

Ordinance Number 1975-1.

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS GOVERNING THE USE, OCCUPANCY AND MAINTENANCE OF DWELLINGS, DWELLING UNITS AND ACCESSORY STRUCTURES: ESTABLISHING MINIMUM STANDARDS GOVERNING SUPPLIED UTILITIES AND FACILITIES, AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO MAKE DWELLINGS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION AND MAINTENANCE OF DWELLINGS AND ACCESSORY STRUCTURES; FIXING CERTAIN RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF DWELLINGS: CREATING A HOUSING BOARD OF ADJUSTMENTS AND APPEALS AND FIXING THE DUTIES AND RESPONSIBILITIES THEREOF; AUTHORIZING THE INSPECTION OF DWELLINGS AND ACCESSORY STRUCTURES AND PROVIDING FOR THE CONDEMNATION OF ALL BUILDINGS AND STRUCTURES DEEMED UNFIT FOR HUMAN HABITATION AND USE; AND FIXING PENALTIES FOR VIOLATIONS.

WHEREAS, within the area of jurisdiction of the City of Orangeburg, South Carolina there are or may be dwellings, dwelling units and accessory structures which are unfit for human habitation and use due to inadequate maintenance, obsolescence or abandonment; containing defects which increase the hazards of fire, accident, or other calamities, and which by reason of the lack of maintenance, inadequate ventilation, light and sanitary facilities or other conditions render such dwellings and accessory structures unsafe, unsanitary and dangerous or detrimental to the health, safety, morals, and general welfare of the community; and,

WHEREAS, experience and accepted national housing surveys have clearly demonstrated that such conditions result in a large measure from improper maintenance, inadequate sanitary facilities, overcrowded conditions in residential occupancies, buildings and premises and from general neighborhood neglect; and,

WHEREAS, it has now become common knowledge that these conditions can be relieved, in a measure prevented and often eliminated through planned and properly enforced minimum housing standards, resulting thereby in the upgrading of living conditions and an overall enhancement of the general health, safety and welfare of all residents and property owners of the community; and,

WHEREAS, the Southern Building Code Congress, a non-profit association, has developed and made available a set of minimum housing standards which have been recognized as being acceptable as a model housing code; and

NOW, THEREFORE BE IT ENACTED, THAT,

Section 1. The Southern Standard Housing Code, being particularly the 1973 edition thereof and the whole thereof, save and except such portions

as may hereinafter be amended, of which not less than three (3) copies have been and are now filed in the office of the Building Inspector of the City of Orangeburg and the same are hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this ordinance shall take effect, the provisions therein shall be controlling in the use, maintenance and occupancy of all dwellings, dwelling units and/or structures within the area of jurisdiction of the City of Orangeburg.

Section 2. Nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.


Section 3. The invalidity of any section or provision of this ordinance or of the code hereby adopted shall not invalidate other sections or provisions thereof.

Section 4. All ordinances or parts of ordinances in force at the time that this ordinance shall take effect and inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect immediately upon passage, the welfare of the City of Orangeburg, South Carolina requiring it.

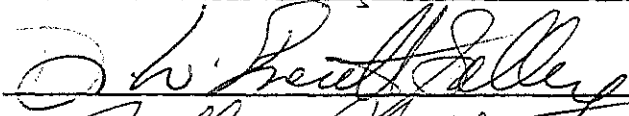
- 3 - ORDINANCE NUMBER 1975-1. ESTABLISHING MINIMUM STANDARDS OF HOUSING

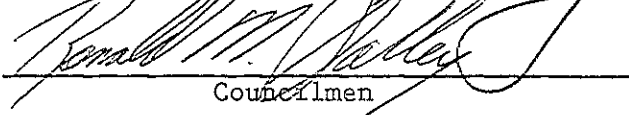
PASSED by the City Council of the City of Orangeburg, South Carolina  
this 15th day of October, A.D., 1974.

  
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Mayor

  
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Councilmen

ATTEST:

  
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City Clerk

ORDINANCE NUMBER 1975-2.

AN ORDINANCE TO AMEND SECTIONS 7-65 and 7-67 OF THE  
CODE OF ORDINANCES, CITY OF ORANGEBURG, SOUTH CAROLINA,  
RELATING TO CONTRACT FOR FIRE PROTECTION SERVICES

BE IT ORDAINED By the Mayor and Councilmen of the City of Orangeburg,  
South Carolina, in Council assembled:

Section 1. That Section 7-65 Code of Ordinance of the City of  
Orangeburg, South Carolina, is amended by striking (a) through  
(d) and inserting in lieu thereof the following:

- (a) By entering into a contract as hereinafter specified with the city to pay in advance an annual fire protection charge:
  - (1) For each residence more than nine hundred (900) square feet and outbuilding incident thereto, including a five (5) acre lot - charge of twenty-five dollars (\$25.00) plus twelve dollars and fifty cents (\$12.50) for each residence contiguous thereto under same ownership.
  - (2) For each residence nine hundred (900) square feet and less and outbuilding incident thereto, including a five (5) acre lot - charge of twelve dollars and fifty cents (\$12.50) plus seven dollars and fifty cents (\$7.50) for each residence contiguous thereto under same ownership.
  - (3) For a vacant lot not exceeding five (5) acres - charge of twenty dollars (\$20.00). (Ordinance of 4-4-67)
- (b) By entering into a contract as hereinafter specified with the city to pay in advance, annually, fire protection charge of twenty-five dollars (\$25.00) for a business and buildings incident thereto containing one thousand two hundred (1,200) square feet or less.
- (c) By entering into contract as hereinafter specified with the city to pay in advance, annually, fire protection service charge of seventy-five dollars (\$75.00) for a business or commercial business of more than one thousand two hundred (1,200) square feet in size, including buildings incident thereto, except all buildings are to be located on same lot and in immediate vicinity of each other. Lot or property divided by public street, alley or other property cannot be considered as one, but the number is determined by the parcels so divided.
- (d) By entering into a contract as hereinafter specified with the city to pay in advance, annually, fire protection charge of two hundred dollars (\$200.00) for industrial or manufacturing business, including buildings incident thereto, all buildings are to be located in immediate vicinity of each other and on the same lot. Lot divided by public street or alley will be considered a different or separate parcel.

