

CITY OF ORANGEBURG, S. C.

APRIL 1, 1962 to March 31, 1963

AN ORDINANCE

To Regulate Licenses in the City of Orangeburg, South Carolina, for the Year 1962 and Thereafter Until Amended or Repealed by the City Council.

BE IT ORDAINED by the Mayor and Councilmen of the City of Orangeburg, S. C., in Council assembled:

SECTION 1. That the following License Taxes are hereby imposed for the privilege of carrying on the business, trade, profession, or doing the acts named or described herein, within the corporate limits of the City of Orangeburg from the first day of April, 1962, to the thirty-first day of March, 1963, inclusive, thereafter until repealed or amended as aforesaid and that the same shall be due and payable on or before the 5th day of May of each year (unless otherwise herein provided), except in cases where a person, firm, company or corporation shall inaugurate and start a new business or enterprise when license for the same shall be due and payable on the day such business is begun.

New businesses which shall apply for a license on or after April 1st shall pay the minimum fee as stated in the ordinance for his classification at the time of acquiring the license and at the end of the calendar year, the total license payment based on actual gross business done shall be due and payable with the credit allowed for that amount which had previously been paid. If a new business should be dissolved before the end of the first year, they shall be liable for tax on the gross business done up to the date of closing. The business tax for the second year shall be calculated on the basis of gross business done in the first calendar year multiplied by the number of months necessary to give twelve (12) months business gross. No license shall be issued for less than one-half year and licenses issued between April first and September thirtieth shall be for the full year. No rebates or refunds shall be made except one-half of full year license shall be refunded if business is discontinued during first half of the year.

SECTION 2. No person, firm, company or corporation shall be engaged in, prosecute or carry on any business, trade, or profession, either in whole or in part, within the corporate limits of the City of Orangeburg without having paid license tax as hereinafter provided.

A separate license shall be required for each place of business and every class of business for which a license tax is required by this ordinance. Where two or more kinds of business are conducted in the same place, it shall be the duty of the licensee to keep an accurate account of the affairs of each kind of business and to satisfactorily separate the affairs of each so that the proper amount of tax imposed and payable on each type of business may be readily ascertained, otherwise the maximum rate applicable to any type of business being operated shall apply to the whole.

SECTION 3. Every person, firm, company or corporation required by this ordinance to obtain a license to engage in any trade, business, or profession within the corporate limits

of the City of Orangeburg, shall, within the time limits prescribed for payment of such license (Section 1), make application therefor in writing to the City Clerk and Treasurer, on form supplied for the purpose, setting forth under oath the following information:

- (A) Style name of the person, firm, company of corporation.
- (B) Location at which the trade, business, or profession is to be conducted.
- (C) Exact nature of the trade, business, or profession for which license is required.
- (D) The full and true amount of the gross sales, receipts, premiums, commissions, or other form of measurable returns for the trade, business or profession during the preceding calendar year. As herein required, the report of gross sales, receipts, premiums, etc., shall include all business done, whether within or without the city limits of the City of Orangeburg. In other words it shall be the same as reported as total gross receipts for Income Tax purposes to the federal government, or to the South Carolina Tax Commission, or to the Insurance Commissioner of the State of South Carolina. All of the information herein required shall be given under oath by the owner or a member of the firm, or an officer of a corporation, or by an authorized employee having exact knowledge of actual business done.
- (E) PROVIDED, where business is solicited, sales are made and goods delivered or transactions are completed and license paid on same in an incorporated town or city other than City of Orangeburg, this amount shall be deducted from total gross receipts and such information shall be furnished with application.

SECTION 4. In case it shall appear to the City Clerk and Treasurer that there are errors or inaccuracies in the statements as submitted, as to the amount of value of the business carried on, the City Clerk and Treasurer is authorized to make examination of the books and records of such licensee and to secure any information directly or indirectly that may determine the correct total gross receipts of such business and should the result of such examination show that said statement is in error, the City Clerk and Treasurer is authorized to make such adjustment as may be necessary.

Any person, firm or corporation making a false or fraudulent understatement of the amount of tax payable or of any fact upon which the amount of tax is based shall pay in addition to the regular and correct amount of tax payable, 50% of the amount of the deficiency based on such understatements; and the license of any person making a false or fraudulent statement shall be subject to revocation at the discretion of the City Council without obligation on the part of the City to refund any part of the tax paid, and without relieving such person from liability for the payment of any unpaid deficiency, delinquent penalties, and penalty for prosecution for violation of this ordinance.

PROVIDED, that a fine of not more than \$100.00 or imprisonment for not more than thirty days shall be imposed upon each Licensee who shall be convicted of making a false return.

PROVIDED, further that no license shall be issued until all obligations due the City have been paid.

SECTION 5. A penalty of ten (10%) per cent will be added to all business licenses of any person, firm or corporation having been in business during the past fiscal year and

failing to obtain a license before May 5th, 1962. Nothing herein contained shall be construed to relieve any person from the payment of the ad valorem tax on property as provided for by ordinance. And the payment of any particular tax hereinafter mentioned shall not relieve the person or corporation paying the same from liability for any other tax specifically imposed for any other business.

If any tax due hereunder shall remain unpaid after the due date, the City License Inspector shall forthwith issue his execution under seal of the City in the usual form for the collection of taxes, and he shall immediately proceed to collect the said tax, together with any penalties and costs due thereon, by distress and sale of the defaulter's property in the same manner as is now provided by law for the collection of other taxes.

PROVIDED, That the City Clerk and Treasurer, in the case of Insurance Company, and others when in his judgement circumstances seem to warrant, may grant an extension of time (in no case exceeding 75 days) within which to file application and pay the license tax.

SECTION 5 A. For the privilege of maintaining any office or conducting any business within the City it is the intention of this ordinance that a license shall be required and if the amount of the license is not specifically provided for herein, then said amount may and shall be fixed by the City Clerk and Treasurer, who shall fix a rate in keeping with the type of trade, business or profession to be licensed; or if no similar type of business or profession is provided for in this ordinance then the tax shall be fixed by City Council.

SECTION 6. Any person or persons, for themselves or as officers of a firm or corporation, exercising or carrying on any trade, business or profession, or operating any establishment for which a license is required by this ordinance, without first having registered as herein provided, shall be liable to a fine of not exceeding One Hundred (\$100.00) Dollars or to imprisonment for not more than thirty days.

SECTION 7. Where any person, firm or corporation conducting a business beyond the limits of the City of Orangeburg makes deliveries to or for purchasers within the City (other than those included in interstate commerce provisions) of goods, products or works sold, manufactured or done for a consideration out of the City, shall be charged for business done in the City Limits a license as is charged for the conduct of the same business where located in the City. Provided, however, that no retail merchants shall be charged a business license by the City of Orangeburg who is required to and does pay to another municipality a license fee based upon total deliveries irrespective of the place where such deliveries are made and all of whose business within the City of Orangeburg consists in making deliveries to or for purchasers within the City of Orangeburg. Except that this exemption shall not apply unless such other municipality grants a similar exemption to retail merchants conducting places of business within the City of Orangeburg and making deliveries to or for purchases within other municipality.

SECTION 8. It shall be the duty of the City License Inspector or other agent of the City to investigate and report to City Clerk and Treasurer all persons doing business without the license herein required.

SECTION 9. License granted under this ordinance shall not authorize a person, firm, company or corporation mentioned therein to exercise or carry on the trade, business or profession specified in such license, in any other place than that mentioned.

SECTION 10. No preaching, lecturing or speaking or entertainment of any nature will be permitted on the streets or public places of the City unless a written permit for same be obtained from the Mayor.

SECTION 11. Upon the removal of any license from the building or the premises at which the trade, business or profession mentioned in the license was authorized, it may and shall be lawful for the City Clerk by endorsement upon such a license to authorize the said licensee removing as aforesaid to any other place to carry on the trade, business or profession specified in such license at the place to which said licensee may have removed.

SECTION 12. Application for transfer of license shall be made in writing to the City Clerk and the Transfer of same shall be made subject to the approval of the Mayor on payment of one dollar for each transfer.

SECTION 13. That All licenses shall be subject to all legal rules, restrictions and regulations in force at the time they are issued or that may hereinafter be adopted by the City Council.

SECTION 14. The City Council may revoke any license issued to any person whenever in its judgement the public welfare makes it necessary.

SECTION 15. That whenever in this ordinance the term dealer or person or firm or corporation is used, the same shall include not only the principal but in his or her or their absence, shall include any agent, clerk or employee, and such agent, clerk or employee shall be subject to the penalties herein imposed, should the said business or profession be carried on without taking out such license in the same manner as if such agent, clerk or employee was the owner or proprietor of said business or profession.

SECTION 16 Any public service driver or drivers, either of a taxicab or automobile plying the streets for hire who shall be convicted of transporting or having in possession or selling alcoholic liquors, or otherwise violating any of the ordinances of the City relating to intoxicating liquors, or any public service drivers, either of hack, or automobile who shall transport from place to place within the City of Orangeburg any woman or women for immoral purposes, shall have his license to do business in said City immediately revoked by the Mayor and no new license shall be granted to him during the calendar year to engage in the same character or kind of business.

SECTION 17 ITINERATES For the purpose of this Ordinance, any person, firm or corporation that does not list a poll on property for taxation in said City shall be deemed an itinerant, and shall be subject to the license herein provided for itinerants; and if no tax is specified for itinerants, the tax shall be double the rate herein provided.

SECTION 18. No automobile or motor taxi shall be used for transportation of passengers for hire unless and until the owner or driver thereof shall first file with the

Clerk and Treasurer of said City a policy of insurance on said automobile or motor taxi against bodily injuries and property damage ordinarily designated as public liability insurance, in such company, in such form and in such amounts as the City Council may approve, and when so approved such policy of insurance shall be maintained by said driver or owner during the entire time said automobile or motor taxi shall be used. Upon failure to maintain such insurance, the license of the operator thereof shall be immediately revoked and said automobile or motor taxi shall not hereafter be used for the transportation of persons for hire in the said City. Nothing contained in this section shall apply to vehicles operating a special franchise.

