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Note: After consulting the main body of Eastover Town Ordinances herein, this Amendment Section should be referenced for the latest amendments to an ordinance.



Eastover Code of Ordinances

Article 1: Municipal Administration

Ordinance 1-1001 & Amendments

AN ORDINANCE ADOPTING RULES OF ORDER

Ordinance No. 1-1001

WHEREAS, S.C. Code Ann. 5-7-250 (2976) requires council to determine its own rules and order of business, and 5-7-260--290 provide for the form, method of adoption, and codification of ordinances:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Eastover that the following rules of order are adopted and shall be codified:

Section 1. Quorum and Rules of Order.

(a) A majority of council members serving constitutes a quorum for the conduct of business at any meeting. The mayor or mayor pro tempore shall preside, except when both are absent the members present shall elect a presiding member. A member present but disqualified from voting on a question by state law due to a conflict of interest shall be counted for purposes of a quorum.

(b) Except as otherwise required by state law or this code, all proceedings shall be governed by Robert's Rules of Order, Newly Revised, Edition, and the Town attorney shall act as parliamentarian. Questions of order shall be decided by the presiding officer without debate, subject to appeal to the council.

Section 2. Agenda.

Matters to be considered by council at a regular or special meeting shall be placed on a written agenda publicly posted by the Town Clerk at least 24 hours prior to the meeting. The deadline for agenda items requests is seven working days prior to the meeting. Matters not on the agenda may be considered upon request of a member unless two members object.

Section 3. Meetings of Council.

(a) Regular meetings of council shall be held at 6:30 p.m. on the first Monday in each month unless changed by majority vote of members present at any regular or special meeting.

(b) Special meetings of council may be held on the call of the Mayor or a majority of members of council. The Town Clerk shall at least 24 hours prior to a special meeting post notice and agenda on the bulletin board and give notice to all available members of council, persons, organizations, and news media which request notification.

(c) All regular and special meetings of council shall be open to the public.

Section 4. Executive sessions.

(a) By majority vote in a public meeting, council may hold an executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code 30-4-70.

(b) No vote or formal action shall be taken in an executive session.

(c) Minutes of executive sessions shall not be taken.

(d) It is improper for a member of council or person in attendance to disclose to another person or make public the substance of a matter discussed in executive session.

Section 5. Voting requirements.

(a) All actions of council shall be by majority vote of members present at a public meeting including suspension of a rule of order; provided that an ordinance amending rules of order shall be adopted by a majority of members serving. No proxy, mail, telephonic, facsimile, electronic or absentee vote may be cast.

(b) Every member of council present, including the mayor or presiding member, shall be entitled to vote on every question except when required to refrain from voting by law.

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

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

(e) No member of council may leave the council chamber while in public session without permission of the presiding officer.

Section 6. Motions.

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

(b) A motion to Reconsider must be made by a member who voted on the prevailing side, and it must be made at the same or next succeeding meeting.

Section 7. Minutes of meetings.

The Town Clerk shall keep minutes of all public meetings which shall be a matter of permanent public record. The Town Clerk shall make available to the public records of the Town receiving written or verbal request in accordance with the requirements of the most recent version of the South Carolina Freedom of Information Act. At each regular council meeting the minutes of the previous meeting must be presented for approval by council. A member of council may place a written expression of position on a matter in the minutes not later than the next regular meeting.

Section 8. Appearance of citizens.

Any citizen of the municipality may speak at a regular meeting on a matter pertaining to municipal services and operation, except personnel matters, by signing an agenda list maintained by the clerk prior to the meeting stating the subject and purpose for speaking. Each person who gives notice may speak at a time designated by the mayor and may be limited to a two (2) minute presentation at the discretion of the mayor.

Section 9. Attorney to attend; parliamentarian; duties.

The Town attorney shall attend all meetings of council unless excused by council. The attorney shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and documents presented to council and give opinions on questions of procedure, form, and law to members of council.

Section 10. Clerk to attend; duties.

The Town clerk is ex officio clerk of council. The clerk shall give notices of meetings, post agenda, attend regular and special meetings, record votes of council, keep minutes of council meetings, and perform such other duties as may be assigned.

Section 11. Hearings by committee.

Council may appoint a special committee to assist in or hold a public hearing for council at any time upon any matter pending before it. Minutes or reports of hearing held by special committee shall be filed with the Town clerk as a public record.

Section 12. Ordinances required.

