

ORDINANCE 4317

AN ORDINANCE AMENDING AND RESTATING CERTAIN PROVISIONS OF CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF HARTSVILLE, SOUTH CAROLINA TO CLARIFY PROVISIONS REGARDING THE SWEARING IN OF ELECTED OFFICIALS OF THE CITY; AND OTHER MATTERS RELATED THERETO.

The City Council of the City of Hartsville (the “*Council*”), the governing body of the City of Hartsville, South Carolina (the “*City*”), makes the following findings of fact:

(A) The Council has enacted certain provisions concerning induction of newly elected members of the Council contained in Sections 2-32 and 2-66 of the City’s Code of Ordinances (the “*Code*”).

(B) The Council has determined to amend certain provisions in the manner set forth below to ensure these provisions do not conflict with each other or other provisions of the Code, and to ensure that there is sufficient time to certify elections for newly elected officials.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the City of Hartsville as follows:

Section 1. For the purposes set forth above, the applicable subsections of Section 2-32 and Section 2-66 of the Code shall be amended and restated to read, in their entirety, as follows.

Subsections 2-32(e) and (l) of the Code shall be amended and restated to read, in their entirety, as follows:

Sec. 2-32. – Election of mayor and councilmembers.

(e) *Terms of office.* The mayor and each councilmember shall be elected for a term of office of four years. An elected official’s term of office shall begin upon the elected official being sworn into office, which shall occur at a regularly scheduled meeting of the City Council in the month following the month in which the elected official was elected; provided, however, that in the event that the date that an elected official is to be sworn in conflicts with the provisions of subsection (l) of this section, the elected official shall be sworn in, and the term of office for such elected official shall begin, at the next occurring regularly scheduled meeting of the City Council, which does not conflict with subsection (l).

(l) *Time of taking and leaving office.* Newly elected officials shall not be qualified until at least forty-eight hours after the closing of the polls of the election at which the elected official was elected, and in the case a contest is finally filed pursuant to Section 5-15-130 *et seq.* of the Code of Laws of South Carolina 1976, as amended, the incumbent shall hold over in the office until the contest is finally determined. The elected official(s) shall then be sworn into office pursuant to subsection (e) of this Section.

Section 2-66 of the Code shall be amended and restated to read, in its entirety, as follows:

(a) The first meeting of each newly elected council, for induction into office, shall be at a regularly scheduled meeting of the City Council in the next month following the month in which the elected official was elected; provided that the swearing in of individual elected officials may be delayed pursuant to Section 2-32(e) and (l) without delaying the swearing in of other elected officials.

(b) The City Council shall meet on the second Tuesday of each month at 5:30 p.m. unless changed by a majority vote of members present at any regular or special meeting.

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

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the Council.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this 9th day of January, 2018.

CITY OF HARTSVILLE, SOUTH
CAROLINA

(SEAL)

By: _____
Carl M. (Mel) Pennington IV, Mayor

ATTEST:

By: _____
Sherron L. Skipper, City Clerk
City of Hartsville, South Carolina

First Reading: December 12, 2017
Public Hearing: January 09, 2018
Final Reading: January 09, 2018