SECTION 19. If any section or portion of a section of the ordinance or the license tax prescribed herein for any particular trade, business or profession be declared unconstitutional or declared invalid for any reason, such shall not in any way affect or invalidate any other section or portion of section of the ordinance other than that declared invalid.

SECTION 20. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed, and this ordinance shall remain in effect until amended or repealed by the City Council.

DONE IN COUNCIL, and ratified under the corporate seal of the City of Orangeburg, South Carolina, this 6th day of March, 1962, A. D.

S. Clyde Fair
Mayor
E. O. Fordman
J. J. Limehouse
Norman G. Siffly
Hunter Shubert
Councilmen

(SEAL)

ATTEST:

[Signature]
City Clerk and Treasurer

Approved As to Form:
SIMS & SIMS, City Attorneys

AN ORDINANCE

PROVIDING FOR IMPROVEMENTS AND EXTENSIONS TO
THE COMBINED PUBLIC UTILITY SYSTEM OF THE CITY
OF ORANGEBURG, SOUTH CAROLINA, FOR THE ISSUANCE
AND SALE OF TWO MILLION FIVE HUNDRED THOUSAND
DOLLARS (\$2,500,000) COMBINED PUBLIC UTILITY
SYSTEM REVENUE BONDS, SERIES OF 1962, OF THE
CITY OF ORANGEBURG, AND OTHER MATTERS RELATING
THERE TO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ORANGEBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

ARTICLE I
FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the issuance of the bonds provided for herein, the City Council of the City of Orangeburg finds that the facts set forth in this Article exist, and the statements with respect thereto, herein made, are true and correct.

1. The City of Orangeburg is a municipal corporation of the State of South Carolina, located in Orangeburg County.

2. Pursuant to Elections heretofore duly held in the City of Orangeburg, and in full compliance with the Constitution and Statutes of the State of South Carolina, the City of Orangeburg became authorized, and did afterwards acquire, a Waterworks System, a Sewer System, and an Electric Light System.

3. Heretofore by Ordinance adopted on the 10th day of August, 1948, and in pursuance with the authorization vested in the City Council of the City of Orangeburg by Section 59-364, Code of Laws of South Carolina, 1952, as amended, the three utility systems above referred to have been combined into a single system designated as COMBINED PUBLIC UTILITY SYSTEM of the City of Orangeburg (the System).

4. Pursuant to an Ordinance adopted February 26th, 1954, a natural gas system was constructed as an improvement to the System.

5. The System, which is comprised of the four units above referred to, is operated under the control of the City Council of the City of Orangeburg and serves persons residing in the City of Orangeburg and in the territory surrounding the City.

6. Provision has been made for the operation of the System on a fiscal year basis which commences on the first day of October of each year and ends on the 30th day of September

of the succeeding year.

7. The revenues derived from the System are previously pledged and hypothecated to the payment of the following outstanding revenue bonds of the City of Orangeburg, viz.:

The now outstanding \$965,000 of an original issue of \$1,500,000 Combined Public Utility System Revenue Bonds, dated April 1, 1954, of the City of Orangeburg, South Carolina, maturing:

\$100,000 on April 1st in each of the years 1963 to 1966, inclusive;

\$ 90,000 on April 1st in each of the years 1967 and 1968;

\$ 80,000 on April 1st in each of the years 1969 to 1972, inclusive; and

\$ 65,000 on April 1st, 1973.

Such bonds are defined in this Ordinance, and are henceforth referred to as the PARITY BONDS.

8. The Ordinance providing for the issuance of the Parity BONDS permits the City of Orangeburg to issue additional bonds on a parity with such bonds under the conditions and limitations set forth in Article VIII of the Ordinance of February 26th, 1954. Such Article prescribes the purposes for which such bonds are to be issued, and the earnings test that must be met in order to make additional bonds on a parity with the PARITY BONDS.

9. It is specifically found that the bonds, whose issuance is herewith provided for, are issued for purposes set forth in, and in full compliance with, all of the provisions set forth in said Article VIII, and that such bonds whose issuance is herewith to be provided for will be bonds on a parity with the PARITY BONDS.

10. Following a careful study made by City Council and the several firms of Consulting Engineers who advise the City with respect to the several units comprising the System, it has been found that very substantial improvements are required, as follows:

(a) For the Sewer System -

Additions to the treatment plant and collector lines, at an estimated cost of \$475,000.00

- (b) For the Natural Gas System -
 Additional mains for natural gas,
 at an estimated cost of \$200,000.00
- (c) For the Electrical Distribution System -
 Additional distribution lines and
 increasing sub-station capacity, at
 an estimated cost of \$200,000.00
- (d) Waterworks System -
 Extensive additional mains and dis-
 tribution facilities, at an estim-
 ated cost of \$1,725,000.00

The aggregate cost of the program recommended by the several firms of Consulting Engineers who advise the City with respect to the above units is indicated to cost in excess of Two Million Six Hundred Thousand Dollars (\$2,600,000). The City will have available funds which can be devoted to a portion of the cost, but must raise Two Million Five Hundred Thousand Dollars (\$2,500,000) in addition to the sums already on hand.

11. The City Council finds that it is authorized by the Revenue Bond Act for Utilities, Code Sections 59-361 to 59-415, as amended, and its own Ordinances, including specifically the Ordinance of February 26th, 1954, to make provision for the issuance of Two Million Five Hundred Thousand Dollars (\$2,500,000) Combined Public Utility System Revenue Bonds, whose proceeds shall be used to defray the cost of the improvements to its Combined Public Utility System referred to in Paragraph 10, supra. On that basis this Ordinance has been adopted to raise the \$2,500,000 required for the program to enlarge the System.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

Section 1.

This Ordinance may hereafter be cited and is hereinafter

referred to as the BOND ORDINANCE.

Section 2.

In this BOND ORDINANCE, unless a different meaning clearly appears from the context:

(1) Articles, Sections and Paragraphs mentioned by number are the respective Articles, Sections and Paragraphs of this BOND ORDINANCE so numbered.

(2) ADDITIONAL BONDS shall mean additional revenue bonds, payable from the revenues pledged to the payment of the BONDS authorized by this BOND ORDINANCE, whose claim to the revenues of the SYSTEM shall be on a parity with the Bonds and with the PARITY BONDS, so long as the PARITY BONDS shall be outstanding.

(3) The term BONDS shall mean the TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS, SERIES OF 1962, of the CITY OF ORANGEBURG, SOUTH CAROLINA, dated July 1, 1962, which are authorized by this BOND ORDINANCE, and, whenever applicable, said term shall likewise include all coupons appertaining to said BONDS, and all interest to become due thereon, whether evidenced by coupons or not.

(4) BONDHOLDERS or the term HOLDER or any similar term, when used with reference to a BOND or BONDS, means any person who shall be the bearer of any outstanding BOND or BONDS registered to bearer or not registered, or the registered holder of any outstanding BOND or BONDS which shall at the time be registered other than to bearer.

(5) The term BOND AND INTEREST FUND shall mean the fund designed to provide for the payment of the principal of and interest on the BONDS, as the same respectively fall due, and as established by the provisions hereof.

(6) The term CONSTRUCTION FUND shall mean the fund derived from the proceeds of the sale of the BONDS, exclusive of accrued interest, intended to defray the cost of improving the SYSTEM, to pay all charges and costs in connection therewith, including engineering fees, counsel fees, and costs of such lands and rights-of-way as may prove necessary.

(7) The term COUNCIL shall mean the City Council of the City of Orangeburg.

(8) The term CONTINGENT FUND shall mean the fund designed to provide for contingencies and for extensions and improvements to the SYSTEM, as the same was established and defined by the Ordinance authorizing the PARITY BONDS (the same being redefined by the provisions of this BOND ORDINANCE).

(9) The term CUSHION FUND shall mean the fund established to insure the timely payment of the principal of and interest on the BONDS, and to provide for the redemption of BONDS prior to their stated maturity, as established by the provisions hereof.

(10) The term CUSTODIAN as applied to any fund created by the BOND ORDINANCE shall mean the bank or other financial institution with which such fund shall be deposited and whose duties with respect thereto shall be as defined herein.

(11) The term DEPRECIATION FUND shall mean the fund designed to provide for the replacement of depreciated or obsolete parts of the SYSTEM, as the same was established and defined by the Ordinance authorizing the PARITY BONDS (the same being redefined by the provisions of this BOND ORDINANCE).

(12) The term ENABLING STATUTE shall mean Code Sections 59-361 to 59-415, inclusive, Code of Laws of South Carolina, 1952, as amended, and all other statutory authorizations, authorizing and enabling ORANGEBURG to adopt this BOND ORDINANCE, to improve the SYSTEM, and to provide for the issuance of the BONDS.

(13) The term FISCAL YEAR means the period of twelve calendar months, beginning on October 1st of each year and ending with September 30th of the succeeding year.

(14) The term GROSS REVENUE FUND shall mean the fund comprised of all of the receipts, income and revenues derived from the operation of the SYSTEM, as the same was established and defined by the Ordinance authorizing the PARITY BONDS (the

same being redefined by the provisions of this BOND ORDINANCE).

(15) The term IMPROVEMENTS shall relate to the improvements to the Combined Public Utility System heretofore referred to in Paragraph 10 of Article I hereof.

(16) The term PARITY BONDS shall mean the outstanding bonds of the City of Orangeburg, more fully described in Paragraph 7 of Article I hereof.

(17) The term PAYING AGENT shall mean the principal office of The Chase Manhattan Bank, in the City of New York, State of New York, or any bank with which or into which the same shall hereafter be merged or consolidated.

(18) The term SYSTEM shall mean: (a) the existing Waterworks System of the City of Orangeburg; (b) the existing Sewerage System of the City of Orangeburg; (c) the existing Electric Light Distribution System of the City of Orangeburg; (d) the existing Natural Gas System of the City of Orangeburg; (e) all lands, rights-of-way and easements used in connection with each of the foregoing; (f) all supplies, tools, equipment, apparatus and appurtenances incident to any of the foregoing; (g) all enlargements, improvements, extensions, additions, replacements and betterments to any of the foregoing; and (h) all interest in any of the foregoing that ORANGEBURG may at any time have.

