ORDINANCES 1994

1.	Ordinance 1993-23	1/25/94
2.	ordinance 1994-2	2/22/94
3.	Ordinance 1994-3	4/26/94
4.	Ord. 1994-4	4/26/94
5.	Ord. 1993-14	4/26/94 (adopting Code)
6.	Ord. 1994-6	5/24/94
7.	Ord. 1994-7	5/24/94
8.	Ord 1994-14	7/26/94
9.	Ord. 1994-5	8/30/94
10.	Ord. 1994-13	8/30/94
11.	Ord. 1994-16	10/25/94
12	Ord. 1994-18	10/25/94
13.	Ord. 1994-20	10/25/94 (millage)

ORDINANCE 1994-2

AN ORDINANCE

AMENDING THE SERIES 1993 BOND ORDINANCE BY APPOINTING FIRST UNION NATIONAL BANK OF SOUTH CAROLINA, TO SERVE AS BOTH CUSTODIAN AND REGISTRAR FOR THE SERIES 1993 BONDS.

WHEREAS, by Ordinance effective February 11, 1991, (the General Bond Ordinance) the City of Isle of Palms has made provision for the issuance of Water and Sewer System Revenue Bonds of the City of Isle of Palms, South Carolina; and

WHEREAS, under the terms of the General Bond Ordinance, such Water and Sewer System Revenue Bonds of the City are to be issued under ordinances declared to be supplemental thereto; and

WHEREAS, on July 13, 1993, the City Council of the City adopted a Series 1993 Bond Ordinance entitled "SERIES 1993 BOND ORDINANCE AUTHORIZING THE ISSUANCE OF $7,100,000 WATER AND SEWER SYSTEM REVENUE BOND, SERIES 1993, OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA; TO PROVIDE FOR THE USE OF THE PROCEEDS; TO PROVIDE FOR THE TERMS AND CONDITIONS UPON WHICH THE BOND WILL BE ISSUED; TO PROVIDE FOR THE PAYMENT THEREOF AND SECURITY THEREFOR; AND TO PROVIDE FOR OTHER MATTERS IN CONNECTION THEREWITH; and

WHEREAS, the Series 1993 Bond was sold under the terms of a Bond Purchase Agreement dated July 15, 1993 to Wild Dunes Utilities, Inc. (the Purchaser); and

WHEREAS, Wild Dunes Utilities, Inc. thereafter assigned all of its right, title and interest in and to Series 1993 Bond R-1 to Raymond James & Associates, Inc. effective October 21, 1993, and the City delivered Bonds R-2 through R-21 in various denominations as requested by Raymond James & Associates, Inc.; and

WHEREAS, it now appears that there may be further trading of the Series 1993 Bonds and the City Council is minded to appoint First Union National Bank of South Carolina to serve not only as Custodian, but also as Bond Registrar, in order to avoid the necessity of requiring the Clerk/Treasurer of the City to maintain detailed records of future transfers of the Series 1993 Bonds.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Isle of Palms in meeting duly assembled:

The Series 1993 Bond Ordinance is hereby amended as follows:

1. Section 1.1 is hereby amended by adding the following definition: "Registrar - Registrar shall mean First Union National Bank of South Carolina."

2. Sections 3.5 and 3.8 of the Series 1993 Bond Ordinance are hereby amended by deleting therein all references to "Clerk of the City" and substituting in lieu thereof the term "Registrar".

DONE IN MEETING DULY ASSEMBLED this 22nd day of February, 1994.

CITY OF ISLE OF PALMS, SOUTH CAROLINA

Carmen R. Bunch
Mayor

Attest:

Nellie L. McDuffie
Clerk/Treasurer

First Reading: January 25, 1994

Second Reading: February 22, 1994

Ratification: February 22, 1994

CHAR:33857

Third Reading Draft
April 26, 1994

ORDINANCE 1994-3

AN ORDINANCE TO PROHIBIT SMOKING IN THE ISLE OF PALMS CITY HALL BUILDING AND OTHER CITY OWNED OR OPERATED FACILITIES EXCEPT IN SPECIFICALLY DESIGNATED AREAS

WHEREAS, it has been shown that the smoke produced by the smoking of cigarettes, cigars and pipes is both hazardous and detrimental to the health, welfare, and comfort of smokers and non-smokers; and

WHEREAS, both the Environmental Protection Agency and the Surgeon General of the United States of America have reported that smoking is a significant cause of cancer, heart disease and lung disorders in smokers and passive smokers (those inhaling the smoke of others); and

WHEREAS, employers are under a legal duty in this State to provide a safe working environment free from all preventable hazards; and

WHEREAS, the City of Isle of Palms in furtherance of its duty to provide such regulations as may be necessary to protect the health of its citizens and minimize the incidents of disease of its population, and to provide a working environment to its employees and the general public which is reasonably free of hazards and distractions, such as smoke; and

WHEREAS, the Clean Indoor Air Act of 1990, Section 44-95-10, et seq., South Carolina Code of Laws, as amended, makes it unlawful for persons to smoke in government buildings except in areas designated for smoking;

WHEREAS, after due study and deliberation, City Council finds that certain regulations should be enacted to protect the health and safety of its employees and the general public;

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

Section 1. Purpose. This ordinance is adopted to prohibit smoking in all City-owned and -operated buildings except in those areas specifically designated for such purpose.

Section 2. Title 6, Chapter 4, is hereby adopted: Smoking in City Owned or Operated Facilities

Sec. 6-4-1 Definitions.

(a) "Smoking" means the lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted "smoking material".

(b) "Smoking materials" shall include cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling and exhaling smoke.

Sec. 6-4-2 Smoking Prohibited, Except in Designated Areas

(a) No person shall smoke in any City-owned building except in areas designated for smoking.

(b) The City Administrator, with the approval of City Council, shall designate smoking areas within each building owned by the City:

(1) Every reasonable effort shall be made to prevent designated

smoking areas from impinging upon designated smoke-free areas, by the use of existing physical barriers and ventilation systems.

(2) Smoking areas shall be designated such that nonsmokers may utilize the building without having to pass through designated smoking areas.

(3) Smoking may not be permitted in portions of buildings where there is a lack of adequate ventilation, or where it is not possible to segregate smoking and non-smoking areas.

(4) Smoking shall be allowed in enclosed private offices and designated areas or employee break areas.

Sec. 6-4-3 Smoking Signs Required.

(a) Signs shall be placed at designated entrances informing the public that smoking is prohibited by City Ordinance except in areas designated by a sign.

(b) Signs shall be posted in City-owned buildings conspicuously designating both smoking and non-smoking areas; provided that signs are not required in private offices.

Sec. 6-4-4 Penalties. Any person found guilty of smoking in violation of this ordinance shall have committed an infraction punishable by a maximum fine of twenty five dollars ($25.00) for each violation thereof.

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 of the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 26th DAY OF April, 1994.

