


Codification of Ordinances

Joint Academy
October 3, 2025
Sara Weathers, Associate General Counsel



Municipal Association
of South Carolina





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of South Carolina

What is codification?

- Statement of a body of law
- From council meetings to legal framework providing for the efficient and civil operation of our municipalities
- Taking ordinances adopted by council and forming them in a volume of ordinances
- Overtime the volume of ordinances grows; difficulty researching
- Modern codification increases accessibility and accountability



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What is codification?

- S.C. Code 5-7-290: “Each municipal council shall provide by ordinance for the codification and indexing of all ordinances, either typewritten or printed, and the maintenance of ordinances in a current form reflecting all amendments and repeals. All ordinances as codified shall be available for public inspection at reasonable times.”
- This statute does not explicitly name the clerk, but by tradition the clerk manages this process.



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What are we codifying?

- An "ordinance" can be defined as "local legislation passed by the governing body of the [municipality], duly enacted pursuant to proper authority, describing general, uniform and permanent rules of conduct relating to the corporate affairs of the [municipality]." 5 McQuillin Mun. Corp. § 15.01 (1996).
- 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 have been read two times on two separate days with at least six days between each reading. Section 5-7-270



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What are we codifying?

Acts of municipal council which are required to be done by ordinance:

"In addition to other acts required by law to be done by ordinance, those acts of the municipal council shall be by ordinances which:


- (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 violations;
- (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) through (6) above.

In matters other than those referred to in this section council may act either by ordinance or resolution."



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Please click the link below to join the webinar:
<https://us02web.zoom.us/j/84766734067?pwd=ZGpZbHdNbnZlZkRlRmY1ZncjZBUT09>
 Passcode: 217283 +19292056099 Webinar ID: 847 6673 4067

 **CITY OF BEAUFORT**
 1911 BOUNDARY STREET
 BEAUFORT MUNICIPAL COMPLEX
 BEAUFORT, SOUTH CAROLINA 29902
 (843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
 October 10, 2023

STATEMENT OF MEDIA NOTIFICATION

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

REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM

Please note, this meeting will be broadcasted via zoom and live streamed on Facebook. You can view the meeting at the City's page: City Beaufort SC

I. CALL TO ORDER
 A. Michael A. McFee, Acting Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE
 A. Anthony Kollar, Beaufort Port Royal Fire Department Chaplain


III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS
 A. Character Education Proclamation - Alyson Rex Castillo, Mossy Oaks Elementary School

IV. PUBLIC COMMENT

V. MINUTES
 A. Worksession - September 19, 2023
 B. Worksession and Regular Meeting - September 26, 2023
 C. Special Council Meeting - October 3, 2023

VI. OLD BUSINESS
 A. Ordinance to Amend the Business License Ordinance to Update the Class Schedule - 2nd reading

VII. NEW BUSINESS
 A. Keller Williams request for co-sponsorship and waiver of the noise ordinance to host a Military Corral Tournament in the Henry C. Chambers Park on Saturday, October 28, 2023, from 12:00 pm - 4:00 pm
 B. The Beaufort Railroaders request for 10 parking spaces for the 29th annual railroad exhibit at the Beaufort Library, December 10-17, 2023
 C. Project Freedom 326 and Empowering Families and Communities request to host a

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AN ORDINANCE
AMENDING THE BUSINESS LICENSE ORDINANCE OF THE CITY OF BEAUFORT TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

WHEREAS, the City of Beaufort (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 14-21 on September 28, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the City Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association;

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


SECTION 1. Amendments to Appendix A, Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

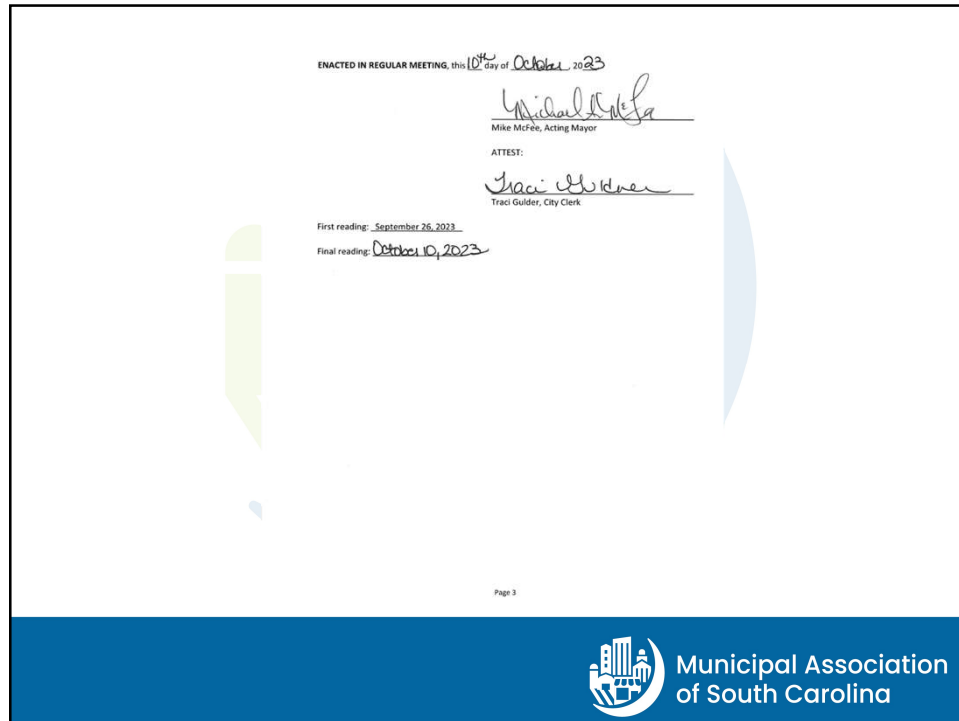
(a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 - Telephone Companies.

