Original

Ordinances

1988

DISPOSITION OF ORDINANCES

Ordinance Number	Description	First Reading	Second Reading	Third Reading	Ratification
1988-01	Abolish the Board of Firemasters and Re-define the Position of Fire Chief	01-13-88	02-10-88	03-09-88	03-09-88
1988-02	Adopt the Standard Unsafe Building Abatement Code	02-03-88	02-10-88	03-09-88	03-09-88
1988-03	Create a Code Board of Adjustment & Appeals	02-03-88	02-10-88	03-09-88	03-09-88
1988-04	Administration of the City Fire Prevention Code	02-03-88	02-10-88	02-10-88	02-10-88
1988-05	Creation of Underground Utility District	02-03-88	02-10-88	02-10-88	02-10-88
1988-06	Prohibit Construction of Seawalls and Hard Erosion Devices	02-03-88	03-09-88	04-13-88	04-13-88
1988-07	Prohibit the Keeping of Certain Animals	02-03-88	02-10-88	03-09-88	03-09-88
1988-08	Amend Section 1-9-24 of the City Code	02-18-88	03-09-88	04-13-88	04-13-88
1988-09	Amend Section 5-4-5(c) of the City Code	02-18-88	03-09-88	04-13-88	04-13-88
1988-10	Limit the Number of Requests for a Variance	02-18-88	03-09-88	04-13-88	04-13-88
1988-11	Amend Section 5-2-17 of the City Code	02-18-88	03-09-88	04-13-88	04-13-88
1988-12	Defining the Duties of Police & Public Safety Committee	02-18-88	03-09-88	04-13-88	04-13-88
1988-13	Unlawful Possession of Marjuana	03-09-88	04-13-88	Suspended	04-13-88
1988-14	Creation of a Fire District	04-13-88	05-03-88	06-08-88	07-13-88
1988-15	Amend FY 1987-88 Revenue Sharing Budget	04-13-88	05-03-88	05-11-88	05-11-88
1988-16	Defining the Duties of Public Works Committee	04-13-88	05-03-88	05-11-88	05-11-88
1988-17	Unlawful Possession of Drug Paraphernalia	04-13-88	05-03-88	Suspended	05-03-88
1988-18	Franchise for CATV	04-13-88	05-11-88	06-08-88	06-08-88
1988-19	Raise Revenue and Adopt a Budget for FY 1988-89	05-11-88	06-22-88	Suspended	06-22-88
1988-20	Protect and Regulate City's Beaches and Recreation Areas	06-08-88	07-13-88	08-10-88	09-14-88
1988-21	Adopt a Comprehensive Plan for the City				
1988-22	Amend City Zoning				
1988-23	Adopt a New Zoning Map for City				
1988-24	Regulation of Vicious Dogs	06-08-88	07-13-88	08-10-88	09-14-88
1988-25	Amend Section 5-2-5 of City Code (FEMA)	08-10-88	09-14-88	Suspended	09-28-88
1988-26	Amend Section 5-2-18 of City Code (FEMA)	08-10-88	09-14-88	Suspended	09-28-88
1988-27	Withdraw From East Cooper Water Authority				
1988-28	Amend Section 5-2-19 of the City Code (FEMA)	09-14-88	09-28-88	Suspended	09-28-88
1988-29	Amend Section 5-2-5 of City Code (FEMA)	09-14-88	09-28-88	Suspended	09-28-88
1988-30	Amend Section 5-2-19(5)(h)(2) of City Code (FEMA)	09-14-88	09-28-88	Suspended	09-28-88

CITY OF ISLE OF PALMS
ORDINANCE 1988-22
Third Reading Draft - 2/8/89

AN ORDINANCE TO AMEND THE CITY OF ISLE OF PALMS' ZONING ORDINANCE

WHEREAS, pursuant to Sections 6-7-510 et seq. and Sections 5-23-10 et seq. of the South Carolina Code of Laws, 1976, as amended, the City of Isle of Palms has adopted a Comprehensive Plan to guide and coordinate the future growth and development of the City; and

WHEREAS, under Sections 6-7-710 et seq. and Sections 5-23-10 et seq. of the South Carolina Code of Laws, 1976, as amended, the City is authorized to develop and adopt zoning regulations and development standards; and

WHEREAS the City of Isle of Palms previously enacted a zoning ordinance and amendments thereto, which provisions are currently codified as Sections 5-4-1 through 5-4-124 of the City Code; and

WHEREAS, following extensive preparation and public input, including a public hearing held pursuant to Section 6-7-530 of the South Carolina Code of Laws, 1976, as amended, the City's Planning & Zoning Commission has prepared proposed amendments to the City's Zoning Ordinance, and has submitted said proposed amendments to City Council for approval; and

WHEREAS, City Council has reviewed the Planning & Zoning Commission's recommendations and has determined that the following amendments are needed and desirable to help manage the growth and use of property within the City, and will serve to implement the City's Comprehensive Plan; and

WHEREAS, the City's Planning Commission has recommended that additional changes be made to clarify the non-conforming use provisions of the City's Zoning Ordinance; and

WHEREAS, City Council has reviewed the Planning & Zoning Commission's recommendations and has determined that the following amendments to the non-conforming use provisions of the City's Zoning Ordinance will help clarify the application of these requirements and will better enable the City to implement its Zoning Ordinance; and

WHEREAS, following extensive preparation and public input, including a public hearing held pursuant to Section 6-7-530 of the South Carolina Code of Laws, 1976, as amended, the City's Planning Commission has prepared proposed amendments to the City's Zoning Ordinance, and a new zoning map based on said amendments, and has

submitted said proposed amendments and zoning map to City Council for approval; and

WHEREAS, it is accordingly necessary to amend the City's official zoning map to reflect such change in zoning districts, and to make such other modifications to district designations and boundaries as desirable to implement the City's Comprehensive Plan; and

WHEREAS, public hearings pursuant to Section 6-7-530 of the South Carolina Code of Laws, 1976, as amended, have been held regarding these proposed amendments to the City's Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to amend the City's zoning ordinance and to implement the City's Comprehensive Plan.

Section 2. Definitions Amended. The following words and terms are amended, as specified herein:

(a) Section 5-4-2(1) is revised, to read as follows:

Accessory Building or Use: a use of building customarily incidental and subordinate to and detached from the principal use or building and located on the same lot with such principal use, uses, or building.

(b) Sections 5-4-2(3)(a), 5-4-2(3)(b), 5-4-2(3)(c), 5-4-2(3)(d) and 5-4-1(3)(e) are deleted, and are replaced by the following definitions, to read as follows:

Dwelling: A building or portion of a building arranged or designed to provide private living quarters.

Dwelling, One-Family: A detached dwelling other than a mobile home designed for or occupied exclusively by one family.

Dwelling, Two-Family: A detached or semi-detached building other than a mobile home designed for or occupied exclusively by two families living independently of each other.

Dwelling, Group: A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such residents, persons or families. The term "Group Dwelling" including the terms, rooming house, fraternity house or sorority house. A hotel, motel or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, Multi-Family: (Also apartment house, residential condominium) A dwelling designed for or occupied as a residential use other than as a one (1) family dwelling or two (2) family dwelling, or group dwelling.

(c) Section 5-4-2(8) is revised, to read as follows:

Hotel: (also motel, tourist court, motor lodge, inn, bed and breakfast, tourist court and auto court) A building or buildings, or portions thereof, which contain multiple units intended to provide sleeping accommodations for transient guests.

The following criteria shall be used to distinguish between a hotel (etc.) and a multi-family dwelling:

(a) If a majority of units have individual kitchen facilities, and there is no common dining room and kitchen, in daily operation, the facility will be presumed to be a multi-family dwelling.

(b) Temporary habitation by transient guests will normally involve durations of less than 90 days. If a majority of the facility's occupants are in residence for continuous periods or leaseholds of more than 90 days, the facility will be presumed to be a multi-family dwelling.

(c) A hotel is presumed to be a facility operating under a single ownership regime. Where units are individually owned, the facility will be presumed to be a multi-family dwelling, irrespective of the existence of a management, rental and/or maintenance regime serving the individually owned units.

(d) The rental of units within a hotel is presumed to be made available to the general public.

Section 3. Definitions Added; Sections Renumbered. The following words and terms are added to Section 5-4-2, and shall have have the meaning and shall be defined as specified herein:

(a) Building Line: (Including the term "setback") That line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way or a street centerline in accordance with the terms of this Ordinance.

(b) Conditional Uses: A use not otherwise permitted in a district, and which would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood, and subject to the conditions noted, would promote the public health, safety, welfare, order, comfort, convenience, appearance, propriety or general welfare of the Town.

(c) Frontage: All the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

(d) Junk or Salvage Yards: The use of any part of a lot, outside of a building, for the storage, keeping, abandonment, sale or resale of junk salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles or machinery or equipment or parts thereof.

(e) Lot, Double Frontage: A lot having a frontage on two streets, at a point other than at their intersection, as distinguished from corner lot.

(f) Mobile Home: A detached single-family dwelling unit designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels; arriving at the site where it is to be occupied in a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities, and the like; and having no foundation other than wheels, jacks or skirting. For the purposes of this Ordinance, the term "mobile home" does not include "travel trailer" as defined in this Ordinance.

(g) Structure: Anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed as if followed by the words "or part thereof."

(h) Trailer: Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to: (1) provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation; (2) serve as a carrier of new or used goods, products or equipment; or (3) be used as a selling, advertising or display device. A trailer is not used as a residence or for permanent sleeping quarters, such as a mobile home.

(i) Travel Trailer: A portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling during recreational and vacation uses, not exceeding eight (8) feet in body width.

Each such definition added to Section 5-4-2 shall be placed in alphabetical order among all the definitions of words and terms therein contained; and following such alphabetization of all such definitions, all of the subsections of Section 5-4-2 shall be renumbered sequentially, beginning with the first word/term defined.

Section 4. Development Standards. A new Section 5-4-12 is adopted, to read as follows:

Sec. 5-4-12. Development Standards.

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance.

(a) No land or building shall hereafter be used or occupied and no building or part thereof shall be constructed, erected, altered, or moved unless in conformity with all regulation herein. Uses of land or buildings which are not designated as a permitted or conditional use of the designated zoning district are prohibited.

(b) No building or structure shall hereafter be erected, altered or moved so as to exceed forty (40) feet in height. Height shall be measured vertically from the highest point on a structure, except for any chimney or antenna, to the average finished grade of the lot. The height limitation shall not apply to church spires, belfries, domes not intended for human occupancy, transmission towers, aerials, masts, and ships.

(c) No lot shall be reduced in size which does not maintain the total lot area, lot width, necessary yards, or other requirements of this Ordinance.

(d) Except as provided in Section 5-4-35 and 5-4-36, no building shall be erected, altered or moved to create smaller front yards, sideyards, rearyards or other open spaces than required by this Ordinance.

(e) All lots must, at a minimum, meet South Carolina Department of Health and Environmental Control lot size requirements for water and wastewater disposal services.

Section 5. Supplemental Development Guidelines. A new Section 5-4-13 is added, to read as follows:

Sec. 5-4-13 Supplemental Development Guidelines.

(a) Sills, beltcourse, window air conditioning units, chimneys and cornices may project into a required yard a distance not to exceed two (2) feet.

(b) The front yard setback requirement for dwellings shall not apply on any lot where the average setback of existing buildings located within one hundred (100) feet each side within the same block and fronting on the same street is less than the minimum frontyard setback. In such cases the average setback on such lot may not be less than the average of the setbacks of the aforementioned buildings.

(c) Where a lot fronts on two non-intersecting streets, front yards shall be provided on both streets.

(d) Where a sideyard abuts a street (corner lot), no accessory building shall extend beyond the adjacent frontyard setback.

(e) No fence, wall, shrubbery, or other obstruction to travel vision shall be permitted.

(f) Every building hereinafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street and all structures shall be located to provide safe and convenient access for servicing, fire protection, and off street parking.

(g) All lots hereinafter shall be located on a street with a minimum right-of-way of fifty (50) feet. The required fifty (50) feet shall not include any critical area.

(h) Except in residential zones, one way access drives shall not be closer than fifty (50) feet to another access drive as measured from the centerline of each access drive intersection with a street right-of-way.

(i) Two-way access drives shall not be closer than fifty (50) feet to another two-way access drive as measured from the centerline of each access drive intersection with a street right-of-way.

(j) Except for residential zones, no access drive shall be closer than fifty (50) feet from any street intersection as measured from the point of tangent to the nearest point of the access drive along the right-of-way.

Section 6. Accessory Uses. A new Section 5-4-14 is added, to read as follows:

Sec. 5-4-14. Accessory Uses.

Accessory uses, as defined by this Ordinance, shall include but are not limited to the following:

(a) Accessory to dwellings

(1) private garage

(2) shed or tool room for the storage of equipment used on grounds or building maintenance. Shipping containers, tractor trailer containers, and similar structures are prohibited.

(3) Children's playhouse

(4) Private swimming pool, bathhouse, cabana, private recreating area, and tennis courts

(5) greenhouse

(b) Accessory to retail business or office uses

(1) Completely enclosed building for storage of supplies.

(2) Shipping containers, tractor trailer containers, and similar structures are prohibited.

(c) Permitted accessory uses or buildings shall not be located in front or sideyards, and such uses or buildings shall not be placed within three (3) feet of any side or rear lot line. Single one/two car garages may be put in the front yard if the setback requirements of that district are maintained.

Section 7. Conditional Uses. A new Section 5-4-15 is added, to read as follows:

Sec. 5-4-15. Conditional Uses.

Conditional uses, as defined by this Ordinance, may be permitted by the Planning Commission provided:

(a) Adequate provision is made for such items as setbacks, fences, buffer or planting strips to protect adjacent properties from possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.

(b) Vehicular traffic and pedestrian movement on adjacent roads will not be hindered or endangered.

(c) Off-street parking and loading areas and the entrance and exits of those areas will be adequate in terms of location, amount, design and construction to serve the proposed use.

(d) The proposed use will not adversely affect the level of property values, the general character or general welfare of the nearby areas.

Review by the Commission of the technical factors involved in considering a request for a conditional use shall not have the form or nature of a public hearing. However, to clarify questions concerning the potential impact of such use, the Commission may hear or request testimony from residents of the area involved. The City Administrator shall attempt to notify surrounding landowners and residents of proposed conditional uses, employing such measures as advertising, posting and/or mailings as appropriate to the circumstances.

In approving a conditional use, the Commission may approve such reasonable restrictions and conditions as in its opinion will accomplish the intent of this Ordinance.

Section 8. Temporary Uses. A new Section 5-4-16 is added, to read as follows:

Sec. 5-4-16. Temporary Uses.

The City Administrator is authorized to issue a permit for temporary uses, as follows:

(a) Religious meetings in a temporary structure in GC Districts for a period not to exceed seven (7) days.

(b) Open lot sale for Christmas trees in the GC and LC District for a period not to exceed forty-five (45) days.

(c) Contractor's office and trailer office in any district, except full or near fully developed residential districts for a period of twelve (12), provided that such office be placed on the property to which it is associated.

(d) All temporary uses may be renewed.

(e) Temporary uses such as carnivals, promotions, etc. shall require City Council approval.

Section 9. Bufferyards. A new Section 5-4-17 is added, to read as follows:

Sec. 5-4-17. Bufferyards.

(a) Any commercial, municipal or other non-residential use

shall be separated from adjoining properties. The plantings and structures required are as follows:

(1) Adjacent to residential property

a. Fifteen (15') landscaped bufferyard; and

b. Eight (8) foot painted, wooden stockade fence; and

c. Three (3) canopy trees and six (6) understory trees per 100 feet of frontage

(2) Adjacent to commercial property or adjacent to street with residential property so zoned across the street

a. Five (5) foot landscaped bufferyard, and

b. Two (2) canopy trees and two (2) understory trees per 100 feet of frontage.

(b) Canopy trees shall be a minimum of 2 1/2 inches in caliper. Understory trees shall be a minimum of six (6) feet in height.

(c) Existing plant materials which satisfy the requirements of this section may be counted toward satisfying the requirements of this section.

(d) All bufferyard areas shall be seeded with lawn grass or suitable ground cover.

(e) Structures may be substituted with approval of the Planning Commission.

(f) Landscaping shall be required on all new developments and any old building with renovation or remodeling equaling twenty-five percent (25%) of the building's value.

(g) All required landscaping shall be installed prior to the issuance of a certificate of occupancy.

Section 10. Sections Reserved. Sections 5-4-18 through 5-4-20 are reserved.

Section 11. Existing Sections Replaced, Repealed and/or Renumbered. Existing Sections 5-4-21 and 5-4-25 are repealed. Existing Sections 5-4-22, 5-4-23, 5-4-24 and 5-4-26 are renumbered as new Sections 5-4-31 through 5-4-34, respectively. Existing Section 5-4-26(f), renumbered herein as Section 5-4-34(f), is repealed. Existing Sections 5-4-31, 5-4-32, 5-4-33, 5-4-34, 5-4-35, 5-4-36 and 5-4-37 are repealed.

Section 12. Use Districts. A new Section 5-4-21 is adopted, to read as follows:

Sec. 5-4-21. Use Districts.

In order to implement the policies and objectives stated in the City's Comprehensive Plan, and to provide for the planned and orderly use and development of land within the City, all land within the City is hereby classified within one of the following Use Districts:

SR-1 Single Family Residential District

SR-2 Single Family Residential District

LC Limited Commercial District

GC-1 General Commercial District

GC-2 General Commercial District

MF Multi-Family Residential District

PRD Planned Residential Development District

CO Conservation District

Within each district, the regulations set forth herein shall apply uniformly to each class or kind of structure or land.

Section 13. SR-1 District Created. A new Section 5-4-22 is adopted, to read as follows:

Sec. 5-4-22 SR-1 - SINGLE FAMILY RESIDENTIAL DISTRICT

In addition to all other requirements mandated by this

ordinance and other City ordinances. the requirements for the SR-1 District shall be as follows:

(a) Purpose

(1) To provide for quiet, low-density residential neighborhood on lots having an area of 10,000 square feet or more.

(2) To discourage unwarranted encroachment by prohibiting commercial uses and to prohibit other uses which would interfere with the development or continuation of single family use.

(3) To encourage the cessation of non-conforming uses.

(4) To discourage uses which would generate traffic on minor streets other than required to serve residences on those streets.

(b) Permitted Uses

(1) Detached, single family residence

(2) Customary home occupations

(3) Accessory uses

(c) Conditional Uses

(1) Elementary and secondary schools offering general education courses

(2) Public park, playground

(3) Church, synagogue, or other place of worship

(4) Municipal buildings, including (but not limited to) fire and police stations

(5) Group dwelling

(6) Golf courses

(d) Minimum Lot Requirements

(a) Lot area: 10,000 square feet

(b) Lot width: 70 feet measured at building line

(c) Lot depth: 110 feet

(d) Lot frontage: 60 feet on a public street
30 feet on public street on cul-de-sac

(e) Minimum Yard Requirements

(a) Frontyard: 30 feet

(b) Sideyard: 10 feet

(c) Rearyard: 30 feet

(f) Maximum Height: 40 feet

(g) Double frontage lots shall be prohibited

Section 14. SR-2 District Created. A new Section 5-4-23 is adopted, to read as follows:

Sec. 5-4-23 SR-2 - Single Family Residential District

In addition to all other requirements mandated by this ordinance and other City ordinances. the requirements for the SR-2 District shall be as follows:

(a) Purpose

(1) To provide for quiet, low-density residential neighborhoods on lots having an area of 8,000 square feet or more.

(2) To discourage unwarranted encroachments by prohibiting commercial uses and to prohibit uses which would interfere with the development or continuation of single family use.