(19) ORANGEBURG shall mean the City of Orangeburg, South Carolina.

(20) Words importing the redemption or redeeming or calling for redemption of a BOND do not include or connote the payment of such BOND at its stated maturity or the purchase of such BOND.

(21) Words importing persons include firms, associations and corporations.

(22) Words importing the singular number include the plural number and vice versa.

ARTICLE III

FISCAL YEAR

The SYSTEM shall be operated on a fiscal year basis, which shall commence on the 1st day of October of each year and shall end on the 30th day of September of the succeeding year.

ARTICLE IV

APPROVAL OF ESTIMATE OF COST AND
ORDERING CONSTRUCTION OF IMPROVEMENTS

On the basis of advices furnished by the several firms of Consulting Engineers who advise the City of Orangeburg with respect to the several units comprising the System, COUNCIL estimates that it must expend in excess of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to install the IMPROVEMENTS. Such estimate is hereby approved and the construction of the IMPROVEMENTS is hereby ordered.

ARTICLE V

ISSUANCE OF BONDS

Section 1.

Pursuant to the ENABLING STATUTE, and in order to defray the cost of constructing the IMPROVEMENTS, there shall be issued TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS, SERIES OF 1962, of the CITY OF ORANGEBURG, SOUTH CAROLINA. The said BONDS shall be dated the first day of July, A. D. 1962, shall be in denomination of One Thousand Dollars (\$1,000) each, shall be numbered from 1 to 2,500, inclusive, and shall mature on April 1st in annual series or instalments in numerical order, as follows:

\$50,000 on April 1st, in each of the years
1964 to 1966, inclusive;

\$75,000 on April 1st, in each of the years
1967 to 1969, inclusive;

\$100,000 on April 1st, in each of the years
1970 to 1972, inclusive;

\$125,000 on April 1st, 1973; and

\$170,000 on April 1st in each of the years 1974
to 1983, inclusive.

Section 2.

The BONDS shall bear such rate or rates of interest, payable on April 1st and October 1st of each year, beginning April 1st, 1963, as shall, at the sale of such BONDS, reflect the lowest interest cost to ORANGEBURG, at a price of not less than par and accrued interest to the date of delivery, but

- (a) All BONDS of the same maturity shall bear the same rate of interest;
- (b) No rate of interest shall be in excess of five per centum (5%) per annum;
- (c) All interest payments shall be evidenced by single coupons;
- (d) No rate of interest named shall be more than two per centum (2%) higher than the lowest rate of interest named; and
- (e) Each rate of interest named shall be a multiple of 1/20th of one per centum (1%).

For the purpose of this Section, interest cost shall mean the aggregate of interest on all BONDS from July 1st, 1962, until their respective maturities, less any sum named by the PURCHASER by way of premium.

Section 3.

Both the principal of and interest on the BONDS shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts at the principal office of the PAYING AGENT.

Section 4.

The BONDS maturing subsequent to April 1st, 1973, being BONDS numbered 801 to 2,500, inclusive, shall be subject to redemption, prior to their stated maturities, in whole or in part, but if in part, in inverse numerical order, on April 1st, 1973, and all subsequent interest payment dates, at par, plus accrued interest to the date fixed for redemption, plus a redemption premium computed as follows:

- (a) If the redemption be effected on or before April 1st, 1978, the redemption premium shall be three per centum (3%) of the principal amount of each BOND redeemed; and
- (b) If the redemption be effected after April 1st, 1978, but prior to the stated maturity of the

BONDS, the redemption premium shall be one and one-half per centum (1-1/2%) of the principal amount of each BOND redeemed.

If BONDS are called for redemption prior to their maturity, notice of redemption, describing the BONDS to be redeemed and specifying the redemption date, must be given by ORANGEBURG by publication at least once, not less than thirty (30) days and not more than sixty (60) days prior to the redemption date, in a financial journal published in the City of New York, State of New York. Interest on the BONDS to be redeemed shall cease to accrue from and after the redemption date specified in such notice unless ORANGEBURG defaults in making due provision for the payment of the redemption price thereof.

The redemption of less than all of the outstanding BONDS shall be effected only if, and to the extent that, the aggregate of moneys in the BOND AND INTEREST FUND and in the CUSHION FUND shall exceed the interest and principal requirements of all outstanding BONDS for the next two (2) successive fiscal years following the date fixed for redemption.

Section 5.

The BONDS shall be negotiable instruments, and shall be transferable by delivery except when registered as to principal in the name of the holder at the office of the Clerk and Treasurer of the City of Orangeburg, South Carolina, on registry books to be kept for the purpose, and such registration shall be noted on the reverse side of each BOND, after which no transfer of such BOND shall be valid unless made on said books by the registered holder in person or by his duly authorized attorney and similarly noted on the BOND; but such BOND may be discharged from registration by being in like manner transferred to bearer, after which it shall again be transferable by delivery, and may again from time to time be registered or discharged from registration in the same manner. The registration of any BOND shall not affect the negotiability of the coupons appertaining thereto, which shall continue to be payable to bearer and transferable by delivery.

Section 6.

ORANGEBURG and the PAYING AGENT may treat and consider the bearer of any BOND which shall not at the time be registered as to principal other than to bearer as the holder and absolute owner thereof, whether such BOND shall be overdue or not, for the purpose of receiving payment of the principal or redemption price thereof and for all other purposes whatsoever, and neither ORANGEBURG nor the PAYING AGENT shall be affected by any notice to the contrary. ORANGEBURG and the PAYING AGENT may treat and consider the bearer of any coupon of any BOND as the holder and absolute owner thereof, whether such coupon or such BOND shall be overdue or not, for the purpose of receiving payment thereof and for all other purposes whatsoever, and neither ORANGEBURG nor the PAYING AGENT shall be affected by any notice to the contrary. ORANGEBURG and the PAYING AGENT may treat and consider the person in whose name any BOND for the time being shall be registered as to principal upon the books of the Clerk and Treasurer of the City of Orangeburg, as the holder and absolute owner thereof, whether such BOND shall be overdue or not, for the purpose of receiving payment of the principal or redemption price thereof, and for all other purposes whatsoever except for the purpose of receiving payment of coupons, and neither ORANGEBURG nor the PAYING AGENT shall be affected by any notice to the contrary; and payment of, or on account of, the principal or redemption price of such BOND shall be made only to, or upon the order of, such registered holder thereof.

All payments made as in this Section provided shall be valid and effectual to satisfy and discharge the liability upon the several BONDS to the extent of the sum or sums so paid.

Section 7.

The BONDS shall be signed by the Mayor, attested by the Clerk and Treasurer of ORANGEBURG, under the Corporate Seal of ORANGEBURG; but the interest coupons attached to said BONDS shall be authenticated by the facsimile signatures of the Mayor and the Clerk and Treasurer. The facsimile signatures appearing on the coupons may be those of the Mayor and the Clerk and Treasurer who are in office on the date of the final adoption

of the BOND ORDINANCE. The execution of the coupons in such fashion shall be valid and effectual, notwithstanding any subsequent change in the personnel of either of said offices. The BONDS shall be executed by the persons holding office when the BONDS are printed and are ready for delivery. BONDS executed in this fashion may be validly delivered, notwithstanding changes in the personnel of either office subsequent to their execution.

Section 8.

As prescribed by Act No. 730 of the Acts of 1952, the BONDS and the interest thereon shall be exempt from all State, County, Municipal, School District, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise. The provisions of this Section shall be deemed a part of the contract inuring to the benefit of all holders or beneficiaries of said BONDS.

Section 9.

In case any BOND shall become mutilated in respect to the body of such BOND, or the coupons, if any, appertaining thereto, or shall be believed by ORANGEBURG to have been destroyed, stolen or lost, upon proof of ownership, satisfactory to ORANGEBURG, and upon surrender of such mutilated BOND, with its coupons, if any, or upon receipt of evidence satisfactory to ORANGEBURG of such destruction, theft or loss and upon receipt also of indemnity satisfactory to ORANGEBURG, and upon payment of all expenses incurred by ORANGEBURG for any investigation relating thereto, and all expenses incurred in connection with the issuance of any new BOND under this Section, the Mayor and the Clerk and Treasurer shall execute and deliver a new BOND of the same maturity, and for the same aggregate principal amount, with the coupons, if any, appertaining thereto, of like tenor and date, bearing the same number, with such notations as shall be deemed appropriate, in exchange and substitution

for, and upon the cancellation of the mutilated BOND, and its coupons, if any, or in lieu of and in substitution of the BOND, and its coupons, if any,, so lost, stolen or destroyed.

Section 10.

The BONDS shall be payable solely from the revenues derived from the operation of the SYSTEM in the manner herein provided, and such revenues applicable thereto are hereby irrevocably pledged to the payment of said BONDS, and to the payments into the various Funds herein provided for, to the extent and in the manner provided for by the BOND ORDINANCE. This provision of this Section 10 shall not preclude the issuance of ADDITIONAL BONDS to rank pari passu with the BONDS, and with the PARITY BONDS, so long as the same shall be outstanding, if such ADDITIONAL BONDS be issued in conformity with the provisions of Article VII hereof, but the pledge herein made shall preclude the further issuance of bonds secured by a pledge or lien on the SYSTEM, or any portions thereof, or the revenues therefrom, prior to the pledge and lien herein made to secure the BONDS.

Section 11.