(b) Class 8.6 is hereby amended and restated in its entirety to read as follows: "8.6 NAICS Code Varies - Billiard or Pool Tables. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 31 1/2 feet wide and 7 feet long, and \$12.50 per table longer than that."

(c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

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What are we codifying?

- General and Permanent
 - Health, safety, and welfare
 - Penalty provisions, animal control, litter prohibition, land use
- Special or temporary
 - Bond issuance, event provision, limited to a time or place, budgets, property sale, franchises, procurement

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What are we [not] codifying?

- Resolutions

- a written motion of council which generally expresses a policy or position on an issue. The policy or position is generally considered to have a limited duration because it can be changed at any time by one vote of council. Unlike ordinances, resolutions require only one reading and vote by council.



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What does codification entail?

- Gather all existing ordinances enacted by the governing body.
- Review each ordinance to determine:
 - Is it still effective?
 - Has it been amended or repealed?
- Organize operative ordinances into categories
- Assign article and section numbers
- Publish in a single, indexed volume (online or not)



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What does codification entail?

- Periodic updates after initial codification
- Only review ordinances enacted since the last codification process:
 - Add new laws in the appropriate section
 - Revise language for amended ordinances
- Keeps the code current and usable



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What will I find in a code of ordinances?

- A code of ordinances typically contains all current ordinances of a general and permanent nature. Special or temporary ordinances are usually not included, or are listed in tables at the end of the code.



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What will I find in a code of ordinances?

- Administrative section
 - Oaths of office, service terms, duties of officials
- Meeting rules
 - Agenda setting, minutes requirements, council procedures, quorums, etc.
- General penalty provision
 - Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, the municipal judge may impose a fine of not more than \$500 or imprisonment for not more than 30 days, or both.



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What will I find in a code of ordinances?

- Land use
- Business License
 - Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, the municipal judge may impose a fine of not more than \$500 or imprisonment for not more than 30 days, or both.
- Technical Codes
 - Section 6-9-50 provides for the adoption of the latest editions of technical codes



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CHAPTER 1. - BUSINESS LICENSES^[2]

Footnotes:

— (2) —

Editor's note— Ord. No. O-14-21, adopted September 28, 2021, repealed the former Chapter 1, §§ 7-1001—7-1027, and enacted a new Chapter 1 as set out herein. The former Chapter 1 pertained to similar subject matter and derived from Ord. No. O-11-13, April 9, 2013; Ord. of 12-30-16, §§ 1—3; Ord. No. O-20-16, May 20, 2016; Ord. No. O-02-17, February 14, 2017.

Sec. 7-1001. - License required.

- (a) Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Beaufort, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.
- (b) Any licensed business allowing the operation of vending or entertainment machines required to be licensed shall be responsible for ensuring that all machines are properly licensed with the required Type I coin-operated device, gaming machine, and machine permit sticker which shall be posted in a conspicuous place on the machine before the machine can be operated.
- (c) Any licensed business contracting live entertainment shall ensure that their business is properly licensed with the city for such entertainment before allowing the entertainer to perform.
- (d) In addition to the above-described activities constituting doing business, an individual shall be deemed to be in business if that individual owns and rents two (2) or more residential rental units (or partial interest therein) within the limits of the city. This applies to long-term rentals greater than thirty (30) days. All short-term rentals require a business license.
- (e) The provisions of this article shall not extend to those businesses which are contained within NAICS Major Business Group 11 Agriculture, Forestry, Fishing and Hunting to include the following: agriculture production, crops, livestock and animal specialties, forestry, and fish production; nor shall it apply to the manufacture or production of sea island grass products; but this article shall apply to vendors of every other class and kind of goods.

(Ord. No. O-14-21, 9-28-21)

Sec. 7-1002 - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this chapter unless the context otherwise requires.

Annual license may be issued to a resident or itinerant business and is valid for the year (beginning in 2022, that one-year period shall commence on May 1, 2022). A base tax and established rate is charged based on the previous year's accrued gross revenue with itinerant businesses using only their in-city gross revenue. The license must be renewed on or before April 15 of each year.

Business means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

Charitable organization means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

Charitable purpose means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate



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What are codification services?

- Online hosting and sources for drafting and research
- Effective collection and retention
- Municode (Municode Codification by CivicPlus) and Amlaw (American Legal Publishing)
- Typically an upfront cost with ongoing expenses
- Ongoing maintenance available
- Research tool for municipal staff



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What are codification services?

[City of Beaufort Code of Ordinances](#)



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