Carmen R. Bunch

Carmen R. Bunch, Mayor

Nellie S. McDuffie

Nellie S. McDuffie, Clerk-Treasurer

First Reading: 2/22/94
Second Reading: 3/22/94
Third Reading: 4/26/94
Ratification: 4/26/94

Third Reading Draft
April 26, 1994

ORDINANCE 1994-4

AN ORDINANCE TO MAKE GENERAL AMENDMENTS TO THE CITY CODE OF ORDINANCES

WHEREAS, City Council finds after review of the City Code that numerous provisions need to be updated and revised; and

WHEREAS, City Council desires to amend the City Code to bring it into conformity with changes in State law and to clarify certain provisions;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Isle of Palms, South Carolina, in City Council assembled, that the designated sections of the City Code are added or amended to read as follows:

1. Section 1-2-3 Compensation. Amend (a) to read:

(a) The annual salary of the mayor shall be $3,600.00, and the annual salary of each council member shall be $900.00.

2. Section 1-2-5 Emergency powers of mayor. Amend (f) to read:

(f) A person convicted of violating a provision of this section or any order issued pursuant to this section shall be punished as provided in Section 1-3-66 of this Code.

3. Section 1-3-2 Special meetings. Amend to read:

Special meetings shall be held at any time on the call of the mayor or a majority of council members.

4. Section 1-3-10 Order of business. Amend (A) (1) (a) to read:

(A) (1) (a) The minutes of the previous council meeting shall be presented by the Clerk-Treasurer.

(A) (1) (g) is repealed.

(A) (2) (g) is repealed.

5. Section 1-3-12 Addressing the council. Amend to read:

No member of council or member of the public shall speak at a council meeting until recognized by the mayor or presiding member. Remarks shall be limited to the question or subject under consideration. Disrespectful or personal remarks shall not be permitted and the chair may ask that the person making such remarks be removed from the council chambers.

6. Section 1-3-16 Manner of voting and recording of votes. Amend (b) and (c) to read:

(b) The ayes and nays on any question shall be ordered when requested by any member. The clerk-treasurer shall call the roll of the mayor and council in alphabetical order, with the mayor voting last, and record the votes in the minutes.

(c) No member shall abstain or leave the council chamber during a vote. The mayor and each member present shall vote on every question unless

disqualified by conflict of interest under state law. The reason for a disqualification shall be stated in writing and recorded in the minutes.

7. Section 1-3-19 Tie votes. Amend to read:

If, after the mayor and all members have voted, the vote is equally divided, the question shall be decided in the negative.

8. Section 1-3-20 Voting by mayor is repealed.

9. Section 1-3-24 Executive session. Amend to read:

Council may go into executive session for any purpose permitted by the Freedom of Information Act by majority vote at any public meeting. No vote may be taken on any matter in executive session. Minutes of executive sessions, if any are taken, shall not be public records.

10. Section 1-3-31 Standing committees; responsibilities. Amend (5) to read:

(5) Ordinance Management, which shall consist of three (3) members. The committee's duties are to:

(a) reduce to their final legal form all ordinances referred to the committee by City Council; and

(b) carefully examine into and report to City Council on all petitions and other matters referred to the committee within the times set by City Council.

11. Section 1-3-53 Procedure for enactment. Amend (d) to read:

(d) Third reading. On third reading, an ordinance shall be read by title only, unless any member shall call for the reading of the entire ordinance. No amendment of an ordinance shall be made on third reading except by unanimous consent. An ordinance shall be adopted when approved on third reading.

(e) Engrossment, ratification and attestation is repealed.

12. Section 1-3-66 General penalty; continuing violations. Amend (a) to read:

(a) Whenever in this code or in any ordinance or resolution of the city council or any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding $500 or imprisonment for a term not exceeding 30 days, or both, in the discretion of the municipal judge. Each day of such violation shall constitute a separate offense.

13. Section 1-4-11 Office established; duties. Add:

(f) The administrator shall perform his duties in accordance with the provisions of the City Personnel Manual. He shall further deal with employees pursuant to the City Personnel Manual, which shall not be construed to constitute a contract of employment for any employee.

14. Section 1-4-31 Appointment; duties. Amend to read:

Council shall appoint a city attorney who shall serve at the pleasure of council. The city attorney shall be admitted to practice law in South Carolina and shall be a member of the Bar in good standing. The city attorney shall be legal counsel to the city and shall perform such other duties as may be required by law or ordinance.

15. CHAPTER 7 - City Court.

All references to "recorder" shall be amended to read "municipal judge".

16. Section 1-7-3 Jurisdiction. Amend to read:

The municipal judge shall hear and determine all cases within the jurisdiction of municipal courts under state law, including violations of municipal ordinances. The municipal judge may impose fines not to exceed $500 or imprisonment for a period not to exceed 30 days, or both, in his discretion, and in addition shall impose costs and fees required by state law. The municipal judge may suspend sentences upon such terms and conditions as he deems proper, including, without limitation, restitution or public service employment. An associate judge may be appointed by city council to serve in the absence of the municipal judge and perform the same duties as described hereinabove.

17. Section 2-2-2 Fire chief. Amend (a) and (c) to read:

(a) The city council shall appoint the chief of the fire department who shall serve at the pleasure of city council.

(c) The administrator shall have such authority to deal with the fire chief as may be delegated by city council in the City Personnel Manual.

18. Section 2-2-5 Arrest, etc. is repealed.

19. Section 2-2-6 Firemen's insurance and inspection fund. Amend to read:

The city hereby accepts the terms of the Firemen's Insurance and Inspection Fund Act as set forth in S.C. Code Ann. §§23-9-301 - 401 (1976).

20. Section 2-2-11 Fire prevention code adopted.

The Standard Fire Prevention Code, 1991 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976).

21. Section 2-2-12 Penalties is repealed.

22. TITLE 3, ARTICLE D - Parades and Processions. Amend to read:

Section 3-1-41 Definitions.

(1) Parade is any parade, march, ceremony, show, exhibition, pageant, procession of any kind, rally, or demonstration, or any similar display in or upon any street, sidewalk, public place, park or other outdoor places owned or under control of the city.

(2) Person is any person, firm, partnership, association, corporation, company, group, or organization of any kind.

(3) Unit is a person, animal, vehicle or conveyance participating in a parade.

Section 3-1-42 Parade permit required.

It shall be unlawful for any person to engage in, participate in, aid, form, start, or stage any parade or procession on any of the streets or in any other public places without the special permit from the chief of police to do so; provided, however, that funeral processions and governmental agencies acting within the scope of their official functions, are exempted from this Article.

Section 3-1-43 Application for parade permit.

A person seeking the issuance of a parade permit shall file an application with the chief of police on forms provided by the chief of police under the following conditions:

(1) Filing period. An application for a parade permit shall be filed with the chief of police not less than fifteen (15) days before the date on which it is proposed to conduct the parade and not less than thirty (30) days before the date on which it is proposed to conduct the parade if the number of anticipated participants exceeds one hundred (100).

(2) Contents. The application for a parade permit shall set forth the following information:

a. The name, address, and telephone number of the person seeking to conduct such parade and the signature of the person or his authorized agent;

b. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organizations; written authorization must be submitted by an applicant seeking a permit for another person;

c. The name, address and telephone number of the person who will be the parade chairman or have responsibility for its conduct;

d. The date the parade is to be conducted;

e. The route to be traveled, to include the starting point and the point of termination;

f. The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals, and description of the vehicles; the composition and interval of space between units;

g. The hours when such parade will start and terminate;

h. The location by either street and block location or other reasonable physical description of any and all assembly areas for such parade, together with the time at which units of the parade will begin to assemble;

i. The purpose of the parade, although there will be no refusal of a permit based on purpose alone, unless such purpose comes into conflict with the conditions and requirements hereinafter set forth under standards of issuance; and

j. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(3) Late applications. Where good cause is shown therefor, the chief of police shall have the authority to consider any application hereunder which is filed in less that the required periods applicable for the size of parade proposed.