(a) Council shall act by ordinance in all matters required by law to be done by ordinance, including:

- (1) Adopt or amend an administrative code or code of ordinances, establish, alter or abolish any municipal department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violation;
- (3) Appropriate funds and adopt a new budget;
- (4) Grant, renew or extend franchises, licenses, or rights in public streets or public property, and close abandoned streets, after public newspaper notice and public hearings;
- (5) Levy taxes, assess property for improvements or establish service charges

for services;

- (6) Annex area to the municipality;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the municipality; and
- (8) Amend or repeal any ordinance.

(b) In all other matters council may act either by ordinance or resolution, written or oral, recorded in the minutes.

Section 13. Forms of ordinances and resolutions.

(a) Every proposed ordinance shall be introduced in writing in the form required for final adoption, which shall include:

- (1) A title briefly describing the content;
- (2) Findings, reasons, or basis for the ordinance, if desired and appropriate;
- (3) An enacting clause;
- (4) The provisions of the ordinance including section numbers if the ordinance is to be codified or amends an existing codified ordinance;
- (5) Citation of any ordinance repealed;
- (6) The effective date of the ordinance;
- (7) The name of the person requesting introduction of the ordinance;
- (8) The approval of the Town attorney as to form and the assignment of an ordinance number;
- (9) Space for dates of readings and public hearing, if appropriate; and
- (10) Space for the signatures of the mayor or presiding member of council and the municipal clerk attesting notice, if required, and adoption.

(b) Written resolutions may be similar form approved by the attorney.

Section 14. Introduction of ordinances.

An ordinance may be proposed by any member of council. A proposed ordinance shall

be referred to the Town attorney who shall render assistance in the preparation of notices and ordinances. After an ordinance is in proper form, the Town attorney shall so attest and shall send the ordinance to the Town clerk to be held for public inspection. An ordinance is considered to be introduced and given first reading when it appears on an agenda, or is added to an agenda, for a public meeting of council and its title is read.

Section 15. Enactment of ordinances.

(a) An ordinance must be prepared in writing and introduced in the form required for final adoption as required by Section 13.

(b) No ordinance may be adopted until it has been read three times and on separate days with at least six days between each reading.

(c) An emergency ordinance may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members presents. An emergency ordinance may not levy taxes, relate to a franchise or service rate, and it expires automatically on the sixty-first day following enactment.

(d) The introduction and first reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of council.

(e) After the first introduction and first reading of an ordinance, a member of council may request a public hearing which may be held if approved by a majority of council present and set for a time prior to final adoption of the ordinance. A public hearing may be held on the same date as the final reading.

(f) Any ordinance may be amended on second and/or third reading.

(g) Upon final adoption by vote of council, an ordinance shall be signed by the mayor or presiding member of council and attested by the Town clerk, who shall file the original with the minutes in the permanent public records.

Section 16. Introduction of resolutions.

A voice motion is considered to be the introduction of an oral resolution which requires no written record other than a notation in the minutes of the meeting. A resolution proposed in writing shall be introduced in the same manner as an ordinance.

Section 17. Adoption of resolutions.

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

Section 18. Codification of ordinances.

All ordinances shall be codified and updated annually in a loose-leaf code of Ordinances, except those adopted by reference and maintained in separate volumes, and copies shall be available for public inspection and purchase at reasonable cost.

SEVERABILITY

If any portion of this Ordinance is ruled invalid by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

CONFLICTS

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

This Ordinance shall be in full force and effect immediately following its passage, approval and publication by law.

APPROVED by Eastover Town Council this _____ Day of _____.

Mayor

ATTEST: _____
Town Clerk

First Reading: 1-04-1999

Second Reading: 2-01-1999

Third Reading: 3-01-1999

ADOPTED ORDINANCE 8-1999
Introduced by Mayor Robinson

AN ORDINANCE TO AMEND ORDINANCE NUMBER ONE OF 1999, ENTITLED "AN ORDINANCE ADOPTING RULES OF ORDER," SO AS TO DELETE REFERENCES TO ORAL RESOLUTIONS AND TO PROVIDE THAT RESOLUTIONS SHOULD BE IN WRITING.

Be it enacted by the Town Council of the Town of Eastover:

SECTION 1. Section 12 (b) of Ordinance 1-1999 is amended to read:

"Section 12. (b) In all other matters council may act either by ordinance or resolution, recorded in the minutes.

SECTION 2. Section 16 of Ordinance 1-1999 is amended to read:

"Section 16. A resolution shall be proposed in writing and shall be introduced in the same manner as an ordinance."

SECTION 3. Section 17 of Ordinance 1-1999 is amended to read:

"Section 17. Resolutions shall be in writing and shall be adopted on one reading unless a public hearing is set by majority vote of council members present."

This Ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

APPROVED by Eastover Town Council this _____ dat of _____.