- (e) By entering into a contract as hereinafter specified with the city to pay in advance, annually, fire protection charge of seventy-five dollars (\$75.00) for a Mobile Home Trailer Park.
- (f) By entering into a contract as hereinafter specified with the city to pay in advance, annually, fire protection charge of seventy-five dollars (\$75.00) for Gasoline Service Station with above ground storage tanks.
- (g) By entering into a contract as hereinafter specified with the city to pay in advance, annually, fire protection charge:
  - (1) For an apartment complex containing at least twenty (20) units, to pay twenty dollars (\$20.00) for each apartment more than nine hundred (900) square feet plus ten dollars (\$10.00) for each apartment contiguous thereto.
  - (2) For an apartment complex containing at least twenty (20) units ten dollars (\$10.00) for each apartment less than nine hundred (900) square feet plus five dollars (\$5.00) for each apartment contiguous thereto.

Section 2. That Section 7-67 be amended by striking in its entirety Section 7-67 (e).

PASSED by the City Council of the City of Orangeburg, South Carolina, this fourth day of February, A.D., 1975.

E. O. Pundawick  
Mayor

J. J. Linnhouse

D. W. P. ...  
Councilman

ATTEST:

M. R. ...  
City Clerk

AN ORDINANCE TO AMEND SECTION 6-3 OF THE CODE OF ORDINANCES,  
CITY OF ORANGEBURG, SOUTH CAROLINA, ADOPTED OCTOBER 21, 1969,  
RELATING TO ADOPTION OF THE NATIONAL ELECTRIC CODE.

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

SECTION 1: Amend Section 6-3 of said Code by striking said  
section in its entirety and inserting in lieu thereof the following:

"All electric construction, all material and all appliances  
used in connection with electrical work, and the operation  
of all electrical apparatus within the city shall conform to  
the 1975 Edition of the National Electrical Code, published  
by the National Fire Protection Association, and such code  
is hereby adopted and incorporated by reference and approved  
as a part of this chapter."

DONE AND RATIFIED in City Council by the City Council of  
Orangeburg, South Carolina, this 18<sup>th</sup> day of February 1975.

E. O. Pendergrass  
Mayor

J. F. Limehouse  
Richard P. Kelly  
Samuel M. Kelly  
Councilmen

ATTEST: M. R. Campbell  
City Clerk and Treasurer

ORDINANCE NUMBER 1975-3.

AN ORDINANCE TO ANNEX THE PROPERTY OF THE LAW ENFORCEMENT  
COMPLEX INTO THE CORPORATED LIMITS OF THE CITY OF ORANGEBURG,  
SOUTH CAROLINA

WHEREAS, The City of Orangeburg has received a petition requesting annexation of the property on which the Law Enforcement Complex is being located, the area described below; and

WHEREAS, The City Council of the City of Orangeburg has, by motion, accepted the petition to annex the said area; NOW, THEREFORE,

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

Section 1. That the area be, and it hereby is, annexed to the City of Orangeburg, as provided by the laws of the State of South Carolina; the said area being more particularly described as follows:

Area bounded on the North by the County of Orangeburg, measuring thereon seven hundred fifty (750) feet, more or less; on the South by Management and Investment Corporation, U.S. 21 and 178 By-Pass, Chestnut, NE, and the County of Orangeburg, measuring thereon seven hundred twenty-two (722) feet, more or less; on the East by the County of Orangeburg and Ernest L. Monroe, measuring thereon one thousand three hundred forty-five and eight-tenths (1,345.8) feet, more or less; and on the West by S-38-224, Ellis Avenue Extension, NE and Management and Investment Corporation, measuring thereon one thousand three hundred eleven and seven-tenths (1,311.7) feet, more or less. This area consist of 15.4 acres, more or less.

Also, along the Northern right of way line of U.S. 21 and 178 By-Pass, Chestnut Street, NE, measuring thereon one thousand nine hundred (1,900) feet, more or less; along the Southern right of way line of U.S. 21 and 178 By-Pass, Chestnut Street, NE, former City Limit line, measuring thereon one thousand nine hundred ten (1,910) feet, more or less; on the East along the centerline of the Southern Railroad, measuring thereon one hundred five (105) feet, more or less; and on the West along the former City Limit line, measuring thereon one hundred (100) feet, more or less. This area consist of the one hundred (100) foot right of way of U.S. 21 and 178 By-Pass, Chestnut Street, NE from the centerline of the Southern Railroad Westerly to the former City Limit line; an area of 4.4 acres, more or less.

Area along the Eastern right of way line of Ellis Avenue Extension, NE, measuring thereon one thousand two hundred four (1,204) feet, more or less; along the Western right of way line of Ellis Avenue Extension, NE, measuring thereon one thousand one hundred ninety-five (1,195) feet, more or less; bounded on the South by U.S. 21 and 178 By-Pass, Chestnut Street, NE, measuring thereon fifty-four (54) feet, more or less; and bounded on the North by Ellis Avenue Extension, NE, measuring thereon fifty (50) feet, more or less. This area consist of the fifty (50) foot right of way of Ellis Avenue Extension, NE, from U.S. 21 and 178 By-Pass, Chestnut Street, NE, Northerly one thousand one hundred ninety-nine (1,199) feet, more or less, an area of 1.4 acres, more or less.

The total area of this annexation is 21.2 acres.

PASSED by the City Council of the City of Orangeburg, South Carolina this 18th day of March, A.D., 1975.

E. A. Pendergrass  
Mayor  
J. J. Limestone  
Harold S. Sargent  
Orville S. Sargent  
Ronald M. Sargent  
Councilmen

ATTEST:

M. R. Campbell

AN ORDINANCE TO IMPOSE AND REGULATE  
LICENSES IN THE CITY OF ORANGEBURG,  
SOUTH CAROLINA, FOR THE YEAR 1975 AND  
THEREAFTER UNTIL AMENDED OR REPEALED  
BY THE CITY COUNCIL

BE IT ORDAINED By the Mayor and Councilmen of the City of Orangeburg,  
South Carolina, in Council assembled:

Section 1. That the licenses taxes hereby imposed for the privilege of carrying on the business, trade, profession, or doing the acts named or described herein by reference to the Business License Ordinance ratified by the City Council March 6, 1962, of Sections 21-1 through 21-19 of the City Code, as amended, within the corporate limits of the City of Orangeburg, from the first day of April, 1975 to the thirty-first day of March, 1976, inclusive, and annually thereafter until repealed or amended, shall be the same as for the period from the first day of April, 1974, to the thirty-first day of March, 1975, inclusive. The schedule of licenses adopted by that Ordinance of the City of Orangeburg entitled 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" ratified on the 6th day of March, 1962 by the City Council, and as amended, is hereby adopted as a schedule of licenses for the year running from the first day of April, 1975 to the thirty-first day of March, 1976, inclusive; said schedule of licenses is printed "BUSINESS AND PROFESSIONAL LICENSE ORDINANCE As Adopted March 6, 1962, As Amended" for the City of Orangeburg.