(4) Application fee. A non-refundable fee of twenty-five dollars ($25.00) to cover the expenses incident to filing, processing, and distribution shall be paid by the person applying for the permit at the time of the filing of the application.

Section 3-1-44 Standards for issuance of permit.

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from other such information, reasonable and reliable in nature and in content as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic and will proceed along the prescribed route of march only once;

(2) The conduct of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection, or ambulance service, or cause diversion of a number of police, fire, rescue or health personnel which would hamper normal health or safety services to the public;

(3) The conduct of the parade is not reasonably likely to cause congestion, excessive noise, injury to persons or property or to provoke disorderly conduct, riot, disturbance, or breach of the peace;

(4) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit; provided, however, the prohibition against advertising any product, goods or event, shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade;

PROVIDED, however, if the chief of police finds that the parade permit requested is both subsequent and similar in purpose and/or person to parades previously requested and held during the same calendar year and are so unreasonably repetitious as to constitute an inconvenience to the public in

its use of the parade routes and their contiguous places of business and of public use, access, and enjoyment, he may deny the application.

Section 3-1-45 Notice of rejection.

The chief of police shall act upon the application for a parade permit within three (3) days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant, by return receipt certified mail within three (3) days after the date upon which the application was filed, a notice of his action, setting forth the reason(s) for his denial of the permit.

Section 3-1-46 Alternative permit.

The chief of police in denying an application for a parade permit shall be empowered to authorize the conduct of the parade with variances in either or all of the following: date, time, route, size, spacing, or duration if a compelling interest is involved. An applicant desiring to accept an alternate permit, shall within three (3) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Article.

Section 3-1-47 Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within five (5) days after receipt of the notice of denial. The City Council shall act not later than its next regular meeting after receipt of the notice of appeal. The standards for issuance in this Article shall apply on appeal and the rules of procedure shall be set by City Council. Parties shall have the right to be represented by counsel, present testimony and evidence, and cross-examine witnesses. Proceedings shall be recorded and transcribed at the expense of the requesting party. The decision of City Council shall be in writing with reasons stated.

Section 3-1-48 Notice to officials.

Immediately upon the denial of a parade permit, the chief of police shall send a copy thereof to the Mayor and Council, Administrator and City Attorney; and upon issuance of a permit, he shall send a copy to the following:

(1) The mayor and council;
(2) The city administrator;
(3) The fire chief;
(4) The ambulance service;
(5) All law enforcement agencies likely to be involved;
(6) The city attorney.

Section 3-1-49 Contents of permit.

Each parade permit shall state the following information and conditions where applicable:

(1) Name, address and capacity of responsible person;
(2) Date, starting and ending times;
(3) Starting point, route and ending point;

(4) Number of units and space intervals between units;
(5) Minimum and maximum speeds; stopping conditions;
(6) Limits on the portions of traversed streets to be occupied by the parade;
(7) Limitations on types of units permitted;
(8) Parking requirements for parade participants;
(9) Staging area requirements;
(10) Law enforcement escort requirements;
(11) The following conduct requirements:

(a) Except for military forces of the United States and law enforcement officers, no participants shall be armed with any weapon or carry any object which could be used as a weapon;

(b) No participants shall use abusive or obscene language or gestures toward spectators, engage in disorderly or riotous conduct, make loud noises, injure persons or property, obstruct access to public or private property, disturb or breach the peace; litter or distribute commercial material;

(12) Notice that the parade permit may be summarily revoked for violation of this ordinance or permit conditions, or in event of emergency affecting public health or safety, in addition to appropriate legal action;

(13) Notice that the responsible permit holder and participants engage in the permitted parade at their own risk as to persons and property; and

(14) The requirement that the responsible person acknowledge receipt and acceptance of the permit and conditions by return within (3) days to the chief of police a dated and signed copy of the permit provided.

Section 3-1-50 Possession of permit.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Section 3-1-51 Public conduct during parades.

(a) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) Driving through parades. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on parade route. The chief of police shall have the authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police may post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

Section 3-1-52 Revocation of permit.

The chief of police shall have the authority to summarily revoke a parade permit issued hereunder upon violation of the standards of issuance as set forth in this Article, or in the event of emergency affecting public safety or health.

Section 3-1-53 Violation.

It shall be unlawful for any person to fail or refuse to comply with the provisions of this Article, or the terms and conditions of any permit issued hereunder. Violations of the foregoing shall be punishable as provided in Section 1-3-66 of this Code.

23. Section 4-1-1 Reports by private water companies is repealed.

24. Section 5-1-11 Building code adopted. Amend to read:

The Standard Building Code, 1991 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

25. Section 5-1-13 One and two family dwelling code adopted. Amend to read:

The Standard One and Two Family Dwelling Code, 1989 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

26. Section 5-1-21 Plumbing code adopted. Amend to read:

The Standard Plumbing Code, 1991 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

27. Section 5-1-31 Electrical code adopted. Amend to read:

The National Electric Code, 1990 edition, is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the National Electric Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

28. Section 5-1-41 Gas code adopted. Amend to read:

The Standard Gas Code, 1991 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law,

ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

29. Section 5-1-51 Mechanical code adopted. Amend to read:

The Standard Mechanical Code, 1991 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

30. Section 5-1-61 Housing code adopted. Amend to read:

The Standard Housing Code, 1988 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

31. Section 5-1-71 Swimming pool code adopted. Amend to read:

The Standard Swimming Pool Code, 1985 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

32. Section 5-1-81 Unsafe building abatement code adopted. Amend to read:

The Standard Unsafe Building Abatement Code, 1985 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling.

33. Section 6-1-33 Appeals; ordinance summons; liens; penalties. Amend (a), (b), (c), (d) and (e) to read:

(a) The city administrator is authorized to issue regulations for the form, content, and maintenance of notices and to hear and determine appeals from sanitation division notices served pursuant to Section 6-1-32. A notice of appeal must be delivered to the city administrator within five (5) days after service of the sanitation division notice. The determination of the city administrator shall be made in writing and shall be final.

(b) The city administrator may authorize an appropriate city employee to serve an ordinance summons for violation of this Article pursuant to Section 1-3-66(b).

(c) In the event the responsible person fails to correct the conditions which violate this Article within the time prescribed in the notice, the city administrator may authorize agents or employees of the city to enter onto the

property and take corrective action. The cost of corrective action taken by the city shall be a lien upon the property which shall be added to and collected in the same manner as the ad valorem taxes on the property.

(d) Nothing in this section shall prevent the city from taking any other appropriate action such as courtesy notices to encourage voluntary compliance, or arrest warrants for violations.

(e) Violation of this article is a misdemeanor punishable as provided in Section 1-3-66 of this Code.

(f) and (g) are repealed.

