

## ORDINANCE NO. 1985-1

AN ORDINANCE TO AUTHORIZE THE SALE AND CONVEYANCE OF A ONE-HALF ( $\frac{1}{2}$ ) UNDIVIDED INTEREST IN AND TO PARCELS B AND C CONTAINING 319.942 ACRES, MORE OR LESS, AS SET FORTH AND SHOWN ON A PLAT PREPARED FOR THE ORANGEBURG CITY/COUNTY AIRPORT DATED OCTOBER 23, 1984, BY KIRK N. NIVENS, JR., R.L.S., TO THE COUNTY OF ORANGEBURG IN EXCHANGE FOR A ONE-HALF ( $\frac{1}{2}$ ) UNDIVIDED INTEREST IN AND TO TRACT 1 CONTAINING 310 ACRES, MORE OR LESS, AND LOTS A, B AND C CONTAINING 134.696 ACRES, MORE OR LESS, AND PARCEL A CONTAINING 147.55 ACRES, MORE OR LESS, AS SET FORTH AND SHOWN ON THE ABOVE MENTIONED PLAT. ALL OF THE ABOVE BEING SUBJECT TO AND CONDITIONED UPON BOTH THE CITY OF ORANGEBURG AND COUNTY OF ORANGEBURG COMPLYING WITH THOSE CERTAIN CONDITIONS AND LIMITATIONS CONTAINED IN THAT CERTAIN LETTER TO GARY A. SMOAK, COUNTY ADMINISTRATOR FOR THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA, DATED AUGUST 1, 1984, ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

WHEREAS, the City of Orangeburg and the County of Orangeburg are joint owners of property located at the Orangeburg City/County Airport and properties south and southeast of said airport; and

WHEREAS, it is the intention of the City of Orangeburg and the County of Orangeburg to divide the property above mentioned; and

WHEREAS, the above mentioned property has been surveyed and appears on a plat thereof made by Kirk N. Nivens, Jr., R.L.S., dated October 23, 1984; and

WHEREAS, certain conditions and limitations have been agreed upon between the City of Orangeburg and County of Orangeburg and same are set forth in that certain letter to Gary A. Smoak, County Administrator for the County of Orangeburg, State of South Carolina, dated August 1, 1984;

NOW, THEREFORE, BE IT RESOLVED that the City of Orangeburg convey unto the County of Orangeburg its one-half ( $\frac{1}{2}$ ) undivided interest in and to Parcels B and C, with all improvements thereon, containing 319.942 acres, more or less, as set forth and shown on the above mentioned plat in exchange for a one-half ( $\frac{1}{2}$ ) undivided interest from the County of Orangeburg in and to Tract 1 containing 310 acres, more or less, Lots A, B and C containing 134.696 acres, more or less, including all improvements thereon, as set forth and shown on the above mentioned plat. Provided, that said conveyance to the County

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of Orangeburg shall be subject to aerial easements on, over and across Parcels B and C. Provided further, that the County of Orangeburg shall grant unto the City of Orangeburg a fifty (50) foot easement for the right of ingress and egress across Parcel B, said easement being set forth and shown on the above mentioned plat, and the City of Orangeburg shall grant unto the County of Orangeburg a fifty (50) foot easement for the right of ingress and egress across Lot A on said plat, said easement not being shown on said plat, but to be located at a subsequent date by both parties. Provided further, that the County of Orangeburg shall convey unto the City of Orangeburg the right to remove sand clay from Parcel C on said plat in exchange for the the City of Orangeburg granting unto the County of Orangeburg the right to remove pea gravel from Lots B and C on said plat; both grants and licenses being limited to the condition that the removal of either sand clay or pea gravel shall not undermine any structure or runways located on any of the above described parcels.

BE IT FURTHER RESOLVED that the Mayor of the City of Orangeburg is hereby authorized to sign the deed conveying said property to the County of Orangeburg and any and all other documents necessary to comply with the conditions as set forth in this Ordinance.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED THIS 15th DAY OF JANUARY, 1985.

E. O. Sanders  
MAYOR  
W. Everett Selley  
Sara H. Andersen  
Henry P. Johnson  
William S. Clark  
MEMBERS OF COUNCIL

ATTEST:  
Samuel M. ...  
CITY CLERK

EEC866

AN ORDINANCE TO ADOPT THE STANDARD CODE FOR THE ELIMINATION OR REPAIR OF UNSAFE BUILDING BY AMENDING SECTIONS 5-41, 5-42 AND 5-43, AND TO REPEAL SECTIONS 5-44, 5-45, 5-46, 5-47, 5-48 AND 5-49.

WHEREAS, the City of Orangeburg has determined that it is in the best interest of the City to adopt certain uniform rules and regulations; and

WHEREAS, the Standard Code For The Elimination Or Repair Of Unsafe Buildings sets the rules and regulations and methods for achieving such uniformity; and

WHEREAS, Section 5-7-260 of the Code of Laws of South Carolina prescribes that adoption or amendment of an administrative code be done by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Orangeburg in council duly assembled this fifth day of February, 1985, that Section 5-41 of the Code of Ordinances, City of Orangeburg, South Carolina, is hereby amended to read as follows:

"Section 5-41. STANDARD CODE FOR THE ELIMINATION OR REPAIR OF UNSAFE BUILDINGS ADOPTED. The 1982 Standard Code For The Elimination Or Repair Of Unsafe Buildings is hereby adopted with subsequent amendments thereto, which code is published in book form and which is referred to, incorporated herein, and made a part hereof for all purposes, a copy of which code is on file in the office of the City Clerk and the office of the building official."

BE IT FURTHER ORDAINED that Section 5-42 of the Code of Ordinances, City of Orangeburg, South Carolina, is hereby amended to read as follows:

"Section 5-42. All dangerous buildings within the terms of the Standard Code For The Elimination Or Repair Of Unsafe Buildings are hereby declared to be public nuisances, and shall be repaired, vacated or demolished."

BE IT FURTHER ORDAINED that Section 5-43 of the Code of Ordinances, City of Orangeburg, South Carolina, is hereby amended to read as follows:

"Section 5-43. PENALTIES FOR VIOLATION. Any person, firm, corporation, or agent who shall violate a provision of the Standard Code For The Elimination Or Repair Of Unsafe Buildings, or fail to comply therewith, or with any of the requirements thereof as provided therein, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of said Code is committed, or continued and upon conviction of any such violation such person shall be punished as provided for in Section 14-25-65 of the 1976 Code of Laws for the State of South Carolina (as amended)."

AN ORDINANCE TO AMEND CHAPTER 27, UTILITIES, SECTIONS 27-26, 27-30,  
DIVISION III, SECTION 27-40 through 27-54.

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

Section 27-26: Amend said section of the CODE by inserting the following after the definition of Gender and prior to the definition of Industrial Wastes:

"Industrial User, shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342)."

and by deleting in its entirety the definition of Sanitary Sewer and substituting in lieu thereof the following:

"Sanitary sewer, shall mean a sewer which carries domestic wastewater, industrial wastewater or a combination of both and unto which storm, surface and groundwater are not intentionally admitted."

Section 27-30: Amend said section of the CODE by deleting in its entirety and substituting in lieu thereof the following:

"Section 27-30. Use of the public sewers.

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage, to any public sewer.
- (b) No person shall discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation of the wastewater treatment system or pass through to the environment untreated. No person shall discharge or cause to be discharged any of the following:
  - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (2) Any waters or wastes having a pH less than 6.5 or greater than 8.5 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater plant.
  - (3) Solids or viscous substances in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, metal, shavings, glass, rags, feathers, tar, plastics, wood, hair, and fleshing or entrails, either whole or ground by garbage grinders.
  - (4) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Centigrade upon entering the public sewer or in such quantities that the temperature at the Wastewater Plant exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit).

- (5) Any water or waste containing fats, wax, grease or oils whether emulsified or not in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) or one hundred fifty (150) degrees Fahrenheit or zero (0) and sixty-five (65) degrees Centigrade.
- (6) Any garbage that has not been properly shredded.
- (7) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solution whether neutralized or not.
- (8) Any waters or wastes containing heavy metals in excess of the following:

|          |          |                         |
|----------|----------|-------------------------|
| Chromium | 1.0 mg/l | (either III or VI or in |
| Lead     | 2.0 mg/l | combination)            |
| Tin      | 2.0 mg/l |                         |
| Zinc     | 2.0 mg/l |                         |
| Copper   | 0.5 mg/l |                         |
| Nickel   | 1.0 mg/l |                         |
| Cyanide  | 2.0 mg/l |                         |
| Cadmium  | 1.0 mg/l |                         |

or combination of the above in excess of 9.0 mg/l in the effluent, or which when blended with the waste in the trunk line will have a concentration in excess of 1.0 mg/l when it reaches the treatment plant, subsection (d) notwithstanding, or wastes exerting an excessive chlorine requirement to such a material received in composite sewage at the wastewater treatment plant exceeds the limits established by the DPU for such materials.

- (9) Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the DPU as necessary after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge of the receiving waters.
- (10) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the DPU in compliance with applicable state and federal regulations.
- (11) Any waters or wastes having a pH outside of the range of 6.5 to 8.5.
- (12) Materials which exert or cause:
  - a. Unusual concentration of inert suspended solids, such as, but not limited to, earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
  - b. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (13) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other state or federal agencies having jurisdiction over discharge to the receiving waters. (Ordinance Number 1978-4, 1-17-78)

- (c) Grease, oil and said interceptors shall be provided when, in the opinion of the DPU they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the DPU and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his expense.
- (d) Where preliminary treatment for flow equalizing facilities is provided for any waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (e) It shall be required by the DPU that the owner of any property serviced by a building sewer carrying industrial wastes, install a suitable control manhole. When deemed necessary, the DPU may require additional waste metering devices and other appurtenances in the building sewer to facilitate preservation, sampling and measurement of the waste. Such manhole, shall be readily accessible for representatives of the DPU and safely located and shall be constructed in accordance with plans approved by the DPU. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (f) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods so as to reflect the effect of constituents upon the sewage works and to determine the existence of hazard of life, limb, and property. In order for the DPU to properly evaluate the effect of the waste on the system, an industry may submit, along with plans, etc required in section 27-28 (b), an industrial waste questionnaire summary describing maximum, minimum, and average wastewater characteristics.

Division Three - Industrial Cost Recovery: Section 27-40 through 27-54. Amend said Division of the CODE by deleting it in its entirety and substituting in lieu thereof the following:

#### Division Three - Industrial Discharge Regulations

Section 27-40 - Definitions. Unless the context specifically indicates otherwise, the terms used in this Section shall be the same as those defined in Section 27-26 and Federal Register 40 CFR Section 403.

Section 27-41 - Permits. Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, industrial user charges and fees established by the DPU. Permits may contain the following:

- (a) The unit charge or schedule of industrial user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;

- (c) Limits on average and maximum rate and time of discharge and sampling facilities;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of samplings, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the DPU and affording DPU access thereto;
- (i) Requirements for notification of the DPU of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notification of slug discharges, and;
- (k) Other conditions as deemed appropriate by the DPU to ensure compliance with this Ordinance.

Section 27-42 - Permit Transfer. Wastewater Discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new industrial user, different premises or a new or changed operation without the approval of the DPU. Any succeeding owner or industrial user shall also comply with the terms and conditions of the existing permit.

