

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
CITY OF WALHALLA )

ORDINANCE 2020-17

**AN ORDINANCE PROVIDING FOR COUNCIL RULES OF ORDER  
PROCEURE AT MEETINGS, AND PROCEDURES FOR THE ENACTMENT OF  
ORDINACES AND RESOLUTIONS**

**WHEREAS**, Section 5-7-250 of the South Carolina Code requires that the Council, after public notice shall meet regularly at least once a month in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of a majority of the members; and

**WHEREAS**, Section 5-7-250 of the South Carolina Code requires that the Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings which shall be a public record; and

**WHEREAS**, Section 5-7-250 of the South Carolina Code requires that procedures for meetings of a municipal governing body shall not conflict with the provisions of the general law of the state with regard to freedom of information; and

**WHEREAS**, Section 5-7-250 of the South Carolina Code requires to meet public emergencies affecting life, health, safety or the property of the people, Council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of Council present. An emergency ordinance is effective immediately upon enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment; and

**WHEREAS**, Section 5-7-260 of the South Carolina Code requires acts of municipal council which are required to be done by ordinance as stated in items 1-7 of the Code; and

**NOW, THEREFORE, BE IT ORDAINED**, by the City of Walhalla, that:

**Section 1. Meetings of Council.**

- A) Regular meetings of Council shall be held on the third Tuesday in each month unless changed by a 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 of a Majority of the Council members. Notice of a special meeting shall be given to all available members and the news media by City Clerk or City Administrator.
- C) All regular and special meetings of Council, shall be open to the public.

## **Section 2. Quorum and Rules of Order**

A majority of the Council persons serving shall constitute a quorum for the conduct of business at any meeting. The Mayor or Mayor Pro Tempore shall preside, except that in the absence of both, the members present shall elect a presiding member.

## **Section 3. Voting Requirements**

- A) All actions of Council shall be by majority vote of members present at a public meeting.
- B) Every member of Council present shall vote on every question except when required to refrain from voting by State law.
- C) The vote on any question may be by voice vote. The Mayor, Mayor Pro Tempore or Any member of Council may request a roll call vote and shall be recorded in the Council minutes.

## **Section 4. Minutes of Meeting**

The City Clerk or City Administrator shall keep the minutes of all public meetings of Council which shall be a matter of permanent public record. A truthful and trustworthy account of the meeting transactions is essential to the completeness of the official record. At each Council meeting the minutes of the previous meeting shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by Council. Any member of Council desiring to express a position on a matter voted upon by Council in the minutes may do so by presenting the position in writing to Council no later than the next regular meeting.

## **Section 5. Appearance of Citizens**

Any citizen of the City shall be entitled to an appearance before Council. The Citizen must contact the City Clerk or City Administrator prior to Noon preceding either a committee, regular or special Council meeting to be placed on the Agenda.

All persons addressing the Council will be limited to five minutes for their request. The time limitation may be waived provided two-thirds of the Mayor and Council shall agree by vote of Council.

## **Section 6. Notice of the Agenda**

The primary objective of preparing an agenda, besides legal reasons, is to provide a guide to all interested parties of the business proposed to be acted on at a given time, date and place. Matters to be considered by Council at a regular meeting shall be placed on the public written agenda prepared by the Chief Administrative officer and posted by noon on Thursday preceding the meeting. An agenda for regularly scheduled meeting must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on the municipal website at least 24 hours prior to such meeting. The

Agenda at the request of a member of Council may be amended by 2/3 vote of Council prior to approval of the minutes.

### **Section 7. City Attorney to Attend**

The City Attorney shall attend meetings of Council upon request of Council. Upon Council approval the City Attorney shall act as parliamentarian, propose ordinances and resolutions. The City Attorney shall if called upon by Council to review all ordinances, resolutions, documents present to Council and give opinions upon questions of procedure, form and law to any member of Council.

### **Section 8. City Administrator to Attend**

The City Administrator, City Clerk or designee shall attend meetings of Council.