The form of said BONDS, together with the coupons to be attached thereto, shall be substantially as follows:

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
CITY OF ORANGEBURG
COMBINED PUBLIC UTILITY SYSTEM REVENUE BOND
SERIES OF 1962

No. _____ \$1,000

The CITY OF ORANGEBURG, in ORANGEBURG COUNTY, SOUTH CAROLINA, for value received, hereby promises to pay to the BEARER, or, if this bond be registered, to the REGISTERED HOLDER, solely from the revenues described and pledged to the payment of this bond, the principal sum of

ONE THOUSAND DOLLARS

on the first day of April, 19____(unless this bond be subject to

redemption and shall have been duly called for previous redemption and payment of the redemption price made or provided for), and to pay solely from said revenues, interest on said principal sum from the date of this bond at the rate of _____ per centum (%) per annum, payable on the first days of April and October of each year, according to the tenor, and upon presentation and surrender, of the annexed interest coupons therefor, as such coupons severally mature. Both the principal of and interest on this bond are payable at the principal office of The Chase Manhattan Bank, in the City of New York, State of New York, in any coin or currency of the United States of America, which is, at the time of payment, legal tender for the payment of public and private debts.

THIS BOND is one of an issue of bonds in the aggregate principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000), of like date, tenor and effect, except as to number, rate of interest, date of maturity and redemption provisions, numbered from 1 to 2,500, inclusive, issued pursuant to an Ordinance adopted by the City Council of the City of Orangeburg, and thereafter codified and indexed as prescribed by law (herein called "The Ordinance"), and issued under and in full compliance with the Constitution and Statutes of the State of South Carolina, including particularly Code Sections 59-361 to 59-415, inclusive, Code of Laws of South Carolina, 1952, as amended, to obtain funds to defray the cost of acquiring improvements to the Combined Public Utility System of the City of Orangeburg (herein called "The System").

The bonds of this issue rank equally and are on a parity in all respects with the now outstanding Nine Hundred Sixty Five Thousand Dollars (\$965,000) of an original issue of One Million Five Hundred Thousand Dollars (\$1,500,000) Combined Public Utility System Revenue Bonds, Series of 1958, dated January 1st, 1958, of the City of Orangeburg, South Carolina.

The Ordinance authorizes the issuance of additional bonds, which, when issued in accordance with the provisions of The Ordinance, will rank equally and be on a parity with all

bonds authorized pursuant to The Ordinance.

The bonds of this issue maturing subsequent to April 1st, 1973 being bonds numbered 801 to 2,500, inclusive, are subject to redemption prior to their stated maturities, in whole or in part, but if in part, in inverse numerical order, on April 1st, 1973, and all subsequent interest payment dates, at par, plus accrued interest to the date fixed for redemption, plus a redemption premium computed as follows:

- (a) If the redemption be effected on or before April 1st, 1978, the redemption premium shall be three per centum (3%) of the principal amount of each BOND redeemed; and
- (b) If the redemption be effected after April 1st, 1978, but prior to the stated maturity of the bonds, the redemption premium shall be one and one-half per centum (1-1/2%) of the principal amount of each bond redeemed.

If bonds are called for redemption prior to their maturity, notice of redemption, describing the bonds to be redeemed and specifying the redemption date, must be given by said City of Orangeburg by publication at least once, not less than thirty (30) days and not more than sixty (60) days prior to the redemption date, in a financial journal published in the City of New York, State of New York. Interest on the bonds to be redeemed shall cease to accrue from and after the redemption date specified in such notice unless the City of Orangeburg defaults in making due provision for the payment of the redemption price thereof.

Both the principal of and interest on the bonds of this issue are payable solely from the revenues derived from the operation of The System. Neither the bonds of said issue, nor any of the coupons representing the interest payable thereon, shall in any event constitute an indebtedness of the City of Orangeburg, within the meaning of any provision, limitation or restriction of the Constitution or Laws of South Carolina. Said City is not obligated to pay any of said bonds or the interest thereon save and except from revenues derived from the operation of The System.

THIS BOND is a negotiable instrument, and is transferable by delivery except when registered as to principal as hereinafter provided. It may be registered as to principal only in the name of the holder at the office of the Clerk and Treasurer of the City of Orangeburg, in the City of Orangeburg, South Carolina, on registry books to be kept for the purpose, such registration to be noted on the reverse side hereof; after such registration, the principal amount hereof shall be payable only to such registered holder, his legal representatives, successors or assigns. If this bond be registered, no transfer shall be valid unless made on said books by the registered holder in person, or by his legal representatives, successors or assigns, and similarly noted on this bond. This bond may be discharged from registration by being in like manner transferred to bearer, after which it shall again be transferable by delivery, and this bond may again and from time to time be registered or discharged from registration in the same manner. Such registration shall not affect the negotiability of the coupons, which shall continue to be payable to bearer and transferable by delivery.

The City of Orangeburg hereby agrees that it will continuously operate and maintain The System and fix and maintain such rates for the services and facilities furnished by The System as shall at all times be sufficient, (1) to provide for the payment of the interest on and principal of this bond, the issue of which it forms a part, and the interest on and principal of all bonds on a parity herewith, as and when the same become due and payable; (2) to create a "Bond and Interest Redemption Fund" and a "Cushion Fund" for the bonds of this issue; (3) to provide for the payment of the expenses of the administration and operation and such expenses for maintenance of The System as may be necessary to preserve the same in good repair and working order; (4) to build up a reserve for the depreciation of The System; and (5) to build up a reserve for improvements, betterments and extensions to The System other than those necessary to maintain the same in good repair and working order.

Under authority of Section 59-391, Code of Laws of South Carolina, 1952, and by The Ordinance, there has been created and granted to and in favor of the holders of this bond, and the issue of which it forms a part, and to and in favor of the holders of the coupons attached to said bonds, a statutory lien which is hereby recognized as valid and binding on The System, with the appurtenances and extensions thereto, and The System shall remain subject to said statutory lien until the payment in full of the interest on and principal of this bond and the issue of which it forms a part. Upon the happening of any event of default as defined in The Ordinance, the principal of all bonds issued pursuant to The Ordinance then outstanding may become, or may be declared, forthwith due and payable in the manner and with the effect provided for in The Ordinance.

THIS BOND and the interest hereon are exempt from all State, County, Municipal, School District and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, and to be performed precedent to or in the issuance of this bond, exist, have happened, and have been done and performed in regular and due time, form and manner, and that the amount of this bond, and the issue of which this bond is one, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the CITY OF ORANGEBURG, SOUTH CAROLINA, has caused this Bond to be signed by its Mayor, attested by its Clerk and Treasurer, its Corporate Seal to be impressed hereon, the annexed interest coupons to bear the facsimile signatures of said Mayor and said Clerk and Treasurer,

and this Bond to be dated the first day of July, A. D. 1962.

(SEAL)

CITY OF ORANGEBURG, SOUTH CAROLINA

BY _____
Mayor

Attest:

Clerk and Treasurer.

(C O U P O N)

(unless the bond hereinafter described be subject to redemption, and be sooner redeemed or its redemption be provided for)

On the first day of
April, 1963*

the CITY OF ORANGEBURG, SOUTH CAROLINA, will pay to BEARER, but solely from the revenues pledged to the payment hereof,

_____ DOLLARS \$ _____ *

in any coin or currency of the United States of America, which is then legal tender for the payment of public and private debts, upon presentation and surrender of this coupon, at the principal office of The Chase Manhattan Bank, in the City of New York, State of New York, being the interest then due on its COMBINED PUBLIC UTILITY SYSTEM REVENUE BOND, SERIES OF 1962, dated the first day of July, A. D. 1962, No. _____. This coupon is issued pursuant to Sections 59-361 to 59-415, inclusive, Code of Laws of South Carolina, 1952, as amended, and does not constitute an indebtedness of said City within the meaning of any provision, limitation or restriction of the Constitution or Laws of the State of South Carolina.

Mayor, City of Orangeburg,
South Carolina

Clerk and Treasurer, City
of Orangeburg, South Carolina.

* Maturity date and dollar value to be changed according to maturity schedule.

(PROVISION FOR REGISTRATION TO APPEAR ON THE REVERSE OF EACH BOND)

AT THE REQUEST OF THE HOLDER, the within bond has been registered as to principal in accordance with the provisions contained therein.

DATE OF REGISTRATION	NAME OF REGISTERED HOLDER	SIGNATURE OF TOWN CLERK AND TREASURER
_____	_____	_____
_____	_____	_____
_____	_____	_____

If, at the request of the Purchasers, a copy of the approving legal opinion to be rendered shall be printed on the filing of the bonds, then preceding the same a certificate of authentication shall appear, which shall be signed on behalf of the City of Orangeburg by a facsimile signature of the Town Clerk and Treasurer. Said certificate of authentication shall be in form substantially as follows:

"IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete legal opinion of Messrs. Sinkler, Gibbs & Simons, Attorneys & Counsellors at Law, Charleston, S. C., the original of which was manually executed, dated and issued as of the date of delivery of and payment for the bonds, and a copy of which is on file with the Paying Agent.

CITY OF ORANGEBURG, SOUTH CAROLINA,

BY _____
Clerk and Treasurer

ARTICLE VI

RATES AND CHARGES

It is hereby determined that the rates for services and facilities rendered by the SYSTEM shall, until otherwise revised, pursuant to the provisions of the BOND ORDINANCE, be as now established. Said rates and charges are determined to be sufficient to meet the requirements of the BOND ORDINANCE but they shall be revised whenever necessary in order that they shall at all times be maintained on a basis sufficient to meet the requirements of

the BOND ORDINANCE, and ORANGEBURG specifically covenants and agrees to maintain rates and charges for all services furnished by the SYSTEM which shall at all times be sufficient to: (1) provide for the payment of the interest and principal of (a) the PARITY BONDS; (b) the BONDS, and (c) all ADDITIONAL BONDS; (2) to create BOND AND INTEREST REDEMPTION FUNDS AND CUSHION FUNDS therefor; (3) to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the SYSTEM as may be necessary to preserve the same in good repair and working order; (4) to build up a reserve for depreciation of the SYSTEM; and (5) to build up a reserve for improvements, betterments, and extensions to the SYSTEM other than those necessary to maintain the same in good repair and working order.