Section 27-43 - Federal and State Categorical Pretreatment Standards. Upon the promulgation of the Federal or State Categorical Pretreatment Standards for a particular industrial subcategory, the Federal or State Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The DPU shall notify all affected industrial users of the applicable reporting requirements under 40 CFR, Section 403.12.

Section 27-44 - Compliance Data Reporting Requirements. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the DPU sewer, any industrial user subject to pretreatment standards and requirements shall submit to the DPU a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; a schedule by which the industrial user will provide such additional pretreatment shall be established by the DPU. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (2) No increment referred to in paragraph (1) shall exceed nine months.
- (3) No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Superintendent of the Wastewater Division, DPU, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.

#### Section 27-45 - Periodic Compliance Reports.

- (1) Any industrial user subject to a Pretreatment Standard after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the City sewer, shall submit to the DPU during the months of March, June, September, and December, unless required more frequently in the Pretreatment Standard or by the DPU, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow contained on the permit. The DPU may, at its discretion and in consideration of such factors as: local high or low flow rates, holidays, budget cycles, etc., agree to alter the months during which the above reports are to be submitted.
- (2) The DPU may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent to the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the DPU, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the DPU pursuant to Section 304 (g) of the Act and contained in Federal Register 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the DPU. Sampling shall be performed in accordance with the techniques approved by the approving authority.

#### Section 27-46 - Enforcement.

- (a) The DPU may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the DPU, in order to stop an actual or threatened discharge which; presents, or may present, an imminent or substantial danger to the health or welfare of persons or the environment, or which causes interference to the wastewater treatment system or causes the DPU to violate any condition of its NPDES permit.



Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the DPU shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater treatment system or endangerment to any individuals. The DPU shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the DPU within 15 days of the date of occurrence.

- (b) Revocation of Permit. Any industrial user who violates the conditions of this Ordinance or applicable State and Federal regulations shall have his permit revoked. Without limitation, any one of the following shall be grounds for revocation:
  - (1) Failure of industrial user to factually report the wastewater constituents and characteristics of his discharge.
  - (2) Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristics.
  - (3) Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.
  - (4) Violation of conditions of the permit.
- (c) Notification of Violation. Whenever the DPU finds that any industrial user has violated or is violating this Ordinance, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the DPU may serve upon such industrial user a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the DPU by the industrial user.
- (d) Show Cause Hearing. The DPU may order any industrial user who causes or allows an unauthorized discharge to enter the system to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the industrial user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the industrial user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:

- (1) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges.

After the City Council has reviewed the evidence, it may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and/or devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

- (e) Legal Action. If any person discharges sewage, industrial wastes, or other wastes into the DPU's wastewater treatment system contrary to the provisions of the Division, Federal or State Pretreatment Requirements, any permit issued hereunder, or any order of the DPU, the City Attorney may commence an action for appropriate legal and/or equitable relief, including injunctive relief, in the Circuit Court, of this county.
- (f) Any industrial user who is found to have violated an order of the City Council or who willfully or negligently fails to comply with any provisions of this Division, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the DPU may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.
- (g) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plant or other document files or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate information concerning any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Section 27-47 - Confidential Information. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the DPU that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the industrial user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Discharge System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Action taken under the provisions of this section shall be subject to the Freedom of Information Act.

Section 27-48 - Pretreatment Violations. Pursuant to Federal Register 40 CFR Part 403, the DPU shall annually publish in the

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"TIMES AND DEMOCRAT", a list of the industrial users which were substantially not in compliance with any Pretreatment requirements or Standards at least once during the twelve previous months. The notification shall also summarize enforcement actions taken against the industrial user(s) during the same twelve months.

DONE AND RATIFIED in City Council by the City Council of Orangeburg,  
South Carolina this 5th day of February 1985.

E. O. Fardausis  
Mayor  
W. Kerette Kelly  
David H. Alexander  
Henry B. Finner  
Members of Council

ATTEST:  
M. R. Campbell  
City Clerk and Treasurer

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BE IT FURTHER ORDAINED that Sections 5-44,5-45,5-46,5-47,5-48  
and 5-49 Code of Ordinances, City of Orangeburg, South Carolina  
are repealed in their entirety.

PASSED IN COUNCIL ASSEMBLED this fifth day of February, 1985.

E. O. Pendleton's  
MAYOR

W. Keith Kelly

Sam H. Alexander

Henry L. Johnson  
William S. Hill  
CITY COUNCIL

ATTEST:

M. R. Campbell  
CITY CLERK

EEC866

## ORDINANCE NO. 1985-4

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985, AS ENACTED BY THE CITY OF ORANGEBURG ON OCTOBER 18, 1984, IN ORDER TO FURTHER PROVIDE FOR EXPENDITURES FOR REPAIR TO THE LAW ENFORCEMENT COMPLEX HVAC SYSTEM.

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

That the Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, South Carolina for the fiscal year ending September 30, 1985, is hereby amended by appropriating for the City's portion of repair to the LEC HVAC System.

This would change our capital allotment from \$270,738 to \$272,310. This would change our total budget allotment from \$4,625,352 to \$4,626,924.

PASSED IN COUNCIL ASSEMBLED this the nineteenth day of MARCH, 1985.

E. O. Thompson  
MAYOR  
Leo Brantley  
Sam H. Alexander  
Henry B. Johnson  
Willie S. McCarty  
CITY COUNCIL

ATTEST:

M. R. Campbell  
CITY CLERK

## ORDINANCE NO. 1985-5

AN ORDINANCE TO AMEND ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA, RELATING TO ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES SO AS TO INCLUDE INOPERABLE MACHINERY OR EQUIPMENT: PROHIBITING THE STORAGE, REPAIR, OR DISMANTLING THEREOF ON PUBLIC OR PRIVATE PROPERTY: DECLARING THE SAME TO BE A NUISANCE: PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

NOW, THEREFORE, be it ordained by the City Council that said Article IV of the Code of Ordinances, City of Orangeburg, State of South Carolina is hereby amended as follows:

Adding a section, to be numbered SECTION 16-93, which section reads as follows: SHORT TITLE. This ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle, Machinery or Equipment Ordinance."

That Section 16-94 of the Code of Ordinances, City of Orangeburg, South Carolina, is hereby amended to read as follows: DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) Motor Vehicle or Vehicle is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.
- (b) Junked Motor Vehicle is any motor vehicle, as defined by subsection (a) of Section 16-94, the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded, and if required by state law, does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate.
- (c) Inoperative Machinery or Equipment is all machinery or equipment the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.
- (d) Person shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (e) Private Property shall mean any real property within the City which is privately owned and which is not public property as defined in this section.
- (f) Public Property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

That Section 16-97 of the Code of Ordinances, City of Orangeburg, South Carolina is hereby amended to read as follows: STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLE, INOPERATIVE MACHINERY OR EQUIPMENT PROHIBITED: AND DECLARED NUISANCE: EXCEPTIONS. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle, machinery or equipment of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the City for a period of time in excess of seventy-two (72) hours. The presence of an abandoned,

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wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle, machinery or equipment or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Ordinance. This section shall not apply to any vehicle, machinery or equipment enclosed within a building on private property or screened in such a manner as not to be visible from any public street, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

That Section 16-98 of the Code of Ordinances, City of Orangeburg, South Carolina is hereby amended to read as follows: IMPOUNDING. The Building Inspector, Chief of the Fire Department and Police Chief shall have full power and authority to remove or have removed any vehicle, machinery or equipment left at any place within the City which reasonable appears to be in violation of this article or lost, stolen, or unclaimed. Such vehicle, machinery or equipment shall be impounded until lawfully claimed or disposed of in accordance with Sections 56-5-5640 and 56-5-5650 of the 1976 South Carolina Code of Laws.

That the Code of Ordinances, City of Orangeburg, South Carolina, is hereby amended by adding new sections to be numbered Sections 16-100, 16-101, 16-102, 16-103, 16-104, 16-105, 16-107, 16-108, 16-109, 16-110, 16-111 and 16-112 which sections read as follows: Section 16-100. NOTICE TO REMOVE. Whenever it comes to the attention of the Building Inspector that any nuisance as defined in Section 16-97 of this ordinance exists in the City of Orangeburg a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this ordinance.

Section 16-101. RESPONSIBILITY FOR REMOVAL. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle, machinery or equipment and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the City, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred.

Section 16-102. NOTICE PROCEDURE. The Building Inspector of the City shall give notice of removal to the owner or occupant of the private property where it is located, at least forty-five (45) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the nuisance is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address.

Section 16-103. CONTENT OF NOTICE. The notice shall contain the request for removal within the time specified in this ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 16-104. REQUEST FOR HEARING. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the City Council of the City of Orangeburg or its designee within the forty-five (45) day period of compliance prescribed in Section 16-102 for the purpose of defending the charges by the City.

Section 16-105. PROCEDURE FOR HEARING. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing the City and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Section 16-106. REMOVAL OF MOTOR VEHICLES FROM PROPERTY. If the violation described in the notice has not been remedied with the forty-five (45) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Council of the City of Orangeburg or its designee, the Chief of Police or his designee shall have the right to take possession of the junked motor vehicle, machinery or equipment and remove it from the premises or, at its option, the City may seek injunctive relief in a Court of competent jurisdiction. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle, machinery or equipment under the provisions of this ordinance.

Section 16-107. NOTICE OR REMOVAL. Within forty-eight (48) hours of the removal of such vehicle, machinery or equipment, the Chief of Police shall give notice to the registered owner of the vehicle, machinery or equipment if know, and also to the owner or occupant of the private property from which the vehicle, machinery or equipment was removed, that said vehicle, or vehicles, machinery or equipment has been impounded and stored for violation of this ordinance. The notice shall give the location of where the vehicle or vehicles, machinery or equipment is stored, and the costs incurred by the City for removal.

Section 16-108. DISPOSITION OF VEHICLES. Upon removing a vehicle, machinery or equipment under the provisions of Section 16-106, the same shall be dispose of pursuant to Section 16-98.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, DULY ASSEMBLED,  
THIS FIFTH DAY OF MARCH, 1985.

E. O. Henderson  
MAYOR  
W. Everett Selby  
Lara H. Alexander  
Henry B. Johnson  
William S. Miller  
CITY COUNCIL

ATTEST:  
M. R. Campbell  
CITY CLERK

EEC866



ORDINANCE NO. 1985-7

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985, AS ENACTED BY THE CITY OF ORANGEBURG ON SEPTEMBER 18, 1984. IN ORDER TO PROVIDE FOR THE PURCHASE OF SIX (6) RADIO REMOTE CONTROL STATIONS FROM THE CITY OF ORANGEBURG RESERVE FUND.

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

That the Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, South Carolina for the Fiscal Year Ending September 30, 1985 as originally enacted on the eighteenth day of September, 1984 is hereby amended to authorize purchase of (6) Radio Remote Control Stations for the amount of three thousand six hundred sixty-two dollars and seventy cents (\$3,662.70). This amount includes installation of this equipment.

PASSED IN COUNCIL ASSEMBLED this the 19th day of February, 1985.

ATTEST:

M. R. Campbell  
CITY CLERK

E. O. Anderson  
MAYOR  
W. L. H. Selley  
Sam H. Alexander  
James B. Grimes  
W. S. McChap  
MEMBERS OF COUNCIL

ORDINANCE NO. 1985-8

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985, AS ENACTED BY THE CITY OF ORANGEBURG ON OCTOBER 18, 1984, IN ORDER TO FURTHER PROVIDE FOR EXPENDITURES FOR INSTALLING AN IRRIGATION SYSTEM AT HILLCREST GOLF COURSE.