34. Section 6-2-15 title is amended to read: Running at large prohibited.

(c) and (d) are repealed and replaced by new Section 6-2-16, et seq.

35. Section 6-2-16 title is amended to read: Dangerous dogs; definition. Add:

The term dangerous dog means:

(a) 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;

(b) 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 article;

(c) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

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

36. Add: Section 6-2-17 Determination of dangerous dog; destruction.

(a) A city police officer, or animal control officer designated by the city administrator, shall have the authority to determine if a dog is a dangerous dog under the definition in this article after considering, without limitation, the following factors: the dog's behavior, size, temperament, breed, capacity for inflicting serious injury, adequacy of enclosure or confinement, proximity to children, prior history of unprovoked attacks, known propensity or tendency to attack or cause injury, or other factors relevant to public safety.

(b) Any dog which bites a person or domestic animal shall be deemed a dangerous dog, and shall be immediately impounded pending a final determination to be made within three (3) days after written notice to the owner.

37. Add: Section 6-2-18 Dangerous dog to be confined; signs; impoundment of unconfined dog.

(a) The owner of a dangerous dog shall keep the dog securely confined indoors or enclosed in a locked pen or structure on the premises of the owner of the dog.

(b) A city police officer, or animal control officer designated by the city administrator, shall determine whether a dangerous dog is securely confined under the terms of this article. A dog kept on a porch, patio, area secured only by screened windows or doors, or part of a building allowing the dog to exit on its own volition is not deemed securely confined. A secured outdoor enclosure must be a pen or structure with a top attached to the sides, a solid bottom or sides embedded into the ground at least one (1) foot, and must be locked with a key or combination lock when the dog is in the structure. Pens or structures must be adequately lighted and kept in clean and sanitary condition.

(c) The owner of a dangerous dog shall, as a requirement of confinement, display in a prominent place on the premises a clearly visible warning sign indicating that there is a dangerous or vicious dog on the premises. A similar sign shall be posted on the pen or structure in which the dog is kept. The failure to post such signs constitutes failure to adequately confine the dog.

(d) An unconfined dog determined to be dangerous under this article shall be impounded immediately, and notice shall be given to the owner in writing that the dog has been determined to be dangerous, has been impounded, and will be turned over to the county for humane destruction if no appeal is filed with the city administrator within three (3) days of the notice. The decision of the city administrator on appeal shall be final.

38. Add: Section 6-2-19 Leash and muzzle required.

The owner of a dangerous dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is surely muzzled and restrained by a chain or adequate leash, and under the physical restraint of a responsible adult. Dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. The muzzle shall be made in a manner that will prevent the dog from biting a person or other animal.

39. Add: Section 6-2-20 Dog fighting prohibited.

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

40. Add: Section 6-2-21 Insurance required.

An owner of a dangerous dog must provide annually to the city clerk proof of public liability insurance in the amount of at least $250,000 per person per injury, naming the owner as insured and also naming the city as an additional insured, for any personal injuries and property damages resulting from acts of the dangerous dog. Coverage shall be at least as broad as Insurance Service office Form CG 00 01 85. The policy shall provide for written notice to the city at least 30 days prior to cancellation or modification of coverage. Proof of such insurance shall be a condition of the permit required by Section 6-2-11.

41. Add: Section 6-2-22 Violation, impoundment, penalties.

(a) It shall be unlawful for any person to fail to comply with the requirements of this article or to suffer or permit a dog to be a danger to the health, safety, or welfare of the public in violation of this article.

(b) An owner who is in violation of this article shall lose all property rights in a dog determined to be dangerous, and the dangerous dog shall be turned over to the county SPCA for humane destruction.

(c) Any dog running at large in violation of this article shall be impounded. The owner of a licensed dog shall be given notice that the dog may be claimed from the city kennel within three (3) days. A dog with no license or identification will be held in the city kennel for two (2) days. An owner claiming a dog must comply with all requirements of this article and pay to the city an impoundment fee as established by City Council. Dogs not claimed within the applicable holding periods will be transferred to the county SPCA for disposal.

(d) Violation of this article is a misdemeanor punishable pursuant to Section 1-3-66 of this Code.

Sections 6-2-23 through 6-2-30 reserved.

42. Chapter 2, Article C, Miscellaneous Animal Provisions.

Renumber Section 6-2-21, Purposes, as 6-2-31.

Renumber Section 6-2-22, Prohibition of Display of Certain Animals, as 6-2-32.

Sections 6-2-33 through 6-2-35 reserved.

43. Section 7-3-5 Use of surfboards restricted.

(c) is repealed.

44. Section 7-3-14 Interference with lifeguards is repealed.

45. Section 8-1-4 Chief of police to recommend street regulations. Amend to read:

The chief of police shall make recommendations to the city council for regulations regarding traffic control devices and markings, speed limits, parking, school zones, parking zones, signs, and public safety in use of streets. Regulations shall be effective upon approval by city council recorded in the minutes. Violation of street regulations is a misdemeanor punishable as provided in Section 1-3-66 of this Code.

46. Section 9-1-3 Shoplifting. (b) is amended to read:

(b) Violation of this section involving merchandise values at $1,000 or less is punishable pursuant to Section 1-3-66 of this Code.

47. Section 9-1-6 Malicious injury to real property. Amend to read:

It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure a tree, house, outside fence, or fixture of another or commit any other trespass upon real property of another. Violation of this section involving injury or damage of $1,000 or less is punishable pursuant to Section 1-3-6 of this Code.

48. Section 9-1-13 Dumping litter. Amend to read:

S.C. Code Ann. §16-11-700 (1993 Supp.) prohibiting the dumping of litter on public or private property or waters in the State is hereby adopted by reference. Violation of this section is punishable as therein provided.

49. Amend Section 9-1-17 to read: Handbills; littering; distribution.

(a) It shall be unlawful for any person to throw or deposit any commercial or non-commercial handbill, poster, advertisement, booklet, card, or paper upon any sidewalk, street, park, public place, vehicle, or private premises within the city.

(b) It shall be unlawful for any person to sell or distribute commercial handbills upon any sidewalk, street, park, or public place within the city, except newspapers of general circulation or materials permitted to be distributed from fixed dispensers which avoid littering.

(c) It shall be unlawful for any person to sell or distribute any commercial or non-commercial handbill upon any private premises if requested by posted notice or orally by any person thereon not to do so. This section does not apply to delivery of mail or newspapers of general circulation in a manner which avoids littering.

50. Section 9-2-2 Discharge of firearms. Amend to read:

It shall be unlawful for any person to discharge any firearm within the city, except law enforcement officers in the exercise of their duties or authorized participants in a parade or ceremony.

51. Section 9-2-7 Disorderly establishments; investigative procedures is repealed.

52. Section 9-2-8 Drunkenness in public is repealed.

53. Amend Section 9-3-2 to read: Solicitation of charitable funds.

No person shall solicit charitable funds within the city without first filing with the city clerk a copy of a permit authorizing such solicitation issued by the Secretary of State pursuant to S.C. Code Ann. §33-55-10, et seq. (1976)

54. Section 9-4-2 Indecent exposure. Amend to read:

It shall be unlawful for any person to appear in any place in the City open to the public in a state of sexually explicit nudity. Sexually explicit nudity means the showing of uncovered, or less than opaquely covered, human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or covered human male genitals in a discernible turgid state.

