

**CHAPTER 1**  
**GENERAL PROVISIONS**

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*Article I*  
*Application of Code*

**§ 1-101.** *Designation and citation of Code.*

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "Code of Ordinances, Town of Arcadia Lakes, South Carolina," and may be so cited. These ordinances may also be cited as "Arcadia Lakes Town Code."

**§ 1-102.** *Definitions and rules of construction.*

(a) In the construction of this Code and of all ordinances of the town, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the town council or the text clearly requires otherwise:

*And, or.* The word "and" may be read as "or," and the word "or" as "and," where the sense requires.

*Bond.* An undertaking in writing approved by the Town Attorney.

*Clerk.* Clerk shall mean the clerk-treasurer of the Town of Arcadia Lakes.

*Code.* Whenever the words "Code" or "this Code" are used they shall mean and refer to the Code of Ordinances, Town of Arcadia Lakes, South Carolina, as designated in section 1-101.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the

first day and including the last day, and if the last day is Sunday or a legal holiday, that day shall be excluded.

*Council and town council.* The terms "the council" and "the town council" mean the Town Council of Arcadia Lakes, South Carolina, including the mayor.

*County.* The term "county" means the County of Richland in the State of South Carolina.

*Delegation of authority.* Whenever a provision appears in this Code requiring or authorizing an officer of the town to do some act or perform some duty, it shall be construed to authorize officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless otherwise provided.

*Gender.* Words importing the masculine gender include the feminine and neuter.

*Interpretation.* In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The provisions imposing the greater restriction or regulation shall be applicable.

*Joint authority.* All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Month.* The term "month" means a calendar month.

*Number.* Words used in the singular number include the plural, and words used in the plural number include the singular.

*Owner.* The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of such building or land.

*Person.* The term "person" includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

*Property.* The term "property" includes real and personal property.

*Roadway.* The term "roadway" means that portion of a street improved, designated or ordinarily used for vehicular travel.

*Shall, may.* The word "shall" is mandatory; the word "may" is permissive.

*Sidewalk.* The term "sidewalk" means any portion of a street between the curb line, or the lateral line of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

*State.* The terms "the state" and "this state" mean the State of South Carolina.

*Street.* The term "street" includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the town, and means the entire width thereof between opposing abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the town council.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Year.* The term "year" means a calendar year.

(b) In the construction of this Code and of all ordinances of the town, all officers, agents, employees and other persons, together with all things and places therein referred to, unless a contrary intention appears, shall be construed to mean the officers, agents, employees, and other persons, things and places situate in the town or employed by or appertaining to the town.

**§ 1-103. *Provisions considered as continuation of existing ordinances.***

The provisions appearing in this Code, so far as they are the same as those of the 1993 Code and all ordinances adopted subsequent to the 1993 Code and included herein, shall be considered as continuations thereof and not as new enactments.

**§ 1-104. *Catchlines, history notes and references.***

(a) The headings of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections, and shall not be deemed or taken to be titles of such sections, or any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after sections of the Code and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect. S.C. Code 1976 references are current through 2003.

**§ 1-105. *Severability of parts of Code.***

It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**§ 1-106. *Amendments to Code.***

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town council to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code, so that reference to the "Code of Ordinances, Town of Arcadia Lakes, South Carolina" shall be understood and intended to include such additions and amendments.

**§ 1-107. *Supplementation of Code.***

By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the council during the period covered by the supplement and all

**§ 1-108. Ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

- (1) Promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligations assumed by the town.
- (2) Providing for zoning map amendments.
- (3) Prescribing rates, charges and fees for any town service.
- (4) Granting any privilege, consent or franchise and establishing rates therefor.
- (5) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the town.
- (6) Making any appropriation.
- (7) Levying or imposing taxes, not inconsistent with this Code.
- (8) Adopting standard codes and regulations.
- (9) Providing for local improvements and assessing taxes therefor.
- (10) Authorizing lease or conveyance of property.
- (11) Adopting, extending or contracting the boundaries of the town.
- (12) Prescribing the number, classification or compensation of any town officers, employees or agents, not inconsistent with this Code.
- (13) Which is not of a general and permanent nature.
- (14) Which contracts with the Municipal Association of South Carolina for the collection of business license taxes.
- (15) Which approves a contract with the county for any purpose.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the office of the town clerk-treasurer.

*Article II*  
*General Penalty*

**§ 1-201. Jurisdiction.**

In the construction of this Code and of all ordinances of the town, all acts prohibited or punishable under this Code or under any particular ordinance, unless a contrary intent appears, shall be construed to refer to such acts when committed or occurring within the limits of the town or in other places over which the municipal court and law enforcement officers have authority or jurisdiction under the laws of the state, even though the Code or the particular ordinance only provides that such acts shall be prohibited or punishable and does not specifically designate the jurisdiction or scope thereof.

**§ 1-202. General penalty; continuing violations.**

(a) Wherever in the Code, or in any ordinance or resolution of the town, or rule or regulation or order promulgated by any officer or agency of the town under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or 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 misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of the code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days, or both.

State law reference-General limit on municipal penalty, S.C. Code 1976, § 5-7-30.

(b) Except as may otherwise be provided, each day any violation of the Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

**§ 1-203. Ordinance Summons.**

Any person or entity who violates any provision of the Code or any code adopted pursuant to this Code, excluding any provision regulating the use of motor vehicles on public roads, may be issued a uniform ordinance summons in a form prescribed by South Carolina Code Ann. Section 56-7-80. Issuance of the uniform ordinance summons shall vest jurisdiction in the municipal court to hear and dispose of the charge for which the uniform ordinance summons was issued and served. The uniform ordinance summons may be issued by any law enforcement officer, the town clerk, or any other town official or employee designated by the town council as a code enforcement officer. The amount of the bond prescribed by the judge for the offense and the procedure for posting the bond shall be noted on the uniform ordinance summons. Law enforcement officers or code enforcement officers are prohibited from accepting bonds. The uniform ordinance summons shall not be used to perform a custodial arrest. The uniform ordinance summons shall contain a notice that failure to appear before the court without having posted bond or without having been granted a continuance is a misdemeanor punishable by a fine up to \$500.00, or imprisonment for up to 30 days, or both.

State law reference - S.C. Code 1976, § 56-7-80.

**§ 1-204. Applicability of penalties to amended provisions.**

In case of the amendment by the town council of any section of this Code for which a penalty is not provided, the general penalty, as provided in section 1-202, shall apply to the section as amended; or, in case such amendment contains provisions for which a penalty other than such general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

***Article III  
Boundaries***

**§ 1-301. Corporate boundaries.**

(a) The boundaries of the town shall be those now and hereafter specified by law with any alterations that are made from time to time in the manner provided by law.

(b) The current town boundaries shall at all times be drawn on a map and set out in a written description. This delineation shall be retained permanently in the office of the town clerk-treasurer. Alterations in these established boundaries shall be indicated by appropriate entries upon or additions to the map and description made under the direction of the town attorney. Copies of the map or description reproduced by any method of reproduction that gives legible and permanent copies, when certified by the town clerk, shall be admissible in evidence in all courts and shall have the same force and effect as would the original map or description. The town council may provide for the redrawing of any map of the town boundaries. A redrawn map shall supersede for all purposes the earlier maps that it is designated to replace.

State law reference - Change in corporate limits, S.C. Code 1976, § 5-3-10 et seq.