NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

WORKSESSION - Planning Conference Room, 1st Floor - 5:00 PM

I. CALL TO ORDER
   A. Billy Keyserling, Mayor

II. DISCUSSION ITEMS
   A. HRB Candidate Interviews
   B. Proposed changes to existing City Ordinances
   C. City Council Retreat Suggestions
   D. Use of Bicycles on Woods Memorial Bridge
   E. Seismic Testing Update

III. ADJOURN
BACKGROUND INFORMATION:

There is currently an open position on the Historic District Review Board (HRB). The position is for a “citizen representative,” meaning the member either lives or owns property in the Historic District. The citizen member who recently left the Board lived in the Northwest Quadrant (NWQ). There are three citizen positions on the Board. In the past, Council has preferred that at least one of these positions be filled by resident of the Northwest Quadrant. Seven candidates have applied for the position. Interviews with the candidates have been scheduled for the January 16 Council workshop.

PLACED ON AGENDA FOR: Discussion

REMARKS:
CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL            DATE: 1/12/2018
FROM: William Prokop, City Manager
AGENDA ITEM TITLE: Proposed changes to existing City Ordinances
MEETING DATE: 1/16/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Some ordinances have not changed or been updated in several years. Staff is working through proposed changes to update them.

Currently the ones up for discussion this evening are:

- Chapter 3 - RULES OF PROCEDURE AND ORDINANCES Article A, Meeting of Council Sec 1-3001, Time and Date
- Chapter 3 - RULES OF PROCEDURE AND ORDINANCES Article E, Other offices and Departments Sec 1-4051, Creation of Departments
- Chapter 4 - ALARM SYSTEMS Sec 2-4002 through 2-4045
- Chapter 5 - FINANCIAL ADMINISTRATION Sec 1-5005, Time of payment and Sec 1-5007, Notice of tax due

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

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Sec. 1-3001. - Date and time.

(a) Worksession Meetings are held on the second, third and fourth Tuesday of the month at 5 p.m. Regular meetings of council shall be held at 7:00 p.m. on the second and fourth Tuesdays of 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 members. Notice of a special meeting shall be given immediately to all available members and the news media by the manager.

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

Sec. 1-4051. - Creation of other [departments]

(a) There are hereby established and created other offices and departments for the city as follows:

(1) Police department.
(2) Fire department.
(3) Water and wastewater department. Municipal Court
(4) Recreation department.
(5) Finance department.
(6) Public works department.
(7) Codes enforcement department Human Resources Department.
(8) Planning, permitting and Codes, and community development department.

(b) Persons appointed to these departments and offices shall be responsible for the functions and duties as prescribed in this Code and other duties as the manager may from time to time determine.


Cross reference—See specific chapters for departmental and office functions and duties.

State Law reference—Departments and offices established by ordinance, S.C. Code 5-7-260.
CHAPTER 4. - ALARM SYSTEMS

ARTICLE A. - GENERAL PROVISIONS

Sec. 2-4001. - Short title.

This chapter shall be known as the "burglary, fire, emergency medical service, and robbery alarm permit ordinance."

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4002. - Purpose.

The purpose of this chapter is to set forth regulations governing all types of police/fire/emergency medical service (EMS) alarm systems, businesses and agents within the city, require permits thereof, establish fees and provide for punishment of violation of provisions of this chapter.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4003. - Definitions.

For the purpose of this chapter certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

(1) Alarm agent means any person who owns or who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: Selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing or on in any building, structure or facility, any alarm system.

Exemption. The provisions of this subsection do not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

(2) Alarm business means the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, monitoring, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

(3) Alarm system means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure, or facility or for alerting others of the commission of an unlawful act within a building, structure or facility, or used for detection of fire or reporting medical emergencies; and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms, central station systems and proprietor alarm. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

(4) Appellant means a person who perfects an appeal pursuant to this chapter.

(5) Applicant means a person, firm or corporation who or which files an application for the new or renewal permit as provided in this chapter.

(6) Audible alarm means a device designed for the detection of unauthorized entry or fire on premises which generates an audible sound on the premises when it is actuated.
(7) City means City of Beaufort.

(8) Day means calendar day.