55. Section 9-4-5 Possession of marijuana unlawful. Amend the second sentence to read:

Violation of this section is a misdemeanor punishable pursuant to Section 1-3-66 of this Code.

56. Section 9-4-6 Possession of drug paraphernalia unlawful. Amend (c) to read:

(c) Violation of his section is a misdemeanor punishable pursuant to Section 1-3-66 of this Code.

57. 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.

58. Effective Date. This ordinance shall be effective upon its ratification by the City Council of the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 26th DAY OF April, 1994.

Carmen R. Bunch

Carmen R. Bunch, Mayor

Nellie S. McDuffie

Nellie S. McDuffie, Clerk-Treasurer

First Reading: 2/22/94
Second Reading: 3/22/94
Third Reading: 4/26/94
Ratification: 4/26/94

CITY OF ISLE OF PALMS
ORDINANCE NO. 1994-5

AN ORDINANCE TO AMEND CHAPTER 4, ZONING, OF THE CODE OF THE CITY OF ISLE OF PALMS TO MODIFY ZONING REQUIREMENTS FOR PROTECTING TREES.

WHEREAS, City Council desires to modify the City of Isle of Palms' zoning requirements for protecting trees; and

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

WHEREAS, a properly noticed public hearing has been held on this 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 requirements for protecting trees.

Section 2. Section 5-4-2, Definitions, Amended. Existing Section 5-4-2 is hereby amended by adding the following to the end of definition number (24) Removal of trees:

"c. subdivides property in such a way so that a tree is at or near the center of a lot or in a location on the lot that will require the removal of the tree for construction of a dwelling unit or other structure."

Section 3. Section 5-4-12, Development standards. Existing Section 5-4-12 is hereby amended by adding the following:

"(6) Plats which create lots or alter existing lots in such a way so that a tree is at or near the center of a lot or in a location on the lot that will require the removal of the tree for construction of a dwelling unit or other structure will not be approved unless a tree removal permit has been obtained pursuant to Section 5-4-61."

Section 4. Section 5-4-61, Permit required for removal of trees, Amended.

Existing Section 5-4-61 is hereby amended by adding a new paragraph (c) to read as follows, and relettering existing paragraph (c) and (d) accordingly:

"(c) For subdivisions or property line adjustments where any tree is to be removed, as defined in section 5-4-2, a tree removal permit must be obtained prior to an application for subdivision approval. No site work shall begin, and no trees shall be removed prior to the issuance of a tree removal permit and the approval of a subdivision plat."

Section 5. Section 5-4-61, Permit required for tree removal, Amended. Existing Section 5-4-61 is hereby amended by deleting subsection (C) (6) in its entirety, and substituting in its place and stead the following:

"(6) a tree survey overlay at the same scale as the plat of the property, which locates all trees by diameter breast height and species and identifies trees to be removed and trees to be maintained. Dead or diseased trees shall be identified. Groups of trees in close proximity, (i.e. those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall be prepared by a licensed landscape architect, surveyor or engineer registered in South Carolina and shall have an accuracy of plus or minus three feet (±3') at the applicant's expense. The applicant shall wrap the trees proposed to be removed with blaze orange tape prior to submitting for a tree removal permit."

Section 6. Section 5-4-64, Removal of significant trees, Amended. Existing Section 5-4-64 is hereby amended by deleting subsection (b), (1) in its entirety, and substituting in its place and stead the following:

"(1) each removed significant tree shall be replaced with two (2) or more trees, of the same or similar species to the tree removed, each replacement tree having a minimum DBH of two and one-half (2 1/2) inches and meeting the requirements of section 5-4-66; such replacement tree(s) shall be considered to be one (1) tree for purposes of meeting the density requirements established in this article; and"

Section 7. Section 5-4-65, Tree protection during development, Amended. Existing Section 5-4-65 is hereby amended by deleting the text in its entirety, and substituting in its place and stead the following:

"(a) On each lot or tract on which construction is ongoing pursuant to a validly issued building permit or subdivision approval, protective barricades shall be placed

around all trees which are to be retained, and shall remain in place until development activities are complete. Barricades shall be constructed using 2x4 wooden posts and crossbars, or materials which provide similar protection upon the approval of the zoning administrator. The areas lying within the protective barricades shall remain free of all building materials, dirt or other construction debris, vehicles and construction activities. Barricades shall be erected in accordance with standards to be determined by the zoning administrator. Where practical, it is recommended that barricades be located according to the following standards:

(1) For each tree ten inches (10") or less DBH, protective barricades shall be placed a minimum distance of ten feet (10') from the base of each tree; and

(2) For trees greater than ten inches (10") DBH, protective barricades shall be placed a minimum distance from the base of each tree equal to ten feet (10') plus an additional one foot (1') for each additional one inch (1") DBH greater than ten inches (10") DBH.

(b) Construction within the protective barricade. Changes in grade or construction of impervious surfaces or utilities within a required protective barricade shall be permitted subject to the following guidelines:

(1) Changes in grade or construction within a protective barricade must be approved by the zoning administrator prior to beginning construction. Plans must be submitted which illustrate in detail protective measures to be used as described in Section 2.10 of Erosion and Sediment Control Practices for Developing Areas, by the South Carolina Land Resources Conservation Commission, Erosion and Sediment Control Division; and

(2) Construction of impervious surfaces shall not be permitted within twelve feet (12') of the base of a significant tree or within six feet (6') of the base of all other trees.

(c) All roots outside the protective barricade to be removed during construction shall be severed clean and a two inch (2") layer of mulch shall be applied over the surface of exposed roots during development."

Section 8. Section 5-4-66, Standards for tree planting and replacement, Amended. Existing Section 5-4-66 is hereby amended by deleting the text in its entirety, and substituting in its place and stead the following:

"(a) Pursuant to permit. Each tree planted and/or replaced pursuant to a tree permit approved in accordance with the requirements of this article shall have a minimum size of two and one-half inches (2 1/2") caliper or twelve feet (12') in height

at the time of planting and be the same species or a similar species which will provide similar or better wildlife habitat, shade, erosion control or water purification to the tree being replaced. Palm trees shall not be permitted as replacements for canopy trees.

(b) Pursuant to citation of violation. If commercially available within the State of South Carolina, replacement trees planted pursuant to a citation of violation of this article 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.

(c) All replacement trees shall be vigorous, well shaped, branched and foliated, and shall be planted in accordance with the specifications described in Section 1.94 of Erosion and Sediment Control Practices for Developing Areas, by the South Carolina Land Resources Conservation Commission, Erosion and Sediment Control Division. The owner of the parcel shall be responsible for maintenance of all remaining and replacement trees. The zoning administrator shall have the right to inspect all replacement trees one (1) year after their planting to insure that they are surviving in healthy condition. Replacement trees found to be dead or in a declining condition as a result of negligence of the owner shall be replaced by the owner of the parcel within thirty (30) days of notification from the zoning administrator, who shall then have the right to reinspect these trees one (1) year later."

Section 9. 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 10. 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 30th DAY OF August, 1994.