Mayor

ATTEST: _____
Town Clerk

APPROVED AS TO FORM:

Town Attorney

First Reading: 7-6-99

Second Reading: 10-11-99

Third Reading: 10-18-99

Adopted Ordinance
8-1999
Amend
1-1001

AN ORDINANCE ADOPTING RULES OF ORDER

Ordinance No. 1-1001 Amendment

WHEREAS, S.C. Code Ann. 5-7-250 (2976) requires council to determine its own rules and order of business, and 5-7-260—290 provide for the form, method of adoption, and codification of ordinances:

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(b) Except as otherwise required, the Rules of Order shall be governed by Robert's Rules of Order. The Town Clerk shall act as parliamentarian. The Town Clerk shall be an officer without debate, subject to appeal.

*Rules of Order
Amended 1-1001
Book 1*

Section 2. Agenda

Matters to be considered by council shall be on a written agenda publicly posted by the Town Clerk at each meeting. The deadline for agenda items shall be 10 days prior to the meeting. Matters not on the agenda may be added by a majority of two members object.

Section 3. Meetings of Council

(a) Regular meetings of council shall be held at 6:30 p.m. on the first Monday in each month unless changed by majority vote of members present at any regular or special meeting.

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- (b) Every member of council present, including the mayor or presiding member shall be entitled to vote on every question except when required to refrain from voting by law.
- (c) A roll call vote may be required by any member of council.
- (d) The vote on every question shall be recorded in the minutes.
- (e) No member of council may leave the council chamber while in public session without permission of the presiding officer.
- (f) If a council member does not declare a negative vote or an abstention, his/her vote shall be recorded in the affirmative. If a council member votes to abstain, a reason for the abstention must be stated and recorded in the minutes.

Section 6. Motions

- (a) A motion may be made orally or in writing; however, a motion shall be reduced to writing at the request of any council member.
- (b) A motion to Reconsider must be made by a member who voted on the prevailing side, and it must be made at the same or next succeeding meeting.

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- (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violation.

- (3) Appropriate funds and adopt a new budget;
- (4) Grant, renew or extend franchises, licenses, or rights in public streets or public property, and close abandoned streets, after public newspaper notice and public hearings;
- (5) Levy taxes, assess property for improvements or establish service charges for services;
- (6) Annex area to the municipality;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the municipality; and
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- (4) The provisions of the ordinance including section numbers if the ordinance is to be codified or amends an existing codified ordinance;
- (5) Citation of any ordinance repealed;
- (6) The effective date of the ordinance;
- (7) The name of the person requesting introduction of the ordinance;
- (8) The approval of the Town attorney as to form and the assignment of an ordinance number;
- (9) Space for dates of readings and public hearing; if appropriate; and

- (10) Space for the signatures of the mayor or presiding member of council and the municipal clerk attesting notice, if required, and adoption.

- (b) Written resolutions may be similar form approved by the attorney.

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An ordinance may be proposed by any member of council. A proposed ordinance shall be referred to the Town attorney who shall render assistance in the preparation of notices and ordinances. After an ordinance is in proper form, the Town attorney shall so attest and shall send the ordinance to the Town clerk to be held for public inspection. An ordinance is considered to be introduced and given first reading when it appears on the agenda, or is added to an agenda, for a public meeting of council and its title is read.

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

- (c) An emergency ordinance may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance may not levy taxes, relate to a franchise or service rate, and it expires automatically on the sixty-first day following enactment.

- (d) The introduction and first reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of council.

- (e) After the first introduction and first reading of an ordinance, a member of council may request a public hearing which may be held if approved by a majority of council present and set for a time prior to final adoption of the ordinance. A public hearing may be held on the same date as the final reading.

- (f) Any ordinance may be amended on second reading.

- (g) Upon final adoption by vote of council, an ordinance shall be signed by the mayor or presiding member of council and attested by the Town clerk, who shall file the original with the minutes in the permanent record.

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A voice motion is considered to be the introduction of an oral resolution which requires no written record other than notation in the minutes of the meeting. A resolution proposed in writing shall be introduced in the same manner as an ordinance.

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

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All ordinances shall be codified and updated annually in a loose-leaf code of Ordinances, except those adopted by reference and maintained in separate volumes, and copies shall be available for public inspection and purchase at a reasonable cost.

SEVERABILITY

If any portion of this Ordinance is ruled invalid by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

CONFLICTS

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of the inconsistency or conflict.

This Amendment shall be enforced and effective immediately following its passage, approval, and publication by law from and after January 6, 2003.

APPROVED by Eastover Town Council this 16th day of June, 2004.

Mayor

ATTEST: _____

Town Clerk

Attorney approved as to form

First Reading: 6-3-2002

Second Reading: 6-7-2004

Third Reading: 6-16-2004