ARTICLE VII

ADDITIONAL BONDS

ORANGEBURG specifically reserves the right to issue ADDITIONAL BONDS to such amount as it may from time to time hereafter deem necessary and proper, which, if issued under the conditions hereinafter enumerated, shall be on a parity with the BONDS, notwithstanding that they may bear different interest rate, number, date, date of execution or date of delivery, and the pledge of revenues, the statutory lien, the covenants and remedies applicable and available to the holders of the BONDS shall be applicable and available to the holders of the ADDITIONAL BONDS. While any of the PARITY BONDS shall be outstanding, the right to issue ADDITIONAL BONDS shall be controlled by the provisions of the Ordinance making provision for the issuance of the PARITY BONDS. But it is the intent of this Section that if on the occasion that ADDITIONAL BONDS are proposed to be issued, provision has been made for the payment in full of the PARITY BONDS, then the provisions of the Ordinance making provision for the issuance of the PARITY BONDS shall no longer control and the right to issue ADDITIONAL BONDS shall depend solely upon a compliance with

the following provisions of this Article, viz.:

(1) Such ADDITIONAL BONDS shall be issued to secure funds to defray the cost of improving, extending, enlarging or repairing the System or to obtain funds to refund BONDS or any bonds having any claim to the revenues of the SYSTEM.

(2) There shall exist, on the occasion of the issuance of the ADDITIONAL BONDS, no default in the payment of the principal and interest of any bonds having a claim to the revenues of the SYSTEM, and, if default in the payment of interest or principal of any such bonds shall have taken place, that such default shall have been remedied at least six months prior thereto.

(3) There is in the CUSHION FUND a sum which equals the sum which would have been paid therein if each monthly payment contemplated by Article X shall have been paid.

(4) There shall be established by the Ordinance authorizing each issue of ADDITIONAL BONDS, a BOND AND INTEREST REDEMPTION FUND for the benefit of such bonds, similar to that established herein for the BONDS.

(5) There shall be established by the Ordinance authorizing each issue of ADDITIONAL BONDS a CUSHION FUND into which payments proportionate to those then required for the BONDS shall be made.

(6) The average net earnings of the SYSTEM for the two fiscal years immediately preceding the fiscal year in which any ADDITIONAL BONDS shall be issued, as certified to by a firm of independent public accountants, shall be not less than one hundred fifty per centum (150%) of the highest combined interest and principal requirements of any succeeding calendar year on all BONDS, on all ADDITIONAL BONDS then issued, and on all ADDITIONAL BONDS then proposed to be issued.

For the purpose of this Section, "net earnings" shall mean the sum which remains after deducting the cost of operating and maintaining the System from the entire receipts and revenues of the SYSTEM.

Both ORANGEBURG and any purchaser of any ADDITIONAL BONDS shall be entitled to rely upon certificates of any public

accountant, made in good faith, as to the net earnings of the SYSTEM.

ARTICLE VIII

ADDITIONAL JUNIOR BONDS

ORANGEBURG further reserves the right to issue other bonds, in such amounts as ORANGEBURG shall hereafter determine, payable solely from the revenues of the SYSTEM not on a parity with the BONDS but secured by a pledge of revenues from the SYSTEM junior and subordinate to the pledge securing the BONDS and other bonds on a parity therewith. Such other bonds shall recite on their face that they are subordinate to the BONDS and such other bonds then on a parity with the BONDS. Such further bonds issued pursuant to this Article shall be issued solely for purposes permitted by Paragraph (1), of Article VII.

ARTICLE IX

ESTABLISHMENT OF FUNDS

Effective upon the adoption of the BOND ORDINANCE, and continuing for so long a time as any BONDS or coupons appertaining thereto remain outstanding and unpaid, the following funds, whose establishment is hereby ordered, shall be maintained in such fashion as to meet the requirements of the BOND ORDINANCE. Certain of the funds are now in existence, having been established by the proceedings authorizing the PARITY BONDS. Such funds shall not be duplicated, but shall continue to function throughout the life of the BONDS.

Section 1.

The GROSS REVENUE FUND heretofore established by the proceedings authorizing the PARITY BONDS shall be continued for so long as any BONDS shall be outstanding.

This fund shall consist of all receipts, income and revenue that ORANGEBURG shall derive, directly or indirectly, from the operation of the SYSTEM. All of such receipts, income and revenue shall be deposited in the manner prescribed by Article X into this fund. Moneys in the GROSS REVENUE FUND shall be made use of only for the purposes and in the order of

priority specified in Article X hereof. Withdrawals from the GROSS REVENUE FUND shall be made by officials of ORANGEBURG from time to time as authorized by COUNCIL.

Section 2.

The OPERATION AND MAINTENANCE FUND heretofore established by the proceedings authorizing the PARITY BONDS shall be continued for so long as any BONDS shall be outstanding.

This fund is intended to provide for the payment of all expenses incurred in connection with the administration and operation of the SYSTEM, and such expenses as may be reasonably necessary to preserve the SYSTEM in good repair and working order. Operation and maintenance shall be deemed to include the fees and charges of the PAYING AGENT, the CUSTODIAN of any fund established pursuant to this BOND ORDINANCE, the costs of audits required hereunder, and the premiums for all insurance and fidelity bonds required by the BOND ORDINANCE.

The OPERATION AND MAINTENANCE FUND shall be kept in the custody and control of a CUSTODIAN of said fund, and withdrawals from the OPERATION AND MAINTENANCE FUND, when the same have been deposited with the CUSTODIAN of the OPERATION AND MAINTENANCE FUND, shall be made by officials of ORANGEBURG from time to time as authorized by COUNCIL, for the purposes and in the order of priority specified in Article X hereof.

Section 3.

There is hereby established a BOND AND INTEREST FUND.

This fund is intended to provide for the payment of the principal of and interest on the BONDS as the same respectively fall due. It is a fund separate and distinct from the analogous fund created for the PARITY BONDS. Payments into this fund shall be made in the manner prescribed by the BOND ORDINANCE and all moneys in the BOND AND INTEREST FUND shall be used solely to pay the principal of and interest on BONDS, and for no other purpose. The BOND AND INTEREST FUND shall be kept in the complete custody and control of the CUSTODIAN of such fund, and withdrawals from

the BOND AND INTEREST FUND shall be made only by such CUSTODIAN, who shall transmit to the PAYING AGENT, at such times as may be appropriate, and in any event, not less than ten (10) days prior to the date on which they shall respectively fall due, the sums required to pay the principal of and interest on the BONDS.

Section 4.

There is hereby established a CUSHION FUND.

This fund is intended to insure the timely payment of the principal of and interest on the BONDS, and to provide for the redemption of BONDS prior to their stated maturities. It is a fund separate and distinct from the analogous fund created for the PARITY BONDS. Moneys in the CUSHION FUND shall be used for the following purposes, and for no other, viz.:

1. To prevent a default in the payment of the principal of or interest on the BONDS, by reason of the fact that moneys in the BOND AND INTEREST FUND are insufficient for such purposes;

2. To pay the principal of, interest on, and redemption premium of the BONDS, in the event that all outstanding BONDS be redeemed as a whole;

3. To effect partial redemption of the BONDS, PROVIDED that such redemption be undertaken in accordance with the provisions of Section 4 of Article V.

The CUSHION FUND shall be kept in the complete custody and control of the CUSTODIAN of said fund, and withdrawals from this fund shall be made only by the said CUSTODIAN and shall be transmitted by said CUSTODIAN to the PAYING AGENT at such times as may be appropriate, and in any event not less than ten (10) days prior to the date on which payment of principal or interest must be met.

It shall at all times be lawful for said CUSTODIAN to invest moneys in the CUSHION FUND in direct obligations of the United States maturing not later than ten (10) years from the occasion when such investments shall be made.

Section 5.

The DEPRECIATION FUND heretofore established by the

proceedings authorizing the PARITY BONDS shall be continued for so long as any BONDS shall be outstanding.

This fund is intended to build up a reasonable reserve for depreciation of the SYSTEM. Moneys in this fund shall be used solely for the purpose of restoring depreciated or obsolete items of the SYSTEM.

The DEPRECIATION FUND shall be kept in the custody of the CUSTODIAN of the DEPRECIATION FUND and withdrawals from the DEPRECIATION FUND shall be made by officials of ORANGEBURG from time to time as authorized by COUNCIL.

Section 6.

The CONTINGENT FUND as established by the proceedings authorizing the PARITY BONDS shall be continued for so long as any BONDS shall be outstanding.

This fund is intended to build up a reasonable reserve for improvements, betterments and extensions to the SYSTEM, other than the expenses which are reasonably necessary to maintain the SYSTEM in good repair and working order, and to defray the cost of unforeseen contingencies.

The CONTINGENT FUND shall be kept in the custody of the CUSTODIAN of the CONTINGENT FUND, and withdrawals from this fund may be made from time to time by officials of ORANGEBURG, as authorized by COUNCIL.

Section 7.

Withdrawals from the GROSS REVENUE FUND for the OPERATION AND MAINTENANCE FUND, the DEPRECIATION FUND, and the CONTINGENT FUND shall be made, so far as is practicable, in equal monthly instalments.

Section 8.

Transfers of moneys in the OPERATION AND MAINTENANCE FUND, the DEPRECIATION FUND, and the CONTINGENT FUND may be made to the extent permitted by Code Sections 59-406, 59-407 and 59-408.

ARTICLE X

DISPOSITION OF REVENUES

All revenues that ORANGEBURG derives, directly or indirectly, from the SYSTEM shall constitute a part of the GROSS REVENUE FUND and shall be deposited in some bank or depository entitled "GROSS REVENUE FUND". Dispositions of the GROSS REVENUE FUND shall be made on the 15th day of each month in the following order of priority:

1. There shall be remitted to the CUSTODIAN of the BOND AND INTEREST FUND (at the same time moneys are remitted to the CUSTODIAN of the Bond and Interest Fund established for the PARITY BONDS), the monthly fraction of the aggregate amount of interest to become due on the BONDS on the next interest payment date, so that not less than fifteen (15) days prior to each interest payment date, the amount of interest to be paid on the BONDS shall have been accumulated and be on hand. PROVIDED, that if provision has been made for the payment of all or part of the next installment of interest to become due on the BONDS, pursuant to any other provision of the BOND ORDINANCE, then, in such event, the deposits required by this paragraph may be omitted, or reduced accordingly.