Section 2. If any section or portion of a section of the Ordinance of 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 the Ordinance other than that declared invalid. The minimum tax to be paid by any trade, business or profession not otherwise specifically provided for in the printed "BUSINESS AND PROFESSIONAL LICENSE ORDINANCE" as adopted March 6, 1962, and as amended, or under Section 5A thereof, shall be at the rate of \$100.00 on gross receipts not exceeding \$5,000.00 and \$5.00 on each additional thousand or fraction thereof.

Section 3. 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 eighteenth day of March, A.D., 1975.

E. O. Pendergrass  
Mayor  
J. J. Lomhouse  
Hampden  
D. H. Keith  
Donald M. Wiley  
Councilmen

ATTEST:  
M. R. Campbell  
City Clerk



ORDINANCE NUMBER 1975-5.

AN ORDINANCE TO ANNEX AREA DESIGNATED AS  
BOWMAN WOODS INTO THE CORPORATED LIMITS  
OF THE CITY OF ORANGEBURG, SOUTH CAROLINA

WHEREAS, The City of Orangeburg has received a petition requesting annexation signed by one hundred (100) percent of the freeholders owning the assessed valuation of the real property in the area described below; and

WHEREAS, The City Council of the City of Orangeburg has, by motion, accepted the petition to annex the said area; NOW, THEREFORE,

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

Section 1. That the area be, and it hereby is, annexed to the City of Orangeburg, as provided by the laws of the State of South Carolina; the said area being more particularly described as follows:

All that certain area beginning at a point on the Eastern right of way line of Bowman, NE located three hundred forty-five (345) feet, more or less, North of the intersection of Bowman, NE and John Wesley, NE; thence running eight hundred eighty-five (885) feet, more or less along the Northern right of way line of Elizabeth South, NE to the Western right of way line of Mary Ellen, NE; thence running Northerly along the Western right of way line of Mary Ellen, NE four hundred fifteen (415) feet, more or less to the Northern right of way line of Churchill, NE; thence running nine hundred sixty (960) feet, more or less along the Northern right of way line of Churchill, NE to the Eastern right of way line of Bowman, NE; thence running Southerly four hundred five (405) feet, more or less along the Eastern right of way line of Bowman, NE to the point of beginning. This area consist of eight and seven-tenths (8.7) acres more or less.

PASSED by the City Council of the City of Orangeburg, South Carolina this third day of June, A.D., 1975.

E. O. Anderson  
Mayor

F. J. Limehouse

Hans Bryant

D. W. Smith Selby

Ronald M. Selby  
Councilmen

ATTEST:

M. R. C. C. C.

ORDINANCE NUMBER 1975-6.

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 18TH DAY OF MAY A.D., 1954, FOR THE PURPOSE OF REGULATING AND RESTRICTING WITHIN THE CORPORATE LIMITS OF ORANGEBURG, S.C., THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, AND OTHER PURPOSES.

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

That that portion of the above ordinance entitled "Section 3, ESTABLISHMENT OF ZONING DISTRICTS" be amended to make the following change in District classification:

Change from "A-1 Residential" to "Medical Arts District" all that area designated as Lot No. 2 in Block "P" as shown on plat of Carolina Terrace, prepared by Edward Hawes, C.E., dated September 19, 1942 and recorded in the office of the Clerk of Court for Orangeburg County in Plat Book 4 at Page No. 276, being on the Southern side of Laurel Street, between Wilson and Holly Streets in the City of Orangeburg. Said lot being bounded on the North by Laurel Street and fronting thereon seventy-seven (77) feet; on the East by Lot No. 1, in Block "P" as shown on said plat, and measuring thereon one hundred and five-tenths (100.5) feet; on the South by Lots Nos. 15, 16, and 17 in Block "P", as shown on said plat, and measuring thereon seventy-two and five-tenths (72.5) feet; and on the West by Lot No. 9, in Block "P" as shown on said plat and measuring thereon ninety-six and four-tenths (96.4) feet, area designated as 664 Laurel Street.

PASSED by the City Council of the City of Orangeburg, South Carolina this seventeenth day of June, A.D., 1975.

E. O. Funderburk  
Mayor

J. J. Lomelower

Hans Burt

D. H. Beuth

Ronald M. [Signature]  
Councilmen

ATTEST:

M. K. [Signature]  
City Clerk

ORDINANCE NUMBER 1975-6.

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 18TH DAY OF MAY A.D., 1954, FOR THE PURPOSE OF REGULATING AND RESTRICTING WITHIN THE CORPORATE LIMITS OF ORANGEBURG, S.C., THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, AND OTHER PURPOSES.


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

That that portion of the above ordinance entitled "Section 3, ESTABLISHMENT OF ZONING DISTRICTS" be amended to make the following change in District classification:

Change from "A-2 Residential" to "B-1 Business" all that certain piece, parcel or tract of land, situate, lying, and being in the City of Orangeburg, Orangeburg County, South Carolina, being the rear portion of two (2) lots fronting on Broughton, SE (former lot numbers were 851 and 891 Broughton, SE). Rear portion of lot number 851 Broughton, SE bounded and measuring as follows: On the Northeast by the City of Orangeburg, measuring thereon ninety-four (94) feet, more or less; on the Southwest by Wannamaker Motor Company, measuring thereon ninety-four (94) feet, more or less; on the Northwest by Wannamaker Motor Company, measuring thereon one hundred ninety-three (193) feet, more or less; on the Southeast by Wannamaker Motor Company, measuring thereon two hundred three and seven-tenths (203.7) feet, more or less. Rear portion of Lot Number 891 Broughton, SE bounded and measuring as follows: On the Northeast by the City of Orangeburg and Henry Copeland, measuring thereon one hundred fifty-seven (157) feet, more or less; on the Southwest by Wannamaker Motor Company, measuring thereon one hundred forty-three (143) feet, more or less; on the Northwest by Wannamaker Motor Company, measuring thereon two hundred thirteen and four-tenths (213.4) feet, more or less; on the Southeast by Whaley, SE, measuring thereon one hundred fifty-five and nine-tenths (155.9) feet, more or less.

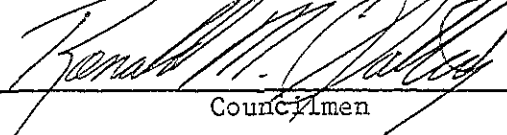
PASSED by the City Council of the City of Orangeburg, South Carolina this fifth day of August, A.D., 1975.