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

That the Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, South Carolina for the Fiscal Year Ending September 30, 1985, is hereby amended to further provide for expenditures by installing an irrigation system at Hillcrest Golf Course.

This would change our capital allotment from \$272,310 to \$287,310. This would change our total budget allotment from \$4,626,924 to \$4,641,924.

PASSED IN COUNCIL ASSEMBLED this the second day of April, 1985.

E.O. Ponderis  
MAYOR

L. E. Smith  
Lana H. Alexander

James B. Johnson  
W. S. McCarty  
CITY COUNCIL

ATTEST:

Michael B. Kennedy  
CITY CLERK

EEC866

ORDINANCE NO. 1985- 9

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985, AS ENACTED BY THE CITY OF ORANGEBURG ON OCTOBER 18, 1984, IN ORDER TO FURTHER PROVIDE FOR EXPENDITURES FOR THE CITY'S PORTION OF THE LEC PAY RAISES

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

That the Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, South Carolina for the Fiscal Year Ending September 30, 1985, is hereby amended by appropriating for the City's portion of pay raises for the LEC employees.

This would change our total budget allotment from \$4,641,924 to \$4,644,241.

PASSED IN COUNCIL ASSEMBLED this the second day of April, 1985.

E.O. Landrum  
MAYOR

W. Heath Kelly

Sara Alexander

Thom B. Frispon

William S. McCain  
CITY COUNCIL

ATTEST:

William B. Kennedy  
CITY CLERK

ORDINANCE NO. 1985-10

JOINT ORDINANCE  
ORANGEBURG CITY COUNCIL, CALHOUN COUNTY COUNCIL AND  
ORANGEBURG COUNTY COUNCIL

TO CREATE THE ORANGEBURG-CALHOUN REGIONAL LAW  
ENFORCEMENT COMMISSION AND TO PROVIDE FOR ITS  
BOARD OF DIRECTORS AND ITS DUTIES AND POWERS.

WHEREAS, Orangeburg City Council, Calhoun County Council, and Orangeburg County Council are in agreement on this ordinance and for it to become effective, Now Therefore,

BE IT ORDAINED by the Orangeburg City Council, Calhoun County Council, and Orangeburg County Council, State of South Carolina:

SECTION 1. There is hereby created, formed and established the Orangeburg-Calhoun Regional Law Enforcement Commission.

SECTION 2. The powers and duties of the Commission shall be exercised and performed by a Board of Directors (Board), which shall consist of three (3) members appointed by Orangeburg County, two (2) members appointed by the City of Orangeburg, and two (2) members appointed by Calhoun County, and shall serve for a four (4) year staggered term. Membership of the initial Board from the City of Orangeburg and Calhoun County, shall have one term expiring after two (2) years and one term expiring after four (4) years, thereafter the terms shall be for four (4) years. Membership of the initial Board from Orangeburg County, shall have one term expiring after two (2) years, one shall have a term expiring after three (3) years, and one shall have a term expiring after four (4) years, and thereafter the terms shall be for four (4) years.

SECTION 3. Should vacancies in the office occur, successors shall be appointed for the balance of the unexpired term in the same manner as the members whom they succeed were appointed.

SECTION 4. The Board shall every two years elect a Chairman, Vice Chairman, and such other officers it deems necessary. The Board shall meet upon the call of its Chairman or a majority of its membership but not less frequently than once per month.

SECTION 5. The Board of Directors may do all things necessary or convenient for the establishment and maintenance of adequate facilities for law enforcement and incarceration of prisoners for the City of Orangeburg, Calhoun County, and Orangeburg County. The Board shall have no power to create any indebtedness or obligation against the City of Orangeburg, Calhoun County or Orangeburg County without written consent of the governing body of the respective governmental entities.

SECTION 6. The Board shall be empowered to:

- (a) Adopt such bylaws, rules and regulations for the conduct of its business and expenditures of its funds as it may deem advisable.
- (b) Operate the present facilities and such other facilities as it may lease, acquire or construct.
- (c) Acquire by gift, purchase or otherwise all kinds and descriptions of real and personal property.
- (d) Accept gifts, grants, donations, devises and bequests.
- (e) Enlarge and improve any facility and land on which it is situated.

REC866

(f) Adequately staff and equip the Complex and any facility that it may operate.

(g) Provide reasonable regulations concerning the facility maintained by the Board.

(h) Apply to the Federal Government and any other governmental agency for a grant of monies to aid in the construction, maintenance and equipment of any facilities.

(i) Dispose of or lease any property, real or personal, that it may possess, provided that it shall not dispose of or lease the Complex or any real estate without first having obtained the consent in writing of the governing bodies of the City of Orangeburg, Calhoun County, and Orangeburg County.

(j) Enter into contracts for the construction and repair of the Complex and any other facilities and to contract for equipment and supplies for the same.

SECTION 7. The Board shall at all times keep full and accurate account of its actions and doings and of its receipts and expenditures and, at least once annually, a complete audit of the affairs of the Complex shall be made by a qualified accountant. Copies of the audit shall be filed with the Administrators for each governing body. All monthly, quarterly or semi-annual reports required by the Board shall also be available to the members of each governing body and the records of the Complex shall at all times be available for inspection by each governing body or its authorized representative.

SECTION 8. The Board shall annually provide for a budget, which shall be funded by the governmental entities in a ration as follows:

|                    |       |
|--------------------|-------|
| Orangeburg County  | 71.3% |
| City of Orangeburg | 15.8% |
| Calhoun County     | 12.9% |

The Board shall submit the annual budget to the administrator of Orangeburg County, who shall submit the budget requests to the other administrators of the respective councils. Their consesus shall then be presented to their respective councils. In the event the three governing bodies cannot agree on budget funding the matter shall be referred to an arbitration panel, one member selected by each governmental entity, but in no event shall the arbitration results be binding until approved by the respective councils.

SECTION 9. The name of the Complex shall be designated the Orangeburg-Calhoun Regional Law Enforcement Complex.

SECTION 10. No obligation of the Commission shall ever constitute an indebtedness of the City of Orangeburg, Calhoun County or Orangeburg County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of any of the governmental entities or a charge against any of the governmental entities' general credit or taxing powers.

SECTION 11. This ordinance shall become effective upon the third reading thereof by the Orangeburg City Council, the Calhoun County Council, and the Orangeburg County Council, and shall expire after two (2) years from such effective date unless extended by joint action of the respective Councils.

ADOPTED THIS 7TH DAY OF MAY, 1985.

ORDINANCE NO. 1985-10  
PAGE THREE

ATTEST:

ORANGEBURG COUNTY COUNCIL

*Eugenia W. Lickspat*  
CLERK TO COUNTY COUNCIL

*Vernon Ott Jr.*  
VERNON OTT, JR., CHAIRMAN

ATTEST:

*E. O. Henderson*  
MAYOR, CITY OF ORANGEBURG

*William B. Kenney*  
CITY CLERK

*W. Heath Sells*

*Sam H. Anderson*

*Jimmy B. Furson*

ORANGEBURG CITY COUNCIL

ATTEST:

CALHOUN COUNTY COUNCIL

*Lois H. Anabinet*  
CLERK TO COUNTY COUNCIL

*David K. Sumner*  
CHAIRMAN

EEC866

ORDINANCE NO. 1985- 11

AN ORDINANCE TO AUTHORIZE THE CITY OF ORANGEBURG  
TO CONVEY PREMISES LOCATED AT 217 MADISON, S.E.,  
S.C. UNTO HATTIE MAE DIXON.

WHEREAS, the City of Orangeburg, acting through Community Development Fund, as purchaser, heretofore acquired property at 744 Peasley Street in the City of Orangeburg from Hattie Mae Dixon, as seller, under date of December 6, 1984, and

WHEREAS, the City of Orangeburg, as part of the consideration for the transfer of the Peasley Street property, agreed to and did acquire certain property located at 217 Madison Street near the City of Orangeburg which property was acquired from the heirs of Birdie E. Isaac by various deeds recorded December 6, 1984 with the understanding that as part of the consideration for the transfer of the Peasley Street property by the said Hattie Mae Dixon the City of Orangeburg would convey unto the said Hattie Mae Dixon the premises at 217 Madison Street and would make repairs thereto in order to put the same in a habitable condition, all in accordance with an agreement executed by the City of Orangeburg, acting through Community Development Fund dated December 7, 1984, and

WHEREAS, repairs have been completed to the premises and the same are ready for conveyance to the said Hattie Mae Dixon,

NOW, THEREFORE, BE IT RESOLVED, that the City of Orangeburg transfer and convey unto the said Hattie Mae Dixon the parcel of real estate referred to above, and that the Mayor and City Clerk be authorized and directed to execute and deliver a good and sufficient deed there-to on behalf of the City of Orangeburg, a copy of the deed to said presmises being attached hereto and made a part of this Ordinance.

DONE AND RATIFIED THIS 4TH DAY OF JUNE, 1985.

E. O. Ponderas  
MAYOR  
W. Everett Selley  
Samuel G. Johnson  
James B. Johnson  
William S. Selley  
MEMBERS OF COUNCIL

ATTEST:  
William B. Hennerly  
CITY CLERK

EFC866

## ORDINANCE NO. 1985-12

AN ORDINANCE TO CREATE THE ORANGEBURG AVIATION  
COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP,  
DUTIES AND POWERS.

WHEREAS, Orangeburg City Council has previously established the Aviation Commission; and

WHEREAS, the Council desires to provide for this Commission to become an official commission of the City of Orangeburg,

NOW, THEREFORE, BE IT ORDAINED by the Orangeburg City Council, State of South Carolina:

SECTION 1. There is hereby created, formed and established the Orangeburg Aviation Commission.

SECTION 2. The powers and duties of the Commission shall be exercised and performed by a Commission, which shall consists of six (6) individuals appointed by the City of Orangeburg.

SECTION 3. The term of all members shall be for a period of four (4) years, but of the initial appointments, two shall be for one (1) year, two shall be for two (2) years, and two shall be for three (3) years. Those members presently serving on the existing Aviation Commission shall continue to serve until respective terms expire.

SECTION 4. The Commission shall elect a chairman, a vice-chairman, a secretary, and such other officers it deems necessary. The Commission shall meet upon the call of its chairman, but not less frequently than one time in each three calendar month period.

SECTION 5. The Commission may do all things necessary or convenient for the establishment and maintenance of adequate facilities for aviation and the accommodation of aerial travel as authorized herein and under the statutory laws of the State of South Carolina. The Commission shall have no power to create any indebtedness or obligation against the City of Orangeburg without the written consent of the City Council.

SECTION 6. The Commission shall be empowered to:

- (a) Adopt such bylaws, rules and regulations for the conduct of its business and expenditures of its funds as it may deem advisable.
- (b) Operate the present City airport facilities and such other facilities as the City may lease, acquire or construct for airport purposes.
- (c) With the consent of City Council, enlarge and improve any airport facility and land on which it is situated that the City may acquire or construct.
- (d) Adequately staff and equip the airport and any facility that it may operate.
- (e) Provide reasonable regulations concerning the facilities maintained by the Commission.
- (f) Apply to the Federal Government and any other governmental agency for a grant of monies to aid in the construction and equipping of any facilities.
- (g) With the consent of City Council, enter into contracts for the construction and repair of the airport and any other facilities and to contract for equipment and supplies for the same.



