

CITY OF SIMPSONVILLE, SOUTH CAROLINA

TITLE: AN ORDINANCE TO AMEND SECTION 16-7 "TIME OF TAKING OFFICE" BY CLARIFYING THE FIRST MEETING AT WHICH THE NEWLY ELECTED OFFICIALS WILL BE SWORN INTO AND TAKE OFFICE; AND OTHER MATTERS RELATED THERETO

BASIS FOR THE ORDINANCE: TITLE 5, SOUTH CAROLINA CODE OF LAWS

ENACTING CLAUSE: NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA

CITATION OF ORDINANCE REPEALED: None

PROVISION OF ORDINANCE: See provision of ordinance below.

SECTION NUMBERS: See below.

EFFECTIVE DATE OF ORDINANCE: Upon final approval by Council after second reading and signing by the Mayor.

NAME OF PERSON REQUESTING INTRODUCTION OF ORDINANCE: Councilmember Elizabeth Braswell

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:**

SECTION 1. That Section 16-7 of the Code of Ordinances of the City of Simpsonville is hereby amended to read as follows:

NOTE: *Language in this ordinance that is ~~struck through~~ is language proposed to be deleted and underlined language is language proposed to be added.*

**Sec. 16-7. Time of taking office; holdover in contested election; applicability.**

(a) The time for the commencement of the term of office of the newly elected officers is the first regular business meeting of City Council in January following their election in November. The newly elected officers shall be sworn into and take office at the council meeting that occurs on that day. The terms of the previously elected mayor and members of the city council shall continue until the new officials have taken their oath of office.

(b) In the event that the results of the election are contested in accordance with law, the incumbent who fills the contested office shall hold over until the contest is finally determined.

(c) This section shall not apply to a special election which may be required to fill the unexpired term of the mayor or any member of the city council because of resignation, death, disqualification or any other cause.

(Code 1995, § 16-7; Ord. No. 2002-06 § 16-5, 11-12-2002; Ord. 5-8-2007; Ord. No. 2012-08, 8-28-2012; Ord. No. 2016-01, 3-8-2016)

**State law reference** – Procedure for contesting results of an election, S.C. Code 1976, § 5-15-130.

SECTION 2. REPEALER: All ordinances, orders, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 3. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 6. EFFECTIVE DATE: This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and signature by the Mayor.

SIGNATURE OF MAYOR:

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Janice S. Curtis

ATTEST:

APPROVED AS TO FORM:

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Phyllis Long  
City Clerk

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David W. Holmes  
City Attorney

FIRST READING: February 9, 2016  
SECOND READING: March 8, 2016