  
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Mayor

  
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Councilmen

ATTEST:

  
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City Clerk

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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 THREE MILLION DOLLARS (\$3,000,000)  
COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS,  
SERIES OF 1975, OF THE CITY OF ORANGEBURG, AND  
OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

Section 1.01

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 the Statute now codified as Section 59-364, Code of Laws of South Carolina, 1962, 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:

(a) The now outstanding \$1,360,000 of an original issue of \$2,500,000 Combined Public Utility System Revenue Bonds, Series of 1962, of the City of Orangeburg, South Carolina, maturing:

\$170,000 on April 1st in each of the years  
1976 to 1983, inclusive.

(b) The now outstanding \$1,170,000 of an original issue of \$1,500,000 Combined Public Utility System Revenue Bonds, dated April 1, 1964, of the City of Orangeburg, South Carolina, maturing:

\$50,000 on April 1st, in each of the years  
1976 to 1978, inclusive;

\$60,000 on April 1st, in each of the years  
1979 to 1983, inclusive;

\$180,000 on April 1st, in each of the years  
1984 to 1987, inclusive.

(c) The now outstanding \$1,750,000 of an original issue of \$2,000,000 Combined Public Utility System Revenue Bonds, Series of 1967, dated April 1, 1967, of the City of Orangeburg, South Carolina, maturing:

\$ 75,000 on April 1st in each of the years  
1976 to 1980, inclusive;

\$100,000 on April 1st in each of the years  
1981 to 1985, inclusive; and

\$125,000 on April 1st in each of the years  
1986 to 1992, inclusive.

(d) The now outstanding \$2,700,000 of an original issue of \$3,000,000 Combined Public Utility System Revenue Bonds, Series of 1971, dated April 1, 1971, of the City of Orangeburg, South Carolina, maturing:

\$100,000 on April 1st in each of the years  
1976 and 1977;

\$125,000 on April 1st in each of the years  
1978 to 1981, inclusive;

\$150,000 on April 1st in each of the years  
1982 and 1983;

\$200,000 on April 1st in each of the years  
1984 to 1987, inclusive; and

\$225,000 on April 1st in each of the years  
1988 to 1991, inclusive.

The bonds described in (a), (b), (c) and (d)  
supra, are designated in this Ordinance and  
are henceforth referred to as the PARITY BONDS.

(8) The Ordinances providing for the issuance of the PARITY BONDS permit the City of Orangeburg to issue additional bonds on a parity with the PARITY BONDS under the conditions and limitations set forth in the said Ordinances. The said Ordinances prescribe the purposes for which such additional bonds are to be issued and an earnings test that must be met in order that such additional bonds will be 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 the said Ordinances relating to the issuance of additional bonds on a parity with the PARITY BONDS 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 Electric System

Extending and enlarging the electric distribution and transmission systems, including 44 kv and 115 kv lines. The acquisition of the necessary right of ways for 115 kv transmission, and the construction of a 115/44 kv and a 115/25 kv substation. The establishment of extra capacity and tie lines and buses in the present No. 1 115 kv substation.

(b) For the Waterworks System

The extension of the water distribution system; the addition of service lines and meters; the installation of an "across town" feeder main from the treatment plant to the intersection of Ellis N. E. and Chestnut N. E.

(c) For the Sanitary Sewer System

The extension of collector and interceptor lines into areas of the City which have been recently annexed and which the system does not serve. The "owners" share of the planning cost of a new 6 mgd waste treatment facility and interceptor line which is to be built with a 75% U. S. Environmental Protection Agency Grant.

(d) For the System in General

Construction of an office building to house the administrative, accounting and billing divisions of the Combined Public Utility System.

The estimated cost of the program recommended by the City with respect to the above program is indicated to be in excess of Three Million Dollars (\$3,000,000). On the basis of such estimate the City Council has determined that it must raise Three Million Dollars (\$3,000,000) through the sale of bonds on a parity with the bonds described in paragraph 7 supra.

(11) The City Council finds that it is authorized by the Revenue Bond Act for Utilities, Sections 59-361 to 59-415, Code of Laws of South Carolina, 1962, as amended, and by its own Ordinances, including specifically the Ordinances providing for the issuance of the PARITY BONDS to make provision for the issuance of Three Million Dollars (\$3,000,000) 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 \$3,000,000 so required.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

Section 2.01

This Ordinance may hereafter be cited and is hereinafter referred to as the BOND ORDINANCE.

Section 2.02

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.

(3) The term BONDS shall mean the THREE MILLION DOLLARS (\$3,000,000) COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS, SERIES of 1975, of the CITY OF ORANGEBURG, SOUTH CAROLINA, dated September 1, 1975, which are authorized by this BOND ORDINANCE, and whenever applicable, said term shall likewise include all coupons appertaining to the BONDS, and all interest to become due thereon, whether evidenced by coupons or not.

(4) BONDHOLDER 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 and any premium, 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 for improvements to the SYSTEM, as the same was established and defined by the Ordinances 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 Ordinances authorizing the PARITY BONDS (the same being redefined by the provisions of this BOND ORDINANCE.)

(12) The term ENABLING STATUTE shall mean Sections 59-361 to 59-415, as amended, inclusive, Code of Laws of South Carolina, 1962, 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 Ordinances 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 Section 1.01 hereof.

(16) The term PARITY BONDS shall mean the four issues of outstanding bonds of the City of Orangeburg, more fully described in Paragraph 7 of Section 1.01, 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

##### Section 3.01

The SYSTEM shall continue to 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

##### Section 4.01

On the basis of advices received and studies made, COUNCIL estimates that it must expend in excess of THREE MILLION DOLLARS (\$3,000,000) to construct the IMPROVEMENTS. Such estimate is hereby approved and the construction of the IMPROVEMENTS is hereby ordered.

ARTICLE V

ISSUANCE OF BONDS

Section 5.01

Pursuant to the ENABLING STATUTE, and in order to defray the cost of constructing the IMPROVEMENTS, there shall be issued THREE MILLION DOLLARS (\$3,000,000) COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS, SERIES OF 1975, of the CITY OF ORANGEBURG, SOUTH CAROLINA. The said BONDS shall be dated the first day of September, A. D. 1975, shall be in denominations of Five Thousand Dollars (\$5,000) each, shall be numbered from 1 to 600, inclusive, and shall mature in annual series or installments in numerical order as follows:

\$150,000 on April 1st in each of the years  
1976 to 1995, inclusive.