(3) To encourage the cessation of non-conforming uses.

(4) To discourage uses which would generate traffic on minor streets other than required to serve residences on those streets.

(b) Permitted Uses: All uses permitted in the SR-1 District

(c) Conditional Uses: All conditional uses listed in the SR-1 District

(d) Minimum Lot Requirements

(1)	Lot area:	8,000 square feet
(2)	Lot width:	60 feet (measured at building line)
(3)	Lot depth:	90 feet
(4)	Lot frontage:	50 feet on a public street 30 feet on public street on cul-de-sac

(e) Minimum Yard Requirements

(1)	Frontyard:	25 feet
(2)	Sideyard:	10 feet
(3)	Rearyard:	25 feet

(f) Maximum Height: 40 feet

(g) Double frontage lots shall be prohibited

Section 15. Other Single-Family Residential District(s). A new Section 5-4-24 is reserved.

Section 16. LC District Created. A new Section 5-4-25 is adopted, to read as follows:

Sec. 5-4-25 LC - Limited Commercial District

In addition to all other requirements mandated by this ordinance and other City ordinances, the requirements for the LC District shall be as follows:

(a) Purpose:

(1) To provide for residential uses or commercial uses compatible with residential neighborhoods by limiting the amount of square footage and lot coverage.

(2) To discourage unwarranted encroachments of retail uses.

(b) Permitted Uses

(1) Single family residence

(2) Medical office

(3) Insurance, real estate, architect, engineer, attorney and other professional services

(4) Municipal uses

(c) Minimum Yard Requirements

(1) Frontyard: 20 feet

(2) Sideyard: 10 feet

(3) Rearyard: 20 feet

(4) Lot frontage: 20 feet on a public street

(d) Minimum Lot Size: 6,000 square feet

(e) Maximum Building Size: 2,500 square feet per each 6,000 square feet of lot

(f) Maximum Height: 40 feet

(g) Additional Requirements

(1) Building exterior is to be either brick, masonry, painted, stained or treated wood, vinyl or stucco.

(2) Refuse containers shall be screened from public view with materials compatible with primary structures or landscaping.

Section 17. GC-1 District Created. A new Section 5-4-26 is adopted, to read as follows:

Sec. 5-4-26 GC-1 - General Commercial District

In addition to all other requirements mandated by this ordinance and other City ordinances, the requirements for the GC-1 District shall be as follows:

(a) Purpose

(1) To encourage the development of an economically healthy business environment.

(2) To discourage any encroachment by unrestricted retail and/or wholesale business establishments.

(b) Permitted Uses

(1) All uses permitted in the LC Zoning District.

(2) Businesses involved in the rendering of personal or business services, including, but not limited to:

a. Beauty shop
b. Photographic studio
c. Boarding house or tourist home
d. Nursing home
e. Private or semi-private club or social hall
f. Elementary and secondary schools offering general education courses
g. Church, synagogue or other place of worship
h. Nursery or preschool
i. Bank, savings and loan
j. Accessory use

(3) Retail businesses involving the sale or rental or merchandise, including but not limited to:

a. Bookstore
b. Drug store or pharmacy
c. Florist shop
d. Gift shop
e. Grocery store
f. Hardware store
g. Household furnishings, appliance store
h. Jewelry store
i. Package liquor store
j. Hotel, motel

k. Restaurant
l. Bar, tavern
m. Video arcade

Such sale or rental shall occur on premises and without outdoor display of goods, except for those uses which involve open yard storage, junk, salvage, auto parts or building materials.

(c) Conditional Uses

(1) Automobile service station provided that:

a. major repairs or sales or rental of new or used cars, trucks or boats are not conducted on premises

b. all pumps are set back at least twenty (20) feet from property line.

(2) Automobile, boat dealerships or other retail sales of equipment in open yards.

(3) Garage for the repairs or servicing of motor vehicles provided that all operations are conducted within a fully enclosed building.

(4) Cemetery

(5) Self storage facility consisting of separate enclosed spaces for storage of personal property (e.g., mini-warehouses).

(6) Public utility substation

(7) Fuel-docks

(8) Marine warehouse

(9) Dry stack storage facility

(10) Bait and tackle

(d) Minimum Yard Requirements

(1) Frontyard: 25 feet

(2) Sideyard: 10 feet

(3) Rearyard: 15 feet

(4) Lot Frontage: 20 feet on a public street

(e) Maximum Height: 40 feet

(f) Additional Development Requirements

(1) Building exterior shall be either brick, masonry, painted, stained or treated wood, vinyl or stucco finish.

(2) Refuse containers shall be screened from public view with materials compatible with primary structure or landscaping.

Section 18. GC-2 District Created. A new Section 5-4-27 is adopted, to read as follows:

Sec. 5-4-27 GC-2 - General Commercial District

In addition to all other requirements mandated by this ordinance and other City ordinances, the requirements for the GC-2 District shall be as follows:

(a) Purpose

(1) To encourage the development of an economically healthy business environment.

(2) To discourage any encroachment by unrestricted retail and/or wholesale business establishments.

(b) Permitted Uses

(1) All uses permitted in the LC Zoning District.

(2) Businesses involved in the rendering of personal or business services, including, but not limited to:

a. Beauty shop
b. Photographic studio
c. Boarding house or tourist home
d. Nursing home
e. Private or semi-private club or social hall

f. Elementary and secondary schools offering general education courses
g. Church, synagogue or other place of worship
h. Nursery or preschool
i. Bank, savings and loan
j. Accessory use

(3) Retail businesses involving the sale or rental or merchandise, including but not limited to:

a. Bookstore
b. Drug store or pharmacy
c. Florist shop
d. Gift shop
e. Grocery store
f. Hardware store
g. Household furnishings, appliance store
h. Jewelry store
i. Package liquor store
j. Hotel, motel
k. Restaurant
l. Bar, tavern
m. Video arcade

Such sale or rental shall occur on premises and without outdoor display of goods, except for those uses which involve open yard storage, junk, salvage, auto parts or building materials.

(c) Conditional Uses

(1) Automobile service station provided that:

a. major repairs or sales or rental of new or used cars, trucks or boats are not conducted on premises

b. all pumps are set back at least twenty (20) feet from property line.

(2) Automobile, boat dealerships or other retail sales of equipment in open yards.

(3) Garage for the repairs or servicing of motor vehicles provided that all operations are conducted within a fully enclosed building.

(4) Cemetery

(5) Self storage facility consisting of separate enclosed spaces for storage of personal property (eg., mini-warehouses).

(6) Public utility substation

(7) Fuel-docks

(8) Marine warehouse

(9) Dry stack storage facility

(10) Bait and tackle

(d) Minimum Yard Requirements

(1) Frontyard, Sideyard and Rearyard: None (0 feet), provided that the structure complies with the requirements established for the City Fire District

(2) Lot Frontage: 15 feet on a public street

(e) Maximum Height: 40 feet

(f) Additional Development Requirements

(1) Building exterior shall be either brick, masonry, painted, stained or treated wood, vinyl or stucco finish.

(2) Refuse containers shall be screened from public view with materials compatible with primary structure or landscaping.

(g) Parking Requirements: None

Section 19. MF District Created. A new Section 5-4-28 is adopted, to read as follows:

Sec. 5-4-28 MF - Multi-Family Residential District

In addition to all other requirements mandated by this ordinance and other City ordinances. the requirements for the MF District shall be as follows:

(a) Purpose

(1) To provide for quality medium density and high-density residential development on lots having a minimum area of 6,000 square feet.

(2) To discourage encroachment of commercial uses capable of affecting the residential character.

(3) To discourage any use that would generate traffic on minor streets other than required to serve residences on those streets.

(b) Permitted Uses

Within the MF Residential District, a building or land shall be used for the following purposes:

(1) All permitted uses in the SR-2 Residential District

(2) Multi-family dwellings

(3) Rooming, boarding, tourist or lodging house, or other group dwelling

(4) Accessory uses

(c) Conditional Uses

All conditional uses allowed in the SR-1 District, subject to the requirements of that district.

(d) Lot, Yard, Height, Coverage and Density Requirements

The requirements of the SR-2 District shall apply.

(e) Minimum Yard Requirements

(1) Frontyard: 35 feet

(2) Sideyard (combined width): 35 feet

(3) Sideyard (width on one side): 15 feet

(4) Rearyard: 25 feet

(5) Lot Frontage: 40 feet on a public street

(f) Minimum Lot Size

(1) Minimum lot size shall be six thousand (6,000) square feet.

(2) The minimum lot area per dwelling unit shall be two thousand five hundred (2,500) square feet.

(g) Maximum Density: 8 units per acre of highland

(h) Minimum Lot Width for Multi-Family Projects: No multi-family unit may be erected on a lot which has a width at the building line of less than one hundred (100) feet.

(i) Maximum Height: 40 feet

(j) Additional Development Requirements

(1) Placement of Drives and Parking Areas: No drive or parking area shall be located closer than ten (10) feet from any lot line unless there is adequate buffering as determined by the Planning Commission.

(2) Spacing of Buildings: Detached principal or accessory buildings shall not be placed closer than ten (10) feet from any other building.

(3) Recreation Area Required: No less than eight (8) percent of net development acreage shall be designated for recreational usage. Said eight (8) percent of land area shall not include land used to provide minimum yard requirements, parking areas for dwelling units or streets.

Section 20. PRD District Created. A new Section 5-4-29 is adopted, to read as follows:

Sec. 5-4-29 PRD - Planned Residential Development District

In addition to all other requirements mandated by this ordinance and other City ordinances, the requirements for the PRD District shall be as follows:

(a) Purpose of District: The purpose of the PRD District is to encourage flexibility in the development of land in

order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open areas.

(b) General Conditions: Any area may be zoned as a PRD District if any one or more of the following conditions are met:

(1) More than one principal land use is proposed for development on a parcel under single or multiple ownership or management.

(2) Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one or more adjacent parcels under single or separate ownerships or management.

(3) Exceptions or variations to the site or design and dimensional requirements of the Ordinance are essential to the project.

(c) Specific Requirements

(1) The site must contain not less than five hundred (500) acres and must have direct access to at least one major street.

(2) The site shall be in one ownership, or if in several ownerships, the application for amendment to the Zoning Ordinance shall be filed jointly by all of the owners.

(d) Administrative Procedures with Regard to PRD Zoning Districts: Any request pertaining to the establishment of a PRD Zoning District shall be considered an amendment to the Zoning Ordinance and shall be administered accordingly. The request shall first be submitted to the Planning Commission for review, public hearing and recommendation.

Section 21. CO District Created. A new Section 5-4-30 is adopted, to read as follows:

Sec. 5-4-30 CO - Conservation District

(a) Purpose

(1) To provide for an appropriate valuation that reflects the conservation use of land.

(2) To ensure the preservation of significant natural resources.

(3) To lessen the hazards and loss of property life, and the reduction of health and public safety due to periodic flooding by restricting uses in such areas.

(4) To provide for improved public recreation activities.

(5) To provide for scenic easements to preserve the community heritage.

(b) District Boundaries

All that area within the corporate limit of the City of Isle of Palms between (a) a line beginning at a point at the centerline of Breach Inlet between the Isle of Palms and Sullivan's Island at Highway 703 and running southwardly along the centerline of Breach Inlet to a point opposite the low water mark of the Atlantic Ocean, thence running eastwardly along the low water mark of the Atlantic Ocean on the front beach of the Isle of Palms to the centerline of Dewees Inlet to the Intracoastal Waterway opposite the low water mark thence running westwardly along the centerline of the Intracoastal Waterway to the centerline of Hamlin Creek, and thence running southwardly to the point of beginning; and (b) the property platted on Isle of Palms or the South Carolina Coastal Council "Critical Area" along the Isle of Palms, whichever includes more area within the CO District.

(c) Permitted Uses

Within the CO District, land may be used for the following purposes, provided that the use does not degrade water quality or the natural character of the District, and receives South Carolina Coastal Council and Isle of Palms Beach Patrol and Control Board approval, where applicable.

(1) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, and natural preserve.

(2) Public utility lines.

Section 22. Miscellaneous Technical Changes. The following technical changes are made to conform the retained provisions in Title 5, Chapter 4 with the amendments adopted in this Ordinance:

(a) Generally in Chapter 4, the designation of zoning districts in sections otherwise not amended by this Ordinance shall be changed to read as follows:

"U-1 District" shall be changed to "SR-1 or SR-2 Districts"

"U-2 District" shall be changed to "MF District"

"U-3 District" shall be changed to "GC-1, GC-2 or LC Districts"

"U-4 District" shall be deleted

(b) In existing Section 5-4-22, re-numbered as new Section 5-4-31, the term "house trailer" is changed to read "mobile home".

Section 23. Non-Conforming Uses. New Sections 5-4-35 through 5-4-39 are added to the City Code, to read as follows:

Section 5-4-35 Non-conforming Lots, Structures and Uses, Generally

City Council recognizes that as a result of this Ordinance, some existing lots and structures will no longer comply with applicable zoning requirements. In addition, a small number of existing uses will be made non-conforming by these revisions; and some long-standing non-conforming uses will continue to be non-conforming.

As a general policy, non-conformities in the use and development of land and buildings are to be discouraged, and should be brought into compliance with the applicable zoning requirements over time as the uses of land and structures

change. However, with the limitations and exceptions set forth hereinbelow, it is the intent of City Council that the lawful use of land and/or buildings existing at the effective date of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance.

Section 5-4-36 Non-conforming Lots

(a) Subject to the limitations set forth hereinbelow, any non-conforming lot may continue to be used without change in boundaries, and may be utilized or developed in compliance with this Ordinance.

(b) In cases where the setback requirements make it infeasible to site a structure on a non-conforming lot, the Zoning Administrator is authorized to reduce the applicable setback requirements (front, rear and/or side yards) up to an aggregate total of twenty percent (20%). Any such aggregate modification of greater than twenty percent (20%) must be granted by the Board of Adjustments.

(c) Any lot which is made conforming by combining with other lots shall be recognized as a conforming lot and shall comply in full with this ordinance.

Section 5-4-37 Non-conforming Structures

(a) Any use, building or structure existing at the time of this ordinance which does not conform with the provision of said ordinance shall be deemed to be non-conforming.

(b) Except as allowed hereinbelow, no structural alterations shall be made to a non-conforming structure other than those necessary to assure the safety of the building or structure.

(c) An existing structure that fails to meet the setback requirements of this Ordinance may be altered or enlarged, pursuant to the requirements of this Ordinance and other City Ordinances, provided that the encroachment into the required setback(s) is not increased. For purposes of illustration, for an existing structure which has an actual sideyard setback of 8 feet, and is located in a district requiring a 10 foot sideyard setback, an addition would be allowed if it were no closer than 8 feet from the side lot line.

(d) Repairs or maintenance may be made to a non-conforming structure as required to keep it in sound condition.

(e) Any non-conforming structure damaged more than fifty percent (50%) of its appraised value shall not be repaired, rebuilt or altered, after damage, in such a way as to increase the extent of its pre-damage non-conformity; provided that a destroyed structure may be rebuilt in its original footprint. Reconstruction or repair must be conducted pursuant to the City's requirements and permits, and must be initiated within six (6) months from the date the damage was incurred.

(f) Where the existing automobile parking facilities are insufficient to meet the standards set in this ordinance, such buildings may not be enlarged unless the requirements for off-street parking are satisfied for the entire structure(s) and uses.

Section 5-4-38 Non-conforming Uses

(a) A non-conforming use of a building or lot shall not be changed to another non-conforming use.

(b) Whenever a non-conforming use of a building has been changed to a conforming use, such use shall not thereafter revert back to a non-conforming use.

(c) Whenever a non-conforming use of a building or land has been discontinued, as evidenced by the lack of use or vacancy for a period of at least twelve (12) consecutive months, such use shall not be re-established and all subsequent use shall be in conformity with the provisions of this ordinance.

(d) A non-conforming use of land or a building may not be enlarged or extended in such a way as to increase the non-conformity.

Section 5-4-39 Cessation of Specified Non-conformities Required

(a) Non-conforming signs shall be brought into compliance by removal, relocation or alteration within one (1) year from the effective date of this restriction.

(b) Non-conforming fences, hedges, shrubbery and signs which impede vision at intersections shall be brought into compliance by removal, relocation or alteration within ninety (90) days from the effective date of this ordinance.

(c) Non-conforming shipping containers, tractor trailer containers and similar structures shall be brought into compliance within one (1) year from the effective date of this ordinance.

(d) Refuse containers serving commercial uses shall be screened as required by this ordinance within one hundred eighty (180) days from the effective date of this ordinance.

Section 24. New Zoning Map Adopted. The Zoning Map, entitled "Official Zoning Map for the City of Isle of Palms" and dated February 8, 1989, is hereby adopted, and the zoning categories for all land within the corporate limits of the City of Isle of Palms is re-affirmed or revised as specified therein.

Section 25. Previous Zoning Maps and Designations Superseded. All previous zoning maps of the City of Isle of Palms and all designations of zoning on a parcel-by-parcel basis are superseded by the new Official Zoning Map herein adopted.

Section 26. Election of Procedures. Whenever there is a difference in procedures authorized under Title 5 and Title 6 of the State Code of Laws, 1976, as amended, the procedures specified in Title 6 shall control.

Section 27. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 28. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 8th DAY OF February 1989.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. McDUFFIE, CLERK-TREASURER

First Reading: _____

Second Reading: _____

Third Reading: February 8, 1989

Ratification: February 8, 1989

ORDINANCE 1988-1

AN ORDINANCE TO ABOLISH THE BOARD OF FIRE MASTERS AND RE-DEFINE THE POSITION OF FIRE CHIEF

BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

1. Sections 1-9-61 through 1-9-70, inclusive, of the Code of Ordinances of the City of Isle of Palms are hereby repealed, and the Board of Fire Masters is hereby abolished.

2. Section 2-2-1 of the Code of Ordinances of the City of Isle of Palms is amended to add the following sentence:

> The Fire Department shall be directed by the Fire Chief, and all fire protection personnel, including officers, supervisors, paid members and volunteer members, shall be under the control and supervision of the Fire Chief.

3. Section 2-2-2 is revised to read as follows:

Section 2-2-2 Fire Chief.

(a) The mayor shall, at the first meeting of city council in January of each year, appoint the chief of the fire department.

(b) The chief of the fire department shall administer the City fire department, and shall supervise all fire protection personnel. The chief of the fire department shall carry out and enforce this code and all other applicable ordinances and perform such other duties as may be required of him by city council, the mayor or the city administrator. He shall receive such salary as may be provided by city council.

(c) The mayor shall have the power to suspend or dismiss the chief of the fire department at any time that he or she may deem it in the public interest to do so.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 10th DAY OF March, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 1/13/88

Second Reading: 2/10/88

Third Reading: 3/9/88

Ratification: 3/9/88

ORDINANCE 1988-2

AN ORDINANCE TO ADOPT THE STANDARD UNSAFE BUILDING ABATEMENT CODE

WHEREAS, the City of Isle of Palms has adopted a number of standard construction and related codes in Sections 5-1-1 through 5-1-71 of the City's Code of Ordinances; and

WHEREAS, these Codes have been adopted in order to protect the safety, property and welfare of the residents of and visitors to the City; and

WHEREAS, in order to afford protection against unsafe structures, the City Council finds that the City's existing codes should be supplemented by the addition of the Standard Unsafe Building Abatement Code; and

WHEREAS, said Code is a standard code prepared under the auspices of the Southern Building Code Congress, International; and

WHEREAS, the City is authorized to protect the health, safety and welfare of its citizens, residents and visitors under the provisions of Section 5-7-30 of the South Carolina Code of Laws, 1976, as amended.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Standard is adopted to help ensure the structural safety of buildings located within the City of Isle of Palms.

