

ARTICLE 1

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Section 1-101 How Code Designated and Cited

The ordinances of a permanent and general nature of the Town of Kiawah Island, South Carolina as organized into articles, chapters and sections shall constitute and be designated "The Municipal Code of the Town of Kiawah Island, South Carolina, 1993" and may be so cited.

Section 1-102 Definitions and Rules of Construction

In the construction of this code and of all ordinances of the Town the following definitions and rules shall be observed, provided that these rules of construction shall not be applied to any section of this Code or an ordinance which contains any express provisions excluding such construction.

(1) General Rule. All words and phrases shall be construed and understood according to the common and approved use of the language; but technical words and phrases shall be construed and understood according to such peculiar and appropriate meaning.

(2) Clerk. Whenever the word "clerk," "municipal clerk," or "Town clerk" is used, the term shall be construed to mean Town Clerk, as provided for in Section 5-7-220 of the South Carolina Code of Laws, as amended, and in Article 2, Section 503 of the Town of Kiawah Island Municipal Code.

(3) Treasurer. Whenever the word "treasurer" or "municipal treasurer" is used, the term shall be construed to mean Town Treasurer, as appointed by the Council under Article 2, Section 505 of the Town of Kiawah Island Municipal Code.

(4) Code. The words "code," "the code," or "this code" shall mean and refer to The Municipal Code of the Town of Kiawah Island, South Carolina, 1993, unless plainly in reference to some other code of laws.

(5) Corporate limits, corporation limits. Whenever the words "corporate limits" or "corporation limits" or "Town" are used, they shall mean the legal boundary of the Town of Kiawah Island, South Carolina.

- (6) Council. Whenever the word "Council" or "Town Council" is used, the term shall be construed to mean the Council of The Town of Kiawah Island, South Carolina.
- (7) County. The word "county" shall mean the County of Charleston, State of South Carolina.
- (8) Delegation of Authority. When a section of this Code or of an ordinance requires an act to be done by the head of a department, such requirement shall be construed to authorize the head of the department to designate and authorize subordinates under his control and supervision to perform the act unless the terms of the section or ordinance clearly require the head of the department to personally perform the act.
- (9) Gender. A word importing the masculine gender only shall extend and be applied to females as well as to males.
- (10) Joint Authority. All words purporting to give a joint authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.
- (11) May, shall. The word "may" is permissive; the word "shall" is mandatory.
- (12) Mayor. Whenever the word "mayor" is used it shall mean the Mayor of the Town of Kiawah Island, South Carolina.
- (13) Month. The word "month" shall mean a calendar month.
- (14) Name of officer. Whenever reference is made to a Town officer by title only, this shall be construed as though followed by the words "of the Town of Kiawah Island, South Carolina" and shall be taken to mean the officer of this Town having the title mentioned or performing the duties indicated.
- (15) Number. Words used in the singular include the plural, and the plural includes the singular number.
- (16) Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
- (17) Offices and Officials of the Town. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "Municipal Clerk," "Municipal Treasurer," "Chief of

Police," etc., they shall be deemed to refer to the officials, boards, commissions, and departments of the Town of Kiawah Island, South Carolina, unless specifically stated otherwise.

(18) Or, and. "Or" may be read "and," and "and" may be read "or," if the senses require it.

(19) Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant-in-common, tenant-in-partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

(20) Person. The word "person" shall extend and be applied to associations, clubs, corporations, firms and partnerships, as well as to individuals, unless plainly inapplicable.

(21) Personal Property. The term "personal property" includes every species of property except real property as herein described.

(22) Preceding, following. The words "preceding" and "following" mean next before and after, respectively.

(23) Premises. Whenever the word "premises" is used it shall mean place or places.

(24) Property. The word "property" shall include real and personal property.

(25) Real property. The term "real property" shall include lands, tenements and hereditaments.

(26) Reasonable time. Whenever any section of this Code or of an ordinance shall require an act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

(27) Residence. The term "residence" shall be construed to mean the place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed his residence.

(28) Seal. Whenever the word "seal" is used it shall mean the Town or corporate seal.

- (29) Sidewalk. The word "sidewalk" means a strip of land in front or on the sides of a house or lot of land lying between the property line and the roadway.
- (30) Signature or subscriptions. The "signature" or "subscription" of a person shall include a mark when the person cannot write.
- (31) State. The words "the state" shall be construed to mean the State of South Carolina.
- (32) Roadway. The word "roadway" shall mean that portion of a street improved, designated, or ordinarily used for vehicular traffic.
- (33) Tenant, occupant. The words "tenant" or "occupant" applied to a building or land, shall include a person holding a written or oral lease or who occupies the whole or a part of the building or land, either alone or with others.
- (34) Tense. Words used in the past or present tense include the future as well as the past and present.
- (35) Time. The time within which an act is to be done as provided in any section of this Code or an ordinance, when expressed in days shall be computed by excluding the first day and including the last; provided, however, that if the last day of the period so computed is a Saturday, a Sunday, or a legal holiday, such day shall be excluded and the time period shall run until the end of the next day which is not a Saturday, a Sunday or a legal holiday.
- (36) Town. The words "town," "the town," or "this town" shall mean the Town of Kiawah Island, County of Charleston, State of South Carolina.
- (37) Week. The word "week" shall be construed to mean seven (7) days.
- (38) Written, in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- (39) Year. The word "year" shall mean a calendar year.
- (40) Administrator. Whenever the word "administrator" or "town administrator" is used, the term shall be construed to mean Town Administrator, as provided for in Section 5-9-40 of the South Carolina Code of Laws, as amended.

(41) Qualified Elector. The phrase "qualified elector" shall mean a person who resides within the corporate limits of the Town for thirty (30) days prior to any municipal election and who meets all qualifications as set forth in Sections 7-5-120 and 7-5-610 of the South Carolina Code of Laws, as amended.

Section 1-103 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 otherwise 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.

Section 1-104 Catchlines of Sections

The catchlines of the sections and subsections of this Code are intended merely as catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-105 Effect of Repeal of Ordinances

(1) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(2) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

Section 1-106 Amendment of Code

Any amendment to this Code shall be accomplished as if Council were voting on a separate Ordinance pursuant to the proper procedure set forth in Title 5 of South Carolina Code Annotated, 1976, as amended.

State Law Reference: South Carolina Code, 1976, as amended, Sections 5-7-260, 5-7-270 and 5-7-280.

Section 1-107 General Penalty; Continuing Violation

Whenever, in this Code or in any ordinance or resolution of the Town Council or in any rule, 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 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 Five Hundred (\$500) Dollars or by imprisonment for a term not exceeding thirty (30) days, in the discretion of the Municipal Judge of the Town. Each day any violation of any provision of this code or of any such ordinance, resolution, rule, regulation, or order shall continue shall constitute a separate offense.

State Law Reference: South Carolina Code, 1976, as amended, Section 5-7-30.