(9) False alarm means an alarm signal necessitating response by the Beaufort Police Department where an emergency situation does not exist and reasonable explanation is not given.

(10) Finance department means the finance department of the city.

(11) Notice means written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

(12) Permittee means any person, firm, partnership, association or corporation.

(13) Person means natural person, firm, partnership, association or corporation.

(14) Police chief means the police chief of the city.

(15) Proprietor alarm means an alarm which is not serviced by an alarm business, and is self-contained on the premises.

(16) Subscriber means any person who purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing or maintenance of an alarm system from an alarm business.

(17) Monitoring service means any alarm business which receives automatic/digital alarm signals from a protected building, structure or facility located in the city limits and forwards the alarm signal for response by the Beaufort police/fire dispatcher.

Sec. 2-4004. - Standards and regulations prescribed.

The police chief may prescribe minimum standards and regulations for the construction and maintenance of all alarm systems installed within the city. These standards and regulations shall become effective upon adoption thereof by resolution of the city council. All devices shall meet or exceed these standards and regulations before permits may be issued pursuant to this chapter. The police chief may require inspection and approval of all alarm systems installed within the city.

Sec. 2-4005. - Audible alarm requirements.

Every person maintaining an audible alarm not connected to the police dispatcher receiver unit shall provide the names and telephone numbers of the persons to be notified to render repairs or service and who will secure the premises during any hour of the day or night that the alarm is actuated. The record will be maintained by the Beaufort Police Department.

Sec. 2-4006. - Alarm system subscriber permit.

No person shall possess or use an alarm system without first applying for and receiving a subscriber permit therefor in accordance with the provisions of this chapter.
Sec. 2-4007. - Subscribe permit display at premises with system.

(a) The subscriber permit shall be kept on the premises where the alarm system is located. The police department may issue an appropriate permit and established requirements for its posting.

(b) The fee for the subscriber permit is the responsibility of the owner and not the installer.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4008. - Business license required.

No person shall engage in, conduct or carry on an alarm business without first applying for and receiving an alarm agent permit therefor in accordance with the provisions of this chapter.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4009. - Agent permit required.

(a) Every person engaged in the business of repairing, servicing, altering, replacing, removing, designing, selling, leasing, maintaining or installing alarm systems shall carry on his person at all times while so engaged, a valid alarm agent permit and shall display the permit to any subscriber or police officer upon request.

(b) Applications for an agent permit may be obtained and forwarded to the police department through the owner of the business holding the city business license.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4010. - Issuing authority.

The issuing authority for city business license and building permits shall be the finance department. Agent and subscriber permits shall be issued by the police department.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4011. - Application—Forms.

Applications for all agent and subscriber permits required hereunder shall be filed with the police department and shall be accompanied by the requisite fee. The fee is established to cover part of the cost of investigating and processing the applications and permits and is not refundable. The police department shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. Application for subscriber alarm systems shall require the owners, the alarm company or agent's address, telephone number and name of person who will render service or repairs during any hour of the day or night.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4012. - Same—Investigation and denial.

(a) Every application for an alarm agent permit shall require fingerprints of the applicant. The police chief shall conduct an appropriate investigation of the applicant's background to determine whether the permit shall be issued. The police chief may require additional information of applicants which he
deems necessary to conduct his investigation. The police chief may dispense with the investigation upon being furnished with an authenticated copy of a current permit issued by another governmental agency located in the County of Beaufort. The permit shall be denied by the police chief if:

1. The character or reputation of the applicant is determined to be inimical to the safety or general welfare of the community;
2. The applicant for the alarm agent permit does not comply with the standards and regulations adopted pursuant to section 2-4004;
3. The applicant, his employee or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with any city agency; or
4. That the applicant has had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.

(b) The permit shall be denied by the police chief if the alarm system does not comply with standards and regulations adopted pursuant to section 2-4004. The permit shall be issued to the person owning, using or possessing the alarm system.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4013. - Notice of application information change.

Whenever any change occurs relating to the written information required by section 2-4005, the applicant or permittee shall give written notice thereof to the chief of police within twenty (20) days after any change or at any hearing conducted under this chapter if that hearing is conducted before the notice has been given.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4014. - Exemptions for vehicle alarms.