Ordinance No. 1985- 12 (Continued)

SECTION 7. The Commission shall at all times keep full and accurate account of its actings and goings and of its receipts and expenditures. At least once annually, a complete report of the affairs of the Commission shall be made to the Orangeburg City Council.

SECTION 8. The Commission in the conduct of its affairs shall do so by a majority vote.


SECTION 9. No obligation of the Commission shall ever constitute an indebtedness of the City of Orangeburg within the meaning of any state constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability or charge against the general credit or taxing power of the City.

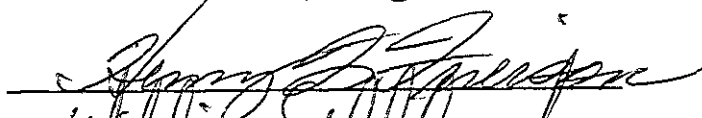
SECTION 10. This ordinance replaces and is in lieu of any enabling legislation or statues heretofore creating the Aviation Commission.

DONE AND RATIFIED THIS 18TH DAY OF JUNE, 1985.


  
MAYOR







  
CITY COUNCIL

ATTEST:  
  
CITY CLERK

EEC866

ORDINANCE NO. 1985 - 13

ORDINANCE AUTHORIZING THE CITY OF ORANGEBURG  
TO ENTER INTO A LEASE AGREEMENT WITH THE PART-  
TIME PLAYERS FOR USE OF THE DAY CARE BUILDING  
FOR A TERM OF TWO YEARS WITH OPTION TO RENEW  
AN ADDITIONAL TWO YEARS

WHEREAS, the City of Orangeburg is the owner of a certain concrete block building, more commonly known as the "Day Care" building, designated as the City's building number twelve, and located on Garden Drive in the Edisto Memorial Gardens; and

WHEREAS, the City desires to lease for a term of two years, with option to renew an additional two years, said building to Orangeburg Part-Time Players as per the attached lease agreement.

BE IT RESOLVED by the Mayor and Council assembled that the Honorable E. O. Pendarvis is hereby authorized and directed to execute said lease agreement.

PASSED this 20th day of August, 1985.

E. O. Pendarvis  
MAYOR

William S. McCall

Sam H. Alexander

W. Keith Selby

CITY COUNCIL

ATTEST:

William Blennerhassett  
CITY CLERK

1985-14

Done and ratified this 4th day of June,  
1985.

E. O. Leyland  
Mayor

W. French Kelly

Sam J. Alexander

James Thompson

Will S. Miller

Members of Council

ATTEST:

Robert Blennerly  
City Clerk

13  
The State of South Carolina,

COUNTY OF ORANGEBURG.

PERSONALLY appeared before me Hazel C. Sain -----  
(Insert name of Witness)

who, in oath, says that she saw the within-named City of Orangeburg -----  
(Insert name of Corporation)

-----by E. O. Pendarvis, ----- its Mayor -----  
(Insert name of President or Vice-President)

~~XXXXXX~~ Kennerly,  
and attested by Carol Ann B./ its Clerk -----  
(Insert name of Secretary or Treasurer)

sign the within Deed, and the said Corporation, by said officers, seal said Deed, and, as its act and deed, deliver the same, and that she with Sue S. Mulkey ----- witnessed the  
(Insert name of other Witness)  
execution thereof.

*Hazel C. Sain*  
(Witness)

SWORN to before me, this 5th day of June, A. D. 19 85.

*Susan C. Glatton* (Seal)  
Notary Public, S. C.

My commission expires: 6/26/85

\_\_\_\_\_

[illegible]

TO

A. D. Limehouse, Trustee

\_\_\_\_\_

Filed this \_\_\_\_\_ day of \_\_\_\_\_

, A. D. 19 ,

at o'clock, M.

and recorded Vol. Page

Fee, \$

.....

County, S. C.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_

, 19

| iii | Page |
|-----|------|
|-----|------|

Fee, \$

*Auditor* \_\_\_\_\_ *County.* \_\_\_\_\_

The State of South Carolina,

County of Orangeburg.

KNOW ALL MEN BY THESE PRESENTS, That

City of Orangeburg -----

in the State aforesaid,----- in consideration of the sum of

Eight Hundred Sixty-four and no/100 (\$864.00) -----Dollars

to it in hand paid at and before the sealing of these presents, by A. D. Limehouse, Trustee, P. O.  
Box 627, Orangeburg, S. C. 29116-0627, -----  
in the State aforesaid,----- (the receipt whereof is hereby acknowledged)

has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release, unto the said

A. D. LIMEHOUSE, TRUSTEE:

All that certain piece, parcel or lot of land situate, lying and being about one and one-half (1½) miles east of the corporate limits of the City of Orangeburg, Orange Township, School District 5 (outside), Orangeburg County, South Carolina, containing 2.88 acres as set forth and shown on a plat of property surveyed for Department of Public Utilities, City of Orangeburg, S. C., made by B. P. Barber and Associates, Inc., Engineers, dated August 26, 1976, and bounded generally as follows: Southwest, West and Northwest by other property of A. D. Limehouse, Trustee; on the North and Northeast by other property of A. D. Limehouse, Trustee; on the East by Tract (A) on said plat, property formerly of A. D. Limehouse, Trustee, now of City of Orangeburg, and on the South by a 0.26-acre tract, property formerly of A. D. Limehouse, Trustee, now of Curtis Johnson; the same having such shape, size, area, courses, distances, boundaries and measurements as shown on said plat which is incorporated herein and made a part of this description by reference. Being the same property conveyed to the City of Orangeburg by School District 5 of Orangeburg County dated September 17, 1968 and recorded in said Clerk's office in Deed Book 312 at page 19.

The City of Orangeburg reserves unto itself a right-of-way, 15 feet in width in, through and over the premises above conveyed, said right-of-way being set forth and shown on a drawing entitled "Sketch Showing Location Of 15' Sanitary Sewer Easement On Property Off Shadow Lawn Dr. & Old Cameron Rd. A. D. Limehouse, Trustee", dated April 30, 1958, said right-of-way commencing at a point on said sketch designated as M.H. Sta.10+14', thence extending in an easterly direction to a point designated as M.H. Sta.10+09', thence extending in a southeasterly direction to a point designated as M.H. Sta.6+54', thence extending in an easterly direction to a point designated as M.H. Sta.5+31', thence turning and extending in a northeasterly direction to a point designated as M.H. Sta.4+69', thence turning and extending in an easterly direction to the common boundary line between the property described hereinabove and property formerly of A. D. Limehouse, Trustee, now of the City of Orangeburg, and thence

continuing in an easterly direction over lands presently owned by the City of Orangeburg; said right-of-way including the right and privilege of entry upon said premises at all times for the purpose of locating, laying, constructing and building, its sewer pipes or mains and manholes, and of using, maintaining, operating and repairing its said system of sewerage, sewer pipes, mains and manholes, and for all other purposes whatsoever necessary and property in and about the said sewerage system, including the right to cut trees, remove stumps and other debris from the right-of-way for so long as the said system of sewerage shall be continued, kept, operated and maintained by the said City of Orangeburg, its successors and assigns.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said A. D. Limehouse, Trustee, her Successors, ----- Heirs and Assigns forever.

And the said City of Orangeburg -----does hereby bind itself -----  
-----and its successors, to warrant and forever defend all and singular the said premises  
Successors,  
unto the said A. D. Limehouse, Trustee, her /Heirs and Assigns, against itself and its successors  
and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF, City of Orangeburg ----- has caused  
(Insert name of Corporation)  
these presents to be executed in its name by E. O. Pendarvis, ----- its Mayor ----  
(Insert name of President or Vice-President)  
~~Received~~ and by attested by Carol Ann Kennedy, ----- its Clerk ----  
(Insert name of Secretary or Treasurer)  
and its corporate seal to be hereto affixed this ----- day of  
in the year of our Lord, one thousand nine hundred and eighty-five -----, and in the ~~one~~ two  
hundred and ninth -----year of the Sovereignty and Independence of the United  
States of America.

Signed, Sealed and Delivered  
in Presence of

CITY OF ORANGEBURG ----- (Seal)

By E. O. Pendarvis, Mayor ~~XXXXXX~~  
Witness

ATTEST:  
Witness Carol Ann Kennedy, Clerk ~~XXXXXXXXXXXXXXXXXX~~

continuing in an easterly direction over lands presently owned by the City of Orangeburg; said right-of-way including the right and privilege of entry upon said premises at all times for the purpose of locating, laying, constructing and building, its sewer pipes or mains and manholes, and of using, maintaining, operating and repairing its said system of sewerage, sewer pipes, mains and manholes, and for all other purposes whatsoever necessary and property in and about the said sewerage system, including the right to cut trees, remove stumps and other debris from the right-of-way for so long as the said system of sewerage shall be continued, kept, operated and maintained by the said City of Orangeburg, its successors and assigns.

This deed is given pursuant to Ordinance duly adopted by the City of Orangeburg on June 4, 1985.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said A. D. Limehouse, Trustee, her Successors, ----- Heirs and Assigns forever.

And the said City of Orangeburg -----does hereby bind itself -----  
-----and its successors, to warrant and forever defend all and singular the said premises  
Successors,  
unto the said A. D. Limehouse, Trustee, her /Heirs and Assigns, against itself and its successors  
and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF, City of Orangeburg ----- has caused  
(Insert name of Corporation)  
these presents to be executed in its name by E. O. Pendarvis, ----- its Mayor ----  
(Insert name of President or Vice-President)  
~~Respectfully~~ and ~~by~~ attested by Carol Ann B. Kennerly, ----- its Clerk ----  
(Insert name of Secretary or Treasurer)  
and its corporate seal to be hereto affixed this 5th day of June -----  
in the year of our Lord, one thousand nine hundred and eighty-five -----, and in the ~~one~~ two  
hundred and ninth -----year of the Sovereignty and Independence of the United  
States of America.

Signed, Sealed and Delivered  
in Presence of

Hazel C. Linn  
Witness  
Ann A. Muebery  
Witness

ATTEST:

CITY OF ORANGEBURG

(Seal)

By

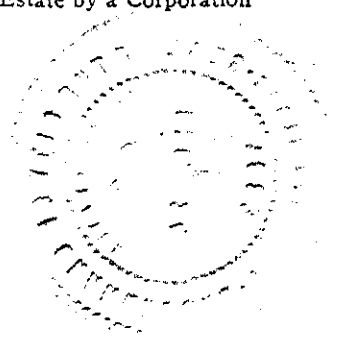
E. O. Pendarvis  
E. O. Pendarvis, Mayor

Carol Ann B. Kennerly  
Carol Ann B.  
Kennerly, Clerk



The State of South Carolina,

County of Orangeburg.



KNOW ALL MEN BY THESE PRESENTS, That

City of Orangeburg -----

in the State aforesaid,----- in consideration of the sum of

Eight Hundred Sixty-four and no/100 (\$864.00) -----Dollars

to it in hand paid at and before the sealing of these presents, by A. D. Limehouse, Trustee, P. O. Box 627, Orangeburg, S. C. 29116-0627, -----  
in the State aforesaid,----- (the receipt whereof is hereby acknowledged)

has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release, unto the said  
A. D. LIMEHOUSE, TRUSTEE:

All that certain piece, parcel or lot of land situate, lying and being about one and one-half (1½) miles east of the corporate limits of the City of Orangeburg, Orange Township, School District 5 (outside), Orangeburg County, South Carolina, containing 2.88 acres as set forth and shown on a plat of property surveyed for Department of Public Utilities, City of Orangeburg, S. C., made by B. P. Barber and Associates, Inc., Engineers, dated August 26, 1976, and bounded generally as follows: Southwest, West and Northwest by other property of A. D. Limehouse, Trustee; on the North and Northeast by other property of A. D. Limehouse, Trustee; on the East by Tract (A) on said plat, property formerly of A. D. Limehouse, Trustee, now of City of Orangeburg, and on the South by a 0.26-acre tract, property formerly of A. D. Limehouse, Trustee, now of Curtis Johnson; the same having such shape, size, area, courses, distances, boundaries and measurements as shown on said plat which is incorporated herein and made a part of this description by reference. Being the same property conveyed to the City of Orangeburg by School District 5 of Orangeburg County dated September 17, 1968 and recorded in said Clerk's office in Deed Book 312 at page 19.