Section 5.02

The BONDS shall bear such rate or rates of interest, payable on April 1st and October 1st, beginning April 1st, 1976, 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 seven per centum (7%) per annum;
- (c) All interest payments shall be evidenced by single coupons;
- (d) No rate of interest named shall be more than one and one-half per centum (1 1/2%) higher than the lowest rate of interest named;
- (e) Each rate of interest named shall be a multiple of 1/20th of one per centum (1%); and
- (f) Any sum named by way of premium shall be paid in cash as part of the purchase price.

For the purpose of this Section, interest cost shall mean the aggregate of interest on all BONDS from September 1st, 1975, until their respective maturities, less any sum named by the PURCHASER by way of premium.

Section 5.03

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 5.04

The BONDS maturing subsequent to April 1st, 1985, being BONDS numbered 301 to 600 inclusive, shall be subject to redemption, at the option of ORANGEBURG, prior to their stated maturities, in whole or in part, but if in part, in inverse numerical order, on April 1st, 1985, 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, 1989, the redemption premium shall be three and one-half per centum (3½%) of the principal amount of each BOND redeemed; and
- (b) If the redemption be effected after April 1st, 1989, but prior to the stated maturity of the BONDS, the redemption premium shall be two per centum (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 days and not more than sixty 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 5.05

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 5.06

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 5.07

The BONDS shall be executed in the name of ORANGEBURG by the manual signature of the Mayor, attested by the manual signature of the Clerk and Treasurer of ORANGEBURG; under the Corporate Seal of ORANGEBURG, which shall be reproduced on each BOND, but the interest coupons attached to said BONDS shall be authenticated by the facsimile signatures of those holding the



offices of Mayor and Clerk and Treasurer of ORANGEBURG, on the date of the adoption of this BOND ORDINANCE, which shall be lithographed or engraved upon such coupons. The execution of the BONDS shall be done by those holding the offices of Mayor and Clerk and Treasurer on the occasion that the BONDS shall have been printed and have been made ready for delivery notwithstanding that those who shall sign the BONDS may differ from those whose signatures shall appear on the coupons, and the delivery of the BONDS so executed shall be valid notwithstanding.

Section 5.08

As prescribed by Section 65-4.1, Code of Laws, South Carolina, 1962, 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, except inheritance, estate or transfer taxes. 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 5.09

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 5.10

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 5.10 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 future 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 5.11

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 1975

No. \_\_\_\_\_ \$5,000

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

FIVE 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, commencing April 1, 1976 (at which time interest for seven months will be due), 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 Three Million Dollars (\$3,000,000), of like date, tenor and effect, except as to number, rate of interest, date of maturity and redemption provisions, numbered from 1 to 600, 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 Sections 59-361 to 59-415, inclusive, Code of Laws of South Carolina, 1962, to obtain funds to defray the cost of acquiring improvements to the Combined Public Utility System of the City of Orangeburg ("The System").

The bonds of this issue rank equally and are on a parity in all respects with the now outstanding One Million Three Hundred Sixty Thousand (\$1,360,000) Dollars of an original issue of Two Million Five Hundred Thousand Dollars (\$2,500,000) Combined Public Utility System Revenue Bonds, Series of 1962, dated July 1st, 1962; the now outstanding One Million One Hundred Seventy Thousand Dollars (\$1,170,000) of an original issue of One Million Five Hundred Thousand Dollars (\$1,500,000) Combined Public Utility System Revenue Bonds, Series of 1964, dated August 1st, 1964; the now outstanding One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) of an original issue of Two Million Dollars (\$2,000,000) Combined Public Utility System Revenue Bonds, Series of 1967, dated April 1, 1967; and the now outstanding Two Million Seven Hundred Thousand Dollars (\$2,700,000) of an original issue of Three Million Dollars (\$3,000,000) Combined Public Utility System Revenue Bonds, Series of 1971, dated April 1, 1971.

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 the bonds authorized pursuant to The Ordinance.

The bonds of this issue maturing subsequent to April 1st, 1985, being bonds numbered 301 to 600, inclusive, are subject to redemption, at the option of the City of Orangeburg,

prior to their stated maturities, in whole or in part, but if in part, in inverse numerical order, on April 1st, 1985, 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, 1989, the redemption premium shall be three and one-half per centum (3 1/2%) of the principal amount of each bond redeemed; and
- (b) If the redemption be effected after April 1st, 1989, but prior to the stated maturity of the bonds, the redemption premium shall be two per centum (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 the City, by publication at least once, not less than thirty days and not more than sixty 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 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. The 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 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, 1962, 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, except inheritance, estate or transfer taxes.

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 reproduced 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 September, A. D. 1975.

CITY OF ORANGEBURG, SOUTH CAROLINA

(SEAL)

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, 1976\*

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 1975,



dated the first day of September, A. D. 1975, No. \_\_\_\_\_. This coupon is issued pursuant to Sections 59-361 to 59-415, inclusive, Code of Laws of South Carolina, 1962, 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.

\_\_\_\_\_  
Clerk and Treasurer, City of  
Orangeburg, South Carolina

\_\_\_\_\_  
Mayor, 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 CITY CLERK AND TREASURER
_____	_____	_____
_____	_____	_____
_____	_____	_____

A copy of the approving legal opinion to be rendered shall be printed on the back of each bond, and 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 City 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 & Guerard, 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

Section 6.01

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 on and principal of (a) the PARITY BONDS, (b) the BONDS, and (c) all ADDITIONAL BONDS; (2) to create BOND AND INTEREST 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

Section 7.01

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. The right to issue ADDITIONAL BONDS shall depend upon a compliance with the following provisions of this Article, which are substantially identical to the provisions of the analogous Articles of the Ordinances making provision for the issuance of the PARITY BONDS dated July 1, 1962, the PARITY BONDS dated August 1, 1964, and the PARITY BONDS dated April 1, 1967, and the PARITY BONDS dated April 1, 1971, 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 established by this BOND ORDINANCE and in the cushion fund or analogous fund established by any subsequent ordinance which may authorize the issuance of ADDITIONAL BONDS, the aggregate of all sums required therefor.

(4) There shall be established by the Ordinance authorizing each issue of ADDITIONAL BONDS, a BOND AND INTEREST 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 PARITY BONDS, and on all ADDITIONAL BONDS then issued, and on all ADDITIONAL BONDS then proposed to be issued. PROVIDED, HOWEVER, that when provision has been made for the redemption of any bonds payable from the revenues of the SYSTEM, and there has been deposited in an irrevocable trust for the payment of the principal and interest on such bonds, the

aggregate amount to become due on such bonds by way of principal, interest and redemption premium, computed to the first available redemption date, and ORANGEBURG has irrevocably obligated itself to call the same for payment and redemption on the first available redemption date, then in all such instances the interest and principal requirements of such bonds shall be excluded from the calculation required by this Paragraph.