The provisions of this chapter are not applicable to audible alarms affixed to automobiles or other vehicles.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4015. - Appeal procedure.

The procedure for any appeal of a decision by the police chief shall be in accordance with those procedures codified in Article B.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4016. - Agent permit expiration and fees.

July 1 shall be the anniversary date for all alarm agent permits. Alarm agent permits issued on July 1 shall expire three (3) years after issuance. Alarm agent permits issued subsequent to any July 1 shall expire three (3) years after that July 1. The fee for these permits shall be fifteen dollars ($15.00) and shall not be prorated. Applications for renewals of permits shall be processed in the same manner as applications for the initial permit. The fee for renewal of these permits shall be fifteen dollars ($15.00) for each successive three-year period.
Sec. 2-4017. - System permit expiration and fees.

The fee for a subscriber permit shall be fifteen dollars ($15.00) and shall not be prorated. July 1 shall be the anniversary date for all these permits. Any permits issued on July 1 shall expire three (3) years after their issuance. Any permits issued subsequent to any July 1 shall expire three (3) years after that July 1. Applications for renewals of permits shall be processed in the same manner as applications for the initial permit. The fee for renewal of such a permit shall be fifteen dollars ($15.00) for each successive three-year period.

Sec. 2-4018. - Suspension or revocation—Grounds.

The following shall constitute grounds for suspension and revocation:

1. The violation of any of the provisions of this chapter;
2. The failure to comply with standards or regulations adopted pursuant to section 2-4004;
3. Where any alarm business permittee or alarm agent is charged with a crime involving moral turpitude or where the character, reputation or moral integrity of the permit holder or his employees is determined inimical to public safety or the general welfare of the community;
4. Where an alarm system actuates excessive false alarms and thereby constitutes a public nuisance;
5. Where the applicant or permittee, his employee or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with any city agency; or
6. Where the applicant or permittee has had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.

Sec. 2-4019. - Same—Authority.

Any permit issued hereunder may be suspended by the police chief for the grounds listed in section 2-4018.

Sec. 2-4020. - Same—Procedure.

(a) The determination of the police chief with regard to matters of suspension shall be appealable in the time and manner set forth in sections 2-4041 through 2-4045.

(b) The police chief, in the case of such suspension, shall serve the permittee with a written order of suspension, which shall state the reasons for the suspension. The order shall be effective immediately if personally served, or forty-eight (48) hours after the same has been deposited in the course of transmission in the United States Postal Service.
(c) Immediately upon such an order becoming effective, the permittee shall discontinue the use of any alarm system requiring a permit under this chapter and cease all operations conducted under the authority of any permit issued pursuant to this chapter.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4021. - Revocation.

(a) The suspension shall become a revocation fifteen (15) days after the order of suspension becomes effective unless the permittee files an appeal of the order of suspension in the manner set forth in sections 2-4041 through 2-4045.

(b) Where an appeal is filed, the order of suspension shall be stayed pending a determination thereon by the hearing officer who shall act upon the same in the manner set forth in sections 2-4041 through 2-4045. The suspension shall become a revocation if the decision of the hearing officer upholds the suspension. The suspension shall be dissolved immediately if the decision of the hearing officer reverses the suspension.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4022. - Surrender of permit.

If any permit is revoked pursuant to this chapter, permittee shall surrender the permit to the license division of the finance department.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4023. - Fee exemptions.

The United States Government, the State of South Carolina, counties, municipal corporations, departments thereof and other governmental entities are exempt from fees required in section 2-4017.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4024. - Confidentiality.

The information furnished and secured pursuant to this chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this chapter.

(Ord. No. O-04-82, 1-26-82)

Sec. 2-4025. - Violation; penalty.

Any person violating any of the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment for a period of not to exceed thirty (30) days.

(Ord. No. O-04-82, 1-26-82; Ord. No. O-30-93, 10-12-93)

Sec. 2-4026. - Enforcement of provisions.
The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve the person from paying the permit fee due and unpaid at the time of the conviction, nor shall payment of any permit fee prevent criminal prosecution for violation of any of the provisions of this chapter. All remedies shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit fee shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent permit fee. All permits fees shall be deemed delinquent thirty (30) days after they are due and payable.