2. Beginning on the 15th day of April, 1963, there shall be remitted to the CUSTODIAN of the BOND AND INTEREST FUND (at the same time moneys are remitted to the CUSTODIAN of the Bond and Interest Fund established for the PARITY BONDS), one-twelfth (1/12) of the aggregate amount of principal of all BONDS becoming due and payable during the next succeeding twelve (12) months, so that not less than fifteen (15) days prior to each principal maturity date, the amount of principal to be paid shall have been accumulated and be on hand.

3. If, on the occasion when the deposits required by Paragraphs 1 and 2 of this Section are to be made, the sum total of the deposits required by said Paragraphs 1 and 2, plus previous monthly deposits and the remaining deposits to be made prior to the next succeeding principal and interest payment dates, will be less than the sum required to effect the payment of the next succeeding installment of either principal or interest, or both,

as the case may be, a sum equal to such deficiency shall be added to the deposits to be made pursuant to said Paragraphs 1 and 2.

4. No deposits shall be made in the BOND AND INTEREST FUND, whenever the amount held therein, plus the market value of the cash and securities in the CUSHION FUND, shall be equal to the aggregate amount of principal and interest that will be payable at the stated maturities of the BONDS.

5. There shall be remitted to the CUSTODIAN of the CUSHION FUND ten per centum (10%) of the aggregate of all payments made pursuant to Paragraphs 1 and 2, supra, PROVIDED, HOWEVER, that payments in the CUSHION FUND shall no longer be mandatory when the aggregate value of the cash and securities in said CUSHION FUND shall be equal to the aggregate principal and interest requirements of the BONDS for the next two succeeding fiscal years.

6. There shall be deposited into the OPERATION AND MAINTENANCE FUND that sum which has been correctly determined to be the cost of operating and maintaining the SYSTEM for the next ensuing month.

7. There shall be deposited in the DEPRECIATION FUND that sum which is one-twelfth ($1/12$) of the sum determined to be needed for the DEPRECIATION FUND for the then current FISCAL YEAR.

8. There shall be deposited in the CONTINGENT FUND that sum which is one-twelfth ($1/12$) of the sum determined to be needed for the CONTINGENT FUND for the then current FISCAL YEAR.

9. If, pursuant to the provisions of Article VII, ADDITIONAL BONDS shall have been issued, then, under such circumstances, revisions shall be made of the dispositions required by this Article, so that appropriate payments, proportionate to those made pursuant to the BOND ORDINANCE for the BOND AND INTEREST FUND and the CUSHION FUND of the BONDS, shall be made for the Bond and Interest Fund and Cushion Fund of each issue of ADDITIONAL BONDS then outstanding.

10. All sums remaining after making the payments required by Paragraphs 1 to 9, inclusive, shall be disposed of in such manner as ORANGEBURG shall from time to time determine.

ARTICLE XI

AGREEMENT TO FURNISH INFORMATION WITH RESPECT TO SYSTEM

Section 1.

ORANGEBURG recognizes that those who may from time to time hereafter be BONDHOLDERS will, throughout the life of the BONDS, require full information with respect to the SYSTEM, the fiscal affairs of the SYSTEM, and all matters incident to each. To that end, it especially covenants and agrees:

That it will install and thereafter at all times maintain proper books of records and accounts, separate and distinct from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the SYSTEM, and all revenues and receipts derived therefrom, directly or indirectly. Such books and records shall be kept in such fashion as to reveal in detail:

- (1) The number of customers who may from time to time make use of the SYSTEM.
- (2) The gross revenues derived therefrom, segregated into the following classifications, viz., sewer system charges, water charges, electric charges and gas charges.
- (3) The amounts of gas and electricity purchased.
- (4) The amounts of gas and electricity resold to the customers of the SYSTEM.
- (5) The amount of electricity and gas unaccounted for or lost in operations.
- (6) The expenses incurred in the operation of the SYSTEM, broken down so that expenses for labor, material and other classifications in line with general utility practice shall be shown.
- (7) All expenditures made from the several funds established by the BOND ORDINANCE; and
- (8) The several rate schedules that may from time to time be in force.

Section 2.

ORANGEBURG further covenants and agrees that not later than sixty (60) days after the close of each FISCAL YEAR, it will cause to be made by an independent firm of Public Accountants of suitable experience and responsibility, an audit of the records, books and accounts pertaining to the SYSTEM, and to furnish a copy of such audit to:

- (1) The PURCHASER of the BONDS;
- (2) Moody's Investors Service, 99 Church Street, New York 7, New York;
- (3) The Chairman of the State Board of Bank Control, Columbia, South Carolina; and
- (4) The Secretary of the South Carolina Municipal Council, Raleigh, North Carolina.

Such audit shall comment upon any violation of any provision of the BOND ORDINANCE noted by the auditing accountants and such matters as to them seem pertinent. The cost of such audit shall be treated as a part of the cost of operating and maintaining the SYSTEM. The copies so furnished need not be certified.

ARTICLE XII

INSURANCE

ORANGEBURG covenants and agrees:

1. That it will insure and at all times keep the SYSTEM insured against physical loss or damage in a responsible insurance company or companies, authorized and qualified under the laws of the State of South Carolina to assume the risks insured against, in such amount as private corporations engaged in similar endeavors would customarily insure for.
2. That it will secure adequate fidelity bonds (blanket or individual) of a bonding company doing business in South Carolina, indemnifying ORANGEBURG against defalcation of all persons handling moneys derived from the SYSTEM or signing checks on any bank accounts relating to the SYSTEM, other than the PAYING AGENT and the CUSTODIANS.
3. That all premiums on all bonds or insurance policies shall be deemed a part of the cost of operating and maintaining the SYSTEM.

4. That all insurance policies shall be open to the inspection of any BONDHOLDER at any reasonable time.

5. All moneys received by ORANGEBURG as a consequence of any defalcation, covered by any fidelity bond, shall be used to restore the fund depleted by the defalcation. All sums received by ORANGEBURG from insurance policies covering the SYSTEM may, to the extent necessary, be applied to the repair and replacement of the damaged or destroyed property, but, in the event that such moneys are not used for such purposes, then the same shall be deposited in and become a part of the CUSHION FUND.

ARTICLE XIII

ADDITIONAL COVENANTS

ORANGEBURG further covenants and agrees:

1. That neither the SYSTEM, nor any part thereof, nor any of the revenues derived from the SYSTEM, have been hypothecated, mortgaged, otherwise pledged or encumbered, save and except as herein disclosed and enumerated.

2. That it will permit no free service to be rendered or use to be made of the services and facilities of the SYSTEM, and for the services and facilities of the SYSTEM used by ORANGEBURG, the reasonable cost and value of such services and facilities shall be paid as such services or facilities accrue. The revenue so received by ORANGEBURG shall be deemed to be revenue derived from the operation of the SYSTEM, and shall be accounted for in the same manner as other revenues from the SYSTEM.

3. That it will permit no water, electric, or gas customer to be connected to the SYSTEM, or to receive any service afforded by the SYSTEM, unless a proper meter shall be installed, and such customer shall become obligated to pay for the service rendered at the appropriate rate according to the rate schedule then in force, provided that the provisions of this Section shall not apply to hydrant or sprinkler service afforded by the Waterworks System.

4. That so long as any BONDS or coupons be outstanding

and unpaid, it will perform all duties with reference to the SYSTEM, required by the Constitution and Statutes of South Carolina, and ORANGEBURG hereby irrevocably covenants, binds and obligates itself not to pledge, mortgage or otherwise encumber the SYSTEM, or any part thereof, or any revenue therefrom, except in the manner provided by Articles VII and VIII hereof, and it will not sell, lease or dispose of any substantial portion of the SYSTEM, until all BONDS shall be paid in full, both principal and interest, or unless and until provision shall have been made for the payment of the BONDS and the interest thereon in full, and ORANGEBURG further obligates itself and covenants and agrees with the BONDHOLDERS to maintain in good condition and to operate said SYSTEM, and to collect and charge such rates for the services and facilities of the SYSTEM, so that the income and revenues of the SYSTEM shall be sufficient at all times to meet the requirements of the BOND ORDINANCE.

5. That it will permit, at all reasonable times, so long as any BONDS are outstanding and unpaid, and the funds are not available for the payment thereof, BONDHOLDERS to inspect the SYSTEM and all records and accounts thereof.

6. That if the annual net revenues of the SYSTEM shall hereafter, during any year, be less than one hundred twenty per centum (120%) of the debt service requirements of the BONDS and any other bonds then outstanding payable from the revenues of the SYSTEM, it will employ a person skilled in the operation of utility systems to examine its rate schedules, its SYSTEM, and the operation and functioning of the same and to make recommendations with respect thereto.

ARTICLE XIV

ESTABLISHMENT OF STATUTORY LIEN

For the further protection of the HOLDERS of the BONDS and the coupons thereunto attached, a statutory lien upon said SYSTEM is hereby created and granted as provided in the ENABLING STATUTE, which said statutory lien is hereby recognized as valid

and binding upon ORANGEBURG and said SYSTEM, and shall take effect immediately upon the delivery of any BONDS. Such statutory lien is hereby declared to be on a parity with the statutory lien created for the PARITY BONDS.

ARTICLE XV
MODIFICATION OF ORDINANCE

Section 1.

PROVIDED ALWAYS that the security of the BONDS shall not be lessened, or in any manner impaired, ORANGEBURG may, for any one or more of the following purposes and at any time, or from time to time, adopt an Ordinance supplementing the BOND ORDINANCE, which Ordinance shall be fully effective in accordance with its terms:

- (1) To add to the covenants and agreements of ORANGEBURG in the BOND ORDINANCE, other covenants and agreements thereafter to be observed relative to the operation, maintenance, reconstruction or administration of any part of the SYSTEM;
- (2) To surrender any right, power or privilege reserved to or conferred upon ORANGEBURG by the BOND ORDINANCE; and
- (3) To cure, correct or remove any ambiguity or inconsistent provisions contained in the BOND ORDINANCE.