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

###### Section 8.01

ORANGEBURG further reserves the right to issue other bonds or to incur other obligations, 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 Section 7.01, Article VII.

ARTICLE IX

ESTABLISHMENT OF FUNDS

Section 9.01

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 9.02

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 9.03

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.

Section 9.04

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 funds created for each issue of 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 9.05

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 funds created for each issue of 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 5.04.

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 obligations of the United States, or any Agency thereof, maturing not later than ten (10) years from the occasion when such investments shall be made but no investment herein authorized shall be made at such rate of interest or in such manner as would have the effect of causing the Bonds to become "arbitrage bonds" within the meaning of the applicable provisions of the United States Internal Revenue Code or any regulations promulgated thereunder.

Section 9.06

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 9.07

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 9.08

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 9.09

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, of the 1962 South Carolina Code of Laws.

ARTICLE X

DISPOSITION OF REVENUES

Section 10.01

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 and entitled "GROSS REVENUE FUND". Dispositions of the GROSS REVENUE FUND shall be made on the 15th day of each month in the order of priority established by the numerical sequence of the remaining Sections of this Article X; but the remittance made pursuant to Sections 10.02, 10.03, 10.04 and 10.06 shall be made in such fashion as to at all times preserve the parity between the BONDS and the PARITY BONDS.

Section 10.02

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 Funds 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.

Section 10.03

Beginning on the 15th day of September, 1975, 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 Funds established for the PARITY BONDS), the monthly fraction of the aggregate amount of principal to become due 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.

Section 10.04

If, on the occasion when the deposits required by Sections 10.02 and 10.03 of this Article are to be made, the sum total of the deposits required by said Sections 10.02 and 10.03, 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 Sections 10.02 and 10.03.

Section 10.05

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.

Section 10.06

There shall be remitted to the CUSTODIAN of the CUSHION FUND ten per centum (10%) of the aggregate of all payments made pursuant to Sections 10.02 and 10.03, 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.

Section 10.07

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

Section 10.08

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.

Section 10.09

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.

Section 10.10

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.

Section 10.11

All sums remaining after making the payments required by Sections 10.02 to 10.10, 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 11.01

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 11.02

ORANGEBURG further covenants and agrees that not later than sixty 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, New York;
- (3) Standard and Poor's Corporation, 345 Hudson Street, New York, New York; 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:

#### Section 12.01

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.

#### Section 12.02

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.

Section 12.03

That all premiums on all bonds or insurance policies shall be deemed a part of the cost of operating and maintaining the SYSTEM.

Section 12.04

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

Section 12.05

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 pro-rated among the CUSHION FUNDS of the BONDS, the PARITY BONDS and the ADDITIONAL BONDS then outstanding.

ARTICLE XIII

ADDITIONAL COVENANTS

ORANGEBURG further covenants and agrees:

Section 13.01

That neither the SYSTEM, nor any part thereof, nor any of the revenues derived from the SYSTEM, have been or will be



hypothecated, mortgaged, otherwise pledged or encumbered, save and except as herein disclosed and enumerated.

Section 13.02

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.

Section 13.03

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.

Section 13.04

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.

Section 13.05

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.

Section 13.06

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

Section 14.01

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 liens created for the PARITY BONDS.

ARTICLE XV

MODIFICATION OF ORDINANCE

Section 15.01

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 15.02

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 15.03

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 depositories 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

Section 16.01

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 or bonds on a parity therewith 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 installment of interest on the BONDS or bonds on a parity therewith shall not be made when the same becomes due and payable, or within thirty 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 sixty 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 sixty 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 thirty 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 17.01

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 17.03 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 17.02

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 17.03

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 17.04

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 17.05

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 18.01

There shall be established a CONSTRUCTION FUND.

Section 18.02

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 premium (if any) and accrued interest shall be deposited in the BOND AND INTEREST FUND and shall be deemed to be a deposit made pursuant to Section 10.02.

Section 18.03

Southern Bank & Trust, First National Bank of Orangeburg, The Citizens and Southern National Bank of South Carolina, and Bankers Trust of South Carolina, all in the City of Orangeburg, are hereby designated depositories and Custodians of the CONSTRUCTION FUND.

Section 18.04

Withdrawals from the CONSTRUCTION FUND shall be made only by checks or warrants signed by two or more officers of ORANGEBURG, accompanied by the certification of the Manager of

Utilities, that the expenditure is a proper expenditure pursuant to the BOND ORDINANCE.

It shall at all times be lawful to invest moneys in the CONSTRUCTION FUND in Treasury obligations of the United States and any agency thereof, maturing within nine months from the date of such investment. All interest earned shall become a part of the CONSTRUCTION FUND.

Section 18.05

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

Section 19.01

Unless the same be secured as trust funds in the manner provided by the regulations of the Comptroller of the Currency of the United States of America, all funds in the custody of the Custodians of any funds established by this 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 or any agency thereof of a market value at least equal to the sum on deposit and not insured as aforesaid by the Federal Deposit Insurance Corporation.

Section 19.02

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 Custodian of the particular fund furnishing 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 Five Million Dollars (\$5,000,000).

ARTICLE XX

CUSTODIANS

Section 20.01

Prior to the delivery of the BONDS, a CUSTODIAN of the BOND AND INTEREST FUND and CUSHION FUND shall be appointed and shall signify its 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. The institutions which are presently CUSTODIANS of the other Funds established by Article IX shall continue to act in such capacity.

Section 20.02

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 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 20.03

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 20.04

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 20.05

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 20.06

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 Million Dollars (\$2,000,000).

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 20.07

If, in a proper case, no appointment of a successor CUSTODIAN shall be promptly made pursuant to Section 20.06, any BONDHOLDER may make application to any court of competent juris-

diction for the appointment of a successor and said court may thereupon, after such notice, if any, as such court may prescribe, appoint a successor.

Section 20.08

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 20.09

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 custodian, without the execution or filing of any paper or the performance of any other act;

PROVIDED, THAT, if ORANGEBURG shall be dissatisfied with the institution resulting from the merger, consolidation or other action spoken of above, then ORANGEBURG may at any time within thirty (30) days after such action name a new custodian (with qualifications prescribed by Section 20.06), in lieu of the custodian then acting.