(Ord. No. O-04-82, 1-26-82)

Secs. 2-4027—2-4029. - Reserved.

Sec. 2-4030. - Automatic dial police alarms prohibited.

It shall be unlawful for any person or persons to install or to cause to be installed any alarm or automatic dial telephone system, connected to an existing published or unpublished telephone number (line) serving the Beaufort Police Department.

(Ord. No. O-10-81, § 1, 5-26-81)

Secs. 2-4031—2-4040. - Reserved.

ARTICLE B. - APPEAL PROCEDURE

Sec. 2-4041. - Notice of decision of police chief.

Notice of decision of the police chief with reference to a permit application under this chapter shall be made to the applicant or to any other person requesting that notice within forty-five (45) days after receipt of application for a permit or renewal of the permit.

Sec. 2-4042. - Appeal by aggrieved person.

Any person aggrieved by the decision of the police chief with reference to the approval or denial of an application for a permit or renewal of the permit or suspension of a permit, shall have the right of appeal. An appeal must be perfected within fifteen (15) days after notice of the decision or order of suspension by filing with the city manager a letter of appeal briefly stating therein the basis for the appeal, together with a filing and processing fee in the sum of one hundred dollars ($100.00).

Sec. 2-4043. - Waiver of hearing right.

Failure to file a letter of appeal within those fifteen (15) days shall constitute a waiver of appellant's right to hearing, but the city manager in his discretion may nevertheless grant such a hearing.

Sec. 2-4044. - Hearing notice.

The city manager shall fix the time and place of the hearing at a date not more than fifteen (15) days after his receipt of the letter of appeal. The city manager shall appoint a hearing officer. The city manager shall give the appealing party and any other person requesting the same at least five (5) days' notice of the time and place of such hearing. The notice shall be substantially in the following form, but may include other information: "You are hereby notified that a hearing will be held at __________________/________________/________________, on _______________/_______________/_______________, at the hour of _______________/
Sec. 2-4045. - Hearing decision.

(a) At the time and place set for the hearing upon the appeal from the decision of the police chief, the hearing officer shall give the appealing party and any other interested party a reasonable opportunity to be heard in order to show cause why the determination of the police chief should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the decision of the police chief.

(b) The hearing officer shall submit a written report to the city manager. The report shall contain a brief summary of the evidence considered, findings of fact and the recommendations of the hearing officer. In addition, the report shall contain a proposed decision, in such form that it may be adopted by the city manager as his decision in the appeal. If the city manager approves the decision of the hearing officer, it shall be final and conclusive. The city manager shall transmit the decision to the police chief who shall comply with the decision. If the city manager does not approve the decision, he shall independently review the evidence taken at the hearing for the purpose of determining if the decision of the police chief should be upheld. The decision of the city manager shall contain findings of fact, a determination of the issues presented, and shall be final and conclusive. The city manager shall transmit the decision to the police chief who shall comply with the decision.
Section 2-4002 through 2-4045 deal with alarm systems. This was put in place over 30 years ago when the city had its own dispatchers. The ordinance has not been followed for well over 20 years. Many of its pertinent aspects are covered by business license ordinances. The state police chiefs’ association is working on a uniform statewide regulation dealing with activated burglar alarms. I recommend that the ordinance be deleted and replaced when the state completes theirs. I will defer to Chief Bertholf of he feels any of the ordinance is needed by the fire department.

Thanks – Chief Clancy
CHAPTER 5. - FINANCIAL ADMINISTRATION

Sec. 1-5001. - Fiscal year designated.

(a) From and after the passage of this section the fiscal year of the City of Beaufort shall end on the thirtieth day of June of each year.

(b) All records, accounts, statements, accounting periods and financial matters of the City of Beaufort shall hereafter conform to this fiscal year termination date.

(Ord. of 8-30-77, § 1)

Sec. 1-5002. - Tax lien date.

The tax lien date shall be January 1.

(Ord. of 8-23-77, § 2)

Sec. 1-5003. - Annual tax ordinance to be adopted.

The city council shall annually, on or before the first day of July, pass a tax ordinance declaring the tax levy for the current fiscal year and purposes for which the tax is levied.

(Ord. of 8-23-77, § 3)

Sec. 1-5004. - Assessment and valuation.