The City of Orangeburg reserves unto itself a right-of-way, 15 feet in width in, through and over the premises above conveyed, said right-of-way being set forth and shown on a drawing entitled "Sketch Showing Location Of 15' Sanitary Sewer Easement On Property Off Shadow Lawn Dr. & Old Cameron Rd. A. D. Limehouse, Trustee", dated April 30, 1958, said right-of-way commencing at a point on said sketch designated as M.H. Sta.10+14', thence extending in an easterly direction to a point designated as M.H. Sta.10+09', thence extending in a southeasterly direction to a point designated as M.H. Sta.6+54', thence extending in an easterly direction to a point designated as M.H. Sta.5+31', thence turning and extending in a northeasterly direction to a point designated as M.H. Sta.4+69', thence turning and extending in an easterly direction to the common boundary line between the property described hereinabove and property formerly of A. D. Limehouse, Trustee, now of the City of Orangeburg, and thence

OLD CAMERON RD.

SHADOW LAWN DR.

A.D. LIMEHOUSE TRUSTEE

A.D. LIMEHOUSE, TRUSTEE

A.D. LIMEHOUSE TRUSTEE

A.D. LIMEHOUSE TRUSTEE

CITY OF ORANGEBURG

S.C. HWY. 33

M.H. Sta. 11+29'

M.H. Sta. 10+14'

M.H. Sta. 10+09'

15' SAN. SEWER EASEMENT

M.H. Sta. 6+54'

8" SANITARY SEWER

M.H. Sta. 5+31'

M.H. Sta. 4+69'

M.H. Sta. 3+12'

15' SAN. SEWER EASEMENT

M.H. Sta. 1+63'

8" SANITARY SEWER



DEPARTMENT OF PUBLIC UTILITIES  
Orangeburg S.C.

SKETCH SHOWING LOCATION- OF 15'  
SANITARY SEWER EASEMENT ON  
PROPERTY OFF SHADOW LAWN DR. &  
OLD CAMERON RD. A.D. LIMEHOUSE, Trustee

DATE: APRIL 30, 85

SCALE: 1" = 100'

1985-15

AN ORDINANCE  
PROVIDING FOR THE ISSUANCE AND SALE OF A FIVE HUNDRED  
THOUSAND DOLLARS (\$500,000) GENERAL OBLIGATION PUBLIC  
BUILDING BOND OF 1985 OF THE CITY OF ORANGEBURG, SOUTH  
CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS  
SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND  
OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE MAYOR AND 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 bond provided for herein, the City  
Council of the City of Orangeburg, South Carolina (Council),  
the governing body of the City of Orangeburg, South Carolina  
(City), finds that the facts set forth in this Article exist  
and the statements made with respect thereto are in all  
respects true and correct:

1. Pursuant to the provisions of Sections 5-21-210,  
et. seq., Code of Laws of South Carolina, 1976, as amended  
and supplemented by those provisions of Act No. 125 of the  
1977 Acts of the South Carolina General Assembly, now  
codified as Section 11-27-40 of the Supplement to the  
aforesaid Code, (collectively, the Enabling Act), the City  
is empowered to issue general obligation bonds for any  
"authorized purpose" as defined therein.

2. The City proposes to acquire, construct and equip a  
maintenance garage for repair of all City owned equipment  
(the Project).

Section 1.02.

The assessed value of all taxable property in the City for the year 1984, which is the last completed assessment thereof, is the sum of \$21,335,412. The City may incur (under the applicable 8% constitutional debt limitation established by Article X of the South Carolina Constitution) bonded indebtedness without referendum in the aggregate principal sum of \$1,706,833. The City presently has no outstanding general obligation indebtedness chargeable against this debt limitation. Thus, the City may issue the bond authorized by this Ordinance without the necessity of an election.

Section 1.03.

The Enabling Act authorizes the City to issue general obligation bonds maturing not later than eight years from the date of issuance and in an amount not exceeding \$500,000 at private sale and without advertisement if not less than ten days prior to delivery, notice of intention to sell such bonds at private sale shall be given by publication in a newspaper of general circulation in the City.

Council has determined that it would be most advantageous to informally call for bids for the sale of the Bond from banks maintaining branches and doing business in the City and/or others and to thereafter effect a "private" sale of the Bond in accordance with Paragraph 4 of Section 11-27-40.

Finally, Council is desirous of utilizing the provisions of Section 11-27-40(3) Code of Laws of the State of South Carolina 1976, as amended, which limits the period within which taxpayers of the City may file a petition requesting that this Ordinance be repealed.

Council intends to observe all of the foregoing requirements.

## ARTICLE II

### ISSUANCE OF THE BOND

#### Section 2.01

Pursuant to the provisions of the Enabling Act, and for the purpose of raising the sum of \$500,000 for the Project there shall be issued a Five Hundred Thousand Dollars (\$500,000) General Obligation Bond Public Building Bond of 1985 of the City of Orangeburg, South Carolina (the Bond). The Bond shall be designated GENERAL OBLIGATION PUBLIC BUILDING BOND OF 1985.

#### Section 2.02.

The Bond shall be in denomination of \$500,000, shall be numbered R-1, and shall be payable to the order of the purchaser.

The Bond shall be dated the first day of October, 1985, and shall mature, in annual series or installments, in numerical order as follows:

\$100,000 on October 1, 1986;  
\$100,000 on October 1, 1987;  
\$100,000 on October 1, 1988;  
\$100,000 on October 1, 1989; and  
\$100,000 on October 1, 1990.

The Bond shall not be subject to redemption prior to maturity.

Section 2.03

The Bond shall bear such rate or rates of interest, payable April 1 and October 1 of each year commencing April 1, 1986, as shall at the sale of the Bond reflect the lowest interest cost to the City, at a price of not less than par and accrued interest to the date of delivery, but:

- (a) the principal amount of each maturity shall bear the same rate of interest;
- (b) if the net interest cost in the lowest bid is in excess of 7% per annum, the award of the Bond shall be subject to the approval of the State Budget and Control Board;
- (c) no rate of interest named shall be more than  $1\frac{1}{2}\%$  higher than the lowest rate of interest named;
- (d) each interest rate named shall be a multiple of  $\frac{1}{20}$ th of 1%; and
- (e) any premium offered must be paid in cash as a part of the purchase price.

For the purposes of this Section, interest cost shall mean the aggregate of interest on the Bond from the date of the Bond, until its respective maturities, less any sum named by way of premium.

Section 2.04

Both the principal of and interest on the Bond shall be payable to the purchaser 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 such purchaser. Payments of

principal and interest shall be noted on the "Schedule of Payments" attached to the Bond.

Section 2.05

The Bond shall be executed in the name of the City, by the Mayor, attested by the Clerk of Council, under the Seal of the City, impressed thereon.

Section 2.06

Both the principal of and interest on the Bond 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.

Section 2.07

For the payment of the principal of and interest on the Bond as the same respectively mature, the full faith, credit and taxing power of the City of Orangeburg, South Carolina, are hereby irrevocably pledged, and there shall be levied annually and collected a tax on all taxable property in the City, sufficient to pay the principal of and interest on the Bond as the same become due.

Section 2.08

The Finance Director of the City shall be notified of this issue and be directed to levy and collect, respectively, upon all taxable property in the City an annual tax sufficient to meet the payment of the principal

of and interest on the Bond as the same respectively become due, and to create such sinking fund as may be necessary therefor.

Section 2.10

The Bond shall be in form substantially as follows:

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
THE CITY OF ORANGEBURG  
GENERAL OBLIGATION PUBLIC BUILDING  
BOND OF 1985

No. R-1

\$ \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY OF ORANGEBURG, SOUTH CAROLINA, is justly indebted, and, for value received, hereby promises to pay to the order of

\_\_\_\_\_ the sum of

FIVE HUNDRED THOUSAND DOLLARS

as follows:

\$100,000 on October 1, 1986;  
\$100,000 on October 1, 1987;  
\$100,000 on October 1, 1988;  
\$100,000 on October 1, 1989; and  
\$100,000 on October 1, 1990.

and to pay 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, 1986. Both the principal of and interest on this bond are payable at the principal office of \_\_\_\_\_, in the City of Orangeburg, State of South Carolina, 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. For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit and taxing power of the City of Orangeburg, South Carolina, are hereby irrevocably pledged.

This bond constitutes an issue of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) General Obligation Public Building Bond of 1985 issued for the purposes authorized by and pursuant to Sections 5-21-210, et. seq., Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the City Council of the City of Orangeburg. This bond is not subject to redemption prior to its maturity.

This bond is transferable at the office of the Finance Director of the City of Orangeburg, South Carolina.

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, that the total indebtedness of the City of Orangeburg, South Carolina, including this bond, does not exceed any constitutional or

statutory limitation thereon, and that provision has been made for the levy and collection of sufficient annual taxes, without limit, for the payment of the principal and interest hereof, as the same shall fall due.

IN WITNESS WHEREOF, THE CITY OF ORANGEBURG, SOUTH CAROLINA, has caused this bond to be signed by its Mayor, attested by the Clerk of City Council, under the Seal of the City, impressed hereon, and this bond to be dated the first day of October, 1985.

THE CITY OF ORANGEBURG,  
SOUTH CAROLINA

(SEAL)

BY \_\_\_\_\_ (Exhibit)  
Mayor

Attest:

\_\_\_\_\_  
(Exhibit)  
Clerk to City Council of the  
City of Orangeburg, South Carolina

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

AT THE REQUEST of the holder, the within bond has been registered as to principal and interest in accordance with the provisions contained therein.

| <u>DATE OF</u><br><u>REGISTRATION</u> | <u>NAME OF</u><br><u>REGISTERED HOLDER</u> | <u>SIGNATURE OF</u><br><u>CITY ADMINISTRATOR</u> |
|---------------------------------------|--|--|
| _____                                 | _____                                      | _____  |
| _____                                 | _____                                      | _____  |
| _____                                 | _____                                      | _____  |
| _____                                 | _____                                      | _____  |

### PREPAYMENT SCHEDULE

Principal installments on which payments have been made prior to maturity:

| Principal Due<br>Date | Amount | Principal<br>Payment | Balance | Date<br>Paid | Signature and<br>Title of<br>Officer of<br>Registered<br>Holder |
|-----------------------|--------|----------------------|---------|--------------|---|
|                       |        |                      |         |              |   |
|                       |        |                      |         |              |   |
|                       |        |                      |         |              |   |
|                       |        |                      |         |              |   |
|                       |        |                      |         |              |   |

#### Section 2.11

In the event the Bond is mutilated, lost, stolen, or destroyed, the City shall cause to be executed and delivered a new bond of like tenor as that mutilated, lost, stolen, or destroyed, provided that (a) in the case of any such mutilated bond, such bond is first surrendered to the City, and (b) in the case of any such lost, stolen, or destroyed bond, there is first furnished evidence of such loss, theft, or destruction satisfactory to the City and also upon the furnishing of indemnity satisfactory to the City. No service charge shall be made for any such transaction, but a charge may be made to cover any actual expense involved.