ARTICLE XXI

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

Section 21.01

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

Section 22.01

The BONDS shall be sold at public sale, at not less than par and accrued interest. Bids shall be received by the COUNCIL for the sale of said bonds, until 12:00 Noon (EDT), WEDNESDAY, September 10, 1975. The said BONDS shall be advertised for sale in THE BOND BUYER, a financial journal published in the City of New York, State of New York, which notice shall appear once, not less than seven days before the date set for the sale. The form of said Notice, and the conditions for sale shall be substantially those as set forth in the form attached hereto as Exhibit "A".

ARTICLE XXIII

DISPOSITION OF PAID BONDS AND COUPONS

Section 23.01

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

###### Section 24.01

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 FUND and to that extent the deposits required by Section 10.02 of Article X hereof shall be reduced; and
- (b) The principal proceeds shall be paid into the CONSTRUCTION FUND.

#### ARTICLE XXV

##### TENOR OF OBLIGATIONS

###### Section 25.01

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 XXVI

METHOD OF DETERMINING BONDHOLDERS

Section 26.01

Whenever it shall become necessary to determine whether any number of BONDHOLDERS have taken any action required or permitted by 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 15.03.

ARTICLE XXVII

DEFEASANCE

Section 27.01

If all of the BONDS and coupons representing interest thereon, issued pursuant to this BOND ORDINANCE, shall have been paid and discharged, then the obligations of ORANGEBURG under this BOND ORDINANCE, the pledge of revenues made thereby, and all other rights granted thereby shall cease and determine. The BONDS and coupons thereof shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz.:

- (1) The PAYING AGENT shall hold, at the stated maturities of such BONDS and coupons, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof; or
- (2) If default in the payment of the principal of such BONDS or the interest thereon shall have

occurred on the stated maturities of such BONDS or coupons, and thereafter tender of such payment shall have been made, and the PAYING AGENT shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

- (3) If ORANGEBURG shall elect to redeem such BONDS prior to their stated maturities, and shall have irrevocably bound and obligated itself to give notice of redemption thereof in the manner provided by Section 5.04 of Article V and shall have deposited with the PAYING AGENT, in an irrevocable trust, the aggregate of all sums to become due on said BONDS to the first available redemption date, by way of principal, interest and redemption premium.

Section 27.02

Any moneys which at any time shall be deposited with the PAYING AGENT, by or on behalf of ORANGEBURG, for the purpose of paying and discharging any 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.

Section 27.03

ORANGEBURG covenants and agrees that any moneys which it shall deposit with the PAYING AGENT shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Article, and that whenever it shall have elected to redeem BONDS it will irrevocably bind and obligate

itself to give notice of redemption thereof, and will further authorize and empower the PAYING AGENT to cause the publication of such notice of redemption in its name and on its behalf.

ARTICLE XXVIII

SAVING CLAUSE

Section 28.01

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 XXIX

Section 29.01

REPEALING CLAUSE

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

ARTICLE XXX

DIRECTION TO INDEX

Section 30.01

The BOND ORDINANCE shall be forthwith codified in the Code of City Ordinances as required by Section 47-61.3, Code of Laws, South Carolina, 1962, and the same shall be indexed under the general heading: "Bond Issue - \$ 3,000,000 Combined Public Utility System Revenue Bonds, Series of 1975, of the City of Orangeburg, South Carolina."

DONE IN COUNCIL ASSEMBLED, this 20<sup>th</sup> day of SEPT.

A. D., 1975.

E. O. Landau's  
Mayor

(SEAL)

J. J. Lomhouse  
Councilman

Harold Bryant  
Councilman

D. J. Beville Kelley  
Councilman

\_\_\_\_\_  
Councilman

Attest:

M. R. Cauphe  
Clerk and Treasurer.

OFFICIAL NOTICE OF SALE

\$3,000,000 CITY OF ORANGEBURG, SOUTH  
CAROLINA, COMBINED PUBLIC UTILITY SYSTEM  
REVENUE BONDS, SERIES OF 1975

SEALED PROPOSALS, addressed to the City Council of the  
City of Orangeburg, South Carolina, will be received by it  
until 12:00 o'clock noon (EDT), WEDNESDAY,

SEPTEMBER 10, 1975,

at which time said proposals will be publicly opened in Council  
Chambers at the City Hall, Orangeburg, South Carolina, for the  
purchase of THREE MILLION DOLLARS (\$3,000,000) CITY OF  
ORANGEBURG, SOUTH CAROLINA, COMBINED PUBLIC UTILITY SYSTEM  
REVENUE BONDS, SERIES OF 1975. The said bonds bear date the  
first day of September, A. D. 1975, are to be in denomination  
of \$5,000 each, are to be numbered from 1 to 600, inclusive,  
and are to mature in annual series or installments in numerical  
order as follows:

\$150,000 on April 1st in each of the years  
1976 to 1995, inclusive.

The bonds maturing subsequent to April 1st, 1985, being  
bonds numbered 301 to 600, inclusive, are subject to redemption,  
at the option of the City of Orangeburg, prior to their stated  
maturities, in whole or in part, but if in part, in inverse  
numerical order on April 1st, 1985, 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, 1989, the redemption premium  
shall be three and one-half per centum  
(3 1/2%) of the principal amount of each  
bond redeemed; and

- (b) If the redemption be effected after April 1st, 1989, but prior to the stated maturity of the bonds, the redemption premium shall be two per centum (2%) of the principal amount of each bond redeemed.

SAID BONDS shall bear such rate or rates of interest payable on April 1st, and October 1st of each year, beginning April 1st, 1976, (at which time interest for seven months will be due), as shall, at the sale of such bonds, reflect the lowest interest cost to the City of 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 seven per centum (7%) per annum;
- (c) All interest payments shall be evidenced by single coupons;
- (d) No rate of interest named shall be more than one and one half per centum (1 1/2%) higher than the lowest rate of interest named;
- (e) Each rate of interest named shall be a multiple of 1/20th of one per centum (1%); and
- (f) Any sum named by way of premium shall be paid in cash as a part of the purchase price.

Both principal and interest will be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts, at the principal office of The Chase Manhattan Bank, N. A., in the City of New York, State of New York.

Interest cost will be determined by deducting premium, if any, from the aggregate of interest on the bonds from September 1st, 1975, until their respective maturities. Bidders are requested to present tabulations showing aggregate interest cost in dollars and cents but such tabulations are not required and will not be regarded as a part of the bid. The

right is reserved to reject all proposals and to waive technicalities, but no auction sale will be conducted. Bids will be accepted or rejected by 2:00 o'clock P. M. (EDT) on the day of the sale.

Said bonds are registrable as to principal only.