The taxes so levied shall be upon property, real and personal, not exempt by law from taxation, situated within the city and shall be based upon the valuation set forth in the county tax books for the current year and from such tax books incorporated into the tax books of the city.

(Ord. of 8-23-77, § 4)

Sec. 1-5005. - Time of payment.

The annual tax, levied as provided in this article, shall be payable to the City of Beaufort, or the agent for the City, at the office of the county treasurer designated by the City from September fifteen of the month in which taxes are levied the year in which levied to January fifteen, next.

(Ord. of 8-23-77, § 5, as amended by Ord. No. O-13-80, 10-28-80, § 1)

Sec. 1-5006. - Receipts for payment.

Upon payment of the tax provided for in this ordinance, the county treasurer on behalf of the City of Beaufort will cause a written receipt, bearing proper authentication to be given to the party paying such tax on which the property paid on and the value of shall be briefly described, together with the time of payment and the amount paid.

(Ord. of 8-23-77, § 6, as amended by Ord. No. O-13-80, 10-28-80, § 2)
Sec. 1-5007. - Notice of tax due.

The city treasurer shall cause a notice of the annual tax ordinance to be inserted three consecutive weeks in a local newspaper, the first such notice to be published on or before the tenth day of July, such notice to state the rate, percentum of the levy, the purpose for which levied, the time within the same shall be paid, the place at which such tax shall be payable and the hours of the day during which the county treasurer's office shall be open for the receipt of such taxes. Need help with how this should be worded since this is done by the County and we publish the millage rate with the public notice on the budget.

(Ord. of 8-23-77, § 7)

Sec. 1-5008. - Penalties for unpaid taxes.

On January fifteenth next in the same fiscal year in which the taxes became due, the city treasurer, or his agent, shall add a penalty of fifteen per cent to all property taxes remaining unpaid.

(Ord. of 8-23-77, § 8)

Sec. 1-5009. - Execution costs.

On March 15 next, in the same fiscal year in which property taxes become due, the city treasurer, or his agent, shall add execution cost of five per cent (5%) to all property taxes and penalties remaining unpaid, and the city treasurer or his agent, on behalf of the city, shall issue a warrant or execution in duplicate against each defaulting taxpayer in his jurisdiction, signed by him in his official capacity directed to the county tax collector requiring him to levy such warrant or execution by distress and sale of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, penalties and costs, and the officer to which the warrant is directed shall:

(a) On or before April 1 next in the same fiscal year in which the taxes became due mail via "certified mail, return receipt requested" notice of delinquent taxes, penalties and costs, to the person at the address shown on the tax receipt or at any more correct address shown on the tax receipt or at any more correct address known to such officer. The notice shall specify that if not paid on or before the August 30 next, the property will be duly advertised and sold for delinquent property taxes, penalties and costs in the amount, specifying the amount, dollars on sales day in October next, and return receipt of this "certified mail" notice shall be deemed equivalent to "levying by distress" hereinabove prescribed; and

(b) On or before August 31 next, following the fiscal year in which the taxes became due, in the event the certified mail notice has been returned, the city treasurer or his agent shall take exclusive possession of the property against which such taxes were assessed, by posting a notice at one or more conspicuous places on the premises, in the case of real estate, reading "seized by person officially charged with the collection of delinquent taxes of the City of Beaufort to be sold for delinquent taxes," the posting of which notice shall be equivalent to levying by distress, seizing and taking exclusive possession of personality; and

(c) On September 1, next following the year in which the taxes become due the city treasurer or his agent shall add five per cent (5%) as additional cost to the amount of delinquent taxes, penalties and costs then due, and shall proceed to advertise the property once a week for three successive weeks for sale in October next. The advertisement shall be titled "delinquent tax sale" and shall include, among other things, the number of acres or lots and buildings, the total of the taxes plus penalties and costs, the tax receipt number, delinquent taxpayer's name, and a brief description of the property, a reference to the county auditor's map-block-parcel number being sufficient for description.

(Ord. of 8-23-77, § 9, as amended by Ord. No. O-13-80, 10-28-80, §§ 3—5)
Sec. 1-5010. - Sale of property.