### ARTICLE III

#### SALE OF THE BOND

##### Section 3.01

Bids for the sale of the Bond authorized hereby shall be received by City Council at a time specified by the Mayor. Not less than two days prior to the date fixed for the receipt of bids for the sale of the Bond a written notice shall be sent by the Mayor to such banking institutions as he shall determine requesting bids therefor, and shall be in such form as shall be prescribed by him. The written notice may be mailed prior to the second reading of this Ordinance. Upon receipt of the bids, the Mayor shall award the Bond to the bidder offering the lowest rate of interest or, if more than one bidder shall name the same lowest rate of interest, then to that one of such bidders as shall offer the greatest premium; PROVIDED, that if it should happen that tie bids are received, the Bond shall be awarded jointly, and if for any reason bids shall not be awarded pursuant to the provisions of this Section, then the Mayor shall be, and he is hereby authorized and empowered to negotiate with one or more banks and/or others for the sale of the Bond. Any bid in excess of 7% shall be subject to the approval of the South Carolina State Budget and Control Board. The right is reserved to reject all bids.

Section 3.02

The Mayor is hereby authorized to act on behalf of City Council and to award the Bond hereby authorized to the lowest bidder at the sale thereof which award is to be evidenced by a written instrument executed in the name of and on behalf of the City by the Mayor. The Mayor is further authorized to name the Registrar and Paying Agent for the Bond.

ARTICLE IV

DISPOSITION OF PROCEEDS OF SALE OF THE BOND

Section 4.01

The proceeds derived from the sale of the Bond issued pursuant to this Ordinance shall be paid to the Finance Director and deposited in a Bond Account Fund for the City, and shall be expended and made use of by Council as follows:

- (a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on the Bond;
- (b) Any premium shall be applied to the payment of the first installment of principal of the Bond;
- (c) The remaining proceeds shall be expended, upon the warrant or order of City Council, for the following purposes:
  - (i) to defray the cost of issuing the Bond;
  - (ii) to make the payments referred to in Section 1.01 herein.

PROVIDED, that no purchaser or holder of the Bond shall be liable for the proper application of the proceeds thereof.

ARTICLE V

DEFEASANCE

Section 5.01

If the City shall:

(a) pay or cause to be paid the principal of and interest on the Bond at the time and in the manner stipulated therein, or

(b) provide for the payment of principal of the Bond and interest thereon by depositing with the Paying Agent of the Bond at, or at any time before, maturity amounts sufficient either in cash or in direct obligations of or obligations fully guaranteed as to principal and interest by the United States of America, the principal and interest on which when due and payable (or redeemable at the option of the holder thereof but not at the option of the issuer thereof) and without consideration of any reinvestment thereof shall be sufficient, to pay the entire amount due or to become due thereon for principal and interest to maturity of all Bonds outstanding,

then and in that case the Bond shall be deemed to be paid and discharged.

ARTICLE VI

DIRECTION TO PUBLISH

Section 6.01

The Clerk is hereby directed to publish at the appropriate time notice to comply with the provisions of

14  
Paragraphs 4 and 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended, the form of which is attached hereto as Exhibit A.

ARTICLE VII

EFFECTIVE DATE


Section 7.01

This Ordinance shall take effect upon its third reading.

(SEAL)

  
Mayor

Attest:

  
Clerk to City Council of the  
City of Orangeburg, South  
Carolina

First Reading given: August 6, 1985  
Second Reading given: August 20, 1985  
Third Reading given: September 3, 1985

1985-15-B

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF FOUR MILLION FIVE  
HUNDRED THOUSAND DOLLARS (\$4,500,000) COMBINED PUBLIC  
UTILITY SYSTEM REVENUE BONDS OF 1985 OF THE CITY OF  
ORANGEBURG, SOUTH CAROLINA, AND OTHER MATTERS RELATING  
THERE TO.



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

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings of Fact

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

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

2. Pursuant to Elections heretofore duly held in Orangeburg, and in full compliance with the Constitution and Statutes of the State of South Carolina, 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 Orangeburg by the Statute now codified as Section 6-21-40, Code of Laws of South Carolina, 1976, 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 (herein called the "System").

4. Pursuant to an Ordinance adopted February 26, 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 Orangeburg and serves persons residing in Orangeburg and in the territory surrounding Orangeburg.

6. The System is operated 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 of the System have been previously hypothecated to meet the payment of the principal and interest of the following issues of parity bonds now outstanding:

(a) The outstanding \$360,000 of an original issue of \$1,500,000 Combined Public Utility System Revenue Bonds dated April 1, 1964, sold at public sale and awarded to Phelps Fenn & Co. at an average interest rate of 3.1968%. The Bonds of 1964 mature as follows:

\$180,000 on April 1 in each of the years 1986 and 1987, inclusive.

(b) The outstanding \$875,000 of an original issue of \$2,000,000 Combined Public Utility System Revenue Bonds, Series of 1967, dated April 1, 1967, sold at public sale and awarded to Phelps Fenn & Co. at an average interest rate of 3.57%. The Bonds of 1967 mature as follows:

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

(c) The outstanding \$1,300,000 of an original issue of \$3,000,000 Combined Public Utility System Revenue Bonds, Series of 1971, dated April 1, 1971, sold at public sale and awarded to Phelps Fenn & Co. at an average interest rate of 4.8581%. The Bonds of 1971 mature as follows:

\$200,000 on April 1 in each of the years 1986 and 1987; and

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

(d) The outstanding \$1,500,000 of an original issue of \$3,000,000 Combined Public Utility System Revenue Bonds, Series of 1975, dated September 1, 1975, sold at public sale and awarded to White Weld & Co. at an average interest rate of 6.80994%. The Bonds of 1975 mature as follows:

\$150,000 on April 1 in each of the years 1986 to 1995, inclusive.

(e) The outstanding \$375,000 of an original issue of \$1,500,000 Combined Public Utility System Revenue Bonds, Series of 1976, dated July 1, 1976, sold at public sale and awarded to Merrill Lynch Pierce Fenner & Smith at an average interest rate of 4.88566%. The Bonds of 1976 mature as follows:

\$125,000 on April 1 in each of the years 1986 to 1988, inclusive.

8. The Ordinances authorizing the issuance of the bonds described in Sections (a) through (e) of Paragraph 7 permit the issuance of further bonds on a parity therewith, on the following conditions:

(1) They be issued to secure funds to defray the cost of improving, extending, enlarging or repairing the System or to obtain funds to refund 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) The requirements for the Cushion Fund established for any bonds payable from the revenues of the System shall have been met;

(4) The Ordinance authorizing the issuance of Additional Bonds establishes a Bond and Interest Fund similar to that established for the outstanding bonds;

(5) The Ordinance authorizing the issuance of Additional Bonds establishes a Cushion Fund into which payments proportionate in amount to those required for the outstanding 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 Bonds on a parity, and on all Additional Bonds then issued, and on all Additional Bonds then proposed to be issued; and

(7) Such Additional Bonds shall be expressed to mature on April 1 in each of the years in which



they mature and the interest thereon shall be payable April 1 and October 1 in the years in which interest shall be payable thereon.

9. Improvements to the System are now required. The System has entered into contracts to buy diesel units originally made for TVA which will allow the utility to accomplish peak shaving. The purchase price of the two units is a total of \$1,890,000 and the cost of having them brought up to 1985 standards is \$332,430 each for a total of \$664,860. The units together with power transformers, vacuum circuit breakers, a cooling tower, an 80 x 90 foot pre-engineered building and other power plant components will be placed on a twenty acre site off U. S. Highway 178 (North Road) behind an existing substation at a total cost in excess of \$5,000,000. Other capital improvements include \$2,000,000 needed for water and wastewater and \$800,000 for completion of a 115 KV transmission loop.

Engineers employed by Orangeburg estimate that the cost of the improvements will be not less than Seven Million Eight Hundred Thousand Dollars (\$7,800,000). Careful consideration has been given to the necessity for the improvements and it has been determined that if proper services are to be maintained, the improvements should be installed. Consideration has also been given to the manner in which the money required for the improvements should be raised, and it has been determined that an issue of Four Million Five Hundred Thousand Dollars (\$4,500,000) of

Combined Public Utility System Revenue Bonds should be sold, with due regard being given to the conditions set forth in Paragraph 8 of Section 1.01, in order that the bonds to be issued will be on a parity with the outstanding bonds described in Paragraph 7 above. Of this sum, \$4,000,000 will be used to defray the cost of the improvements and the remaining \$500,000 will be deposited to the Cushion Fund created herein. Other sources of funding the improvements include the transfer of \$2,800,000 from the existing construction fund which has been funded through retained earnings and an additional \$1,000,000 which will be funded through future earnings. In the event future earnings are insufficient for this purpose, funds presently on hand in the Gross Revenue Fund in excess of \$1,000,000 will be applied to this purpose.

10. In making such determination, City Council has found:

(1) That the proceeds of such bonds will be used for a permitted purpose, viz., improving, extending and enlarging the System.

(2) No default in the payment of principal or interest of the bonds described in Paragraph 7 has taken place.

(3) There exists in the Cushion Funds established for each issue of bonds described in Paragraph 7 the aggregate of the sums prescribed therefor.

(4) There is established by this Ordinance a Bond and Interest Fund of the sort required and a Cushion Fund substantially similar to that required in light of existing U. S. Treasury Regulations relating to a reasonably required reserve fund.

(5) The net earnings for the two fiscal years ended September 30, 1983 and 1984 are such that they permit the issuance of the bonds authorized by this Ordinance.

11. In the light of findings heretofore made, City Council, pursuant to authorizations of Sections 6-21-10 to 6-21-570, inclusive, Code of Laws of South Carolina, 1976, as amended, herewith undertakes to make provision for the issuance of Four Million Five Hundred Thousand Dollars (\$4,500,000) Combined Public Utility System Revenue Bonds of 1985 of Orangeburg, South Carolina.

12. The City Council has consulted with the Engineers employed in connection with the proposed improvements to the System and has been advised that all of the proceeds to be derived from the issue of bonds herein provided for will be expended not later than three years from the date of the bonds authorized hereby; and accordingly, the City Council will be able to certify upon such reasonable grounds that the bonds herein provided for are not "arbitrage" bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended.

## ARTICLE II

### DEFINITIONS, CONSTRUCTION AND INTERPRETATIONS

#### Section 2.01 Definition of Ordinance

This ordinance may be hereafter cited and is hereafter sometimes referred to as the Bond Ordinance or this Bond Ordinance.

#### Section 2.02 Defined Terms

In the Bond Ordinance unless a different meaning clearly appears from the context:

"Additional Bonds" means additional revenue bonds, payable from the revenues pledged to the payment of all bonds whose claim to the revenues of the System will be on a parity with the claim thereto of the Bonds. Such Additional Bonds shall constitute Bonds on a Parity as such term is hereafter defined.