PROVIDED, FURTHER, that such supplemental Ordinance shall not become effective until a copy thereof, duly certified, shall have been forwarded to the original PURCHASER of the BONDS and shall have been filed in the office of the Clerk of Court for Orangeburg County.

Section 2.

The rights and duties of ORANGEBURG and the BONDHOLDERS, and the terms and provisions of the BOND ORDINANCE may be modified or altered in any respect by ordinance of ORANGEBURG with the consent of the holders of 66-2/3% in principal amount of the BONDS then outstanding, such consent to be evidenced by an instrument or instruments executed by such HOLDERS and duly

acknowledged or proved in the manner of a deed capable of being recorded, but no such modification or alteration shall:

- (1) Extend the maturity of any payment of principal or interest due upon any BOND;
- (2) Effect a reduction in the amount which ORANGEBURG is required to pay by way of principal, interest or redemption premium;
- (3) Effect a change as to the type of currency in which ORANGEBURG is obligated to effect payment of the principal, interest and redemption premium of the BONDS;
- (4) Permit the creation of a lien on the revenues prior or equal to the BONDS or ADDITIONAL BONDS, as authorized by the BOND ORDINANCE;
- (5) Permit preference or priority of any BONDS to others;
- (6) Alter or modify the provisions of Articles VI, VII, IX or X, or
- (7) Reduce the percentage of BONDS required for the written consent to the modification or alteration of the provisions of the BOND ORDINANCE.

Section 3.

In order that HOLDERS of BONDS payable to bearer may evidence their consent in the manner hereinabove provided, the PAYING AGENT may make, and, from time to time vary such regulations as it shall think proper for the deposit of bonds with, or exhibit of bonds to, any banks, bankers, trust companies or other depositors, wherever situated and for the issue by them to the persons depositing or exhibiting such bonds, of certificates in form approved by the PAYING AGENT, which shall constitute proof of ownership, entitling the HOLDERS thereof to consent in the manner hereinabove provided. Registered HOLDERS of BONDS duly registered in the names of such HOLDERS need not deposit nor exhibit their BONDS, but ORANGEBURG and the PAYING AGENT may rely upon said registry books to determine who are the registered HOLDERS of such BONDS. Any and all modifications made in the manner hereinabove provided for shall not become effective until

there has been filed with the Clerk of Court of Orangeburg County and the PAYING AGENT a copy of the amendatory ordinance of ORANGEBURG hereinabove provided for, duly certified, as well as proof of consent to such modification by the HOLDERS of 66-2/3% in principal amount of the BONDS then outstanding.

ARTICLE XVI

EVENTS OF DEFAULT

Each of the following events is hereby declared an "Event of Default," that is to say, if:

(1) Payment of the principal of any of the BONDS shall not be made when the same shall become due and payable, either at maturity or by proceedings for redemption; or,

(2) Payment of any instalment of interest shall not be made when the same becomes due and payable, or within thirty (30) days thereafter; or

(3) ORANGEBURG shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

(4) An order or decree shall be entered, with the consent or acquiescence of ORANGEBURG, appointing a Receiver, or Receivers, of the SYSTEM, or of the revenues thereof, or any proceedings shall be instituted, with the consent or acquiescence of ORANGEBURG, for the purpose of effecting a composition between ORANGEBURG and its creditors whose claims relate to the SYSTEM, or for the purpose of adjusting claims of such creditors, pursuant to any Federal or State statute now or hereafter enacted, or if such order or decree, having been entered without the consent or acquiescence of ORANGEBURG, shall not be vacated or discharged or stayed on appeal within 60 days after entry thereof, or if such proceedings, having been instituted without the consent or acquiescence of ORANGEBURG, shall not be withdrawn or any orders entered shall not be vacated, discharged or stayed on appeal, within 60 days after the institution of such proceedings, or the entry of such orders; or

(5) ORANGEBURG shall make a default in the due and punctual performance of any other of the covenants, conditions, agreements or provisions contained in the BONDS or in the BOND

ORDINANCE, and such default continue for 30 days after written notice specifying such default and requiring the same to be remedied, shall have been given to ORANGEBURG by any BONDHOLDER.

ARTICLE XVII

CONSEQUENCES OF DEFAULT

Section 1.

Upon the happening and continuance of any event of default as provided in Article XVI, then and in every case any BONDHOLDER may proceed, subject to the provisions of Section 3 of this Article, to protect and enforce the rights of the BONDHOLDERS hereunder by a suit, action or special proceedings in equity, or at law, either for the appointment of a Receiver of the SYSTEM as authorized by the ENABLING STATUTE, or for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted, or for the enforcement of any proper legal or equitable remedy as such BONDHOLDER shall deem most effectual to protect and enforce the rights aforesaid, insofar as such may be authorized by law.

Section 2.

In case any proceeding taken by any BONDHOLDER on account of any default shall have been discontinued or abandoned for any reason, or shall have been determined adversely to such BONDHOLDER, then and in every such case ORANGEBURG and the BONDHOLDERS shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the BONDHOLDERS shall continue as though no such proceedings had been taken.

Section 3.

No one or more BONDHOLDERS secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all HOLDERS of such outstanding BONDS and coupons.

Section 4.

No remedy herein conferred upon the BONDHOLDERS is intended to be exclusive of any other remedy or remedies, and each and every remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, or by statute.

Section 5.

No delay or omission of any BONDHOLDER to exercise any right or power accruing upon any default occurring and continuing as aforesaid, shall impair any such default or be construed as an acquiescence therein; and every power and remedy given by this Article to the BONDHOLDERS, respectively, may be exercised from time to time and as often as may be deemed expedient.

ARTICLE XVIII

CONSTRUCTION FUND

Section 1.

There shall be established a CONSTRUCTION FUND.

Section 2.

On the occasion of the delivery of the BONDS, the principal proceeds therefrom shall be paid into the CONSTRUCTION FUND. Such sum as may be received by way of accrued interest shall be deposited in the BOND AND INTEREST FUND and shall be deemed to be a deposit made pursuant to Paragraph 1, of Article X.

Section 3.

First National Bank, the Bank of Orangeburg, and the Southern National Bank of Orangeburg, all in the City of Orangeburg, are hereby designated depositories of such CONSTRUCTION FUND.

Section 4.

Withdrawals from the CONSTRUCTION FUND shall be made only by checks or warrants signed by two or more officers of ORANGEBURG, accompanied by: (a) the certification of the Manager of Utilities, if the expenditure shall be for any item incident to the improvement of the waterworks unit, the electrical distribution unit, or the natural gas unit of the SYSTEM; or, (b)

the certification of the City Administrator, if the expenditure shall be for any item incident to the improvement of the sewer unit.

It shall at all times be lawful to invest moneys in the CONSTRUCTION FUND in Treasury Bills of the United States of America, maturing within 150 days from the date of such investment. All interest earned shall become a part of the CONSTRUCTION FUND.

Section 5.

All funds remaining in the CONSTRUCTION FUND upon completion of the IMPROVEMENTS shall be used in accordance with the provisions of Code Section 59-389, for the retirement of the BONDS.

ARTICLE XIX

SECURITY OF MONEYS ON DEPOSIT IN THE
SEVERAL FUNDS

All funds in the CONSTRUCTION FUND or in the safekeeping of the CUSTODIAN of any FUND established by the BOND ORDINANCE, in excess of the amount of such deposit insured by the Federal Deposit Insurance Corporation, shall be secured and kept secured by direct obligations of the United States of a market value at least equal to the sum on deposit and not insured as aforesaid by the Federal Deposit Insurance Corporation.

All securities which shall be given to secure any fund as required by the provisions of this Article, shall be placed in the custody of a duly chartered bank, other than the bank putting up such securities, which is a member of the Federal Deposit Insurance Corporation. Such other bank shall have a combined working capital and surplus of not less than One Million Dollars (\$1,000,000).

ARTICLE XX

CUSTODIANS

Section 1.

Prior to the delivery of the BONDS, the CUSTODIANS of

the BOND AND INTEREST FUND and CUSHION FUND shall signify their respective acceptance of the powers, duties and obligations conferred and imposed upon such CUSTODIAN by the BOND ORDINANCE by executing and delivering to ORANGEBURG a written acceptance thereof.

Section 2.

The recitals of fact made in the BOND ORDINANCE and in the BONDS shall be taken as statements of ORANGEBURG, and no CUSTODIAN shall be deemed to have made any representation as to the correctness of the same. Nor shall any CUSTODIAN be deemed to have made any representation whatsoever as to the validity or sufficiency of the BOND ORDINANCE or of the BONDS issued hereunder, or the coupons appertaining thereto. Nor shall any CUSTODIAN be under any responsibility or duty with respect to the issuance of said BONDS, or the application of the proceeds thereof, except to the extent provided for herein. Nor shall any CUSTODIAN be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect to the BOND ORDINANCE, or to the BONDS issued hereunder, or to the coupons appertaining thereunto, or to advance any of their own moneys unless properly indemnified to their respective satisfaction. Nor shall any CUSTODIAN be liable in connection with the performance of their respective duties hereunder, except for their own respective negligence or default.

Section 3.

All CUSTODIANS shall at all times be protected in acting upon any notice, resolution, request, consent, order, certificate, statement, opinion, bond, coupon or other paper or document believed to be genuine and to have been signed by the proper party or parties.

Section 4.

Any CUSTODIAN may at any time resign and be discharged

of its duties and obligations hereunder by giving to ORANGEBURG written notice of such resignation, specifying a date (not later than 60 days after such notice) when such resignation shall take effect, and by publication of a copy of such notice at least twice prior to such date, with an interval of not less than seven (7) days between publications, in a newspaper published in the City of Columbia, State of South Carolina, the first of such publications to be not less than thirty days prior to such date. Such resignation shall take effect upon the date specified in such notice unless previously a successor shall have been appointed as hereinafter provided, in which event such resignation shall take effect immediately upon the appointment and qualification of such successor.

Section 5.

Any CUSTODIAN may be removed at any time by any court of competent jurisdiction upon application therefor made on behalf of not less than fifty per centum (50%) of the principal amount of the BONDS at such time outstanding.