Section 2. Code Adopted. The Standard Unsafe Building Abatement Code, also known as the Standard Code for the Elimination or Repair of Unsafe Buildings, is hereby adopted and incorporated into this Ordinance and fully made a part hereof as if fully stated herein.

Section 3. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 4. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 9th DAY OF March, 1988.

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

First Reading: 2/3/88
Second Reading: 2/10/88
Third Reading: 3/9/88
Public Hearing: 3/30/88
Ratification: 3/9/88

ORDINANCE 1988-3

AN ORDINANCE TO CREATE A CODE BOARD OF ADJUSTMENTS AND APPEALS

WHEREAS, the City has adopted a number of construction and related codes in Sections 5-1-1 et seq. of the City's Code of Ordinances to ensure that buildings situated within the City will meet minimum standards for safety and structural integrity; and

WHEREAS, the administrators of these various codes includes an appeals process before Boards of Adjustments and Appeals; and

WHEREAS, City Council finds that it would be preferable for the members of such Boards of Adjustments and Appeals to have technical expertise, in order to exercise their review functions.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to help ensure the structural safety of buildings located within the City of Isle of Palms, and to comply with the requirements of certain standard codes, adopted by the City, regarding the membership of boards of adjustment and appeal.

Section 2. Board of Adjustments and Appeals Established. Section 5-1-2(1) of the City's Code of Ordinances is hereby repealed, and replaced with a new paragraph (1), to read as follows:

> (1) The Code Board of Adjustments and Appeals shall exercise the powers and perform the duties of such boards as set out in all the technical codes adopted in this chapter.

Section 3. Organization and Function of the Board of Adjustments and Appeals. A new Section 5-1-3 is adopted, to read as follows:

Sec. 5-1-3. Code Board of Adjustments and Appeals

The Code Board of Adjustments and Appeals shall be established for the express purpose of providing for the final interpretation of provisions of the technical construction and related codes adopted by the City.

(a) Membership. The Board shall consist of five (5) citizen members who are not employees of the City, and shall be appointed by the Mayor. The composition of the Board shall be one engineer, one architect and three members at large from the construction industry.

(b) Term of Office. Of the members first appointed, two shall be appointed for a term of one (1) year, two for a term of two (2) years, and one (1) for a term of 3 years, and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are made.

(c) Quorum. Three members of the Board shall constitute a quorum. In varying the application of any provisions of the City's building and related codes, or in modifying an order of the Building Official, affirmative votes of at least three (3) members of the Board shall be required. A Board member shall not act in a case in which he has a personal interest.

(d) Applications to the Codes Board of Adjustments and Appeals. An application for a variance from any of the City's construction and related codes, as set forth in Sections 5-1-1 et seq. of the City's Code of Ordinances, shall be made to the Building Offi-

cial, shall state the grounds upon which relief is sought, and shall be considered as a request for a hearing before the Board. The Board shall send the applicant written notice of the time and place of the hearing at least ten (10) days prior to the hearing.

(e) Records. The Building Official shall be an ex-officio member of the Board, act as Secretary and shall make a detailed record of all its proceedings. The record shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(f) Procedures. The Board shall establish rules and regulations for its own procedures, not inconsistent with the provisions, set forth in Titles 1 and 5 of the City Code. A chairperson shall be elected at the first meeting of each year. The Board shall meet at regular intervals, to be determined by the Chairman, or in any event, the Board shall meet within thirty (30) days after notice of an appeal has been received.

(g) Appeals from decisions of the Codes Board of Adjustments and Appeals. Appeals from the Codes Board of Adjustments and Appeals are to the appropriate circuit court.

Section 4. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 5. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 9th DAY OF March, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 2/3/88

Second Reading: 2/10/88

Third Reading: 3/9/88

Ratification: 3/9/88

AN EMERGENCY ORDINANCE ESTABLISHING A PROCEDURE FOR APPEAL OF DENIAL OF VARIANCES BY THE ISLE OF PALMS BOARD OF ADJUSTMENT.

WHEREAS, Section 1-9-24 of the City of Isle of Palms Code of Ordinances provides that appeals from the Board of Adjustment to be made to City Council and,

WHEREAS, Section 5-23-70 et. seq. of the S. C. Code of Laws 1976 as amended provides that appeals from Board of Adjustment should be made to a court of competent jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE ISLE OF PALMS, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, that the administrative procedures dealing with the hearing of appeals from the Board of Adjustment are amended to read as follows:

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer or any officer, department, board or bureau of the municipality may present to a court of record a petition, duly verified, setting forth that a decision of the Board of Adjustment is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

2. This ordinance shall take effect immediately upon its ratification by two-thirds of the members of Council present at its reading.

3. This ordinance shall expire automatically as of the 61st day following date of enactment.

ENACTED THIS 18th DAY OF February 1988.

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor



ORDINANCE 1988-4

AN ORDINANCE FOR THE ADMINISTRATION OF THE CITY FIRE PREVENTION CODE

WHEREAS, the City of Isle of Palms has adopted the Standard Fire Prevention Code in Section 2-2-11 of the City's Code of Ordinances; and

WHEREAS, the City desires to adopt penalties for the violation of the Fire Prevention Code; and

WHEREAS, such penalties will not change any of the substantive requirements of the Fire Prevention Code.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to establish penalties for the violation of the State Fire Prevention Code.

Section 2. Penalties Established. A new Section 2-2-12 is hereby enacted, to read as follows:

Section 2-2-12 Penalties

Penalties for violation of the City Fire Prevention Code shall be as follows:

(a) No penalty, following the first citation of violation as indicated on a certified copy of the fire inspection report.

(b) $25 per day, following the second citation of violation, with a maximum of $100.00.

(c) $50 per day, following the third citation of violation, with a maximum of $200.00.

(d) $100 per day, following each subsequent citation of violation, until violation is rectified.

Each day the violation continues shall be considered to be a separate offense. Following the issuance of a citation or notice of violation, the owner shall be afforded a reasonable period of time in which to correct the violation prior to the City's issuance of a subsequent citation.

Section 3. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 4. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 10th DAY OF February, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

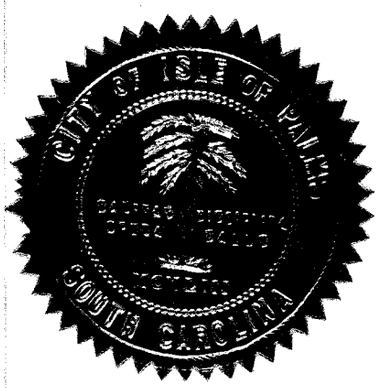
Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 2/3/88

Second Reading: 2/10/88

Third Reading: 2/10/88

Ratification: 2/10/88



ORDINANCE 1988-5

AN ORDINANCE TO PROVIDE FOR THE CREATION OF AN UNDERGROUND UTILITY DISTRICT AND TO REQUIRE REMOVAL OF CERTAIN WIRES, POLES AND ASSOCIATED STRUCTURES THEREFROM AND TO REQUIRE PROPERTY OWNERS TO ALLOW UTILITY COMPANIES TO CONSTRUCT UNDERGROUND FACILITIES ON THEIR PREMISES.

WHEREAS, the City of Isle of Palms, by franchise and in order to allow private utility companies to provide essential electric, telephone and cable television services within the City of Isl eof Palms, has allowed the installation of certain overhead wires, poles, conductors and related equipment within the City, including areas above the surface of City streets; and

WHEREAS, the above-ground placement of such equipment makes it susceptible to damage and malfunction due to salt contamination and other factors; and

WHEREAS, the City Council finds that in order to provide greater electric service reliability, it is desirable to provide for the removal of overhead wires and poles from certain properties within the City and from certain City streets, except such poles as are necessary to support street lighting, traffic signals and transmission lines above forty-three thousand (43,000) volts, and to place such utilities underground; and

WHEREAS, South Carolina Electric & Gas Company currently provides electric service to the City of Isle of Palms under the terms of a Franchise Agreement entered into on July 18, 1979, and continuing to date; and

WHEREAS, South Carolina Electric & Gas Company has expressed the desirability of the underground relocation of wires and other electric utility equipment along Palm Boulevard, from 21st Street through 41st Street; and

WHEREAS, such underground relocation will not result in the imposition of costs or the reduction of revenues to the City of Isle of Palms.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council members of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to provide for increased reliability in the delivery of utility services within the City of Isle of Palms.

Section 2. Underground Utility District Created. The City Council for the City of Isle of Palms hereby designates as an "Underground Utility District", the portion of Palm Boulevard running from 21st Street through 41st Street, together with those abutting properties which receive electric service from Palm Boulevard, as specified in the Attachment to this Ordinance, which is made a part of this Ordinance as if fully set out herein.

Section 3. Removal of Overhead Wires and Equipment. Upon the effective date of the creation of an Underground Utility District, all persons, firms or corporations owning or maintaining overhead wires, associated overhead structures or poles serving the same, shall acquire necessary rights-of-way, remove such wires, associated structures and poles according to a reasonable schedule determined jointly by the City and the applicable utility companies, provided that removal and construction activity shall not commence until all necessary rights-of-way have been acquired; provided further that neither the City nor the utility company shall be required to exercise their power of eminent domain.

Section 4. Notification of Property Owners. Within thirty (30 days after the establishment of an Underground Utili-

ty District, the Clerk of Council shall mail a notice of such action to all affected utilities and to all persons owning real estate in the affected area. Such notice shall advise property owners that overhead wires, poles and associated structures are to be removed, and that if said property owners or their tenants desire to continue to receive a utility service, said property owners shall agree to provide the necessary right-of-way so that the utility may, at its expense, make the necessary modifications to facilities on their properties in order to receive said Underground Service from the utility's specified terminal points. If no other changes are made in an owner's facilities, then only that portion being modified to receive Underground Service shall be upgraded to conform to the City's Electrical Code.

Section 5. Utility's Duties.

(a) The applicable utility shall provide and replace, at its sole cost, all conduits, conductors and associated equipment necessary to provide utility service between service conductors or underground pipe or conduit of the supplying utility and the service facilities to the structure being served.

(b) In order to facilitate the relocation of above-ground high voltage distribution lines, of greater than 7,000 volts, which are also close to the Atlantic Ocean and susceptible to salt contamination, the applicable electric utility shall incur all costs associated with such initial relocation in the area initially designated in Paragraph Two (2).

(c) The applicable utility shall restore yards and landscaping disturbed as a result of relocation to a reasonable approximation of their pre-disturbed condition.

Section 6. Property Owner's Duties.

(a) It shall be the responsibility of the property owner to make minor repairs, e.g., paint, etc., due to the removal of old service facilities from the property.

(b) Prior to digging, excavation or any other activity in the vicinity of underground utility lines that would have the potential to disturb such lines, the property owner shall notify the applicable utilities, as provided under State law.

Section 7. Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, maintain or use any pole, overhead wires or associated structures within said Underground Utility District, excepting those items noted in Paragraph Three (3) above and others deemed reasonable due to emergencies and other changing conditions, after the date when said utilities are required to have been removed. Any person, firm or corporation violating any provision of this Ordinance or failing to comply with any orders issued pursuant hereto shall be punished as provided by the laws of the City of Isle of Palms with a fine not to exceed $200.00 daily.

Section 8. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 9. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 10th DAY OF February, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

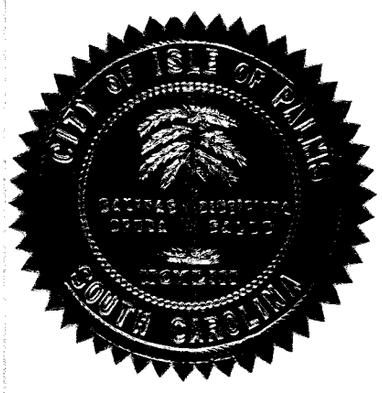
Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 2/3/88

Second Reading: 2/10/88

Third Reading: 2/10/88

Ratification: 2/10/88



ORDINANCE 1988-6

AN ORDINANCE AMENDING SECTIONS 5-3-16 AND 5-3-17 TO PROHIBIT THE CONSTRUCTION OF SEAWALLS AND OTHER HARD EROSION CONTROL DEVICES IN THE CITY'S BEACH AND SAND DUNE PROTECTION DISTRICT.

WHEREAS, the City of Isle of Palms has established a Beach and Sand Dunes Protection District, in Section 5-3-15 et seq. of the City's Code of Ordinances, for the purpose of protecting the City's beaches, sand dunes and the overall stability of the island; and

WHEREAS, the State Blue Ribbon Committee on Beachfront Management has found that the use of armoring, in the form of hard erosion control devices such as seawalls, bulkheads, rip-rap, etc. to protect erosion threatened structures adjacent to the beach has not proven effective, and further, that these armoring devices have in many instances increased the vulnerability of upland property to storm damage and have contributed to the deterioration or loss of the dry sand beach; and

WHEREAS, City Council finds that the use of such armoring structures would accordingly be detrimental to the maintenance of the City's beaches and sand dunes, and to the long-term stability and protection of beachfront properties and structures.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council members of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to prohibit the construction of seawalls and other hard erosion control devices in the City's Beach and Sand Dune Protection District.

Section 2. Hard Erosion Control Devices Prohibited. The following paragraph is added to both Section 5-3-16, Limited Activity Area, and Section 5-3-17, General Permit Area, of the City's Code of Ordinances, to read as follows:

(c) The construction of seawalls, revetments, bulkheads, groins, rip-rap, and/or any other hard structures for purposes of erosion control within the City's Beach and Sand Dune Protection District is explicitly prohibited.

Section 3. Maintenance of Existing Erosion Control Structures. The following paragraph is added to both Section 5-3-16, Limited Activity Area, and Section 5-3-17, General Permit Area, of the City's Code of Ordinances, to read as follows:

(d) Seawalls, revetments, bulkheads, groins, rip-rap and/or any other hard structures for purposes of erosion control, that are existing as of the effective date of this ordinance, may be maintained or repaired, but may not be enlarged. Prior to the commencement of maintenance or repair activities, property owners must secure the applicable permits from local, state, and federal agencies.

Section 4. Enforcement and Penalties. All hard erosion control devices constructed in violation of this Ordinance shall be removed, and the beach and dunes returned to their pre-construction condition. In addition, each day in which a hard erosion control device in violation of this Ordinance is under construction, in place, and/or being removed, shall constitute a separate violation of this Ordinance, and shall be punishable by a fine not to exceed $200.00.

Section 5. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been in-

cluded. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 6. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 13th DAY OF April, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 2/3/88

Second Reading: 3/9/88

Third Reading: 4/13/88

Ratification: 4/13/88

ORDINANCE 1988-7

AN ORDINANCE TO PROHIBIT THE KEEPING OF CERTAIN ANIMALS

WHEREAS, the City of Isle of Palms desires to eliminate and prevent the disruption of the residential character and use of property within the City due to the disturbances caused by livestock, fowl, and similar animals; and

WHEREAS, City Council specifically finds that the keeping of livestock, fowl, and similar animals is not a customary activity incidental to the residential use of property,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to protect and promote the residential character and use of property within the City of Isle of Palms.

Section 2. Keeping of Certain Animals Prohibited. It shall be unlawful for any person to keep within the city limits any horse, mule, cow, swine, goat, sheep, or similar animals.

Section 3. Keeping of Certain Birds and Fowl. It shall be unlawful for any person to keep within the city limits any domesticated fowl (including, but not limited to chickens, ducks, geese or pigeons) for commercial purposes; in addition, any pen, coop, or other enclosure where any fowl is kept shall at all times be maintained by the keeper of such fowl in a clean and sanitary condition and in such condition that it does not give offense to other persons in the vicinity thereof or constitute a public nuisance or a menace to the public health.

Section 4. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 5. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 9th DAY OF March, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 2/3/88

Second Reading: 2/10/88

Third Reading: 3/9/88

Ratification: 3/9/88

ORDINANCE 1988-9

AN ORDINANCE TO AMEND SECTION 5-4-5(c) OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

WHEREAS, Title 1, Article B of the City of Isle of Palms Code of Ordinances establishes the Board of Adjustment and provides an administrative procedure for the hearing of variance requests and,

WHEREAS, the authorization for zoning by local governments at Section 5-23-70 et. seq. of the S. C. Code of Laws 1976 as amended prescribes specific administrative procedures for consideration of variances.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED, that Section 5-4-5(c) is hereby amended to read as follows:

Section 5-4-5(c) Hearing on Variances. A hearing on the application for a variance shall be held and notice thereof given as specified in Section 1-9-21 et. seq.

First Reading: 2/18/88
Second Reading: 3/9/88
Third Reading: 4/13/88
Ratification: 4/13/88

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor

AN EMERGENCY ORDINANCE TO ELIMINATE RE-APPLICATIONS FOR VARIANCES TO THE BOARD OF ADJUSTMENTS.

WHEREAS, the City Council finds that an administrative procedure which allows unlimited requests for variances before the Board of Adjustments creates an administrative burden for the City and,

WHEREAS, the public's interest is not served by unlimited access to the Board of Adjustments and,

WHEREAS, Section 5-7-250 of the S. C. Code of Laws 1976 as amended authorizes City Council to adopt emergency ordinances affecting life, health, safety or property of the people,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL-MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA ASSEMBLED that the following is adopted as part of the administrative procedures as outlined for the granting of variances as found in Title 1, Article B and Title 5, Chapter 4 of the Isle of Palms Code of Ordinances:

1. Denial of Request for a Variance.

Following a hearing for a variance request, if the ruling of the Board of Adjustment is negative, the same request may not be initiated on the same parcel of land or any part thereof for a period of 12 months irrespective of change of ownership.

2. This ordinance shall take effect immediately upon its ratification by two-thirds of the members of Council present at its reading.

3. This ordinance shall expire automatically as of the 61st day following date of enactment.

ENACTED THIS 18th DAY OF February 1988.

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor

CITY OF ISLE OF PALMS
SOUTH CAROLINA

ORDINANCE 1988-10

AN ORDINANCE TO LIMIT THE NUMBER OF REQUESTS FOR A VARIANCE THAT CAN BE MADE BY AN APPLICANT.

WHEREAS, the City Council finds that an administrative procedure which allows unlimited requests for variances before the Board of Adjustment creates an administrative burden for the City and,

WHEREAS, the public's interest is not served by unlimited access to the Board of Adjustment,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED, that the following is adopted as Section 1-9-25 of the Isle of Palms Code of Ordinances:

Denial of Request for a Variance. Following a hearing for a variance request, if the ruling of the Board of Adjustment is negative, the same request may not be initiated on the same parcel of land or any part thereof for a period of 6 months irrespective of change of ownership.

First Reading: 2/18/88
Second Reading: 3/9/88
Third Reading: 4/13/88
Ratification: 4/13/88

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor

ORDINANCE 1988-8

AN ORDINANCE TO AMEND SECTION 1-9-24 OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

WHEREAS, Section 1-9-24 of the City of Isle of Palms Code of Ordinances provides that appeals from the Board of Adjustment to be made to City Council and,

WHEREAS, Section 5-23-70 et. seq. of the S. C. Code of Laws 1976 as amended provides that appeals from Board of Adjustment should be made to a court of competent jurisdiction,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED, that Section 1-9-24 is amended to read as follows:

Section 1-9-24 Appeals from Decisions from Board of Adjustment. Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, any taxpayer or any officer, department, board or bureau of the municipality may present to a court of record a petition, duly verified, setting forth that a decision of the Board of Adjustment is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

First Reading: 2/18/88
Second Reading: 3/9/88
Third Reading: 4/13/88
Ratification: 4/13/88

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor

ORDINANCE 1988-11

AN ORDINANCE TO AMEND SECTION 5-2-17 OF THE ISLE OF PALMS CODE OF ORDINANCES.