Upon failure of taxes, penalties and costs to be paid in full before 10 o’clock a.m. on sales day in October next following the fiscal year in which the taxes became due, the property duly advertised shall be sold by the city treasurer or his agent at public auction at the front door of the county courthouse beginning at ten a.m. for cash payable in full on same date. In case the defaulting taxpayer has more than one item advertised to be sold, no item shall be sold provided the sale of one (1) or more preceding items sold shall bring sufficient funds to cover all of defaulting taxpayer's delinquent taxes, penalties and costs.

(Ord. of 8-23-77, § 10, as amended by Ord. No. O-13-80, 10-28-80, § 6)

Sec. 1-5011. - Cash required at delinquent tax sale.

The successful bidder at the delinquent tax sale shall pay cash to the city treasurer or his agent in the full amount of the bid at the time of the sale. Upon payment, the city treasurer or his agent shall furnish the purchaser a receipt for the purchase money and annex such receipt to the duplicate warrant with the endorsement thereon of his actions thereunder.

(Ord. of 8-23-77, § 11, as amended by Ord. No. O-13-80, 10-28-80, § 7)

Sec. 1-5012. - Duties of treasurer.

The county treasurer shall make full settlement of tax sale monies due the City of Beaufort on or before October thirtieth next.

(Ord. of 8-23-77, § 12, as amended by Ord. No. O-13-80, 10-28-80, § 8)

Sec. 1-5013. - When bidder fails to remit in cash.

In case the successful bidder fails to remit in cash within the time specified, the city treasurer or his agent will duly readvertise the same property for sale, in the same manner, on the legal sales day in November next.

(Ord. of 8-23-77, § 13, as amended by Ord. No. O-13-80, 10-28-80, § 9)

Sec. 1-5014. - When defaulting taxpayer may redeem property.

The defaulting taxpayer, any grantee from the owner, or any mortgage or judgement creditor may within 18 months from the date of such delinquent tax sale redeem each item of real estate by paying to the city treasurer, or his agent, delinquent taxes, penalties and costs, together with eight (8%) percent interest on the whole amount of the delinquent tax sale bid if redeemed in the first year after the sale, plus an additional four (4%) percent interest on the whole amount of delinquent tax sale bid if redeemed in the second year after such sale.

(Ord. of 8-23-77, § 14)

Sec. 1-5015. - When real estate redeemed.

Upon the real estate being redeemed, the city treasurer or his agent shall cancel the sale in the tax sale book and note thereon the amount paid, by whom and when. The successful purchaser, at the
delinquent tax sale, shall promptly be notified by mail to return the tax sale receipt to the city treasurer or his agent so that there can be refunded the purchase price plus the interest accumulated, as provided.

(Ord. of 8-23-77, § 15, as amended by Ord. No. O-13-80, 10-28-80, § 10)

Sec. 1-5016. - When personal property cannot be redeemed.

For personal property, there shall be no redemption period subsequent to the time that such property is struck off to the successful purchaser at the delinquent tax sale. Upon payment therefor by the successful purchaser and delivery of the duplicate warrant (i.e. tax receipt) with description thereof and notation thereon by the city treasurer or his agent, “Sold to ____________ at Delinquent Tax Sale on ____________ / ____________ / ____________ , ____________ ”

(date) (Tax Collector)
to the successful purchaser of personal property shall be considered the successful purchaser's bill of sale and right of possession.

(Ord. of 8-23-77, § 16)

Sec. 1-5017. - Notice concerning redemption.

Neither more than forty-five days nor less than twenty days prior to the end of the redemption period for real estate sold for taxes, the city treasurer, or his agent, shall mail a notice to the owner of record at the best address of such owner available to the tax collector that the real property described on the notice has been sold for taxes and if not redeemed by paying taxes, penalties, costs and interest in the amount of $ ____________ dollars on or before ____________ / ____________ / ____________ (date), (eighteen months from date of sale) a tax title will be delivered to the successful purchaser at the tax sale; provided, however, under this ordinance, the return of the certified mail "undelivered" or other similar notation, shall not be grounds for a tax title to be withheld or be found defective and ordered set aside or cancelled of record.

(Ord. of 8-23-77, § 17, as amended by Ord. No. O-13-80, 10-28-80, § 11)

Sec. 1-5018. - Failure of defaulting taxpayer to redeem property.