Carmen R. Bunch

CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie

NELLIE S. McDUFFIE, CLERK-TREASURER

tree protection amendments

First Reading 3/22/94
Second Reading 7/26/94
Public Hearing 4/13/94
Third Reading 8/30/94
Ratification 8/30/94

CITY OF ISLE OF PALMS, SC
ORDINANCE NO. 1994-6

AN ORDINANCE TO PROHIBIT THE OBSTRUCTION OF BEACH ACCESS

WHEREAS, the City of Isle of Palms has adopted a local comprehensive beach management plan consistent with the requirements of Section 48-39-350 of the South Carolina Code of Laws, as amended; and

WHEREAS, in compliance with subsections (A)(2) and (10) of State Code Section 48-39-350, the City's beach management plan inventories existing beach access within the City and outlines a strategy by which such existing beach access may be preserved and enhanced; and

WHEREAS, City Council intends to maintain and enhance beach access within the City, and to protect the integrity of beach access ways, as identified in the beach management plan; and

WHEREAS, City Council desires to clarify and amend the City Code to ensure that beach access is not obstructed; and

WHEREAS, City Council is authorized to adopt this ordinance pursuant to Sections 5-7-30 and 48-39-350, South Carolina Code of Laws, 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 Ordinance is adopted to prohibit the obstruction of beach access within the City of Isle of Palms.

Section 2. New Article Created.

A new Article C is added to Title 5, Chapter 3 of the City Code, to read as follows:

ARTICLE C

Beach Access

Sec. 5-3-30 Definitions.

To supplement the definitions set forth in Section 5-3-14 herein, the following terms, when used in this Article, shall have the following meanings:

(1) Beach access or beach access way shall mean a public route of ingress to and egress from the beach, as identified in the City's beach management plan.

(2) Obstruct or obstruction shall mean any action that inhibits pedestrian use of the beach access, including but not limited to the placement of vegetation or fencing within the beach access way, the erection of any barrier within the access way, any change in topography in the access way, or the placement of any thing in, on, over, under or touching the access way that impedes or adversely affects pedestrian use.

Sec. 5-3-31 Obstruction Prohibited.

No person shall obstruct any beach access within the City. Violation of this section shall be a misdemeanor, and punished in accordance with the provisions of Section 1-3-66.

Sec. 5-3-32 Removal of Obstructions.

The City shall have the right to remove all obstructions to beach access.

(a) In removing an obstruction, the City, its employees, contractors and agents, may enter onto the adjoining properties to the extent necessary to remove the obstruction.

(b) Where the City does not hold full title to the beach access or the adjoining property, prior notice shall be given to the property owner if possible; however, the lack of prior notice shall not prevent the City from taking such actions as necessary to remove an obstruction which causes an imminent danger to public health or safety.

(c) As limited by paragraph (d) hereinbelow, the City shall reimburse the adjoining property owner for the fair market value of any damage caused by its removal of the obstruction.

(d) All costs of removal, including costs of personnel and equipment and any reimbursement for damage, shall be borne by the person(s) placing or creating the obstruction.

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 24th DAY OF May, 1994.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

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

First Reading: 3/22/94
Second Reading: 4/26/94
Third Reading: 5/24/94
Ratification: 5/24/94

CITY OF ISLE OF PALMS, SC
ORDINANCE NO. 1994-7

AN ORDINANCE TO REGULATE ACTIVITIES AFFECTING PROTECTED SPECIES AND HABITATS

WHEREAS, the City of Isle of Palms has adopted a local comprehensive beach management plan consistent with the requirements of Section 48-39-350 of the South Carolina Code of Laws, as amended; and

WHEREAS, the City Code currently provides means to regulate some activities which may affect protected species and habitats; and

WHEREAS, City Council desires to supplement these existing regulations and guidelines in order to implement the provisions of the City's beach management plan; and

WHEREAS, City Council is authorized to adopt this ordinance pursuant to Sections 5-7-30 and 48-39-350, South Carolina Code of Laws, 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 Ordinance is adopted to regulate activities affecting protected species and habitats within the City of Isle of Palms.

Section 2. New Section Created

A new Section 6-2-23 is added to the City Code, to read as follows:

Sec. 6-2-23 Dogs not to disturb protected species and habitats

In addition to the requirements of Section 6-2-15(a), no person shall allow a dog to disturb protected species and habitats, as follows:

(a) It shall be unlawful for any person to allow a dog to disturb nesting sea turtles, turtle nests or turtle hatchlings.

(b) It shall be unlawful for any person to allow a dog to enter into critical habitat areas which have been posted to prohibit such entry by the City or the SC Wildlife & Marine Resources Department.

Section 3. New Chapter Created

A new Chapter 5 is added to Title 7 of the City Code, to read as follows:

CHAPTER 5

Regulation of Activities Affecting Protected Species & Habitats

Sec. 7-5-1 Identification and designation of critical habitat areas

(a) In accordance with the City beach management plan, the City shall identify and designate critical habitat areas within the City. Such designations shall take into account seasonal, temporal and spatial usage of habitat areas.

(b) The City shall work with appropriate state and federal agencies to post signs identifying designated critical habitat areas. Posted signs shall expressly identify the seasonal, temporal, spatial and other similar limitations on the critical use of the habitat.

Sec. 7-5-2 Disturbance of designated habitat areas prohibited

No person shall disturb or otherwise enter onto a designated critical habitat area that has been posted pursuant to Section 7-5-1 hereinabove, provided:

(a) there is a reasonable relationship linking the disturbance or entry with the purpose for designating and posting the habitat; and

(b) the City has legal authority to restrict the disturbance or entry.

This prohibition shall be in addition to all other provisions in the City Code which protect the integrity and use of critical habitat. Violation of this Section shall be a misdemeanor and punished in accordance with Section 1-3-66.

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 24th DAY OF May, 1994.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

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

First Reading: 3/22/94
Second Reading: 4/26/94
Third Reading: 5/24/94
Ratification: 5/24/94

8/1/94

CITY OF ISLE OF PALMS
ORDINANCE NO. 1994-13

AN ORDINANCE TO AMEND CHAPTER 4, ZONING, OF THE CODE OF THE CITY OF ISLE OF PALMS, TO PERMIT CANOPY SIGNS WITHIN THE ISLE OF PALMS.

WHEREAS, Section 5-4-131, subsection (20), of the sign regulations prohibits canopy signs; and

WHEREAS, City Council desires to change the City of Isle of Palms' zoning ordinance to permit canopy signs in certain zone districts; and

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

WHEREAS, a properly noticed public hearing has been held on this Ordinance.