WHEREAS, current administrative procedures for the hearing of variance requests from the requirements of flood damage prevention ordinances at Title 5, Chapter 2 of the Isle of Palms Code of Ordinances require that appeals from the decisions of the Board of Adjustment be heard by City Council and,

WHEREAS, City Council determines that a uniform administrative procedure providing that all appeals from decisions from the Board of Adjustment be heard by a court of competent jurisdiction, in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE ISLE OF PALMS, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, that Section 5-2-17(c) is amended to read as follows:

1. Any person aggrieved by the decision of the Zoning Board of Adjustment or any resident may appeal such decision to a court of competent jurisdiction as provided in the State of South Carolina Statutes.

First Reading: 2/18/88

Second Reading: 3/9/88

Third Reading: 4/13/88

Ratification: 4/13/88

ATTEST: Nellie S. McDuffie

Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch

Carmen R. Bunch
Mayor

ORDINANCE 1988-12

AN ORDINANCE TO AMEND SECTION 1-3-31(2) OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES OUTLINING DUTIES OF STANDING COMMITTEE ON POLICE AND PUBLIC SAFETY

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

Section 1-3-31(2) is amended to read as follows:

Public Safety Committee, which shall consist of 3 Councilmembers and the Mayor. The Committee's duties are to:

(a) Assist the Mayor at his request in the preparation of the annual expense budget for the Police and Fire Departments.

(b) Review policies and procedures regarding the Police and Fire Departments and make recommendations as appropriate.

(c) Carefully examine into and report upon all petitions referred to them by the Mayor and Council, using due diligence thereon.

First Reading: 2/18/88

Second Reading: 3/9/88

Third Reading: 4/13/88

Ratification: 4/13/88

ATTEST: Nellie S. McDuffie

Nellie S. McDuffie
Clerk-Treasurer

APPROVED: Carmen R. Bunch

Carmen R. Bunch
Mayor

ORDINANCE 1988-13

AN ORDINANCE TO MAKE POSSESSION OF MARIJUANA UNLAWFUL.

WHEREAS, Section 44-53-370(d)(3) of the South Carolina Code of Laws 1976 as amended provides for criminal prosecution of possession of marijuana by state statute, said prosecution is affected by means of an arrest warrant and transportation of the defendant to the Charleston County Jail, and

WHEREAS, Section 5-7-30 of the South Carolina Code of Laws 1976 as amended confers upon municipalities the power to enact ordinances not inconsistent with the Constitution and general law of this state in relation to law enforcement and,

WHEREAS, in adopting this ordinance the City shall have concurrent jurisdiction to make possession of marijuana unlawful,

WHEREAS, a municipal ordinance will allow prosecution of defendants by means of issuance of a city citation and the posting of a bond, prosecution may be affected without an arrest warrant or transporting of a defendant to the Charleston County Jail for booking.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, S. C. in City Council assembled, that the following is hereby adopted as Section 9-4-5 of the Isle of Palms Code of Ordinances:

Section 9-4-5 Possession of Marijuana Unlawful

> "It shall be unlawful for any person to knowingly or intentionally possess the controlled substance commonly known as marijuana, or any compound, mixture, preparation or derivative thereof, unless obtained directly from, or pursuant to, a valid prescription or order of a licensed physician while acting in the course of his professional practice. Any person violating the terms of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for a term not to exceed thirty (30) days or a fine of not more than Two Hundred ($200.00) Dollars exclusive of Court costs."

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 13th DAY OF April, 1988.

First Reading: 3/9/88
Second Reading: 4/13/88
Third Reading: suspended 4/13/88
Ratification: 4/13/88

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE
CLERK-TREASURER

ORDINANCE 1988-14

AN ORDINANCE TO AMEND SECTION 5-1-12 OF THE ISLE OF PALMS CODE OF ORDINANCES

WHEREAS, Section 5-1-12 provides for the creation and establishment of a fire district for the Isle of Palms which incorporates all of the territory of the municipality, and

WHEREAS, Section 6-9-10 et. seq. of the S. C. Code of Laws 1976 as amended authorizes the governing body of any incorporated municipality to establish fire zones, and

WHEREAS, establishment of a fire district is further authorized under Chapter 3 of the Southern Standard Building Code of 1985 as amended.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that Section 5-1-12 is amended to read as follows:

Section 5-1-12 Fire Districts Established

(a) There is hereby created a fire district for the City. The same shall be known as the first fire district and shall embrace all of the territory and be co-extensive with all of the area included within the City.

(b) There is hereby created and established a second fire district for all properties lying within an area bounded by 10th Avenue to Palm Boulevard, Palm Boulevard to 14th Avenue, 14th Avenue to Ocean Boulevard, both sides of Ocean Boulevard from 14th Avenue to 10th Avenue. Said district shall be shown on a map which shall be available for inspection by the public. After the ratification date of this ordinance, only those types of construction permitted by Section 302.1 of the Southern Standard Building Code 1985, as amended, shall be authorized within the fire district.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 13th DAY OF July, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 4/13/88

Second Reading: 05/03/88

Third Reading: 6/8/88

Ratification: 7/13/88

CITY OF ISLE OF PALMS SOUTH CAROLINA

ORDINANCE 1988-15

AN ORDINANCE TO AMEND FY 1987-88 REVENUE SHARING BUDGET FOR THE CITY OF ISLE OF PALMS

WHEREAS, Section 5-7-260 of the S. C. Code of Laws 1976, as amended, requires that budgets be adopted by ordinance, and

WHEREAS, revenue sharing funds in excess of the amount allocated in a previous revenue sharing budget are available for disbursement, and

WHEREAS, a regulation of the U. S. Treasury Department requires that all revenue sharing funds be spent within two years of receipt of said funds,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that the 1987-88 revenue sharing budget of the City of Isle of Palms is hereby amended as follows:

	FY 1987-88	Amended FY 1987-88
Revenue		
Revenue sharing received in prior years including interest available for disbursement	$99,000	$109,681
Expenditures		
Fire Department	75,000	75,000
Public Works Department	24,000	24,000
Police Department	-0	10,681
	$99,000	$109,681

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 11th DAY OF May, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 4/13/88

Second Reading: 05/03/88

Third Reading: 05/11/88

Ratification: 05/11/88

CITY OF ISLE OF PALMS SOUTH CAROLINA

ORDINANCE 1988-16

AN ORDINANCE TO AMEND SECTION 1-3-31(3)

BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that Section 1-3-31(3) is hereby amended to read as follows:

(3) Public Works, which shall consist of three Councilmembers and the Mayor. The committee's duties are to:

a. assist the Mayor, at his request, in the preparation of the annual expense budget for the Public Works Department;

b. review policies and procedures regarding the Public Works Department and make recommendations as appropriate;

c. review requests for street lights and periodically review the street lighting system within the City; and

d. carefully examine into and report upon all petitions and other matters referred to them by the Mayor and Council using due diligence thereon.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 11th DAY OF May, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 4/13/88

Second Reading: 05/03/88

Third Reading: 5/11/88

Ratification: 5/11/88

CITY OF ISLE OF PALMS SOUTH CAROLINA

ORDINANCE 1988-17

AN ORDINANCE TO MAKE IT UNLAWFUL TO ADVERTISE FOR SALE, MANUFACTURE, POSSESS, SELL OR DELIVER OR TO POSSESS WITH INTENT TO SELL OR DELIVER DRUG PARAPHERNALIA

WHEREAS, Section 44-53-391 of the South Carolina Code of Laws 1976 as amended provides for criminal prosecution of possession of drug paraphernalia by state statute, said prosecution is affected by means of an arrest warrant and transportation of the defendant to the Charleston County Jail, and

WHEREAS, Section 5-7-30 of the South Carolina Code of Laws 1976 as amended confers upon municipalities the power to enact ordinances not inconsistent with the Constitution and general law of this state in relation to law enforcement and,

WHEREAS, in adopting this ordinance the City shall have concurrent jurisdiction to make possession of drug paraphernalia unlawful,

WHEREAS, a municipal ordinance will allow prosecution of defendants by means of issuance of a city citation and the posting of a bond, prosecution may be affected without an arrest warrant or transporting of a defendant to the Charleston County Jail for booking.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, S. C. in City Council assembled, that the following is adopted as Section 9-4-6 of the Isle of Palms Code of Ordinances:

Section 9-4-6 Possession of Drug Paraphernalia Unlawful

a. It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with intent to deliver or sell paraphernalia.

b. Drug paraphernalia defined according to Section 44-53-110 means any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, or preparing marijuana, hashish, hashish oil, or cocaine and shall not include cigarette papers and tobacco pipes but shall include but not be limited to:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana or hashish pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
(2) Water pipes designed for use or intended for use with marijuana, hashish, hashish oil, or cocaine.
(3) Carburetion tubes and devices.
(4) Smoking and carburetion masks.
(5) Roach clips.
(6) Separation gins designed for use or intended for use in cleaning marijuana.

(7) Cocaine spoons and vials.
(8) Chamber pipes.
(9) Carburetor pipes.
(10) Electric pipes.
(11) Air-driven pipes.
(12) Chilams.
(13) Bongs.
(14) Ice pipes or chillers.
(15) Syringes.
(16) Heroin spoons.

c. Any person found guilty of violating the provisions of this ordinance shall be punished by a fine not exceeding $200 or by imprisonment for a term not exceeding 30 days.

d. In determining whether an object is paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. The proximity of the object to controlled substances;

3. The existence of any residue of controlled substances on the object;

4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

5. Instructions, oral or written, provided with the object concerning its use;

6. Descriptive materials accompanying the object which explain or depict its use;

7. National and local advertising concerning its use;

8. The manner in which the object is displayed for sale;

9. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

10. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

11. The existence and scope of legitimate uses for the object in the community;

12. Expert testimony concerning its use.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 3rd DAY OF May, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 4/13/88

Second Reading: 05/03/88

Third Reading: Suspended

Ratification: 05/03/88



ORDINANCE 1988-18

AN ORDINANCE OF THE CITY OF ISLE OF PALMS PROVIDING FOR THE CONSTRUCTION, OPERATION, REGULATION AND CONTROL OF CABLE TELEVISION SYSTEMS WITHIN THE CITY OF ISLE OF PALMS.

Section 1. Short Title. This Ordinance shall be known and may be cited as the "Wild Dunes Cable Television Ordinance".

Section 2. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein unless the context clearly indicates that another meaning is intended. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Agency" means the City Council of Isle of Palms.

(2) "Auxiliary Services" means any communications service in addition to "regular subscriber services", including, but not limited to Pay TV, burglar alarm service, data transmission, facsimile service, home shopping service, etc.

(3) "Cable Television System" or "CATV system" is any facility that in whole or in part, receives directly, or indirectly, over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations, or originates its own transmission of programs and distributes such signals by wire or cable to subscribing members of the public who pay for such service.

(4) "Channel" is a band of frequencies 6 megahertz wide in the electromagnetic spectrum capable of carrying either one audio-visual television signal and a few non-video signals or a large number of non-video signals.

(5) "Federal Communications Commission" or "FCC" is the present federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

(6) "Franchise" is an authorization granted by the Franchise Authority which permits the construction, operation and maintenance of a cable television system within the Franchise Area under the terms of this Ordinance.

(7) "Franchise Area" means the Wild Dunes Development within the Franchise Entity.

(8) "Franchise Authority" is the governing body of the Franchise Entity.

(9) "Franchise Entity" is the City of Isle of Palms, State of South Carolina as presently constituted and including any area henceforth added thereto during the terms of any franchise granted hereunder.

(10) "Grantee" or "Tritek" means Tritek Communications, Inc., a Georgia corporation qualified to do business in South Carolina.

(11) "Gross Subscriber Revenues" shall be defined to include all installation fees, reconnection fees, monthly service fees for Basic cable service, monthly service fees for Premium movie channels, and any other revenues derived from services rendered to Cable TV subscribers. It does not include revenues derived from any taxes that may be imposed on subscriber charges.

(12) "Major Stockholder" is a beneficial owner, directly or indirectly, of 10% or more of the issued and outstanding voting stock of any corporation.

(13) "Persons" are any people, firms, corporations, associations, or other legally recognized entities.

(14) "Public Street" is the surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, alley right-of-way, public utility easement, and any other public ground or water within or belonging to the Franchise Entity.

(15) "Regular Subscriber Service" is that service regularly provided to all subscribers. It includes all broadcast signal carriage, FCC required access channel carriage including origination programming. It does not include specialized programming for which a per-program or per-channel charge is made.

(16) "Subscriber" means any person receiving regular subscriber service.

Section 3. Franchise to Operate Necessary.

It shall be unlawful to commence or engage in construction, operation or maintenance of a cable television system without a franchise issued under this Ordinance. The Franchising Authority may, by resolution award a franchise to construct, operate and maintain a cable television system within all or any portion of the Franchise Entity to any person, whether operating under an existing franchise or not, who makes application for authority to furnish a cable television system which complies with the terms and conditions of this Ordinance. Provided, that this section shall not be deemed to require the grant of a franchise to any particular person or to prohibit the Franchise Authority from restricting the number of grantees should it determine such a restriction would be in the public interest.

Section 4. Term of Franchise.

(1) The franchise granted hereunder by the Franchise Authority shall be for a term of 15 years following the date such franchise is accepted by the grantee and, upon application of the grantee and review of

the performance of grantee in a public proceeding, the Franchise Authority may renew the franchise for successive 15 year periods, with such modification terms as the Franchise Authority may determine in each instance.

(2) The Franchise Authority may terminate this franchise in the event Grantee shall refuse, or neglect to comply with any material requirement or limitation contained in this Ordinance.

(3) Should the Franchise Authority determine that Grantee is not, in its opinion, in compliance with this Ordinance and the Franchise issued hereunder, it shall so notify Grantee, and Grantee shall, within 30 days, bring the franchised system into compliance, reporting corrective action taken to the Franchise Authority.

(4) If the Franchise Authority is not satisfied that compliance has been achieved, or that good faith progress is being made toward compliance, it may schedule a public hearing to determine whether the Franchise should be revoked. The Grantee and the public shall be given at least 30 days notice of such a hearing, and all interested parties shall be heard in open hearing. At the conclusion of the public hearing, the Franchise Authority shall determine whether the Franchise should be terminated and shall set forth, in writing, the facts and reasons upon which its decision is based.

Section 5. Limitations of Franchise.

(1) The franchise granted under this ordinance shall be non-exclusive and nothing herein shall be construed to prevent the Franchise Authority from granting identical or similar franchises to more than one person, within all or any portion of the Franchise Entity.

(2) The Grantee shall, at all times during the life of its franchise, be subject to the lawful exercise of the Franchise Entity's police power and such reasonable regulations as the Franchise Authority may subsequently promulgate thereunder.

(3) The franchise granted hereunder shall be a privilege which is personal to the original Grantee. It shall not be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by sale, merger, consolidation or otherwise, without prior consent of the Franchise Authority expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, which shall include an acceptance of all terms and conditions of the franchise by transferee, a duly executed copy of which shall be filed with the Agency within 30 days after such transfer or assignment.

(a) Consent of the Franchise Authority shall not be granted until it has examined the proposed assignee's legal, financial, technical character and other qualifications to construct, operate and maintain a cable television system in the Franchise Entity and has afforded all interested parties notice and an opportunity to be heard on the question.

(b) Transfer of 50% or more of the voting securities of a corporate Grantee to a person not presently a stockholder shall be deemed to be a transfer of control.

(c) No such consent shall be required for a transfer:

(i) in trust, of system assets by mortgage or by other hypothecation, to secure an indebtedness;

(ii) to a parent or subsidiary of a corporate Grantee;

(iii) to a corporate whose stock is held by the same stockholders as Grantee;

(iv) of less than 50% of the voting securities of a corporate Grantee unless such transfer also results in a transfer of voting control;

(v) of stock from one present stockholder to another present stockholder, unless such transfer also results in a transfer of voting control; or

(vi) to a limited partnership, a general partner of which is Grantee.

(4) Nothing herein shall be deemed in any way to impair or affect the right of the Franchise Entity to acquire the property of the Grantee, either by purchase or through the exercise of the right to eminent domain, at a price reflective of its fair market value as an ongoing concern, and nothing herein shall be construed to constitute a waiver or bar to the exercise of any governmental right or power of the Franchise Entity.

Section 6. Liability and Indemnification.

(1) The Grantee shall pay, and by its acceptance of a franchise specifically agrees to pay, any and all damages or penalties which the Franchise Entity may be legally required to pay as a result of Grantee's installation, operation or maintenance of a franchise cable television system under this Ordinance whether or not the acts or omissions complained of are authorized, allowed or prohibited by the Franchise Entity.

(2) The Grantee shall also pay all expenses incurred by the Franchise Entity in defending itself with regard to any and all damages and penalties mentioned in subsection (1) above. These expenses shall include all out-of-pocket expenses, including reasonable attorneys' fees.

(3) The Grantee shall maintain, throughout the term of the Franchise, liability insurance naming the Franchise Entity as additional insured with regard to all damages mentioned in subsection (1) above, caused by Grantee or its agent in the minimum amounts of:

(a) Workmen's compensation insurance as provided by the laws of the State of South Carolina.

(b) $100,000 for bodily injury or death to any one person, within the limit, however, of $1,000,000 for bodily injury of death resulting from any one accident.

(c) $500,000 for property damage resulting from any one accident. The insurance policies obtained by the Grantee in compliance with this section shall be issued by a company or companies acceptable to the Franchise Entity, and a current certificate or certificates of insurance, along with written evidence of payment of all required premiums, shall be filed and maintained with the Agency during the term of the franchise. Said policies shall name the Franchise Entity as an additional insured and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the Franchise Entity 30 days in advance of the effective date thereof.

Section 7. Technical Requirements - Channel Capacity.

The CATV system to be constructed by Grantee shall be installed, maintained and operated at all times in full compliance with the technical and channel capacity standards of the Federal Communications Commission. The results of annual performance tests conducted in accordance with Section 76.601(c), FCC Rules (or such other section of the Rules as shall incorporate its substance) shall be retained for at least five years and available for inspection by the Franchise Entity.

Section 8. Safety Requirements.

The Grantee shall, at all times:

(1) Install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the Franchise Entity's Building Code and Electrical Safety Ordinances, and in such manner that they will not interfere with any installations of the Franchise Entity.

(2) Keep and maintain in a safe, suitable, substantial condition, and in good order and repair, all structures, lines, equipment and connection in, over, under and upon the streets, sidewalks, alleys and public ways or places of the Franchise Entity, wher-

ever situated or located.

Section 9. Service Standards - Business Office - Resolution of Complaints

Throughout the life of its franchise, the Grantee shall:

(1) Maintain all parts of its system in good condition in accordance with standards generally observed by the cable television industry. Sufficient employees shall be retained to provide safe, adequate and prompt service for all its facilities.

(2) Maintain a conveniently located business office and service center to which subscribers may telephone without incurring added message units or toll charges. This office shall be open during all usual business hours and be so operated that complaints and requests for repairs or adjustments may be received by telephone at any time when any television signals are being broadcast.

(3) Dispatch personnel to investigate all service complaints and equipment malfunctions within 24 hours and strive and to resolve such complaints as promptly as possible. Planned interruption of service shall be only for good cause. Insofar as possible, planned interruptions shall be preceded by notice, be of brief duration and occur during minimum viewing hours.

(4) Maintain a complete list of all complaints received and the measures taken to resolve them. This list shall be available to the Agency upon request.

