amended, Southern Bell Telephone and Telegraph Company shall pay a use fee of three (3%) percent of the recurring local service revenues, less uncollectibles, credited to 500 through 506 inclusive, under the uniform systems of accounts for telephone companies approved by the Federal Communications Commission, not including independent company settlement, for services within the City of Isle of Palms. It is expressly agreed that such payments shall be passed on to customers of Southern Bell Telephone and Telegraph

Company within the municipal boundaries of the City of Isle of Palms in accordance with the provisions of the company's general subscriber services tariff. It is further agreed that should such tariff provisions be altered or amended in any way, this agreement shall be null and void. In the event of such an occurrence, any and all payments due the City of Isle of Palms for its then and existing fiscal year shall continue to be paid by Southern Bell Telephone and Telegraph Company and thereafter for a period of at least one hundred and eighty (180) days unless otherwise provided by agreement of the parties hereto.

C. All fees paid hereunder shall be in lieu of all occupation, license, gross receipts, excise franchise and all other levies or taxes however designated and in full payment of such money demands and charges for Southern Bell Telephone and Telegraph Company, except ad valorem taxes.

D. The City of Isle of Palms reserves the right to inspect the books of the Southern Bell Telephone and Telegraph Company as they relate to the payment of monies under this ordinance.

E. The City does hereby allow Southern Bell Telephone and Telegraph Company, its successors and assigns during the life of this Franchise, the authority to construct, maintain and operate such facilities as are necessary for the conduct of its business, including, but not limited to, the placement, maintenance and operation of poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public rights of way within the City of the Isle of Palms, South Carolina, as may be from time to time required.

F. No street, alley, bridge, or other public place used by Southern Bell Telephone and Telegraph Company shall be obstructed longer than necessary during its work of construction or repair, and shall be restored to the same good order and condition as when said work commenced. No part of any street, alley, bridge or other public place in the City of Isle of Palms, including any public drain, sewer catch basin, water pipe, pavement or other public improvement shall be injured, but if, due to the company's failure to use due care, any damage shall incur, the company shall repair same within a reasonable amount of time, and in default thereof, and after ten (10) days written notice by the City of Isle of Palms to the company, the City may make such repairs and charge the reasonable costs thereof to and collect the same from Southern Bell Telephone and Telegraph Company.

G. Southern Bell Telephone and Telegraph Company shall save the City harmless from all liability and damages (including judgments, decrees, attorney's fees and legal court costs) resulting from its failure to use due care in the exercise of the privileges hereby granted.

H. This franchise is not severable in part or less than the whole by transfer to successors or assigns of Southern Bell Telephone and Telegraph Company; no sale or transfer of the franchise as allowed hereunder shall be effective until the vendee, assignee, or lessee has filed in the Office of the City Clerk an instrument, duly executed, reciting the facts of such sale, assignment or lease accepting the terms of the franchise and agreeing to perform all the conditions thereof.

I. The right to use and occupy the streets, alleys, bridges, or other public places within the City, allowed by this franchise, shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, bridges and other public places to any person or corporation at any time during the period of this franchise.

J. This Agreement shall supersede and replace any and all existing Franchise Agreements into which the Company has previously entered with the City and shall be in force and effect for an initial term of fifteen (15) years from the effective date hereof and thereafter until otherwise amended or cancelled by either party.

This ordinance shall become effective retroactive to January 1, 1984.

DONE AND RATIFIED in council assembled this 9th day of May, 1984.

ATTEST:

Nell McDuffie
Clerk

ISLE OF PALMS, SOUTH CAROLINA

By: L. Clay Cable
L. Clay Cable
Mayor

ACCEPTANCE of the telephone franchise by the within ordinance acknowledged by Southern Bell Telephone and Telegraph Company this _____ day of _____, 1984.

ATTEST:

_____

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

By: _____

Introduced: Dec. 12, 1984

Approved : July 10, 1985

Bill Number: 1984-33

A BILL

A Bill to authorize Mayor L. Clay Cable to execute, seal and deliver a deed to certain real property of the City Isle of Palms.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Isle of Palms, South Carolina, in counsel assembled:

WHEREAS, on May 25, 1950, the Governor of the State of South Carolina approved Act No. 1137 which provided that a portion of Charleston Avenue commencing at 9th Street and running to 8th Street be conveyed to the adjacent land owners and,

WHEREAS, City Council is of the opinion that said property should be conveyed to the adjacent land owners pursuant to this act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms that:

Section I: Purpose and Intent - That purpose of this ordinance is to convey to the adjacent land owners that portion of the sixty (60') foot right of way of Charleston Avenue which has been abandoned as a road.

Section II: That the Mayor be and is hereby permitted to execute, seal and deliver quit-claim deeds to that portion of Charleston Avenue which was abandoned as a road pursuant to Act No. 1137 as approved by the Governor of the State of South Carolina on May 25, 1950.

Section III: This Bill, after having passed the required three (3) readings be engrossed and ready for ratification in open council at the next meeting of said council, or at such time as prescribed by the City Council.

This bill shall become effective upon ratification a an ordinance.

L. Clay Cable

L. CLAY CABLE
Mayor City of Isle of Palms

Attest: Nell S. McDuffie

Nell S. McDuffie
Clerk treasurer

ORDINANCE

ORDINANCE NO. 1984-3

Introduced: 5-2-84

STATE OF SOUTH CAROLINA)
)
)
)
)
COUNTY OF CHARLESTON)

An Ordinance authorizing the Mayor and City Council to make appropriations and meet the Liabilities of the City of Isle of Palms for the Fiscal Year beginning July 1, 1984 and ending June 30, 1985.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, in City Council Assembled:

Section 1. The sums of money be, and are hereby appropriated for the purpose hereinafter set forth in the budget attached hereto and made a part hereof as if set forth herein verbatim.

Section 2. The attached appropriations are on a basis of twelve (12) months, and are effective as of July 1, 1984, but said appropriations for salaries and operations are subject to cancellation or amendment by City Council as such circumstances dictate.

Section 3. That if any section, item, or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections, items, or portions hereof, which shall remain in full force and effect.

Section 4. All ordinances and parts of ordinances in conflict with this ordinance shall be and the same hereby are repealed only so far as they are in conflict herewith.

Section 5. This ordinance shall become effective on the approval of Council.

BE IT ORDAINED IN OPEN COUNCIL THIS 27th DAY OF JUNE 1984.

Ray Cable
MAYOR

ATTEST:

Nellie S. McDuffie
CLERK OF COUNCIL

CITY OF ISLE OF PALMS
SOUTH CAROLINA