Section 6.

In case any CUSTODIAN shall resign, or be removed or become incapable of acting, or be adjudged a bankrupt or insolvent, or a receiver of its property shall be appointed, or any public officer shall take charge or control of its property or affairs, a successor thereto shall be promptly appointed by Ordinance of ORANGEBURG duly adopted. Such successor shall in all instances be a bank duly chartered pursuant to the laws of the United States or the State of South Carolina, and shall have a combined working capital and surplus of not less than Two Hundred Fifty Thousand Dollars (\$250,000).

Immediately following such appointment ORANGEBURG shall give written notice of such appointment to the PAYING AGENT and shall promptly publish notice thereof, at least twice with an interval of not less than seven days between publications, in a newspaper published in the City of Columbia, South Carolina.

Section 7.

If, in a proper case, no appointment of a successor CUSTODIAN shall be promptly made pursuant to Section 6, any BONDHOLDER may make application to any court of competent jurisdiction for the appointment of a successor and said court may thereupon, after such notice, if any, such as court may prescribe, appoint a successor.

Section 8.

Any successor CUSTODIAN appointed hereunder shall execute and deliver to its predecessor and to ORANGEBURG a written acceptance of such appointment and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of its predecessor hereunder with like effect as if originally named, as such CUSTODIAN, and its predecessor shall be obligated to pay over, transfer, assign and deliver all moneys, securities or other property held by it to its successor, and on the written request of ORANGEBURG, or the successor, shall execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may be reasonably required for the vesting and confirming in such successor all the right, title and interest of the predecessor in and to any property held by it.

Section 9.

Any bank into which any CUSTODIAN may be merged, or with which it may be consolidated, or any bank resulting from any merger or consolidation to which it shall be a party, or any bank to which any CUSTODIAN may sell or transfer all or substantially all of its business, if ORANGEBURG so approves, shall become the successor without the execution or filing of any paper or the performance of any other act.

ARTICLE XXI

APPOINTMENT OF CUSTODIANS OF BOND AND INTEREST
REDEMPTION FUND and CUSHION FUND

CUSTODIANS of the BOND AND INTEREST REDEMPTION FUND and of the CUSHION FUND, shall be appointed prior to the delivery of the BONDS.

ARTICLE XXII

SALE OF BONDS

The BONDS shall be disposed of in such manner as COUNCIL may by Resolution determine, and said Resolution, providing for the sale of said BONDS, may be adopted either prior or subsequent to the final adoption of this Ordinance.

ARTICLE XXIII

DISPOSITION OF PAID BONDS AND COUPONS

Unless sooner done by the PAYING AGENT, it shall be the duty of ORANGEBURG to cancel all BONDS which shall have been paid, whether upon their maturity or redemption prior to maturity, all coupons that have been paid, and all unmatured coupons on BONDS redeemed prior to their stated maturities; such cancellation shall be done in such fashion as to render such BONDS or coupons incapable of further negotiation or hypothecation. Whenever so requested by ORANGEBURG, the PAYING AGENT shall cause the destruction of such BONDS and coupons by cremation. In any event, it shall furnish appropriate certificates to ORANGEBURG, indicating the disposition of such BONDS and coupons.

ARTICLE XXIV

DISPOSITION OF PROCEEDS OF BONDS

The proceeds derived from the sale of the BONDS shall be disposed of as follows:

- (a) Any premium and accrued interest received shall be deposited in the BOND AND INTEREST REDEMPTION FUND and to that extent the deposits required by Paragraph 1 of Article X hereof shall be reduced; and
- (b) The principal proceeds shall be paid into the CONSTRUCTION FUND.

ARTICLE XXV

TENOR OF OBLIGATIONS

Every covenant, undertaking and agreement made on behalf of

ORANGEBURG as set forth in the BOND ORDINANCE, is made, undertaken and agreed to, for the proper securing of the payment of the principal of and interest on the BONDS. Each shall be deemed to partake of the obligation of the contract between ORANGEBURG and the BONDHOLDERS and shall be enforceable accordingly.

ARTICLE XXV

METHOD OF DETERMINING BONDHOLDERS

Whenever it shall become necessary to determine whether any number of BONDHOLDERS have taken any action required or permitted of them by any provision of the BOND ORDINANCE, and it shall thus become necessary to determine who shall be BONDHOLDERS unless it is elsewhere specifically provided, the person, firm, agency or court required to make the determination shall have and may exercise powers similar to those granted to the PAYING AGENT by Section 3 of Article XV.

ARTICLE XXVI

DEFEASANCE

If all of the BONDS and coupons representing interest thereon, issued pursuant to the BOND ORDINANCE, shall have been paid and discharged, then the BOND ORDINANCE, the pledge of revenues made hereunder, and all other rights granted hereby, shall cease and determine. BONDS and coupons shall be deemed to have been paid and discharged, within the meaning of this Article, if the PAYING AGENT shall hold at their maturity or redemption date, in trust for and irrevocably appropriated thereto, sufficient moneys for the payment of the principal thereof, the redemption premium thereof, if any there be, and interest accrued to date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; PROVIDED, ALWAYS, that if any such BONDS shall be redeemed prior to the maturity thereof, ORANGEBURG shall have duly elected to redeem such BONDS and notice of such redemption shall have been duly given. Any moneys which at any time shall be deposited with the said PAYING AGENT by or on

behalf of ORANGEBURG, for the purpose of paying and discharging any of the BONDS, or coupons, shall be, and are hereby assigned, transferred and set over to the PAYING AGENT in trust for the respective holders of the BONDS and coupons, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. But if, through lapse of time or otherwise, the holders of said BONDS or coupons shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the PAYING AGENT to forthwith return said funds to ORANGEBURG. All moneys deposited with the PAYING AGENT shall be deemed to be deposited in accordance with and subject to all of the provisions of this Article.

ARTICLE XXVII

SAVING CLAUSE

If any Section, paragraph, clause or provision of the BOND ORDINANCE shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the BOND ORDINANCE.

ARTICLE XXVIII

REPEALING CLAUSE

All Ordinances, or parts thereof, inconsistent herewith, be and the same are hereby repealed to the extent of such inconsistencies.

ARTICLE XXIX

DIRECTION TO INDEX

The BOND ORDINANCE shall be forth codified in the Code of City Ordinances as required by Act No. 613 of the Acts of the General Assembly for the year 1960, and the same shall be indexed under the general heading: "Bond Issue - \$2,500,000 Combined Public Utility System Revenue Bonds, Series of 1962, of

the City of Orangeburg, South Carolina."

DONE IN COUNCIL ASSEMBLED, this 15th day of June,
A.D. 1962.

S. Clyde Jain
Mayor

(SEAL)

E. O. Fydenius

J. J. Lomehouse

Norman G. Siffly

Hubert Phuley
Councilmen

Attest:

J. B. Spelling
Clerk and Treasurer

AN ORDINANCE TO RAISE SUPPLIES AND MAKE APPROPRIATIONS TO MEET THE LIABILITIES OF THE CITY OF ORANGEBURG, S. C., FOR THE YEAR COMMENCING JANUARY 1, 1962, AND ENDING DECEMBER 31, 1962.

BE IT ORDAINED by the Mayor and Councilmen of the City of Orangeburg, S. C., in Council assembled and by authority of the same.

THAT for the purpose of raising supplies and meeting the ordinary expenses of the City of Orangeburg, S. C., for the year commencing January 1, 1962, and ending December 31, 1962, that a tax of forty (40) mills be and the same is hereby assessed on each dollar of the assessed value of all real and personal property within the City of Orangeburg, S. C., except as such which is exempt from taxation by law.

TAX LEVIED under this Ordinance shall be due and payable at the office of the City Clerk and Treasurer, in the Municipal Building of the City of Orangeburg, S. C., from the fifteenth (15) day of October, 1962, until the twenty first (21) day of November, 1962, from the hours of 9 A. M. to 5 P. M. Mondays through Fridays and 9 A. M. to 12 noon on Saturdays, Sundays excepted.

AFTER November twenty first (21) , 1962, a penalty of fifteen (15) percent shall be added to all unpaid taxes, until December 31, 1962. On January 1, 1963, executions shall be issued on all unpaid taxes by the City Clerk and Treasurer and delivered to the Delinquent Tax Collector and additional costs of \$ 2.00 added to the penalties already incurred.

THAT FOR the purpose of carrying into effect this Ordinance the City Clerk and Treasurer is hereby authorized, empowered and directed to take such steps and do all things that may be necessary thereto as is provided by law and the Ordinances of the City of Orangeburg, S. C.

DONE AND RATIFIED by the City Council of Orangeburg, S. C., in Council Assembled this 7th day of AUGUST, 1962.

J. Claude Fair
MAYOR

E. O. Pendergrass
COUNCILMAN

J. J. Longhouse
COUNCILMAN

Norman C. Siffly
COUNCILMAN

Hubert H. Hester
COUNCILMAN

CORRECT ATTEST.

[Signature]
CITY CLERK & TREASURER

AN ORDINANCE TO FIX THE TERM OF AND PROVIDE
FOR THE ELECTION OF THE RECORDER OF THE
MUNICIPAL COURT OF THE CITY OF ORANGEBURG

BE IT ORDAINED By the Mayor and Councilmen of the City of
Orangeburg, in council assembled, and by authority of the same:

Section 1. The term of office of the Recorder of the
Municipal Court of the City of Orangeburg shall be for a term of
three (3) years, beginning October 1, 1962 and extending through
September 30, 1965. Thereafter, the Recorder shall be elected for
a term of four (4) years.

Section 2. The Recorder shall be elected by the City Coun-
cil and shall serve his term and until his successor is elected
and qualified, unless sooner removed by City Council for cause.

PASSED by the City Council of the City of Orangeburg, South
Carolina, this the 6TH day of NOVEMBER A. D. 1962.

S. Clyde Fair
Mayor

E. O. Pordanis

J. J. Limehouse

Norman G. Sifly

Hunter H. Huler
Councilmen

ATTEST:

[Signature]
City Clerk & Treasurer