(5) Permit the Agency to inspect and test the system's technical equipment and facilities upon reasonable (12-24 hours) notice.

(6) Responsibility for the administration of the franchise granted hereunder and for the resolution of all complaints against the Grantee regarding the quality of service, equipment malfunctions, and similar matters, it is hereby delegated to the Agency which is empowered, among other things, to adjust, settle, or compromise any controversy arising from operations of the Grantee either on behalf of the Franchise Entity, the Grantee or any subscriber, in accordance with the best interest of the public; provided that any person aggrieved by a decision of the Agency may appeal the matter to the Franchise Authority for hearing and determination. The Franchise Authority may accept, settle, or compromise any controversy arising from the operations of the Grantee under the franchise granted pursuant to this Ordinance. No adjustment, settlement or compromise, whether instituted by the Agency or by the Franchise Authority shall be contrary to the provisions of this Ordinance which constitutes the franchise agreement, and neither the Agency nor the Franchise Authority, in the adjustment, settlement or compromise of any controversy shall have the right or authority to add

to, modify or delete any provision of this Ordinance or of the franchise granted hereunder. The Grantee shall notify subscribers at the time of initial subscription to the system of the procedure for reporting and resolving complaints by delivering to each subscriber a notice in form approved by Agency.

Section 10. Conditions on Street Occupancy.

(1) Any pavements, sidewalks, curbing or other paved area taken up or any excavations made by the Grantee shall be done under the supervision and direction of the Agency under permits issued for work by the proper officials of the Franchise Entity, and shall be done in such manner as to give the least inconvenience to the inhabitants of the Franchise Entity. The Grantee shall, at its own cost and expense, and in a manner approved by the Agency, replace and restore any such pavements, sidewalks, curbing or other paved areas in as good a condition as before the work involving such disturbance was done, and shall also make and keep full and complete plats, maps and records showing the exact locations of its facilities located within the public streets, ways and easements of the Franchise Entity. These maps shall be available for inspection at any time during business hours by City Engineer.

(2) The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate, or remove, any of its property when required by the Franchise Entity by reason of traffic conditions, public safety, road construction, change of street grade, installation of sewers, drains, waterpipes, power lines, signal lines, tracks, or any other type of municipal improvements; provided, however, that the Grantee shall, in all such cases, have the privilege of abandoning any property in place.

(3) The Grantee shall, on the request of any person holding a building moving permit issued by the Franchise Entity, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by person requesting same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than 48 hours' advance notice to arrange for such temporary wire changes.

(4) The Grantee shall have authority to trim the trees upon and overhanging the public streets so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, except that, at the option of the Franchise Authority, such trimming may be done by it or under its supervision and direction at the expense of the Grantee.

(5) In all sections of the Franchise Area where the cable, wires, or other similar facilities of public utilities are placed underground, the Grantee shall place its cables, wires or other like facilities

underground to the maximum extent that existing technology reasonably permits the Grantee to do so.

Section 11. Construction.

(1) The Grantee shall extend the installation of cables, amplifiers, and related equipment throughout the area covered by its franchise as rapidly as practicable, but in any event shall:

(a) Begin rendering service to subscribers within one year after receiving necessary approvals from the FCC and other agencies.

(b) Complete construction of 40% of its proposed system (measured in terms of total linear strand miles) within one (1) year after receiving FCC and other agency approvals, and complete the balance of construction so that after two (2) years the entire system shall be substantially constructed and the Grantee capable of providing service no more than 60 days after receiving an application for service to every dwelling unit within the Franchise Area except to the extent that density of homes, adverse terrain, or other factors render making service available impracticable. For the purposes of determining compliance with the provisions of this subparagraph (b), and to provide for a reasonable policy requiring extension of energized trunk lines of the obligations imposed by this section, Grantee shall extend such lines to all areas of the Franchise Area having a minimum of 50 homes per street mile. As new areas are annexed within the Franchise Area, service shall be extended throughout such areas within six (6) months.

(c) File a map and progress report with the Agency at the close of each calendar year, showing the exact areas of the City being served by the cable television system and the location and identification of major component parts of the system.

(2) Failure on the part of the Grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of its franchise pursuant to the terms of Section 4(2) hereof; provided, however, that the City Council may in its discretion extend the time for the commencement and completion of construction and installation for additional periods in the event the Grantee, acting in good faith, experiences delays by reasons of circumstances beyond its control.

(3) Upon the failure of the Grantee to satisfactorily complete any work upon the public streets as may be required by law or the terms of its franchise within the time prescribed, the City at its option, may cause such work to be done and the Grantee shall pay to the City the cost thereof within 30 days after receipt of an itemized report.

(4) In the event the operation of any part of a cable television system is discontinued for a continuous period of 12 months, or in the event such system has been installed in any public street without complying with the requirements of the Grantee's franchise, the Grantee shall promptly, upon being given 10 days' notice, remove from the streets or public places all such property and poles of such system. Any property which the Grantee allows to remain in place 60 days after having been notified by the City of Isle of Palms that it must be removed shall be considered permanently abandoned and shall become the property of the City of Isle of Palms subject to the provisions of any utility joint use attachment agreement.

Section 12. Franchise Payments.

(1) The Grantee shall pay to the Franchise Entity, each year during the life of the franchise, a franchise fee in the amount of 3% of its annual Gross Subscriber Revenues as of June 30 and December 31.

(2) The Grantee shall file with the Agency, within 90 days after the expiration of any calendar year or portion thereof during which its franchise is in force, a financial statement certified by a responsible officer of the Grantee, showing in detail the Gross Subscriber Revenues, as defined herein, of the Grantee during the preceding calendar year or portion thereof. It shall be the duty of the Grantee to pay the Franchise Entity within 15 days after the time for filing such statement, the sum prescribed above or any unpaid balance thereof for the calendar year covered by such statements.

(3) The City of Isle of Palms shall have the right to inspect the Grantee's records showing the Gross Subscriber Revenues from which its franchise payments are computed and shall also have the right of audit and recomputation of any and all amounts paid under the Ordinance. No acceptance of payment shall be construed as a release or as an accord and satisfaction of any claim that the City of Isle of Palms may have for further or additional sums payable under this Ordinance or for the performance of any other obligation hereunder; however, an accounting rendered to the City of Isle of Palms and receipt by the City of Isle of Palms shall be deemed to be accurate and shall not thereafter be subject to question or make the basis of any claim by the City of Isle of Palms against Grantee.

Section 13. Removal of Facilities Upon Request.

Upon termination of service to any subscriber, the Grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request.

Section 14. Public Service Requirements.

The Grantee shall:

(1) Provide at least one service outlet to all municipal facilities and public schools within its Franchise Area at no cost to the City of Isle of Palms or school involved, and shall charge only its time and material costs for any additional service outlets to such facilities.

(2) Make its facilities immediately available to the City of Isle of Palms upon request during the course of any emergency or disaster.

Section 15. Amendment of Ordinance and Franchises.

The City Council shall amend this Ordinance, and any franchise issued hereunder, upon its own motion or the application of the Grantee whenever amendment is necessary to enable the Grantee to comply with any modifications in the Rules of the FCC. Amendments to Section 76.31 of the FCC Rules will be incorporated into this Ordinance within one year of their adoption or at the time of franchise renewal, whichever comes first. No amendment shall be adopted except after full, open public hearing affording due process, and no amendment substantially amending the existing rights and obligations of the Grantee shall be adopted without Grantee's consent.

Section 16. Renewal Procedures.

(1) The franchise granted hereunder may be renewed by the Franchise Authority for a period of up to 15 years upon the written request of the Grantee without soliciting additional applications. Such a renewal request shall be filed at least 6, but not more than 18 months prior to the expiration of the franchise and shall be accompanied by a non-refundable application fee in an amount determined by the franchise authority.

Section 17. Tampering, Unauthorized Connections, Etc.

(1) It shall be unlawful for any person, without the prior consent of the owner therof, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound within the City of Isle of Palms.

(2) It shall be unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within the City of Isle of Palms for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program, or sound, without payment to the owner of said system.

Section 18. Grantee May Promulgate Rules.

The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable it to exercise its rights and perform its services under this Ordinance and the Rules of the FCC, and to assure uninterrupted service to each and all of its subscribers. Such rules and regulations shall not be deemed to have the force of law.

Section 19. Delegation of Powers.

Any delegable right, power or duty of the Franchise Authority, the Franchise Entity, the Agency, or any official of the Franchise Entity may be transferred or delegated by resolution to an appropriate officer, employee or department of the Franchise Entity.

Section 20. Notices.

Every direction, notice or order to be served upon the Grantee shall be sent to the local office described in Section 9(2), supra. Every notice to be delivered, or sent by certified mail to the Agency at: City Hall, Isle of Palms, SC. The delivery of such notice shall be deemed to have been at the time of receipt.

Section 21. Rights and Remedies are Cumulative.

The rights and remedies reserved to the parties by this Ordinance are cumulative and shall not add or subtract from any other rights or remedies which they may have with respect to the subject of matter of this Ordinance, and a waiver thereof at any time shall not affect any other time.

Section 22. Right of Franchise Entity to Intervene.

The Franchise Entity reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this Ordinance.

Section 23. Invalid Provisions.

If any provision of this Ordinance or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining provisions, and their application, shall not be affected thereby.

Section 24. Repeal of Other Ordinances.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective on the approval of Council.

First Reading: 4/13/88

Second Reading: 5/11/88

Third Reading: 6/8/88

Ratification: 6/8/88

DONE IN CITY HALL this 8th day of June, 1988.

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
Clerk-Treasurer

Ordinance 1988-19

An Ordinance

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1,1988 AND ENDING JUNE 30, 1989.

WHEREAS, Subsection 3 of Section 5-7-260 of the S.C. Code of Laws, 1976 as amended, requires that a municipal Council shall act by ordinance to levy taxes and adopt a budget pursuant to public notice.

NOW,THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the City of Isle of Palms, South Carolina, in Council assembled, that the following provisions are hereby adopted and enacted:

SECTION 1. A tax to cover the period from July 1,1988 to June 30, 1989, both inclusive for the sums and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the treasury of the City of Isle of Palms for the use and service thereof; i.e., a tax of $3.20 on every thousand dollars ($1,000) in assessed value of real estate and personal property of every description owned and used in the City of Isle of Palms, South Carolina, except such as is exempt from taxation under the Constitution and laws of the State of South Carolina, is and shall be levied and paid into the City treasury for the credit to the City of Isle of Palms for the corporate purposes, permanent improvements, current expenses and the payment of interest and retirement of outstanding bonds and debts of the City of Isle of Palms, making a total levy of thirty-two (32) mills for tax purposes. Such tax is levied on such property as is assessed by the Charleston County Tax Assessor for County and State purposes.

SECTION 2. The prepared budget and estimated revenue for the payment of the same is hereby adopted and made a part hereof as if fully incorporated herein and a copy thereof is attached hereto.

SECTION 3. By mutual agreement between the City of Isle of Palms and Charleston County, the County will bill and collect the taxes enumerated herein, and pay the same over to the treasury of the City of Isle of Palms in the manner prescribed by both parties.

SECTION 4. The billing dates, the penalty dates and the amount of the penalty which shall be levied for delinquent taxes shall be the same as those adopted by Charleston County Council.

SECTION 5. Delinquent property taxes shall be collected by Charleston County in a manner as prescribed by state law.

SECTION 6. The City Administrator shall administer the budget and may authorize the transfer of appropriated funds within departments as necessary to achieve the goals of the budget as established by City Council.

SECTION 7. If for any reason any sentence, clause, or provision, of this ordinance shall be declared invalid, such shall not affect the remaining provisions, thereof.

SECTION 8. This ordinance shall become effective immediately upon its ratification by City Council.

ATTEST: Nellie S. McDuffie
Nellie S. McDuffie
City Clerk/Treasurer

APPROVED: Carmen R. Bunch
Carmen R. Bunch
Mayor

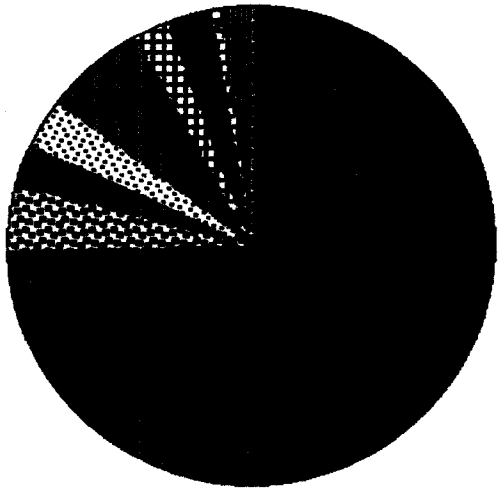
First Reading: 5/11/88
Second Reading: 6/22/88
Third Reading: Suspended
Ratification: 6/22/88



City of Isle of Palms, S. C.

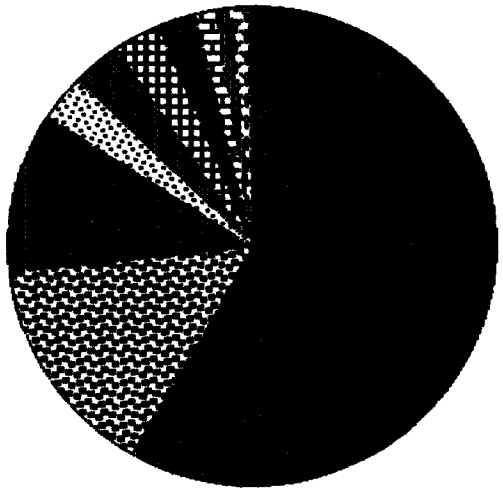
Operating Budgets for the Fiscal Year July 1, 1989 -- June 30, 1990

General Fund Expenditures FY '89-90



Personnel & Benefits	74.7%
Operation of Vehicles	4.4%
Utilities	2.9%
Insurance	3.2%
Debt Service	6.6%
Capital Outlay	2.4%
Professional Services	3.0%
Uniforms	0.5%
Other Operating Expenses	2.2%

General Fund Revenues FY '89-90



Property Taxes	58.3%
Business License Fees	14.9%
Franchise & Permit Fees	10.9%
Intergovernmental Revenues	3.1%
Court Revenue	3.4%
State Shared Revenues	3.0%
Parking Lot Revenue	2.3%
Interest	1.4%
Recreation Dept. Revenues	1.3%
Acc. Tax Transfer	1.1%
Miscellaneous Revenues	0.3%

FY 1989-90 BUDGET
GENERAL FUND

06/30/89
P.1

ACCT. NO.	ITEM ACCOUNT NAME	BUDGETED FY 1988-89	05/31/89 REVENUES COLLECTED YTD FY 1988-89	39 mills APPROVED ESTIMATE FY 1989-90	
03100001	**Property Taxes**	1,019,264	1,041,455	1,372,371	
03210001	**Business License Fees**	271,212	246,089	270,000	
03210003	**Insurance License Fees**	60,000	85,764	80,000	
03210004	**Public Utilities Fees**	205,865	64,988	206,000	
03210005	**Animal License Fees**	300	338	300	
03210015	**Building Permit Fees**	60,000	48,818	50,000	
03300001	**Donations-Narcotics**	0	0	0	
03300002	**Narcotics Grant Revenue**	0	27,673	15,666	
03400001	**Court Generated Revenue**	75,000	69,924	81,000	
03450001	**Beer & Wine Rebate**	26,000	24,499	26,050	
03450005	**Liquor Tax Rebate**	19,000	16,606	18,750	
03450010	**Bank Tax Rebate**	0	189	0	
03450015	**Motor Transport Rebate**	4,500	5,938	5,300	
03450020	**Income Tax Rebate**	16,000	17,764	19,600	
03450030	**Intergovernmental Transfers**	106,812	19,250	57,500	
03450035	**Broker's Premium Tax**	2,085	1,141	1,830	
03500001	**Miscellaneous Income**	5,000	39,690	5,000	
03500005	**Parking Lot Revenue**	55,000	48,621	55,000	
03500015	**Plat Application Fees**	500	905	500	
03500020	**Sale of Assets**	1,500	85,446	500	
03500030	**Interest Income**	33,000	19,262	33,000	
03500050	**Transfer from Acc. Tax Fund**	25,000	25,000	25,000	
03500060	**Recreation Instructors' Income**	0	19,034	18,100	
03500070	**Recreation Program Income**	0	5,564	11,872	
	TOTAL GENERAL FUND REVENUES	**$1,986,038**	**$1,913,958**	**$2,353,339**	18.49%

EXPENDITURES

05/31/89

ACCT. NO.	MAYOR & COUNCIL ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
)4090001	**Mayor & Council Salaries**	10,800	0	10,500		10,800	0
)4090004	**Fica Expense**	811	0	783		818	0
)4090005	**Retirement Expense**	680	0	434		739	0
)4090006	**Group Health Insurance**	10,176	0	5,607		13,176	0
)4090007	**Workman's Compensation**	0	0	0		0	0
)4090015	**Meetings & Seminars**	1,000	0	1,059		1,000	0
)4090053	**Blanket Bond**	100	0	0		100	0
)4090062	**Insurance**	2,853	0	0		2,934	0
)4090088	**Mayor's Special Fund**	3,000	0	2,680	0	3,000	0
	DEPARTMENT SUB TOTALS	**$29,420**	**$0**	**$21,263**	**$0**	**$32,567**	**$0**
	GRAND TOTAL		**$29,420**		**$21,263**		**$32,567**

ACCT. NO.	GENERAL GOVERNMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04100001	**Salaries-Supervisor**	35,000		31,236		36,750	0
04100002	**Salaries-Employees**	43,938		41,222		56,126	0
04100003	**Salaries-Part Time**	0		840		5,103	0
04100004	**Fica Expense**	5,928		5,502		7,427	0
04100005	**Retirement Expense**	4,973		4,617		6,712	0
04100006	**Group Health Insurance**	5,088		2,330		5,856	0
04100007	**Workman's Compensation**	2,798		4,053		3,640	0
04100008	**Unemployment Compensation**	500		0		500	0
04100009	**Debt Service- Principal**	35,000		35,000		40,000	0
04100010	**Printing & Office Supplies**	6,000		5,158		6,500	0
04100011	**Debt Service- Interest**	59,182		59,181	59,181	57,737	57,737
04100014	**Memberships & Dues**	1,510		1,373		1,860	0
04100015	**Meetings & Seminars**	1,000		875		1,000	0
04100016	**Vehicle Fuel & Oil**	1,200		1,135		1,400	0
04100017	**Vehicle Maintenance**	1,000		34		500	0
04100020	**Electricity & Gas**	2,500		1,678		2,000	0
04100021	**Telephone/ Cable**	5,500		2,880		3500	0
04100022	**Water & Sewer**	200		188		300	0
04100026	**Maintenance/Service Contracts**	3,000		2,855		3,000	0
04100027	**Machinery/Equipment Repair**	500		769		1,000	0
04100041	**Uniforms**	500		289		500	0
04100044	**Cleaning/ Sanitary Supplies**	200		139		200	0
04100053	**Blanket Bond**	150		140		150	0
04100061	**Advertising**	2,400		1,876		2,400	0
04100062	**Insurance**	11,490		10,532		10,123	0
04100063	**Rents & Leases**	2,500		2,173		2,500	0
04100064	**Employee Training**	0		0		0	0
04100065	**Professional Services**	40,200		49,942		30,666	0
04100068	**Election Expenses**	500		17		1,200	0
04100071	**Special Department Expenses**	0		0		0	0
04100079	**Miscellaneous Expenses**	1,000		4,519	25,542	1,000	0
04100085	**Capital Outlay**	0	3,500	389	76,260	0	0
	Tourism Promotion	0	0	0	78,178	0	42,250
		$273,757	**$3,500**	**$270,942**	**$239,161**	**$289,649**	**$99,987**
	GRAND TOTAL		**$277,257**		**$510,103**		**$389,636**