Upon failure of the defaulting taxpayer, any grantee from the owner, or any mortgage or judgement creditor, to redeem realty within the time period hereinabove allowed for redemption, the city treasurer, or his agent, shall within twenty days make a tax title to the purchaser or the purchaser's assignee and delivery of the tax title to the clerk of court shall be considered "putting the purchaser (or assignee) in possession." The tax title shall include, among other things, the name of the defaulting taxpayer, the date of the execution, the date the realty was posted and by whom if such be the case, and the dates each certified notice was mailed to the party or parties of interest, to whom mailed and whether or not received by the addressee. The successful purchaser (or assignee) shall be responsible for the cost of the tax title plus any documentary stamps necessary to be affixed and recording fees. The successful purchaser (or assignee) shall pay such amounts to the city treasurer, or his agent, before delivery of the tax title to the clerk of court and upon payment the city treasurer shall then be responsible for promptly transmitting the tax title to the clerk of court for recording and remitting the recording fee and documentary stamps cost therewith. In case the tax sale of an item produced an overage in cash above the full amount due in taxes, penalties and costs, such overage shall belong to the defaulting taxpayer to be claimed or assigned according to law. However, if neither claimed nor assigned within five years of date of public auction tax sale, the overage shall escheat to the general fund of the City of Beaufort. Prior to the escheat date unclaimed overages shall be kept in a separate account and shall be invested so as not to be idle and the City of Beaufort shall be entitled to the earnings for keeping the overage, such earnings to be
settled quarterly. On escheat date the overage shall be transferred to the general funds of the City of Beaufort.

(Ord. of 8-23-77, § 18)

Sec. 1-5019. - Rights of real estate mortgagees.

The provisions of Sections 12-49-210 through 12-49-300 of the Code of Laws of South Carolina, 1976, relating to rights of real estate mortgagees, are adopted as a part of this ordinance.

(Ord. of 8-23-77, § 19)

Sec. 1-5020. - Act to be additional to other laws.

Election to utilize the remedy provided by this ordinance for enforcement of collection and disposition of delinquent taxes, penalties and costs, shall not prevent the City of Beaufort from also using any remedy or supplementing any provision of this ordinance, by reliance upon and use of any statute which is not in conflict with the provisions of this ordinance, including those existing statutes which refer to the chief of police or other designated official as the official charged with the enforcement, collection and distribution of delinquent property taxes, penalties and costs.

(Ord. of 8-23-77, § 20)

Sec. 1-5021. - Operation or ownership of vehicles upon which taxes are past due.

(a) It shall be unlawful for any resident of the City of Beaufort, South Carolina who owes personal property taxes on motor vehicles to the city whether such personal property has been taxed or returned for taxation or not, and such taxes whether assessed or not, have not been paid, to own, operate, or have possession of within the corporate limits of the city or upon the public streets or ways of the city any motor vehicle on which personal property taxes due to the city are past due and unpaid by the resident or by the owner in case the resident has possession.

(b) Personal property taxes assessed against any motor vehicle owned by, or in possession of, any resident of the city shall be delinquent when the same or any part thereof are past due and unpaid whether assessed or returned for taxation or not, as provided for by the ordinances of the city. Each day of ownership, possession or operation shall constitute a separate offense.

(Ord. No. O-2-78, 1-10-78)

Sec. 1-5022. - Recovery of collection costs.

Beaufort hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the city, which shall also be added to the delinquent debt and recovered from the debtor.

(Ord. No. O-01-08, § 1, 1-8-08)
# CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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<tr>
<th>TO:</th>
<th>CITY COUNCIL</th>
<th>DATE: 1/12/2018</th>
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<tbody>
<tr>
<td>FROM:</td>
<td>William Prokop, City Manager</td>
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<tr>
<td>AGENDA ITEM</td>
<td>City Council Retreat Suggestions</td>
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<td>TITLE:</td>
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<tr>
<td>MEETING DATE:</td>
<td>1/16/2018</td>
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**BACKGROUND INFORMATION:**


Discuss suggested topics received from Citizens.

**PLACED ON AGENDA FOR:** Discussion

**REMARKS:**