

CHAPTER 1

GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections and all future ordinances amendatory thereof shall constitute and be designated "The Code of the Town of Sullivan's Island, South Carolina", and may be so cited. Such ordinances may also be cited as "Sullivan's Island Town Code".

Sec. 1-2. Definitions and rules of construction - Generally.

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 context clearly required otherwise:

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

Computation of time. [1] The time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day be Sunday or a legal holiday, it shall be excluded.

Council or Town Council. The words "Council" or "Town Council" shall mean the Town Council of the Town of Sullivan's Island, South Carolina.

County. The word "County" shall mean the County of Charleston, in the State of South Carolina.

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

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular include the plural and the plural shall include the singular number.

Oath; swear, sworn. The word "oath" shall 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" or "affirmed".

Official time standard. Whenever certain hours are named, they shall mean standard time or daylight saving time, as may be in current use in the Town.

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

Person. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property include every species of property except real property, as herein defined.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property and real estate shall include lands, tenements and hereditaments.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of all roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

State. The words "the state" or "this state" shall be constructed to mean the State of South Carolina.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, bridges and approaches thereto and viaducts and all other public thoroughfares in the Town, and shall mean the entire width thereof between opposed 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.

Tenant or occupant. The words "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Town. The words "the Town" shall mean the Town of Sullivan's Island in the County of Charleston and State of South Carolina, except as otherwise provided.

Year. The word "year" shall mean a calendar year.

Sec. 1-3. Same -- Acts prohibited or punishable.

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 shall, unless a contrary intent appears, be construed to refer to such acts when committed or occurring within the limits of the Town or in other places over which the Town police 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 and punishable and shall not specifically designate the jurisdiction or scope thereof.

Sec. 1-4. Provisions considered as continuation of existing ordinances.

The provisions appearing in this Code, so far as they are the same as existing ordinances, shall be considered as continuations thereof and not a new enactment.

Sec. 1-5. 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.

Sec. 1-6. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere 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 deemed when any of such sections, including catchlines, are amended or reenacted.

Sec. 1-7. General penalty; [2] continuing violations.

Wherever in this 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 a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provisions of this Code, or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than thirty days. Each day any violation of this Code, or any such ordinance resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense. (9-23-97)

Sec. 1-8. Effect of repeal or expiration of code section or ordinance.

The repeal of a code section or an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed,

any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

When an ordinance which repealed another ordinance or code section shall itself be repealed, the previous ordinance or code section shall not be revived without express words to that effect.

[1] For similar state laws, see S. C. Code 1976, S15-1-20.

[2]

For state law authorizing municipality to fix fines and penalties for violation of ordinances, see S. C. Code 1976 S5-7-30.

As to trial of violations of Code, etc., see S12-1 of this Code. As to fine of owner of impounded dog, see S3-4 and 3-8. As to reward for information leading to conviction of person for making false fire alarm, see S8-2.