05/31/89

ACCT. NO.	FINANCE DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04150001	**Salaries- Supervisor**	24,157		21,845		25,364	
04150002	**Salaries- Employees**	15,748		13,253		0	
04150003	**Salaries-Part Time**	0		0		0	
04150004	**Fica Expense**	2,997		2,623		1,923	
04150005	**Retirement Expense**	2,514		2,210		1,737	
04150006	**Group Health Insurance**	2,544		1,641		1,464	
04150007	**Workman's Compensation**	0		0		0	
04150008	**Unemployment Compensation**	100		0		100	
04150010	**Printing & Office Supplies**	0		0		0	
04150015	**Meetings & Seminars**	250		0		250	
04150020	**Electricity & Gas**	0		0		0	
04150021	**Telephone/ Cable**	0		0		0	
04150022	**Water & Sewer**	0		0		0	
04150026	**Maintenance/Service Contracts**	0		0		0	
04150053	**Blanket Bond**	100		567		575	
04150062	**Insurance**	634		544		326	
04150064	**Employee Training**	300		0		0	
04150079	**Miscellaneous Expenses**	0		0		0	
04150085	**Capital Outlay**	500	0	525	0	0	
	DEPARTMENT SUBTOTAL	**$49,844**	**$0**	**$43,208**	**$0**	**$31,739**	**$0**
	GRAND TOTAL		**$49,844**		**$43,208**		**$31,739**

05/31/89

ACCT. NO.	POLICE NARCOTICS UNIT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04200002	**Salaries- Employees**	0		21,290		22,608	
04200004	**Fica Expense**	0		1,552		1,714	
04200005	**Retirement Expense**	0		2,278		2,419	
04200006	**Group Health Insurance**	0		1,218		1,464	
04200010	**Printing & Office Supplies**	0				0	
04200016	**Vehicle Fuel & Oil**	0				0	
04200017	**Vehicle Maintenance**	0				0	
04200062	**Insurance**	0				0	
04200063	**Rents & Leases**	0		25		3,960	
04200071	**Special Department Expenses**	0				0	
04200079	**Miscellaneous Expenses**	0				0	
04200080	**Drug Buys**	0				0	
04200085	**Capital Outlay**	0	0	26,300	0	0	
	DEPARTMENT SUBTOTAL	**$0**	**$0**	**$52,663**	**$0**	**$32,165**	**0**
	GRAND TOTAL		**$0**		**$52,663**		**$32,165**

05/31/89

ACCT. NO.	POLICE DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
)4210001	**Salaries- Supervisor**	33,500		30,344		27,000	
)4210002	**Salaries- Employees**	368,676		326,722		417,188	
)4210003	**Salaries- Part Time**	14,888		8,345		10,080	
)4210004	**Fica Expense**	31,322		27,180		34,434	
)4210005	**Retirement Expense**	44,626		35,092		48,607	
)4210006	**Group Health Insurance**	24,168		21,131		27,816	
)4210007	**Workman's Compensation**	8,745		12,666		11,374	
)4210008	**Unemployment Compensation**	1,000		0		1,000	
)4210010	**Printing & Office Supplies**	6,000		8,250		6,500	
)4210014	**Memberships & Dues**	500		295		1,000	
)4210015	**Meetings & Seminars**	500		390		500	
)4210016	**Vehicle Fuel & Oil**	14,778	10,597	11,474	14,307	17,205	10,000
)4210017	**Vehicle Maintenance**	6,500	10,000	4,479	6,323	12,200	5,000
)4210020	**Electricity & Gas**	4,900		3,717		5,000	
)4210021	**Telephone/ Cable**	3,625	3,000	7,293	0	8,660	
)4210022	**Water & Sewer**	600		410		600	
)4210026	**Maintenance/Service Contracts**	2,500		3,214		2,500	
)4210027	**Machinery/Equipment Repair**	4,200		5,102		4,200	
)4210031	**Small Hand Tools**	100		128		200	
)4210041	**Uniforms**	6,000	6,000	3,679	2,889	5,000	6,000
)4210044	**Cleaning/ Sanitary Supplies**	600		1,032		600	
)4210049	**Medical & Lab Supplies**	2,000		89		2,000	
)4210053	**Blanket Bond**	100		140		100	
)4210062	**Insurance**	7,343	12,400	19,579	2,000	22,013	
)4210063	**Rents & Leases**	3,300	10,000	8,925	4,395	8,390	2,000
)4210064	**Employee Training**	3,000		1,455		5,000	
)4210071	**Special Department Expenses**	1,000		1,300		3,000	
)4210079	**Miscellaneous Expenses**	2,700		2,927	185	2,700	
)4210085	**Capital Outlay**	0	58,000	1,079	74,418	16,000	0
	DEPARTMENT SUB TOTALS	**$597,171**	**$109,997**	**$546,437**	**$104,517**	**$700,866**	**$23,000**
	GRAND TOTAL		**$707,168**		**$650,954**		**$723,866**

05/31/89

ACCT. NO.	FIRE DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04220001	**Salaries- Supervisor**	27,500		24,343		29,000	
04220002	**Salaries- Employees**	307,462		266,676		377,323	
04220003	**Salaries- Part Time**	3,333		1,759		9,039	
04220004	**Fica Expense**	25,406		21,554		31,484	
04220005	**Retirement Expense**	36,198		30,878		44,444	
04220006	**Group Health Insurance**	22,260		16,894		30,305	
04220007	**Workman's Compensation**	7,091		10,271		9,223	
04220008	**Unemployment Compensation**	1,000		1,201		1,000	
04220010	**Printing & Office Supplies**	600		1,359		750	
04220014	**Memberships & Dues**	850		585		850	
04220015	**Meetings & Seminars**	1,000		1,163		1,500	
04220016	**Vehicle Fuel & Oil**	1,500	2,000	1,943	2,570	2,000	2,000
04220017	**Vehicle Maintenance**	3,500	6,500	12,479	383	3,500	6,500
04220020	**Electricity & Gas**	2,000		3,738		4,000	
04220021	**Telephone/ Cable**	3,500	2,000	3,815	0	2,000	2,000
04220022	**Water & Sewer**	350		267		350	
04220026	**Maintenance/Service Contracts**	1,000	2,500	3,477	267	3,000	2,500
04220027	**Machinery/Equipment Repair**	1,767	3,233	1,630	181	2,000	3,000
04220031	**Small Hand Tools**	500		365		500	
04220041	**Uniforms**	3,000	3,700	625	5,340	2,800	3,700
04220044	**Cleaning/ Sanitary Supplies**	1,500		1,723		1,500	
04220049	**Medical & Lab Supplies**	5,000		3,728		4,000	
04220053	**Blanket Bond**	200		281		200	
04220062	**Insurance**	7,000	10,000	15,735	0	17,012	3,300
04220064	**Employee Training**	3,000		3,406		4,500	
04220065	**Professional Services**	800		0		750	
04220067	**Consulting Services**	2,500		1,000		0	
04220079	**Miscellaneous Expenses**	4,000		3,833		4,000	
04220085	**Capital Outlay**	0	105,000	528	111,963	23,000	0
	DEPARTMENT SUB TOTALS	**$473,817**	**$134,933**	**$435,256**	**$120,704**	**$610,030**	**$23,000**
	GRAND TOTAL		**$608,750**		**$555,960**		**$633,030**

05/31/89

ACCT. NO.	PUBLIC WORKS DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04300001	**Salaries- Supervisor**	27,503		24,343		28,878	
04300002	**Salaries- Employees**	148,899		122,907		168,375	
04300003	**Salaries- Part Time**	13,940		5,866		11,050	
04300004	**Fica Expense**	14,295		11,559		15,789	
04300005	**Retirement Expense**	11,992		9,575		14,269	
04300006	**Group Health Insurance**	17,808		16,046		20,496	
04300007	**Workman's Compensation**	11,320		16,397		14,724	
04300008	**Unemployment Compensation**	2,000		0		2,000	
04300010	**Printing & Office Supplies**	300		311		300	
04300015	**Vehicle Fuel & Oil**	8,500	10,000	4,350	6,719	6,000	10,000
04300017	**Vehicle Maintenance**	10,000	15,000	5,590	7,150	15,000	10,000
04300020	**Electricity & Gas**	25,000		19,350		27,000	
04300021	**Telephone/ Cable**	850		723		850	
04300022	**Water & Sewer**	250		0		250	
04300026	**Maintenance/Service Contracts**	1,000		836		1,500	
04300027	**Machinery/Equipment Repair**	1,000		866		1,000	
04300031	**Small Hand Tools**	700		621		1,000	
04300041	**Uniforms**	2,500	2,500	2,731	1,386	3,987	3,013
04300044	**Cleaning/ Sanitary Supplies**	1,500		562		2,000	
04300049	**Medical & Lab Supplies**	200		50		200	
04300054	**Street Signs**	2,000		1,469		2,500	
04300062	**Insurance**	11,256		11,516		14,011	
04300063	**Rents & Leases**	2,000		1,500		3,000	
04300065	**Professional Services**	0		0		0	
04300068	**Contracted Services**	4,000		665		2,700	
04300079	**Miscellaneous Expenses**	1,000		1,997		2,000	
04300085	**Capital Outlay**	0	89,070	0	74,706	10,400	0
	DEPARTMENT SUB TOTALS	**$319,813**	**$116,570**	**$259,830**	**$89,961**	**$369,279**	**$23,013**
	GRAND TOTAL		**$436,383**		**$349,791**		**$392,292**

05/31/89

ACCT. NO.	BUILDING/ENGINEERING/PLANNIN ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04450001	**Salaries- Supervisor**	29,362		25,980		30,539	
04450002	**Slaries- Employees**	15,032		13,310		16,102	
04450003	**Salaries- Part Time**	3,000		2,250		4,700	
04450004	**Fica Expense**	3,559		3,157		3,892	
04450005	**Retirement Expense**	2,986		2,648		3,517	
04450006	**Group Health Insurance**	2,544		2,330		2,928	
04450007	**Workman's Compensation**	324		552		496	
04450008	**Unemployment Compensation**	0		0		0	
04450010	**Printing & Office Supplies**	1,500		1,356		2,100	
04450014	**Memberships & Dues**	100		0		100	
04450015	**Meetings & Seminars**	800		342		800	
04450016	**Vehicle Fuel & Oil**	1,200		1,262		1,200	
04450017	**Vehicle Maintenance**	1,000		702		1,000	
04450020	**Electricity & Gas**	750		631		750	
04450021	**Telephone/ Cable**	2,100		1,756		2,100	
04450022	**Water & Sewer**	400		0		400	
04450026	**Maintenance/Service Contracts**	200		165		200	
04450027	**Machinery/Equipment Repair**	250		87		250	
04450062	**Insurance**	1,276		1,221		1,399	
04450064	**Employee Training**	100		0		100	
04450065	**Professional Services**	13,500		4,275		8,000	
04450079	**Miscellaneous Expenses**	250		5		250	
04450085	**Capital Outlay**	0	9,000	0	2,796	0	
	DEPARTMENT SUB TOTALS	**$80,233**	**$9,000**	**$62,029**	**$2,796**	**$80,823**	**$0**
	GRAND TOTAL		**$89,233**		**$64,825**		**$80,823**

ACCT. NO.	RECREATION DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
)4500001	**Salaries- Supervisor**	17,354		16,544		19,500	
)4500002	**Salaries- Employees**	23,482		18,338		26,245	
)4500003	**Salaries- Part Time**	15,805		7,636		9,468	
)4500004	**Fica Expense**	4,254		3,177		4,185	
)4500005	**Retirement Expense**	3,568		2,654		3,782	
)4500006	**Group Health Insurance**	3,816		2,912		4,392	
)4500007	**Workman's Compensation**	1,462		2,118		1,902	
)4500008	**Unemployment Compensation**	250		0		250	
)4500010	**Printing & Office Supplies**	1,500		1,503		1,150	
)4500014	**Memberships & Dues**	1,700		1,565		1,700	
)4500015	**Meetings & Seminars**	100		77		200	
)4500016	**Vehicle Fuel & Oil**	250		147		250	
)4500017	**Vehicle Maintenance**	700		159		700	
)4500020	**Electricity & Gas**	7,000		6,512		7000	
)4500021	**Telephone/ Cable**	1,000		1,139		1,000	
)4500022	**Water & Sewer**	500		376		500	
)4500026	**Maintenance/Service Contracts**	4,000		5,476		4,000	
)4500027	**Machinery/Equipment Repair**	750		645		750	
)4500031	**Small Hand Tools**	100		74		100	
)4500041	**Uniforms**	400		322		600	
)4500044	**Cleaning/ Sanitary Supplies**	800		785		800	
)4500049	**Medical & Lab Supplies**	300		0		300	
)4500053	**Blanket Bond**	100		0		100	
)4500062	**Insurance**	3,115		2,033		1,957	
)4500063	**Rents & Leases**	2,000		1,414		2,000	
)4500064	**Employee Training**	100		66		100	
)4500071	**Special Department Expenses**	4,600		3,804		16,622	
)4500079	**Miscellaneous Expenses**	100		375		100	
)4500085	**Capital Outlay**	1,000	0	953		6,500	
	DEPARTMENT SUBTOTAL	**$100,106**	**$0**	**$80,804**		**$116,153**	**$0**

	REC. INSTRUCTION EXPENSES				
)4510091	**Gymnastics**	0		294	900
)4510092	**Mother's Morning Out**	0		971	3,000
)4510093	**Day Camp**	0		0	675
)4510094	**Dancing**	0		716	1,500
)4510095	**Karate**	0		2,811	8,250
)4510096	**Slimnastics**	0		0	0
)4510097	**Men's Softball**	0		1,288	0
	Men's Basketball	0		1,040	0
	DEPARTMENT SUBTOTAL	**$0**	**$0**	**$7,120**	**$14,325**
	GRAND TOTAL	**$100,106**		**$87,924**	**$130,478**

05/31/89

ACCT. NO.	JUDICIAL & LEGAL ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04600002	**Salaries- Employees**	0		0		14,496	
04600003	**Salaries- Part Time**	4,000		3,666		4,000	
04600004	**Fica Expense**	300		275		1,402	
04600005	**Retirement Expense**	252		230		1,267	
04600008	**Group Health Insurance**	0		0		1,464	
04600010	**Printing & Office Supplies**	500		715		500	
04600021	**Telephone/ Cable**	0		800			
04600062	**Insurance**	0		0		652	
04600065	**Professional Services**	25,000		28,676		30,000	
04600085	**Capital Outlay**	0		0		7,500	
	DEPARTMENT SUBTOTAL	**$30,052**	**$0**	**$34,362**	**$0**	**$61,281**	**$0**
	GRAND TOTAL		**$30,052**		**$34,362**		**$61,281**

ACCT. NO.	LIFEGUARDS DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90
04750003	**Salaries- Part Time**	11,000		6,455		0	
04750004	**Fica Expense**	826		484			
04750005	**Retirement Expense**	0					
04750007	**Workman's Compensation**	200					
04750008	**Unemployment Compensation**	0					
04750027	**Machinery/Equipment Repair**	500					
04750031	**Small Hand Tools**	100					
04750041	**Uniforms**	100		-49			
04750049	**Medical & Lab Supplies**	200					
04750062	**Insurance**	1,902					
04750079	**Miscellaneous Expenses**	150					
04750085	**Capital Outlay**	1,000		0			
	DEPARTMENT SUBTOTAL	**$15,978**	**$0**	**$6,890**	**$0**		
	GRAND TOTAL		**$15,978**		**$6,890**		

ACCT. NO.	PARKING LOT DEPARTMENT ACCOUNT NAME	GEN. FUND BUDGETED FY 1988-89	OTHER FUND BUDGETED FY 1988-89	GEN. FUND EXPENDED YTD FY 1988-89	OTHER FUNDS EXPENDED YTD FY 1988-89	GEN. FUND APPROVED FY 1989-90	OTHER FUNDS APPROVED FY 1989-90	
04800003	**Salaries- Part Time**	12,180		7,660		10,460		
04800004	**Fica Expense**	915		575		793		
04800005	**Retirement Expense**	0				0		
04800007	**Workman's Compensation**	100				0		
04800008	**Unemployment Compensation**	0				0		
04800062	**Insurance**	1,902		0		1,926		
04800063	**Rents & Leases**	200		110		200		
04800065	**Professional Services**	0				0		
04800071	**Special Department Expenses**	300		269		300		
04800085	**Capital Outlay**	250	0	0	400	250		
	DEPARTMENT SUBTOTAL	**$15,847**	**$0**	**$8,614**	**$400**	**$13,929**	**$0**	
	GRAND TOTAL		**$15,847**		**$9,014**		**$13,929**	

ENERAL FUND TOTAL EXPENDITURES	**$1,986,038**	**$1,748,614**	**$2,352,806**	18.47%
THER FUNDS TOTALS	**$374,000**	**$557,539**	**$169,000**	-54.81%
OTAL BUDGET FY 1988-89	**$2,360,038**	**$2,306,153**	**$2,521,806**	6.85%

FY 1989-1990 BUDGET
ACCOMMODATIONS TAX FUND
REVENUES

CCT. NO.	ITEM	BUDGETED FY 1988-89	04/30/89 COLLECTED FY 1988-89	ESTIMATED FY 1989-90	
03010001	**Accommodations Tax Revenue**	$178,200	$114217	$160,000	
	Transfer to General Fund	($25,000)		($25,000)	
	Minus 25% Restricted Funds	($38,300)		N/A	
03020001	**Interest Income**	$16,000	$13031	$14,000	
	TOTAL REVENUES	**$130,900**	**$127,248**	**$169,000**	29.11%

FY 1989-90 BUDGET
ACCOMMODATIONS TAX FUND
EXPENDITURES

		BUDGETED FY 1988-89	05/31/89 EXPENDED YTD FY 1988-89	APPROVED ESTIMATE FY 1989-90	
	GENERAL GOVERNMENT	0	0		
04100009	**Debt Service- Principal**	0	59,181	57,737	
04100011	**Debt Service- Interest**	0	0		
04100079	**Miscellaneous Expenses**	0	25,542		
04100085	**Capital Outlay**	0	38,993		
04100090	**Tourism Promotion Expense**	0	78,178	42,250	
	DEPARTMENT TOTAL	**$0**	**$201,894**	**$99,987**	
	POLICE DEPARTMENT				
04210019	**Printing & Office Supplies**	0	0		
04210016	**Vehicle Fuel & Oil**	10,597	14,307	10,000	
04210017	**Vehicle Maintenance**	10,000	6,323	5,000	
04210021	**Telephone/ Cable**	3,000	0		
04210026	**Maintenance/ Service Contracts**	0	0		
04210027	**Machinery/ Equipment Repair**	0	0		
04210041	**Uniforms**	6,000	2,869	6,000	
04210062	**Insurance**	12,400	2,000		
04210063	**Rents & Leases**	10,000	4,395	2,000	
04210079	**Miscellaneous Expenses**	0	185		
04210085	**Capital Outlay**	0	0	0	
	DEPARTMENT TOTAL	**$51,997**	**$30,099**	**$23,000**	**$0**