"Authorized Investments" mean and include any of the following securities, if and to the extent that the same are at the time legal for investment of the City's funds:

- i) Obligations of the United States and agencies thereof;
- ii) General obligations of the State of South Carolina or any of its political units;
- iii) Savings and Loan Associations to the extent that the same are insured by an agency of the federal government;
- iv) Certificates of deposit where the certificates are collaterally secured by securities of the type described in (i) and (ii) above held by a third party as escrow agent or custodian, of a market value of not less than the amount of the certificates of deposit so secured, including interest; provided, however, such collateral shall not

be required to the extent the same are insured by an agency of the federal government; or

- (v) Repurchase agreements with banks which are members of the Federal Deposit Insurance Corporation, the underlying securities of the type described in (i) and (ii) above and which are fully collateralized by obligations of the same type.

"Authorized Officer" means the Manager of the Public Utility System of the City of Orangeburg and any other officer or employee of the City designated from time to time as an Authorized Officer by resolution of City Council, and when used with reference to any act or document also means any other person authorized by ordinance of City Council to perform such act or sign such document.

"Bonds" means the Combined Public Utility System Revenue Bonds of 1985 of the City of Orangeburg, South Carolina, dated as of September 1, 1985, which are authorized by this Bond Ordinance. Bonds shall constitute "Bonds on a Parity".

"Bonds on a Parity" means and include all of the Bonds and the Additional Bonds at any time Outstanding. Bonds on a Parity shall include the bonds described in paragraph (a) through (e) of Paragraph 7 of Section 1.01.

"Bondholder" or "Registered Holders" or "Holders of Bonds", or any similar term, when used with reference to a Bond or Bonds, means any person who shall be the registered in the registration books maintained by the Registrar as the owner of any Outstanding Bond or Bonds.

"Bond and Interest Fund" means 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 of the Bond Ordinance.

"Bond Payment Date" means each April 1 and October 1 on which interest on any of the Bonds shall be payable or on which both a Principal Installment and interest shall be payable.

"City" means the City of Orangeburg, in Orangeburg County, South Carolina.

"City Council" means the City Council of the City of Orangeburg, South Carolina.

"City Request" means a written request of Orangeburg signed by an Authorized Officer.

"Consulting Engineers" means any independent firm of consulting engineers having a national reputation for skill and experience in the operation of utilities.

"Construction Fund" means the fund derived from the proceeds of the sale of the Bonds, exclusive of the \$500,000 deposited to the Cushion Fund, 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.

"Contingent Fund" means the fund established to provide for contingencies and for extensions and improvements to the System.

"Corporate Trust Office" when used with respect to any Paying Agent or Registrar means the office at which its principal corporate trust business shall be administered.

"Cushion Fund" means 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.

"Cushion Fund Requirement" means an amount equal to \$500,000, which sum will be deposited from the proceeds of the Bonds.

"Custodian" as applied to any fund created or continued by the Bond Ordinance means the bank or other financial institution with which such fund shall be deposited and whose duties with respect thereto shall be as defined herein.

"Depreciation Fund" means the fund designed to provide for the replacement of depreciated or obsolete parts of the System.

"Enabling Act" means Sections 6-21-10 to 6-21-570, inclusive, Code of Laws of South Carolina, 1976, as amended, authorizing and enabling Orangeburg to adopt this Bond Ordinance.

"Fiduciary" means the Paying Agent or the Registrar and their successors and assigns.

"Fiscal Year" means the period of 12 calendar months, beginning on October 1 of each year and ending with September 30 of the succeeding year.

"Gross Revenue Fund" means the fund comprised of all receipts, income and revenue derived from the operation of the System.

"Gross Revenues" or "Gross Revenues of the System" means all of the receipts, income and revenues derived from the operation of the System.

"Improvements" relates to the improvements referred to in Paragraph 9 of Section 1.01, which are to be constructed with the proceeds of the Bonds.

"Net Earnings of the System" shall have the meaning given to such term by the provisions of Section 8.02 of this Bond Ordinance.

"Orangeburg" means the City of Orangeburg, in Orangeburg County, South Carolina.

"Outstanding" when used in this Bond Ordinance with respect to any Bonds on a Parity means, as of any date, all Bonds on a Parity theretofore or then being issued and delivered except:

- (a) any Bonds on a Parity cancelled or delivered to the Registrar for cancellation at or prior to such date;
- (b) Bonds on a Parity in lieu of or in substitution for which other Bonds on a



Parity shall have been authenticated and delivered; and

- (c) Bonds on a Parity (or any portion thereof) deemed to have been paid as provided in Article XX, and, with respect to Additional Bonds, any provision of the ordinance authorizing the issuance of such Additional Bonds which is analogous to Section 20.01 hereof.

"Paying Agent" means any bank, trust company or national banking association which is authorized to pay the principal or Redemption Price of or interest on any Bonds and having the duties, responsibilities and rights provided for in this Ordinance, and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Paying Agent may also act as Registrar.

"Person" means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

"Principal Installment" means, as of any date of calculation, the principal amount of all Bonds due on a specified date.

"Purchaser" means the person, firms, or corporations who shall purchase the Bonds at the sale thereof, herein provided for, and their successors and assigns.

"Record Date" means the 15th day of the month next preceding each Bond Payment Date.

"Redemption Price", when used with respect to a Bond or portion thereof to be redeemed, means the principal amount of such Bond or such portion thereof plus the applicable premium, if any, payable upon redemption thereof pursuant to the Ordinance.

"Registrar" means any bank, trust company, or national banking association which is authorized to maintain an accurate list of those who from time to time shall be the Holders of the Bonds and shall effect the exchange and transfer of Bonds in accordance with the provisions of this Ordinance and having the duties, responsibilities, and rights provided for in this Ordinance and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Registrar may also act as Paying Agent.

"System" means: (a) the existing Waterworks System of the City of Orangeburg; (b) the existing Sewage Disposal 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, including the new waste treatment plant to be constructed with the proceeds of the Bonds; and (h) all interest in any of the foregoing that Orangeburg may at any time have.

#### Section 2.03 Interpretations

In this Bond Ordinance, unless the context otherwise requires:

- (a) Articles, Sections and Paragraphs referred to by number shall mean the corresponding Articles, Sections and Paragraphs of this Bond Ordinance.
- (b) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations, or other legal entities including public bodies, as well as natural persons.
- (c) The terms "hereby", "hereof", "hereto", "herein", "hereunder", and any similar terms, as used in this Bond Ordinance refer to this Bond Ordinance or Sections or paragraphs of this Bond Ordinance and the term "hereafter"

means after the date of adoption of the Bond Ordinance.

(d) References to the payment of principal of Bonds shall be deemed to include payment of principal both at maturity and by mandatory redemption pursuant to sinking fund payment obligations.

(e) If, because of the temporary or permanent suspension of the publication or general circulation of any financial journal or for any other reason, it is impossible or impractical to publish any notice pursuant to this Bond Ordinance in the manner herein provided, then such publication in lieu thereof as shall be made with the approval of the Paying Agent of the Bonds shall constitute a sufficient publication of such notice.

ARTICLE III

FISCAL YEAR

Section 3.01 Establishment of Fiscal Year

The System shall continue to operate on a fiscal year basis, which shall commence on October 1 of each year and shall end on September 30 of the succeeding year.

ARTICLE IV  
APPROVAL OF ESTIMATE OF COST  
AND ORDERING CONSTRUCTION OF  
IMPROVEMENTS

Section 4.01 Basis for Issuance of Bonds

On the basis of advices received and estimates duly made, City Council estimates that it must expend not less than Four Million Five Hundred Thousand Dollars (\$4,500,000) to effect the Improvements and to fund the Cushion Fund to the extent of the Cushion Fund Requirement. Such estimate is hereby approved and the construction of the Improvements and the funding of the Cushion Fund is hereby ordered.

## ARTICLE V

### ISSUANCE OF BONDS

#### Section 5.01 Ordering the Issuance of the Bonds

Pursuant to the Enabling Act and in order to provide the funds necessary to defray the cost of the Improvements, there shall be issued Four Million Five Hundred Thousand Dollars (\$4,500,000) Combined Public Utility System Revenue Bonds of 1985 of the City of Orangeburg, South Carolina.

#### Section 5.02 Maturity Schedule of Bonds

The Bonds shall mature on April 1 in the years and principal amounts as follows:

| <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|
| 1988        | \$175,000     | 1995        | \$375,000     |
| 1989        | 225,000       | 1996        | 400,000       |
| 1990        | 250,000       | 1997        | 425,000       |
| 1991        | 275,000       | 1998        | 450,000       |
| 1992        | 300,000       | 1999        | 450,000       |
| 1993        | 325,000       | 2000        | 500,000       |
| 1994        | 350,000       |             |               |

#### Section 5.03 Rates of Interest

The Bonds shall bear such rate or rates of interest, payable on April 1 and October 1 of each year, beginning April 1, 1986, at which time interest for seven months shall be due, 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) if the net interest cost in the lowest bid is in excess of 7% per annum, the award of the Bonds will be subject to the approval of the South Carolina State Budget and Control Board.

- (c) no rate of interest named shall be more than 2% higher than the lowest rate of interest named;
- (d) each interest rate named shall be a multiple of 1/20th of 1%; and
- (e) any sum named by way of premium shall be paid in cash as a part of the purchase price.

For the purpose of this Section, interest cost shall mean the aggregate of interest on all Bonds from September 1, 1985, until their respective maturities, less any sum named by way of premium.

Section 5.04 Provision for Payment of Interest on the Bonds

The Bonds shall be authenticated on such dates as they shall, in each case, be delivered. The Bonds shall bear interest from the date to which interest has been paid next preceding the authentication date thereof; provided, however, if the authentication date of any Bond is a April 1 or an October 1, such Bond or Bonds shall bear interest from the earlier of such authentication date or the date to which interest has last been paid; provided further, however, that if the authentication date of any Bond precedes April 1, 1986 (the first interest payment date) or if Orangeburg shall fail to pay interest on April 1, 1986 then such Bond or Bonds shall bear interest from September 1, 1985 (the dated date of the Bonds.) The interest to be paid on any April 1 or October 1 shall be paid to the Person in whose name such Bond is registered at the close of business on the Record Date next preceding such Bond Payment Date.



Section 5.05 Medium of Payment; Form and Denomination of Bonds; Place of Payment of Principal

(a) The Bonds shall be payable as to Principal Installment or Redemption Price and interest 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.

(b) The Bonds shall be issued in the form of fully registered Bonds. The Bonds shall be issued in the denomination of \$5,000 or any whole multiple thereof, not exceeding the principal amount of the Bonds maturing in such year. The Bonds shall be numbered in such fashion as to maintain a proper record thereof.

(c) The Principal Installment or Redemption Price of all Bonds shall be payable at the Corporate Trust Office of the Paying Agent. Payment of the interest on each Bond shall be made by the Paying Agent to the Person appearing on each Record Date on the registration books maintained by the Registrar, as the Registered Holder thereof, by check or draft mailed to such Registered Holder at his address as it appears on such registration books in sufficient time to reach such registered owner on the Bond Payment Date. Payment of the Principal Installment or Redemption Price of all Bonds shall be made upon the presentation and surrender for cancellation of such Bonds to the Paying Agent as the same shall become due and payable.

Section 5.06 Agreement to Maintain Registrar and Paying Agent

As long as any of the Bonds remain Outstanding there shall be a Registrar and a Paying Agent each of which shall be a financial institution maintaining Corporate Trust Offices. The Bonds may be presented for registration of transfers and exchanges to, and notices and demands to or upon Orangeburg in respect of the Bonds may be served upon, the Corporate Trust Office of the Registrar. The Bonds may be presented for payment, exchange and transfer at the Corporate Trust office of the Paying Agent. Initially, The Citizens and Southern National Bank of South Carolina shall act as both Paying Agent and Registrar.