No proposal for the purchase of less than all of the bonds, or at a price of less than par and accrued interest to the date of delivery will be considered.

SAID BONDS will be issued pursuant to Sections 59-361 to 59-415, inclusive, Code of Laws of South Carolina, 1962, and will be payable solely from the revenues derived from the operation of the Combined Public Utility System of the City of Orangeburg, South Carolina.

The bonds of this issue rank equally and are on a parity in all respects with the now outstanding One Million Three Hundred Sixty Thousand (\$1,360,000) Dollars of an original issue of Two Million Five Hundred Thousand Dollars (\$2,500,000) Combined Public Utility System Revenue Bonds, Series of 1962, dated July 1st, 1962; the now outstanding One Million One Hundred Seventy Thousand Dollars (\$1,170,000) of an original issue of One Million Five Hundred Thousand Dollars (\$1,500,000) Combined Public Utility System Revenue Bonds, Series of 1964, dated August 1st, 1964; the now outstanding One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) of an original issue of Two Million Dollars (\$2,000,000) Combined Public Utility System Revenue Bonds, Series of 1967, dated April 1, 1967; and the now outstanding Two Million Seven Hundred Thousand Dollars (\$2,700,000) of an original issue of Three Million Dollars (\$3,000,000) Combined Public Utility System Revenue Bonds, Series of 1971, dated April 1, 1971.

The City of Orangeburg has reserved the right to issue additional bonds on a parity with the bonds of this issue if said additional bonds are issued under the conditions related in the Ordinance authorizing this issue of bonds.

Purchasers will be furnished with the printed bonds and an opinion on their validity by Sinkler Gibbs Simons & Guerard, Attorneys at Law, Charleston, South Carolina, a copy of which will be printed on the back of each bond. Purchasers will likewise be furnished with the usual closing proofs, which will include a certificate that there is no litigation threatened or pending to restrain the issuance or sale of said bonds and a certificate establishing that the bonds will not be "arbitrage bonds" within the meaning of the regulations of the United States Treasury Department as applicable on the delivery of the bonds.

Persons wishing copies of the Official Statement should communicate with Alan McC. Johnstone, Manager of Department of Public Utilities, P. O. Box 1057, Orangeburg, South Carolina, 29115 (Telephone - 534-2821, Area Code 803).

EACH BID should be enclosed in a sealed envelope and marked "PROPOSAL FOR CITY OF ORANGEBURG, SOUTH CAROLINA, COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS, SERIES OF 1975", and be directed to the undersigned, and must be accompanied by cash, a cashier's check or a certified check upon an incorporated bank or trust company for Sixty Thousand Dollars (\$60,000), payable to the Treasurer of the City of Orangeburg. The check of the successful bidder will be applied in part payment for the bonds or to secure the City of Orangeburg from any loss resulting from any failure of such bidder to comply with the terms of his bid. The good faith deposit will be returned to the successful bidder if the City of Orangeburg shall fail to deliver the bonds as provided in this Notice of Sale. No interest will be allowed on the good faith deposit of the successful bidder.

The bonds will be delivered to the purchasers in New York, New York, on or before September 30, 1975.



There is no official bid form. Each bid shall be conditioned in accordance with this Notice of Sale.

E. O. PENDARVIS  
Mayor, City of Orangeburg  
Orangeburg, South Carolina

ORDINANCE NUMBER 1975-8.

ORDINANCE ADOPTING THE COUNCIL FORM OF GOVERNMENT FOR THE CITY OF ORANGEBURG PURSUANT TO TITLE 47, CHAPTER 1, ARTICLE 2.1, 1962 CODE OF LAWS OF SOUTH CAROLINA, AS AMENDED.

WHEREAS, Section 6 of Act 283 of the South Carolina General Assembly of 1975 requires each municipality to adopt by ordinance the form of government most nearly corresponding to the form in effect on March 7, 1974; and

WHEREAS, pursuant to Section 47-26 of the 1962 Code of Laws of South Carolina, as amended, the governing body of the City of Orangeburg has determined that said City has the form of government most nearly corresponding to the Council form provided for in Article 5 of Chapter 1, Title 47, Section 47-70 of said Code of Laws, as amended, and,

WHEREAS, pursuant to said Section 47-26 of the South Carolina Code, a public meeting upon such form of government to be selected was held on September 11, 1975, at the City Hall of the City of Orangeburg; and

WHEREAS, the governing body of the City of Orangeburg is composed of the Mayor and four (4) councilmen with all elections for Mayor and councilmen being non-partisan at large, the councilmen being elected to staggered terms of office for a four year term; and

WHEREAS, the adoption of the Council form as set forth in said Article 5 of Title 47 would produce no change in the government of the City of Orangeburg,

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Orangeburg, in Council duly assembled this 17th day of September, 1975, that the Council form of Municipal Government, with a Mayor and four (4) councilmen with all elections for Mayor and councilmen being non-partisan at large, the Councilmen being elected to staggered terms of office for a four year term as provided in Sections 47-70 through 47-73 of the 1962 Code of Laws of South Carolina, as amended, is hereby adopted for the City of Orangeburg to be effective on October 1, 1975 or as soon thereafter as prescribed by State Law.

- 2 - ORDINANCE NUMBER 1975-8.  
ADOPTING THE COUNCIL FORM OF GOVERNMENT

PASSED by City Council of the City of Orangeburg, South Carolina  
this seventeenth day of September, A.D., 1975.

E. O. Fordson's  
Mayor

A. J. Lomhouse

Hamp S. Grant

D. W. Brecht Selley

Councilmen

ATTEST:

M. R. Campbell  
City Clerk

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, 1975 AND ENDING  
DECEMBER 31, 1975.

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,  
1975 and ending December 31, 1975, that a tax of seventy (70) mills be and the  
same is hereby assessed on each dollar of the assessed value of all real  
estate 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, 1975 until  
the thirtieth day of November, 1975, from the hours of 9:00 a.m. to 5:00 p.m.,  
Monday through Fridays. Saturdays and Sundays excepted.

After November 30, 1975, a penalty of fifteen (15) percent shall be  
added to all unpaid taxes until December 31, 1975. On January 1, 1976,  
executions shall be issued on all unpaid taxes by the City Clerk and Treasurer  
and delivered to the Delinquent Tax Collector, an additional cost of Two  
Dollars (\$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 17th day of September, A.D., 1975.

E. O. Pendleton  
Mayor

A. J. Linchouse

Harold Bryant

B. W. Smith

James J. Alley  
Councilmen

ATTEST:

M. R. Campbell  
City Clerk