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

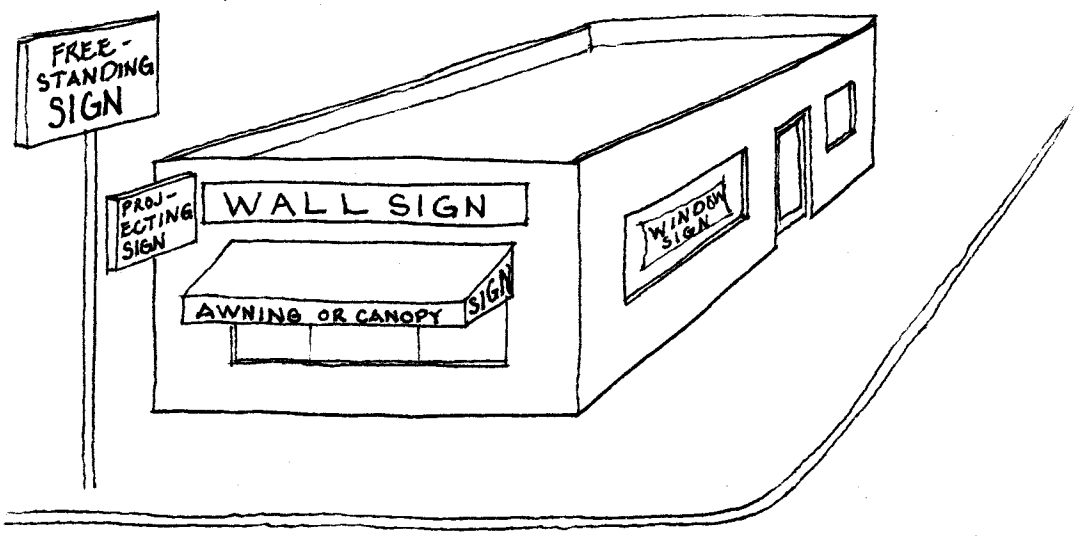
Section 1. Purpose. This Ordinance is adopted to remove the prohibition in the City's zoning ordinance against the use of canopy signs and establish guidelines on how and where canopy signs may be used.

Section 2. Section 5-4-123 Amended. Existing Section 5-4-123 is hereby amended by inserting in subsection (b) in numerical order the following definition, and renumbering subsequent definitions accordingly:

"(1) Awning or Canopy Sign. A sign that is mounted, painted, or attached to an awning or canopy. See figure H-1."

Section 3. Section 5-4-123 Amended. Existing Section 5-4-123 is hereby amended by removing "figure H-1" in its entirety, and substituting in its place and stead a new figure as follows:

"figure H-1.



Section 4. Section 5-4-125 Amended. Existing Section 5-4-125 is hereby amended by deleting subsection (b) (2) in its entirety and substituting in its place and stead the following:

"(2) Setback from right-of-way. All free-standing signs, except for political signs, must be set back at least five (5) feet from the street right-of-way. Awning, canopy or projecting signs shall not project over a public right-of-way. No signs shall be located so as to obstruct or impair driver vision at driveways or street intersections."

added since 1st reading

Section 5. Section 5-4-126 Amended. Existing Section 5-4-126 is hereby amended by inserting the following paragraph in alphabetical order and relettering subsequent paragraphs accordingly.

"(c) Commercial and recreational uses within the PRD. Buildings used for commercial or recreational uses within the PRD may have canopy or awning signs with a maximum sign area on each awning or canopy of three (3) square feet."

Section 6. Section 5-4-127 Amended. Existing Section 5-4-127 is hereby amended by deleting the first paragraph under subsection (c) (1) and substituting in its place and stead the following:

"(1) Any combination of wall signs, projecting signs, awning or canopy signs with a total sign area shown below is permitted, except that the maximum sign area permitted on each awning or canopy is three (3) square feet. Projecting signs shall not project more than five (5) feet from the building facade nor have a bottom less than ten (10) feet from grade and top no higher than the eaves of the facade on which the sign is mounted."

Section 7. Section 5-4-131 Amended. Existing Section 5-4-131 is hereby amended by deleting subsection (20) in its entirety.

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 30th DAY OF August, 1994.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

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

First reading 6/28/94
Public Hearing 8/10/94
Second Reading 8/30/94
Third Reading waived
Ratification 8/30/94

Canopy Sign Amend

Second Reading Draft
July 26, 1994

ORDINANCE 1994-14

AN ORDINANCE TO EXTEND THE CITY OF ISLE OF PALMS FRANCHISE AGREEMENT WITH COMCAST CABLEVISION OF CAROLINA, INC.

WHEREAS, the City Isle of Palms Code has granted to Storer Cable of Carolina, Inc., a non-exclusive franchise to construct, operate and maintain a cable television system within the City of Isle of Palms, which ordinance was adopted on July 18, 1979, for a term of fifteen (15) years; and

WHEREAS, Storer timely filed a request with the City to activate the formal process for renewing the franchise pursuant to the provisions of the Cable Communications Policy Act of 1984; and

WHEREAS, Storer Cable of Carolina, Inc., has transferred ownership and operation of the business to Comcast Cablevision of Carolina, Inc.; and

WHEREAS, the parties are close to concluding a renewal agreement utilizing the informal procedures set forth in the Cable Act; and

WHEREAS, City Council wishes to extend the term of the existing franchise pending the completion of the renewal agreement and its authorization by ordinance;

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

Section 1. Purpose. This ordinance is adopted to extend the terms of the original franchise agreement adopted by Ordinance 1979-9 on July 18, 1979, which terms would expire on July 18, 1994.

Section 2. Amended. Ordinance 1979-9 is hereby amended by extending the term of such franchise through to and including December 31, 1994, or until such sooner time as Ordinance 1979-9 is replaced and superseded by a renewal franchise agreement with Comcast Cablevision of Carolina, Inc., authorized by Ordinance by City Council.

Section 3. Except as specifically modified hereby, the terms of the original franchise ageement adopted by Ordinance 1979-9 shall remain in full force and effect during the extended term as set forth in Section 2.

Section 4. Neither party waives any right which it enjoys under law as a result of agreeing to the franchise extension.

Section 5. Separability. Each separate provision of this ordinance shall be deemed independent of all other provisions, and if any provision be declared invalid, all other provisions shall remain valid and enforceable.

Section 6. Effective Date. This ordinance shall be effective upon its adoption by the City Council of the City of Isle of Palms.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 26th DAY OF July, 1994.

Carmen R. Bunch

Carmen R. Bunch, Mayor

Second Reading Draft
July 26, 1994

Nellie S. McDuffie, Clerk-Treasurer

First Reading: 6/28/94
Second Reading: 7/26/94
Third Reading: waived
Ratification: 7/26/94

CITY OF ISLE OF PALMS
ORDINANCE NO. 1994-16

AN ORDINANCE TO PROMOTE ENFORCEMENT OF CITY PARKING AND TRAFFIC VIOLATIONS

WHEREAS, Section 8-1-31 through 8-1-44 of the City Code set forth requirements for parking and vehicle use within the City; and

WHEREAS, City Council wishes to promote the enforcement of these provisions and to facilitate the collection of fines that accrue as a result of the violation of these requirements; and

WHEREAS, City Council further wishes to clarify the use and payment of annual permits in the City-owned parking lots, and to impose penalties for the violation of these requirements.

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 promote the enforcement of City parking and traffic violations.

Section 2. New Sections Created. New Sections 8-1-45 through 8-1-47 of the City Code are created, to read as follows:

Section 8-1-45 Parking in the City Parking Lots

(a) The fee schedule for parking in City parking lots shall be set by action of City Council. The current fee schedule is set forth in Attachment "A" hereto, which is incorporated into this section by reference. All cars parking in City parking lots shall pay the applicable fee; provided that no fee shall be charged to City-owned vehicles, and City Council may choose to reduce or waive the fee for special events or under special circumstances. Failure to pay the applicable fee shall be a violation of this ordinance, and the owner or driver of the vehicle shall be issued a parking citation in accordance with Sections 8-1-46 and 8-1-47.