	FIRE DEPARTMENT	BUDGETED FY 1988-89	05/31/89 EXPENDED YTD FY 1988-89	APPROVED ESTIMATE FY 1989-90
)4220010	**Printing & Office Supplies**	0	0	
)4220016	**Vehicle Fuel & Oil**	2,000	2,570	2,000
)4220017	**Vehicle Maintenance**	6,500	383	6,500
)4220021	**Telephone/ Cable**	2,000	0	2,000
)4220026	**Maintenance/ Service Contracts**	2,500	267	2,500
)4220027	**Machinery/ Equipment Repairs**	3,233	181	3,000
)4220041	**Uniforms**	3,700	5,340	3,700
)4210062	**Insurance**	10,000	0	3,300
)4220079	**Miscellaneous Expenses**	0	0	
)4220085	**Capital Outlay**	5,000	3,195	0
	DEPARTMENT TOTAL	**$34,933**	**$11,936**	**$23,000**

	PUBLIC WORKS DEPARTMENT	BUDGETED FY 1988-89	05/31/89 EXPENDED YTD FY 1988-89	APPROVED ESTIMATE FY 1989-90
)4300010	**Printing & Office Supplies**	0	0	
)4300016	**Vehicle Fuel & Oil**	10,000	6,719	10,000
)4300017	**Vehicle Maintenance**	15,000	7,150	10,000
)4300026	**Maintenance/ Service Contracts**	0	0	
)4300027	**Machinery/ Equipment Repairs**	0	0	
)4300041	**Uniforms**	2,500	1,386	3,013
)4300079	**Miscellaneous Expenses**	0	0	
)4300085	**Capital Outlay**	16,470	566	0
	DEPARTMENT TOTAL	**$43,970**	**$15,821**	**$23,013**

ACCOMMODATIONS TAX FUND TOTAL	**$130,900**	**$259,750**	**$169,000**	29.11%

TOTAL REVENUES--ALL FUNDS		
	GENERAL FUND	**$2,353,339**
	ACCOMMODATIONS TAX FUND	**$169,000**
	TOTAL	**$2,522,339**
TOTAL EXPENDITURES--ALL FUNDS		
	GENERAL FUND	**$2,352,806**
	ACCOMMODATIONS TAX FUND	**$169,000**
	TOTAL $0	**$2,521,806**

SIGNIFCANT EXPENSES IN FY 1989-90 GENERAL FUND BUDGET

ERSONNEL AND ASSOCIATED COSTS		**$1,757,116**
PERATION OF VEHICLES as and Repairs)		**$104,455**
TILITIES lectricity, Water, Gas, Phones)		**$68,260**
ISURANCE ort, Auto, Property)		**$75,653**
EBT SERVICE arking Lot)		**$155,474**
APITAL OUTLAY quipment)		**$57,150**
ROFESSIONAL SERVICES ttorneys, Auditors, Consultants)		**$69,416**
NIFORMS		**$12,887**
THER OPERATIONS EXPENSES		**$52,395**
	TOTAL	**$2,352,806**

OTES:
ersonnel costs include an additional police dispatcher and officer and three additional firemen and a secretary for the fire department

AN ORDINANCE TO PROTECT AND REGULATE THE USE OF THE CITY'S BEACHES AND MARINE RECREATION AREAS

WHEREAS, the beaches, waters, accessways, catwalks, public parking facilities and roads located within the City of Isle of Palms provide valuable and varied opportunities for recreation for the residents of the City and the public at large; and,

WHEREAS, the number of people using the City's recreational resources has increased over time, and is expected to continue to increase; and,

WHEREAS, City Council has a vital interest in preserving the safety of all people using the City's recreational resources; and,

WHEREAS, City Council desires to safeguard the high quality of recreational opportunities that are now available to the residents of the City and the public at large within the City; and,

WHEREAS, City Council has a vital interest in preserving the quality and integrity of the recreational resources, including the beaches, dunes, and waters, located within the City; and,

WHEREAS, the City is authorized under Section 5-7-30, 5-7-140, 5-7-150 of the South Carolina Code of Laws, 1976, as amended, to adopt such regulations as are necessary and desirable to assure the public health, safety and welfare of all individuals using the beaches and recreation areas within the City.

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

Section 1. Purpose. This Ordinance is adopted to promote the recreational use of the City's beaches, marine resources and environs, and to restrict uses and activities that would interfere with or impede traditional recreational uses or endanger members of the public.

Section 2. New Title Created. Title 7, Chapter 3, entitled "Beach and Marine Recreation Regulation", is hereby created, and made a part of Code of Oridinances for the City of Isle of Palms.

Section 3. Beach and Marine Recreation Regulations Adopted. In order to assure the public health, safety and welfare of all individuals using the beaches and recreation areas within the City, the following regulations and restrictions are adopted to read as follows:

Chapter 3
Beach and Marine Recreation Regulations

Section 7-3-1. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

(a) "Beach" shall mean that area lying between the low water mark of the Atlantic Ocean and the easternmost property line of the property owned by private individuals or corporations, lying closest in proximity to the Atlantic Ocean, and shall extend out from the mean low water mark for a distance of one hundred fifty (150) yards into the water.

(b) "Boat" shall mean any watercraft, including, sea planes when not airborne, sailboat, "jet ski", "aqua-trike" or similar type of watercraft.

(c) "Designated areas" shall be defined as any portion of the beach designated by the City Council for a special use, such as swimming, surfing, beaching of boats, etc.

(d) "Designated swimming areas" shall be the following sections of the beach: the portion of the beach lying between 10th Avenue and 14th Avenue.

(e) "Motorboat" shall mean any boat operated through use of a motor or motorized propulsion, including "jet skis", but excluding sailboats that use motors as an auxiliary means of propulsion.

Section 7-3-2. VehiclesRestricted. Existing Section 5-3-2 is renumbered and renamed as this Section.

Section 7-3-3. Littering on the Beach Prohibited. Existing Section 5-3-1 is renumbered and renamed as this Section.

Section 7-3-4. Use of Surfboards Restricted. Existing Section 5-3-3 is renumbered as this Section.

Section 7-3-5. Operation of Boats, Motorboats, and Jet Skis Restricted.

(a) No person shall operate any motorboat or jet ski within any designated swimming areas, except for authorized emergency boats.

(b) No person shall operate any motorboat or jet ski within the beach, except in case of emergency.

(c) No person may use any motorboat, boat or vessel, or manipulate any water skis, aquaplane, surfboard, or similar device in a negligent manner so as to endanger the life, limb or property of any person.

(d) No person may use any motorboat, boat, or vessel, or use any water skis, aquaplane, surfboard, or similar device while under the influence of alcohol, any narcotic drug, barbiturate, marijuana or hallucinogen.

Section 7-3-6. Beaching of Motorboats and Jet Skis Restricted.

(a) No person shall beach any motorboat or jet ski in any designated swimming area, except in case of emergency.

(b) No person shall propel or cause to move any motorboat or jet ski from the water onto the sand beach above mean low water in any designated swimming area, except in case of emergency.

(c) No person shall beach any motorboat or jet ski, or shall propel or cause to move any motorboat or jet ski from the water onto the sand beach above mean low water, except in case of an emergency.

Section 7-3-7. Para-sailing Prohibited. No commercial para-sailing operation shall be permitted within the police jurisdiction of the City.

Section 7-3-8. Refuse and Glass Prohibited on the Beach.

(a) No person shall bring, deposit, or throw any drinking glass, glass bottle, or glass receptacle of any kind onto the beach or into the water adjacent to the beach.

(b) No person shall throw or deposit, or cause or permit to be thrown or deposited, any garbage, waste, or refuse of any kind onto the beach or into the water adjacent to the beach.

Section 7-3-9. Public Nudity Prohibited. It shall be unlawful for any person to appear or travel on any beach, waterway, street, parking lot or public accessway in a state of nudity. A person shall be found in a state of nudity when his clothing or absence of clothing uncovers or exposes to public view his or her genitals, pubic area, buttocks, or the nipple or any portion of the areola of the human female breast.

Section 7-3-10. Limitations on Public Disrobing. No person shall disrobe, undress, dress or change his or her clothes either in public view on either public or private property, such that he or she may be found to be in a state of public nudity.

Section 7-3-11. Overnight Sleeping on the Beach Prohibited. No person shall sleep on the beach sand or sand dunes, beach accessways or Breach Inlet catwalks between the hours of 10:00PM and 8:00AM.

Section 7-3-12. Overnight Sleeping in Vehicles Prohibited. No person shall sleep within, on or under an automobile, truck or other vehicle located on any public or private street or road, parking lot or public accessway between the hours of 10:00PM and 8:00AM.

Section 7-3-13. Interferenace with Lifeguards. No person shall molest, harrass, or interfere with the City's lifeguards in the performance of their duties.

Section 7-3-14. Restrictions on Animals on the Beach. (Reserved)

Section 7-3-15. Wildlife and Marine Life. In addition to any other applicable state or federal laws, no person shall physically harm, harass,or otherwise disturb any sea turtle (including eggs and hatchlings) or any sea bird (including eggs and young). Beached or stranded sea turtles, whales, or dolphins, shall be reported immediately to the City police department.

Section 7-3-16. Fires on the Beach Restricted. No person shall build or start a fire on the beach except as permitted by the City Fire Chief.

Section 7-3-17. Fireworks on the Beach Restricted. No person shall discharge fireworks on the beach, except by permit from the Fire Department.

Section 7-3-18. Disturbing the Public Peace. No person shall attempt to attract the attention of the public to any political or commercial activity by the use of a loudspeaker or other sound amplification device either located on the beach or directed toward or intended to attract users of the beach, or to otherwise unreasonably disturb the peace of any person on the beach.

Section 7-3-19. Commercial ActivitiesRestricted. No person shall sell or offer for sale any goods or merchandise, or solicit any trade or business, on the beach, accessways to the beach, public parking lots, or the Breach Inlet catwalks, except under franchise from the City.

Section 7-3-20. Dune Protection.

(a) No person shall alter, destroy or remove any portion of a sand dune, except by obtaining valid permits for construction or development from all required governmental authorities.

(b) It shall be unlawful for any person to cut, collect, break, or otherwise destroy sea oat plants or any part thereof on public property or on private property without the owner's consent.

Section 7-3-21. Power to Recall Swimmers. The duly appointed law enforcement officers of the City and lifeguards employed by the City shall have the power and authority to recall from the waters adjoining the beach any person who, in their discretion, shall be in danger of drowning or becoming imperiled, or who may imperil the safety of others, or when the condition of the wind, water, weather or any hazard, including the physical and mental condition of the person in the water, shall be such as to constitute a danger to the health, life, or safety of that person, rescue personnel or other persons within the waters.

Section 7-3-22 to 7-3-49 Reserved.

Section 7-3-50. Fines and Penalties. Any person who violates the provisions of this Chapter upon conviction shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $200.00 or by imprisonment for a term not exceeding 30 days, in the discretion of the judge of the city court. Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense.

Section 4. Severability If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 5. Effective date. This ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 14th DAY OF _____, 1988.

Carmen R. Bunch

CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie

NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 6/8/88

SECOND READING: 7/13/88

THIRD READING: 8/10/88

RATIFICATION: 9/14/88

CITY OF ISLE OF PALMS
EMERGENCY ORDINANCE
adopted October 26, 1988
amended November 2, 1988 and November 9, 1988
extended December 14, 1988

AN EMERGENCY ORDINANCE EXTENDING A SIXTY-DAY MORATORIUM ON THE CUTTING AND REMOVAL OF TREES WITHIN THE CITY OF ISLE OF PALMS

WHEREAS, the Mayor and City Council have instructed City staff to draft a proposed Ordinance to regulate and restrict the cutting and removal of trees within the City of Isle of Palms; and

WHEREAS, such Ordinance is under consideration by City Council, and is currently pending second reading; and

WHEREAS, pending the adoption of such Ordinance, City Council has established a moratorium, with exceptions, on the cutting and removal of trees; and

WHEREAS, such moratorium is scheduled to expire on December 26, 1988, which will be prior to the adoption of such Ordinance; and

WHEREAS, City Council believes it to be desirable and necessary to extend the duration of the moratorium, with the current exceptions, so that it will remain in effect until the permanent City Tree Ordinance is adopted; and

WHEREAS, based upon experience to date under the moratorium, City Council believes the rights of property owners will not be adversely affected by such extension; and

WHEREAS, the City Council is empowered to enact emergency Ordinances for periods of up to sixty days pursuant to Section 5-7-250(d) of the South Carolina Code of Laws, 1976, as amended.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Emergency Ordinance is adopted to extend the October 26, 1988 moratorium on the cuttting or removal of trees, pending the adoption of a permanent City Tree Ordinance.

Section 2. Moratorium Extended. Effective as of December 14, 1988, and continuing for a period of sixty days, unless sooner removed by City Council, the moratorium on the cutting and removal of trees with the City of Isle of Palms, as adopted on October 26, 1988 and as amended on November 2, 1988 and November 9, 1988, shall remain in effect. The exceptions specified in said moratorium, as amended, shall also continue to remain in effect during this period.

Section 3. Severability. If any part of this Emergency Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 4. Effective Date. This Emergency Ordinance shall be effective upon its enactment by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 14th DAY OF December, 1988.

Carmen R. Bunch

CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie

NELLIE S. McDUFFIE, CLERK-TREASURER

CITY OF ISLE OF PALMS
ORDINANCE NO. 1988-21
Second Reading Draft #2 - 1/10/89

AN ORDINANCE TO ADOPT A COMPREHENSIVE PLAN FOR THE CITY OF ISLE OF PALMS

WHEREAS, the maintenance and enhancement of the welfare, prosperity, public health, safety and quality of life of the citizens of the City of Isle of Palms can best be achieved through the implementation of a Comprehensive Plan to guide and coordinate the future growth and development of the City; and

WHEREAS, the City is authorized to develop and adopt a Comprehensive Plan under Sections 6-7-510 et seq. and Sections 5-23-10 et seq. of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, following extensive preparation and public input, including a public hearing held pursuant to Section 6-7-530 of the South Carolina Code of Laws, 1976, as amended, the City's Planning Commission has adopted such a Comprehensive Plan, and has submitted this Plan to City Council for approval; and

WHEREAS, City Council's adoption of this Comprehensive Plan will provide the necessary and desirable framework within which land use decisions concerning the City of Isle of Palms can be made.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance adopts the Comprehensive Plan for the City of Isle of Palms.

Section 2. Comprehensive Plan Adopted. The following documents, which are attached hereto and fully made a part hereof as if fully set forth herein, are hereby adopted by the City of Isle of Palms and, in combination, shall constitute the City's Comprehensive Plan:

(a) Selected portions of the BCD Council of Governments' Neighborhood Atlas, dated 1987, which pertain to the City of Isle of Palms, as modified by the Isle of Palms Planning Commission on April 27, 1988.

(b) The Map of the Comprehensive Plan of the City of Isle of Palms, dated May 25, 1988.

Section 3. Application of Comprehensive Plan. To the extent provided by State law and the ordinances of the City of Isle of Palms, the City's Comprehensive Plan shall apply to and shall be used to guide and condition the use and development of land within the corporate limits of the City.

Section 4. Election of Procedures. Whenever there is a difference in procedures authorized under Title 5 and Title 6 of the State Code of Laws, 1976, as amended, the procedures specified in Title 6 shall control.

Section 5. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 6. Effective Date. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 8th DAY OF February 1989

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. McDUFFIE, CLERK-TREASURER

First Reading: _____

Ordinance No. 1988-21
Second Reading Draft #2 - 1/10/89

Second Reading: 1/10/89

Third Reading: 2/8/89

Ratification: 2/8/89

AN ORDINANCE FOR THE REGULATION OF VICIOUS DOGS

WHEREAS, the City of Isle of Palms is charged with protecting the health, safety and welfare of the residents of and visitors to the City under Section 5-7-30 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, City Council desires, and has a responsibility, to protect the residents of and visitors to the City from vicious dogs; and,

WHEREAS, City Council has previously enacted ordinances regarding the regulation of vicious and diseased dogs, which are codified as Section 6-2-15 et. seq. of the City Code; and,

WHEREAS, City Council has been made aware of serious and legitimate concerns of City residents regarding the inadequate confinement of dogs which have made or may have a propensity to make unprovoked attacks on people; and,

WHEREAS, City Council finds that many other municipalities throughout the country have identified this same issue, and have addressed it by approaches including completely banning vicious dogs from the municipality, imposing specific requirements re: the confinement of vicious dogs, requiring special registration of vicious dogs, and requiring owners of vicious dogs to carry liability insurance for personal injury caused by these animals; and,

WHEREAS, City Council wishes to deal with this issue in a manner which provides for the safety of the City's residents and visitors, and also is fair to residents who wish to keep their pets despite a history or propensity for vicious behavior.

NOW THEREFORE, BE IT ORDAINED , by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1 Purpose. This ordinance is adopted to protect the health, safety, and welfare of residents of and visitors to the City of Isle of Palms against attacks from vicious dogs.

Section 2. Definition of Terms. As used in this ordinance:

A. "Owner" means any person, firm, corporation, organization, or department possessing or harboring or having the care or custody of a dog.

B. "Vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or,

2. Any dog which is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or,

3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or,

4. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

C. A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog.

1. The dog is not securely confined indoors if kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. Further, the dog is not securely confined indoors if kept in a house or structure when the windows or doors are open, or when screen windows or screen doors are the only obstacle(s) preventing the dog from exiting the structure.

2. To securely enclose the dog outdoors, the pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be locked with a key or combination lock when the dog is within the structure. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

Section 3. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

Section 4. Leash and Muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a responsible person. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

Section 5. Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

Section 6. Dog fighting. No person, firm, corporation, organization, or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

Section 7. Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this ordinance provide proof to the City Clerk of public liability insurance in the amount of at least One Hundred Thousand ($100,000) Dollars per person per injury, insuring the owner for any personal injuries inflicted by his or her vicious dog. Proof of such insurance for the entire, upcoming registration period must be provided by the owner at each subsequent registration of the animal, and shall be required prior to the issuance of suchregistration.

Section 8. Identification Photographs. (Reserved)

Section 9. Tattoo Required. (Reserved)

Section 10. Reporting of Change of Address, Change of Ownership, Birth of Offspring and Other Information. (Reserved)

Section 11. Reporting of Loose (Unconfined) Dog Required. (Reserved)

Section 12. Failure to Comply. It shall be unlawful for the owner, keeper, or harborer of any vicious dog , as defined by this ordinance, to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of this Ordinance shall be subject to immediate seizure and impoundment. In addition, continued failure to comply will result in the revocation of the license of such animal, requiring the immediate removal of the animal from the City.

Section 13. Penalties Whoever violates any provision of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine not exceeding $200.00, or by imprisonment for a term not exceeding 30 days. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

Section 14. Replacement of Section 6-2-15. This Ordinance shall replace the provisions of existing Section 6-2-15 of the City Code with respect to vicious dogs; however, the provisions of existing Section 6-2-15 shall continue to apply to diseased dogs.