### **Section 9. Conferences**

- A) City Council may have conference meetings as permitted by the South Carolina Freedom of Information Act and the City Code at such times and in such places as may be deemed necessary and in the public interest by the Mayor or any member of Council.
- B) No formal vote shall be taken upon any matter under discussion at any such conference, but informal polling of Council may be made if desired by any member of Council.
- C) The City Clerk or Administrator must give notice to the news media that a conference meeting will be held pursuant to law stating the specific matters to be discussed.
- D) No vote of Council shall be necessary to call a conference meeting.

### **Section 10. Special Committees**

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 hearings held by special committees shall be filed with the City Administration as public records:

### **Section 11 Ordinance Required**

Council shall act by ordinances in accordance with Section 5-7-260 of the South Carolina Code of Laws. Acts of municipal Council which are required to be done by ordinance.

- 1) Adopt or amend an administrative code or 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) Adopt budgets, levy taxes, except as otherwise provided with respect to the property tax levied by adoption of a budget, pursuant to public notice;
- 4) Grant, renew or extend franchises
- 5) Authorize the borrowing of money

- 6) Sell or lease or contract to sell or lease any lands of the municipality and
- 7) Amend or repeal any ordinance described in items 1-6 above.

### **Section 12 Form of Ordinance**

In accordance with the South Carolina Code of Law Section 5-7-270. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Each municipality shall by ordinance establish its own rules and procedures as to adoption of ordinances. No ordinance shall have the force of law until it shall be read two times on two separate days with at least six days between each reading.

Every proposed ordinance shall be introduced in writing and 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) Citation of any ordinance repealed
- 5) The provisions of the ordinance including section numbers if the ordinance is to be codified or amends an existing codified ordinance;
- 6) The effective date of the ordinance;
- 7) The name of the person requesting introduction of the ordinance;
- 8) Space for the signatures of the Mayor or presiding member of Council and the City Clerk or City Administrator attesting notice, if required, and adoption.

Written resolutions shall be in such similar form as deemed appropriate.

### **Section 13 Introduction of Ordinances**

An ordinance may be proposed by any member of Council. A proposed ordinance may be referred to the City Attorney at the request of Council for approval as to form. The City attorney, if requested by Council, shall render assistance in the preparation of notices and ordinances. An ordinance shall be deemed introduced when it appears on an agenda for a public meeting of Council and its title is read.

### **Section 14 Enactment of Ordinances**

- A) An ordinance to levy a tax, adopt a budget, appropriate funds, grant a franchise, license or right to use or occupy public street or public property for commercial purposes shall be complete in form in which is passed.
- B) No ordinance shall be adopted until it shall have been read two times on two separate days with at least six days between each reading and the public to have the opportunity to comment. An ordinance to levy a tax, to adopt or amend a budget, and grant a franchise must be presented at a Council committee meeting.
- C) 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 shall expire automatically on the sixty-first day following enactment.

- D) The introduction and reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of Council.
- E) Upon final adoption by vote of Council, an ordinance shall be signed by the Mayor or presiding member and attested by the City Clerk or City Administrator, who shall file the original in the Council minutes.

#### **Section 15 Codification of Ordinances**

All ordinances relating to administration, health, safety, vehicles, streets (except franchises and encroachments), solicitations, pollution, municipal court, descriptions of areas annexed to the City, and any other ordinances or portions of ordinances so required by Council shall be codified and updated annually in a loose-leaf Code of Ordinances and by electronic versions to be displayed on the City's website. Standard codes, technical regulations and zoning ordinances may be cited in the code by reference and copies shall be made available for distribution or purchase at a reasonable price.

#### **Section 16 Introduction of Resolutions**

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

#### **Section 17 Adoption of Resolution**

Written and oral resolutions may be adopted on one reading unless a public hearing is set by a majority of the members of Council present.

#### **Section 18 Repealer**

All Ordinances and parts of Ordinances that are in conflict with this Ordinance are hereby repealed.

**Section 19 Severability**

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, or in any exception to or limitation upon any provision contained herein be held to be unconstitutional, invalid or ineffective, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect, and to this end, the provisions of this ordinance are declared to be severable.

Done and Ratified this 17th day of November, 2020.



Danny Edwards, Mayor

ATTEST:



Brent Taylor, City Administrator

Introduced By: Mr. Josh Roberts

First Reading: October 20, 2020

Second Reading and adoption: November 17, 2020