

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2022-02

ADOPTED 3/22/22

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 18, OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE I, IN GENERAL; SO AS TO AMEND THE PROVISIONS RELATED TO THE USE OF UNIFORM ORDINANCE SUMMONSES; TO AMEND THE PROVISIONS RELATED TO THE DESIGNATION, POWERS AND LIMITATIONS OF TOWN CODE ENFORCEMENT OFFICERS; TO PROHIBIT THE GIVING OF FALSE INFORMATION AND FALSE REPORTS TO TOWN CODE ENFORCEMENT OFFICERS; TO PROHIBIT THE ASSAULTING OR RESISTING OF TOWN CODE ENFORCEMENT OFFICERS, LAW ENFORCEMENT OFFICERS AND OTHER OFFICIALS WHILE IN THE DISCHARGE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 18, Article I, of the Town Code for the Town of Seabrook Island (the "Town Code") contains various general provisions related to the enforcement of town ordinances, including the required use of a uniform ordinance summonses and the appointment, powers and duties of town code enforcement officers and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend Chapter 18, Article I, of the Town Code so as to amend the provisions related to the use of uniform ordinances summonses; to amend the provisions related to the designation, powers and limitations of town code enforcement officers; to prohibit the giving of false information and false reports to town code enforcement officers; to prohibit the assaulting or resisting of town code enforcement officers, law enforcement officers and other officials while in the discharge of official duties; and other matters related thereto; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on March 22, 2022; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the Town Code to achieve the objectives referenced herein;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND, S.C.:

SECTION 1. Amending Chapter 2 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 18-1. Municipal Uniform ordinance summon.

(a) Authority; jurisdiction. Any person or entity violating any provision of ~~this the Town~~ Code, or any ~~code ordinance~~ adopted pursuant thereto, within the town's corporate limits may be issued a uniform ordinance summon.

~~(a)~~(b) Jurisdiction. The issuance of a uniform ordinance summons shall vest jurisdiction in the municipal court or a designated magistrate's presiding over the municipal court, as applicable, to hear and dispose of the charge for which the uniform ordinance summons was issued and served.

(c) Issuance; bond. ~~The A~~ uniform ordinance summons may be issued by any town law enforcement officer or any other town employee person or official designated by the town council as or appointed as a town code enforcement officers, pursuant to the provisions of Sec. 18-2.

(d) Bond. ~~The magistrate shall prescribe the~~ bond amount for violations shall be prescribed by the municipal judge or the magistrate so appointed to perform that function. ~~Town-law enforcement or~~ code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons.

~~(b)~~(e) Limitations. ~~The A~~ uniform ordinance summons shall not be used to perform a custodial arrest, to regulate the use of motor vehicles on public highways, or to enforce any other offense or violation for which a uniform traffic ticket must be used, pursuant to S.C. Code 1976 Sec. 5-7-10.

~~(e)~~(f) Exception. ~~This chapter does not apply to any ordinance that regulates the use of motor vehicles on the public roads.~~ Form. The form set forth in Exhibit A to the ordinance from which this section is derived is hereby adopted as the "Town of Seabrook Island's Uniform Ordinance Summons."

Sec. 18-2. Same — Form.

~~The form attached as "Exhibit A" to Ordinance No. 1993-02, as amended from time to time, is hereby codified in this chapter and adopted as the "Town of Seabrook Island's Uniform Ordinance Summons."~~

Sec. 18-32. Town C code enforcement officers designated.

(a) Designation of ex officio code enforcement officers. For purposes of this section, ~~the town's zoning administrator and the town administrator are~~ the town administrator and zoning administrator are hereby designated, ex officio, as town code enforcement officers.

(b) Appointment of additional code enforcement officers. ~~Furthermore, t~~he mayor, with the concurrence of the town council, may appoint and commission such others as many town code enforcement officers as is may be necessary for the proper security, general welfare and convenience of the town. ~~All code enforcement officers shall have the power and authority set forth in S.C. Code 1976, 5-5-7-32.~~

(c) Powers and duties. Town code enforcement officers shall be vested with the powers and duties set forth in S.C. Code 1976 Sec. 5-7-32. Town code enforcement officers shall have the authority to exercise their powers on all public and private property within the town.

Exhibit A

Town of Seabrook Island's Uniform Ordinance Summons

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this 20th day of March, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the 22nd day of March, 2022.

First Reading: February 22, 2022
Public Hearing: March 22, 2022
Second Reading: March 22, 2022

TOWN OF SEABROOK ISLAND



John Gregg, Mayor

ATTEST



Katharine E. Watkins, Town Clerk

(d) Limitations. No town code enforcement officer commissioned pursuant to the provisions of this section may perform a custodial arrest.

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Sec. 18-3. Prohibited activities.

(a) False complaints; false information. It is unlawful for any person to knowingly make a false complaint or provide false information to any town code enforcement officer concerning the alleged commission of any offense or violation by another.

(b) Misrepresentation of identity; failure to cooperate. It is unlawful for any person to:

- (1) Misrepresent his or her identity to a town code enforcement officer;
- (2) Fail to provide necessary information or to otherwise cooperate with a town code enforcement officer in the discharge of his or her official duties; and
- (3) Fail to accept a uniform ordinance summons issued by a town code enforcement officer.

(c) Penalties. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Sec. 18-4. Assaulting or resisting code enforcement or law enforcement officer.

No person shall assault, resist, hinder, oppose, molest, or interfere with any town code enforcement officer or employee of the town, of any department or board of the town, or of any law enforcement officer in the discharge of official duties.

Secs. 18-45—18-22. [Reserved]

SECTION 2. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction 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 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.