Section 15. Severability If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 16. Effectivedate. This Ordinance shall be effective upon its ratification by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 14th DAY OF September 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 6/8/88

SECOND READING: 7/13/88

THIRD READING: 8/10/88

RATIFICATION: 9/14/88

Ordinance 1988-25

AN ORDINANCE TO AMEND SECTION 5-2-5
OF THE ISLE OF PALMS CODE OF ORDINANCES

WHEREAS, Regulations of the National Flood Insurance Program are amended periodically by the Federal Emergency Management Agency and such amendments necessitate amendments to local flood zone regulation ordinances; and,

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that any ordinance must be amended by an ordinance,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Isle of Palms South Carolina, in City Council assembled that Section 5-2-5 of the Isle of Palms Code of Ordinances is amended by substituting the following language for definition" Start of Construction " and by adding new definition "Functionally dependent facility". With the insertion of the new definition to be number (15), existing definitions (15) through (25) are renumbered (16) through (26):

(15) Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

(23) Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 28th DAY OF September 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 8/10/88

SECOND READING: 9/14/88

THIRD READING: Suspended

RATIFICATION: 9/28/88



Ordinance 1988-26

AN ORDINANCE TO AMEND SECTION 5-2-18 OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES

WHEREAS, Regulations of the National Flood Insurance Program are amended periodically by the Federal Emergency Management Agency and such amendments necessitate amendments to local flood zone regulation ordinances; and,

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that any ordinance must be amended by an ordinance,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Isle of Palms South Carolina, in City Council assembled that Section 5-2-18 of the Isle of Palms Code of Ordinances is amended to add the following to the list of general standards found at that section:

(8) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during condition of flooding.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 28th DAY OF September, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 8/10/88

SECOND READING: 9/14/88

THIRD READING: suspended

RATIFICATION: 9/28/88



ORDINANCE 1988-27

AN ORDINANCE WHEREBY THE CITY OF ISLE OF PALMS WITHDRAWS AS A MEMBER OF THE EAST COOPER WATER AUTHORITY

Be it ordained by the City Council of the City of Isle of Palms in meeting duly assembled:

WHEREAS, the East Cooper Water Authority was duly established as a public body, corporate and politic by its Corporate Certificate issued by the South Carolina Secretary of State on July 9, 1986, pursuant to Chapter 25 of Title 6 of Code of Laws for South Carolina, 1976, as amended; and

WHEREAS, the membership of the East Cooper Water Authority consists of the following entities: Bulls Bay Rural Community Water District, City of Isle of Palms, Mt. Pleasant Commmissioners of Public Works, Town of Mt. Pleasant, and Town of Sullivan's Island; and

WHEREAS, Code Section 6-25-70 provides that any member may withdraw from the Authority by resolution or ordinance of its governing body, and further provides that all contractual rights acquired and contractual obligations incurred by a member while it was a member must remain in full force and effect: and

WHEREAS, no contractual rights have been acquired and no contractual obligations have been incurred by any member of the East Cooper Water Authority; and

WHEREAS, the City of Isle of Palms is now minded to withdraw from the East Cooper Water Authority and adopts this ordinance to accomplish that end.

Section 1.

Pursuant to the authorizations contained in Code Section 6-25-70, Code of Laws of South Carolina, 1976, as amended, the City of Isle of Palms by the adoption of this ordinance hereby withdraws from the East Cooper Water Authority effective upon the filing of the resulting change in membership of the Authority in the office of the Secretary of State.

Section 2.

Notice of the withdrawal of the City of Isle of Palms from the East Cooper Water Authority and the resulting change in membership shall forthwith be filed in the office of the Secretary of State of South Carolina.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 14th DAY OF December, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE
CLERK-TREASURER

FIRST READING: 8/10/88

SECOND READING: 9/14/88

THIRD READING: 12/14/88

RATIFICATION: 12/14/88

Ordinance 1988-28

AN ORDINANCE TO AMEND SECTION 5-2-19
OF THE ISLE OF PALMS CODE OF ORDINANCES

WHEREAS, Regulations of the National Flood Insurance Program are amended periodically by the Federal Emergency Management Agency and such amendments necessitate amendments to local flood zone regulation ordinances; and,

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that any ordinance must be amended by an ordinance,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Isle of Palms South Carolina, in City Council assembled that Section 5-2-19 of the Isle of Palms Code of Ordinances is amended by adding the following language as Section 5-2-19 (3)(d):

Section 5-2-19 Same; specific standards

(3) Elevated Buildings

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 28th DAY OF September, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 9/14/88

SECOND READING: 9/28/88

THIRD READING: Suspended

RATIFICATION: 9/28/88



Ordinance 1988-29

AN ORDINANCE TO AMEND SECTION 5-2-5
OF THE ISLE OF PALMS CODE OF ORDINANCES

WHEREAS, Regulations of the National Flood Insurance Program are amended periodically by the Federal Emergency Management Agency and such amendments necessitate amendments to local flood zone regulation ordinances; and,

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that any ordinance must be amended by an ordinance,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Isle of Palms South Carolina, in City Council assembled that Section 5-2-5 of the Isle of Palms Code of Ordinances is amended by substituting the words "manufactured home" in place of the words "mobile home" as found in the definitions (9), (17), and (20).

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 28th DAY OF September 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

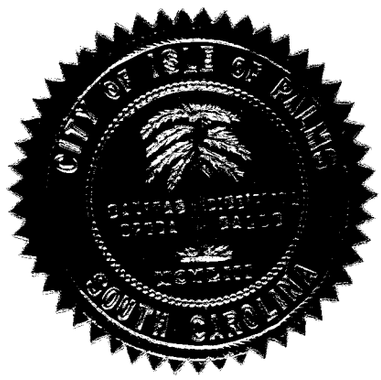
Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 9/14/88

SECOND READING: 9/28/88

THIRD READING: Suspended

RATIFICATION: 9/28/88



Ordinance 1988-30

AN ORDINANCE TO AMEND SECTION 5-2-19 (5)(h)(2)
OF THE ISLE OF PALMS CODE OF ORDINANCES

WHEREAS, Regulations of the National Flood Insurance Program are amended periodically by the Federal Emergency Management Agency and such amendments necessitate amendments to local flood zone regulation ordinances; and,

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that any ordinance must be amended by an ordinance,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Isle of Palms South Carolina, in City Council assembled that Section 5-2-19(5)(h)(2) of the Isle of Palms Code of Ordinances is amended substituting the word "lattice" for "wood" as found at that section.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 28th DAY OF September, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: 9/14/88

SECOND READING: 9/28/88

THIRD READING: Suspended

RATIFICATION: 9/28/88

CITY OF ISLE OF PALMS
SOUTH CAROLINA

CITY OF ISLE OF PALMS
EMERGENCY ORDINANCE NO. 1988- 31
October 26, 1988

AN EMERGENCY ORDINANCE ESTABLISHING A SIXTY-DAY MORATORIUM ON CUTTING AND REMOVAL OF TREES WITHIN THE CITY OF ISLE OF PALMS

WHEREAS, the Mayor and City Council have instructed City staff to draft a proposed Ordinance to regulate and restrict the cutting and removal of trees within the City of Isle of Palms, and such proposed Ordinance is scheduled for first reading at Council's regularly scheduled November, 1988 meeting; and

WHEREAS, the City Council finds that development activities within the City are occurring or are planned which could have the effect of cutting or removing significant numbers of sizable trees within the next sixty days; and

WHEREAS, the City Council is concerned that such activities would violate the restrictions contained in the proposed tree Ordinance; and

WHEREAS, the City Council believes that the period between this date and final adoption should not be regarded as a last opportunity to cut or remove trees; and

WHEREAS, the City Council desires to prevent such last-minute tree cutting from occurring; and

WHEREAS, the City Council is empowered to enact emergency Ordinances for periods of up to sixty days pursuant to Section 5-7-250(d) of the South Carolina Code of Laws, 1976, as amended.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Emergency Ordinance is adopted to protect trees within the City of Isle of Palms pending adoption of a City Tree Ordinance.

Section 2. Moratorium Established. Effective as of October 26, 1988, and continuing for a period of sixty days, a moratorium is hereby established on the cutting and removal of all trees within the corporate limits of the City of Isle of Palms, with the exceptions set forth in Section 4 hereinbelow.

Section 3. Definitions. For purposes of this moratorium, "tree" shall be defined as follows:

TREE. Any woody plant which:

(a) has a diameter breast height (DBH) of four (4) inches or more, or

(b) is of a horticultural or ornamental variety (including but not limited to dogwood, redbud, crab apple buckeye or holly) and has either a trunk diameter of three (3) or more inches at one (1) foot above the ground, or a height of eight (8) or more feet.

DIAMETER BREAST HEIGHT (DBH). The diameter of a tree trunk or trunks, measured in inches, at four and one-half (4 1/2) feet above existing grade.

Section 4. Exceptions

This moratorium shall not apply to the removal of trees as necessary for the construction of any structure for which a valid building permit was in effect as of October 26, 1988; provided that the landowner and holder of such building permit shall be required to meet the density requirements and comply with the restrictions on tree removal as set forth in the attached Interim Tree Removal Guidelines, which are incorporated into this Emergency Ordinance as if fully set forth herein.

In addition, exceptions to the moratorium established herein are made for the following situations:

(a) for any development for which the applicant can prove that exception from the moratorium is needed to prevent the occurrence of irreparable and catastrophic financial loss; and

(b) for improvements, expansion and/or new construction of infrastructure services, including systems for wastewater disposal, systems for water distribution and streets.

Section 5. Severability. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall

not affect the applicability thereof to any other persons, property or circumstances.

Section 6. Effective Date

This Ordinance shall be effective upon its enactment by the City Council for the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 26th DAY OF OCTOBER, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. McDUFFIE, CLERK-TREASURER

Emergency Ordinance 1988-
October 26, 1988

CITY OF ISLE OF PALMS
INTERIM TREE REMOVAL GUIDELINES

October 26, 1988

Section 1. Definitions

TREE. Any woody plant which:

(a) has a diameter breast height (DBH) of four (4) inches or more, or

(b) is of a horticultural or ornamental variety (including but not limited to dogwood, redbud, crab apple buckeye or holly) and has either a trunk diameter of three (3) or more inches at one (1) foot above the ground, or a height of eight (8) or more feet.

DIAMETER BREAST HEIGHT (DBH). The diameter of a tree trunk or trunks, measured in inches, at four and one-half (4 1/2) feet above existing grade.

SIGNIFICANT TREE. Any tree having a diameter breast height (DBH) of thirty (30) inches or greater.

REMOVAL OF TREES. Any intentional or negligent act which

(a) cuts down or otherwise physically destroys or removes a tree, or

(b) will cause a tree to decline and die, including but not limited to

(1) damage inflicted upon the root system of a tree by the application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the tree trunk, or

(2) damage from injury or fire which results in pest infestation, or

(3) damage resulting from the attachment or use of ropes, wires or other similar contrivances, or

(4) damage resulting from excessive pruning or trimming.

Section 2 Permit Required for Removal of Trees

(1) No person shall remove any tree within the City of Isle of Palms without first having obtained a valid tree removal permit.

(2) For new construction, an application for a tree removal permit shall accompany the application for a zoning permit pursuant to Article E (Section 5-4-81 et seq.) of this chapter, and shall be considered part of such application. No trees shall be cut down or removed from the property prior to the issuance of a tree removal permit. Compliance with all conditions set forth in the tree removal permit shall be required before a certificate of occupancy will be issued by the City.

(3) Any person desiring a permit to remove a tree, pursuant to this ordinance, shall submit a written application to the City, which shall include the following information:

(a) name and address of applicant

(b) status of applicant with respect to the land

(c) written consent of the owner of the land if applicant is not the owner

(d) address of the property

(f) copy of the plat of the property, including a statement of the acreage of the lot or parcel from which trees will be removed

(e) designation of trees on the property to be removed and trees to be maintained (diagrammed or mapped)

Section 3 Requirements for Tree Removal

(1) Except as limited hereinbelow, trees may be removed from a lot or tract provided that a minimum density of twenty (20) trees per acre is maintained.

(2) No significant tree may be removed from any lot or tract within the City.

(3) If it is impossible to situate a building footprint and the associated driveway and parking areas on a lot without reducing the density of trees below twenty (20) per acre, the Zoning

Administrator may issue a permit to remove trees below this standard under the following conditions:

(a) the applicant must demonstrate and document that alternative building locations and configurations are not feasible, including:

1. the applicant must show that, within the applicable setback limitations, no locations for building footprints and driveway/parking exist that comply with the 20 trees per acre requirement

2. in addition, the applicant must show whether any such location would be possible, or whether the number or size of removed trees would be reduced, if the applicable setbacks were modified to minimum side yard setbacks of 5 feet and/or minimum front or rear yard setbacks of 10 feet; upon recommendation of the zoning administrator, the Board of Adjustment is authorized to grant a variance to the applicable setback requirements if so doing would result in a significant savings of trees

(b) removal of trees shall be limited to either the fewest number or the least total DBH necessary for siting of the building footprint and the least destructive configuration of driveway/parking

(c) no significant trees may be removed

(d) following construction, trees shall be planted on the lot/parcel to establish a density of no less than twenty (20) trees per acre; such plantings shall be in accordance with the standards set forth hereinbelow.

Section 4 Removal of Dead or Diseased Trees

(1) Dead or diseased trees may be removed by the landowner pursuant to a tree removal permit when such trees constitute a hazard to life and/or property, or harbor insects or disease which constitute a potential threat to other trees within the City. If removal of such trees decreases the density of trees on a lot or parcel below the standards of twenty (20) trees per acre, replacement trees shall be planted, in accordance with the standards set forth hereinbelow, to establish a density of no less than twenty (20) trees per acre on the lot(s)/parcel(s) from which such dead or diseased trees are removed.

(2) The City shall have the right to cause the removal of dead or diseased trees when such trees constitute a hazard to life and/or property, or harbor insects or disease which constitute a potential threat to other trees within the City. To require removal of dead or diseased trees pursuant to this section, the Zoning Administrator or his designee shall notify in writing the owners of such trees, and shall require removal, at the owner's expense, within sixty (60) days following the date of notification (service or receipt of certified mail). In the event the owner fails to comply with such provisions, the City shall have the authority to remove such tree(s) and shall charge the cost of removal on the owner's subsequent property tax notice.

Section 5 Tree Protection During Development

On each lot or tract on which construction is ongoing pursuant to a validly issued building permit, protective barricades shall be placed around all trees which are to be retained, and shall remain in place until development activities are complete. The areas lying within the protective barricades shall remain free of all building materials, dirt or other construction debris, vehicles, and development activities. Barricades shall be erected in accordance with standards to be determined by the Zoning Administrator.

Section 6 Standards for Tree Planting and Replacement

(1) Trees planted and/or replaced pursuant to a tree permit in accordance with the requirements of this ordinance shall be botanically compatible with local conditions, healthy, disease-free, pest-free and of nursery stock, and shall have a minimum size of 2 1/2 inches in DBH or 12 inches in height at the time of planting.

(2) At the time of planting, and if commercially available within the State of South Carolina, replacement trees planted pursuant to a citation of violation of this ordinance shall be of the same type (species) and size (height and DBH) as the tree(s) being replaced. If not so available, the type and/or size of such replacement trees shall be as close to that of the tree(s) being replaced as is commercially available within the State.

Section 7 Penalties for Violation

Violation of Sections 1 through 6 hereinabove shall be subject to the following fines and restrictions:

(1) Violation of this article shall be a misdemeanor, and shall be punished by a fine not exceeding $200.00 or by imprisonment for a term not exceeding 30 days, in the discretion of the judge of the city court. Each day any violation of this chapter continues shall constitute a separate offense.

(2) In lieu of, or in addition to, the penalties imposed in subsection (1) hereinabove, the party or parties found to be in violation of this article shall be required to plant or replace trees, pursuant to the above requirements, as necessary to meet the requirements of this article; provided that this penalty shall not be imposed in instances in which the removal of trees occurred without a valid tree removal permit but was otherwise in compliance with the requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violations of this article.

(3) Where violation of this article is associated with construction pursuant to a city zoning permit and/or building permit, a certificate of occupancy pursuant to Section 5-4-101 of the City Code shall not be issued until such violation has been remedied and trees are planted or replaced, pursuant to the above requirements, as necessary to meet the requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violation of this article.

Section 8 **Exceptions**

This article shall not apply to commercial timber operations, nor shall the application of the requirements of this article restrict the ability of public utilities and electric suppliers from maintaining safe clearance around utility lines.

Ordinance 1988-31

An Ordinance to Authorize the Transfer by Deed of Lot A-1, Block 36, Section A of City Parking Lot Property to Wesly S. and Leonardene Wall

WHEREAS, the City of Isle of Palms has acquired property from the Beach Company by deed dated September 15, 1987, for the purpose of providing and establishing a municipal parking lot to be used by visitors using the City's beaches and commercial establishments; and,

WHEREAS, said property was acquired from the Beach Company subject to identified encroachments from buildings owned by Wesly S. and Leonardene Wall; and,

WHEREAS, said encroachments can best be eliminated by conveyance of additional property to the owners of the encroaching buildings;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council Assembled, that:

Section 1. Purpose. This Ordinance is adopted to authorize the Mayor to transfer by deed the property known as Lot A-1, Block 36, Section A to Wesly S. and Leonardene Wall pursuant to the limitations as stated herein below.

Section 2. Mayor Authorized to Execute Deed. The Mayor is hereby authorized to transfer by deed the parcel of the City's parking lot property designated as Lot A-1, Block 36, Section A, consisting of 0.2459 acres, to Wesly S. and Leonardene Wall, which parcel is created and shown as a lot by points A, B, C, D on a subdivision plat by Herbert A. Niemyer, Jr., RLS, dated August 16, 1988, which plat is recorded at the Charleston County RMC Office in Book BT; Page 113, a copy of which plat is attached hereto as exhibit "A" and incorporated as a part of this Ordinance as if fully set forth herein.

Section 3. Terms of Covsyance. The Mayor is hereby authorized to enter into a contract of sale and transfer the above referenced property under the following conditions:

(A). Sales price shall be $82,494.00.

(B). Purchasers shall pay all closing costs.

Section 4. Severability. If any part of this Ordinance is to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any portions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 5. Effective Date. This Ordinance shall be effective upon its ratification by the City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS _____ DAY OF _____, 1988.

Carmen R. Bunch

CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie

NELLIE S. MCDUFFIE, CLERK TREASURER

FIRST READING: _____

SECOND READING: _____

THIRD READING: 11-9-88

RATIFICATION: 11-9-88

AN ORDINANCE AUTHORIZING THE TRANSFER BY DEED OF ONE PARCEL OF THE CITY'S BEACH PARKING LOT TO THE CITY, UNDER RESTRICTION

WHEREAS, the City of Isle of Palms has acquired property, which is presently being used as a municipal parking lot for visitors using the City's beaches and commercial establishments from the Beach Company by deed dated September 15, 1987; and

WHEREAS, the South Carolina Parks, Recreation and Tourism Commission has made the sum of Fifty Thousand ($50,000) Dollars available to assist the City in such acquisition, and may make additional sums available to supplement this initial grant; and,

WHEREAS, as a condition of said grant, the South Carolina Parks, Recreation and Tourism Commission requires that the property hereinafter described shall be held, transferred or converted to other use subject to certain restrictions stated hereinafter; and,

WHEREAS, at the request of the South Carolina Parks, Recreation, and Tourism Commission, the City has determined to convey the property described hereinafter to itself subject to said restrictions.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Councilmembers of the Isle of Palms, South Carolina, in City Council assembled, that:

Section 1. Purpose. This Ordinance is adopted to authorize the Mayor to transfer by deed the property known as TMS #568-11-00-200 to the City under the limitations stated herein below.

Section 2. Mayor Authorized to Execute Deed. The Mayor is hereby authorized to transfer by deed the parcel of the City's beachfront area property designated as TMS# 568-11-00-200 to the City pursuant to the grant and request of the South Carolina Parks, Recreation and Tourism Commission, with the following limitations:

> This property has been acquired with state financial assistance provided by the Recreation Land Trust Fund. This property may not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the South Carolina Parks, Recreation and Tourism Commission. The S.C. PRT Commission shall approve such conversion only if it funds that such conversion to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as it deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Section 3. Severability. If any part of ths Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any portions thereof, is held to

be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4. Effective Date. This Ordinance shall be effective upon its ratification by the City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 9th DAY OF November, 1988.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie
NELLIE S. MCDUFFIE, CLERK/TREASURER

FIRST READING: October 19, 1988

SECOND READING: November 9, 1988

RATIFICATION: November 9, 1988