(b) The City may provide special or designated parking areas in City parking lots for vehicles having an annual or seasonal parking pass, pursuant to the fee schedule. All vehicles parked in areas designated for annual or seasonal passes must display a current parking pass permanently affixed to the vehicle. Any vehicle which is parked in an area designated for annual or seasonal passes but which does not display a current parking pass shall be in violation of this ordinance, and shall be issued a parking citation or booted in accordance with Sections 8-1-46 and 8-1-47.

Section 8-1-46 Issuance of Parking and Traffic Citations

A police officer or parking enforcement officer finding any vehicle parked, standing or stopped in violation of any City ordinance or state law may, in lieu of immediately issuing a summons to its owner or driver, affix in a conspicuous place on said vehicle a traffic citation requiring the owner or driver to post a specified bond within fifteen (15) days at a specified location within the City. The bond amount shall range from Six ($6.00) to Two Hundred ($200.00) Dollars, depending upon the violation, pursuant to the schedule of bond amounts set by City Council. The current bond schedule is set forth in Attachment "B" hereto, which is incorporated into this section by reference. These amounts may be changed from time to time by action of City Council.

Section 8-1-47 Consequences of Failure to Comply with Parking and Traffic Citations

(a) If the bond amount authorized in Section 8-1-46 is not paid within fifteen (15) days, as set forth in the citation, the bond amount shall be increased by Ten ($10.00) Dollars. The parking or traffic citation authorized by Section 8-1-46 shall contain a warning so informing the recipient of the citation, and additionally stating that failure to comply with the requirements of the citation shall result in the issuance of a summons. The increase in the amount of the bond may be changed from time to time by action of City Council.

(b) Any vehicle parked on any street or other public property, including but not limited to City parking lots, whether in an authorized zone, which is found to be the subject of Twenty-Five ($25.00) Dollars or more past due on outstanding parking and traffic citation is hereby declared to be a public nuisance.

(c) Any vehicle identified as a public nuisance may be booted or impounded under the authority of the City police department; for impoundment, the department shall give authorization to a commercial towing or wrecker service or use other means to tow the vehicle away and store it in a safe place until claimed by the owner.

(d) No vehicle booted or impounded pursuant to sub-paragraph (c) hereinabove shall be released to the owner until all outstanding parking and traffic citation charges, as well as any towing and storage charges, are paid and until satisfactory proof of ownership has been demonstrated.

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 or 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 adoption 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 25th DAY OF October, 1994.

Carmen R. Bunch

CARMEN R. BUNCH, MAYOR

Nellie S. McDuffie

NELLIE S. MCDUFFIE, CLERK-TREASURER

First Reading: 7/26/94
Second Reading: 10/25/94
Third Reading: Waived
Ratification: 10/25/94

CITY OF ISLE OF PALMS
ORDINANCE 1994-18

AN ORDINANCE TO RESTRICT DRIVING AND PARKING ON BEACH ACCESS WAYS

WHEREAS, City Council finds that individuals are driving vehicles onto beach access ways, and in so doing are jeopardizing both the safety of individuals using these access ways for pedestrian travel, and the integrity of the access ways; and

WHEREAS, City Council further finds that individuals are parking vehicles on and adjacent to beach access ways, in such a manner as to impede the use of these access ways for pedestrian travel and to jeopardize the safety of these individuals; and

WHEREAS, to address these problems, City Council wishes to restrict driving and parking on and adjoining beach access ways.

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 restrict driving and parking on and adjoining beach access ways.

Section 2. New Section Created. A new Section 5-3-33 is created and added to the City Code, to read as follows:

Sec. 5-3-33 Driving and Parking on Beach Access Ways Restricted

The following activities shall be defined to be obstructions to beach access, and punishable in accordance with Section 5-3-31:

(a) It shall be unlawful to drive a vehicle onto any public beach access way, as defined in Section 5-3-30(1), with the following exceptions:

(1) Authorized use of the beach access way and ramp at 21st Avenue;

(2) Emergency use of the emergency vehicle access ways at 5th, 25th and 53rd Avenues;

(3) Other authorized use by vehicles being used for City business.

(b) It shall be unlawful to park a vehicle in the public right-of-way in such a manner as to block or obstruct pedestrian use of a beach access way, as defined in Section 5-3-30.

Section 3. Section 8-1-19 Amended. Section 8-1-19 of the City Code is hereby amended as follows:

(a) The title is changed to read "Vehicular operation on the beach and beach access ways".

(b) The existing text is designated as subsection (a).

(c) A new subsection (b) is created, to read as follows:

(b) No person shall operate, or cause to be operated, a vehicle on a beach access way as defined in Section 5-3-30(1), unless expressly excepted under Section 5-3-33.

Section 4. Section 8-1-34 Amended. Section 8-1-34 of the City Code is hereby amended as follows:

(a) The title is changed to read "Parking as to obstruct street or beach access way prohibited".

(b) The existing text is designated as subsection (a).

(c) New subsections (b) and (c) are created, to read as follows:

(b) No person shall stop, stand or park any vehicle on a beach access way, as defined in Section 5-3-30(1), or on the public right-of-way in such a manner as to obstruct pedestrian use, or authorized emergency vehicle use of a beach access way.

(c) Any vehicle found parked on a beach access way or public right-of-way in violation of this section is hereby declared to be a public nuisance, and may be impounded pursuant to the procedures and requirements as set forth in Sections 8-1-47(c) and (d).

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 or 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 adoption 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 25th DAY OF October, 1994.

Carmen R. Bunch
CARMEN R. BUNCH, MAYOR

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

First Reading: 8/30/94
Second Reading: 10/25/94
Third Reading: Waived
Ratification: 10/25/94

ORDINANCE 1994-20

AN ORDINANCE TO RAISE REVENUE BY ESTABLISHING A TAX MILLAGE RATE FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 1994, AND ENDING JUNE 30, 1995.

WHEREAS, Section 5-7-260 of the South Carolina Code of Laws of 1976, as amended, requires that a City Council shall act by ordinance to levy taxes pursuant to public notice; and

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

SECTION 1. A tax to cover the period from July 1, 1994, to June 30, 1995, 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 $35.90 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 not to exceed thirty five and nine tenths (35.9) 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. 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 treasurer of the City of Isle of Palms in the manner prescribed by both parties.

SECTION 3. The billing dates, the penalty dates and the amount of the penalty which shall be levied by delinquent taxes shall be the same as those adopted by Charleston County Council.

SECTION 4. Delinquent property taxes shall be collected by Charleston County in a manner as prescribed by State law.

SECTION 5. If, for any reasons, any sentence, clause or provision of this ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.

SECTION 6. This ordinance shall become effective immediately upon its ratification by City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL FOR THE CITY OF ISLE OF PALMS ON THIS 25TH DAY OF OCTOBER, 1994.

Attest:

Carmen R. Bunch

Carmen R. Bunch, Mayor

Nellie S. McDuffie

Nellie S. McDuffie, Clerk-Treasurer

First Reading: September 27, 1994
Second Reading: October 25, 1994
Ratification: October 25, 1994