Section 5.07 Execution and Authentication

(a) The Bonds shall be executed in the name and on behalf of Orangeburg by the facsimile signature of the Mayor of Orangeburg, with its corporate seal (or a facsimile thereof) impressed, imprinted or otherwise reproduced thereon, and attested by the facsimile signature of the Manager of its Public Utility System. Bonds bearing the facsimile signature of such Mayor or Manager who shall have been such Mayor or Manager at the time such Bonds were so executed shall bind Orangeburg notwithstanding the fact that either may have ceased to be such Mayor or Manager prior to the authentication and delivery of such Bonds or was not

such Mayor or Manager at the date of the authentication and delivery of the Bonds.

(b) No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless there shall be endorsed on such Bond a certificate of authentication in the form set forth in the form of Bond attached as Exhibit "B" to this Ordinance, duly executed by the manual signature of an authorized officer of the Registrar and such certificate of authentication upon any Bond executed on behalf of Orangeburg shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Registered Holder thereof is entitled to the benefit of the terms and provisions of the Ordinance.

#### Section 5.08 Exchange of Bonds

Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the Registered Holder or his duly authorized attorney, may, at the option of the Registered Holder thereof, be exchanged for an equal aggregate principal amount of Bonds in any authorized denomination of the same interest rate and maturity and containing the same redemption provisions. So long as any of the Bonds remain Outstanding, Orangeburg shall make all necessary provisions to permit the exchange of Bonds at the Corporate Trust Office of the Registrar.

#### Section 5.09 Transferability and Registry

All Bonds shall at all times, when the same are Outstanding, be payable, both as to Principal Installment, Redemption Price and interest to a Person, and shall be transferable, only in accordance with the provisions for registration and transfer contained in the Ordinance and in the Bonds. So long as any of the Bonds remain Outstanding, Orangeburg shall maintain and keep, at the office of the Registrar, books for the registration and transfer of Bonds, and, upon presentation thereof for such purpose at the Corporate Trust Office of the Registrar, Orangeburg shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it or the Registrar may prescribe, any Bond, except that only under the circumstances described in Section 5.17 hereof shall any Bond be registered or transferred to bearer. So long as any of the Bonds remain Outstanding, Orangeburg shall make all necessary provisions to permit the transfer of Bonds at the Corporate Trust Office of the Registrar.

#### Section 5.10 Transfer of Bonds

Each Bond shall be transferable only upon the registration books of Orangeburg, which shall be kept for such purpose at the Corporate Trust Office of the Registrar which shall be maintained for such purpose by the Registrar. Upon the presentation and surrender of any Bond by the Registered Holder of such Bond in person or by his attorney duly authorized in writing, together with a written

instrument of transfer satisfactory to the Registrar duly executed by the Registered Holder or his duly authorized attorney, a transfer of such Bond may be effected. Upon surrender for transfer of any such Bond, Orangeburg shall execute and the Registrar shall authenticate and deliver, in the name of the Person who is the transferee, one or more new Bonds of the same aggregate principal amount and maturity and rate of interest and containing the same redemption provisions as the surrendered Bond. All action taken by the Registrar pursuant to this section shall be deemed to be the action of Orangeburg.

Section 5.11 Regulations with Respect to Exchanges and Transfers

All Bonds surrendered in any exchanges or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of Bonds, Orangeburg or the Registrar may make a charge sufficient to reimburse it or them for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Registered Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Orangeburg shall not be obligated to (i) issue, exchange or transfer any Bond during the 15 days next preceding any Bond Payment Date, (ii) issue, exchange or transfer any Bond during a period beginning at the opening of business 15 days next preceding any selection of

Bonds to be redeemed and ending at the close of business on the date of the mailing of notice of such redemption, or (iii) transfer or exchange any Bonds called or being called for redemption in whole or in part.

Section 5.12 Mutilated, Destroyed, Lost and Stolen Bonds

(a) If any mutilated Bond is surrendered to the Registrar and the Registrar and an Authorized Officer of Orangeburg receive evidence to their satisfaction of the destruction, loss or theft of any Bond, and there is delivered to the Registrar and an Authorized Officer of Orangeburg such security or indemnity as may be required them to save the Fiduciaries and Orangeburg harmless, then, in the absence of notice that such Bond has been acquired by a bona fide purchaser, the then Mayor and the then Manager of the Public Utility System of Orangeburg shall execute, and upon City Request, the Registrar shall authenticate and deliver, in exchange for any such mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like tenor and principal amount, bearing a number unlike that of a Bond contemporaneously Outstanding. The Registrar shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or shall become due and payable within one year, Orangeburg in its discretion may, instead of issuing a new Bond, pay such Bond.

(b) Upon the issuance of any new Bond under this Section, Orangeburg may require the payment of a sum

sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of Orangeburg or the Fiduciaries connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost or stolen Bond, shall constitute an additional contractual obligation of Orangeburg, whether or not the destroyed, lost or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with any and all other Bonds duly issued pursuant to the Ordinance. All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds or securities.

#### Section 5.13 Security for Payment of Bonds

The Bonds shall be payable solely from, the revenues derived from the operation of the System in the manner herein provided and such revenues herewith made 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. The provisions of this Section shall not preclude the issuance of Additional Bonds

to rank on a parity with the Bonds, and to become Bonds on a Parity, if such Additional Bonds be issued under the conditions prescribed by Article VIII hereof.

Section 5.14 Registered Holder As Owner of Bond

Orangeburg, the Registrar and any Paying Agent may treat the Registered Holder of any Bond as the absolute owner thereof, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Principal or Redemption Price of and interest on such Bond and for all other purposes, and payment of the Principal, Redemption Price and interest shall be made only to, or upon the order of, such Registered Holder. All payments to such Registered Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither Orangeburg nor any Paying Agent shall be affected by any notice to the contrary.

Section 5.15 Cancellation of Bonds

The Registrar shall destroy all Bonds surrendered to it for cancellation and shall deliver a certificate to that effect to Orangeburg. No such Bonds shall be deemed Outstanding under the Ordinance and no Bonds shall be issued in lieu thereof.

Section 5.16 Payments Due on Saturdays, Sundays and Holidays

In any case where the Bond Payment Date or the date fixed for redemption of any Bonds shall be a Saturday or Sunday or shall be, at the place designated for payment, a



legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest on or Principal Installment or Redemption Price of the Bonds need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date or the date fixed for redemption, and no interest shall accrue for the period after such date.

Section 5.17 Conversion of Bonds into bonds in Coupon Form

Orangeburg finds that:

(a) as of the date of the adoption of this Ordinance § 310(b)(1) of the Tax Equity and Fiscal Responsibility Act of 1982, Public Law No. 97-248, provides that any debt obligation (defined therein in such fashion as to include the Bonds) required by § 310(b)(1) to be issued in registered form loses its exemption from Federal Income Taxation if it is not issued in registered form; and

(b) the constitutionality of the sanction imposed by § 310(b)(1) is under challenge in a proceeding pending in the Supreme Court of the United States (South Carolina v. Regan, No. 94, Original); and

(c) if the challenge spoken above is successful it may become possible to exchange the Bonds as originally issued in registered form to coupon bonds payable to bearer; and

(d) the right to effect the exchange, in the event such exchange does not disturb the tax exempt status of the interest on the Bonds, will enhance the marketability and value thereof.

On the basis on the foregoing findings, Orangeburg agrees that if it shall hereafter receive an opinion from a firm of nationally recognized bond counsel to the effect that the Bonds as then Outstanding in registered form may be converted into and exchanged for coupon bonds payable to bearer, and that the issuance of coupon bonds will not result in the imposition of any penalty upon Orangeburg, then under such circumstances, but at the expense of the then Bondholders, Orangeburg will, at the request of the then Bondholders, convert and exchange the Bonds as then Outstanding for coupon bonds payable to bearer in denomination of \$5,000 each of the same maturity, interest rate and containing the same redemption provisions and containing such other provisions as are generally applicable to coupon bonds payable to bearer and otherwise to be in such form as Orangeburg shall prescribe.

Section 5.18 Tax Exemption in South Carolina

Both the Principal Installment and interest on the Bonds 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.

Section 5.19 Form of Bonds

The form of the Bonds, and registration provisions to be endorsed thereon shall be substantially as set forth in Exhibit "B" attached hereto and made a part of this Ordinance.

## ARTICLE VI

### REDEMPTION OR PURCHASE OF BONDS

#### Section 6.01 Authorization of Redemption

All Bonds maturing subsequent to April 1, 1995, shall be subject to redemption, in whole or in part, but if in part in inverse order of maturity, at the option of Orangeburg on April 1, 1995, and all subsequent Bond Payment Dates at a redemption price equal to the principal amount of such Bond, or portion thereof to be redeemed plus a redemption premium of two per centum (2%) of the principal amount called for redemption.

#### Section 6.02 Orangeburg's Election to Redeem

In the event that Orangeburg shall, in accordance with the provisions of Section 6.01 hereof, elect to redeem Bonds it shall give notice by City Request to the Registrar and Paying Agent, of each optional redemption. Each City Request shall specify the date fixed for redemption and the amount and maturities of the Bonds which are to be redeemed. Such notice shall be given at least 60 days prior to the date fixed for redemption or such lesser number of days as shall be acceptable to the Registrar.

#### Section 6.03 Notice of Redemption

(a) When any Bonds are to be redeemed, the Registrar shall give notice of the redemption of the Bonds in the name of Orangeburg to the Registered Holders of the Bonds to be redeemed specifying (i) the Bonds and maturities to be redeemed; (ii) the redemption date; (iii) the Redemption

Price; (iv) the numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the Redemption Price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Registrar shall mail postage prepaid a copy of such notice, postage prepaid, not less than 30 days and not more than 60 days before the redemption date to the Registered Holders of all Bonds or portions of Bonds which are to be redeemed at their addresses which appear upon the registration books, but failure to so mail any such notice to any of such Registered Holders shall not affect the validity of the proceedings for the redemption of Bonds held by Registered Holders to whom written notice has been mailed. The obligation of the Registrar to give the notice required by this Section shall not be conditioned upon the prior payment to the Paying Agent of money or the delivery to the Paying Agent of Authorized Investments sufficient to pay the Redemption Price of the Bonds to which such notice relates or the interest thereon to the redemption date. Provided always, that if pursuant to Section 5.17 hereof, the Bonds shall

have been converted into coupon form, then in such event, notice of redemption shall be given by publication at least once not less than 30 days and not more than 60 days prior to the redemption date, in a financial journal published in the City of New York, State of New York.

(b) Notice of redemption having been given as provided in subsection (a) hereof, the Bonds or portions thereof so to be redeemed shall, on the date fixed for redemption, become due and payable at the Redemption Price specified therein plus interest accrued to the redemption date, and upon presentation and surrender thereof at the place specified in such notice, such Bonds or portions thereof shall be paid at the Redemption Price, plus interest accrued to the redemption date. On and after the redemption date (unless Orangeburg shall default in the payment of the Redemption Price and accrued interest), such Bonds shall cease to bear interest, and shall no longer be considered as Outstanding hereunder. If money sufficient to pay the Redemption Price and accrued interest has not been made available by Orangeburg to the Paying Agent on the redemption date, such Bonds shall continue to bear interest until paid at the same rate as they would have borne, had they not been called for redemption, until the same shall have been paid.

Section 6.04 Selection by Registrar of Bonds to be Redeemed

(a) If less than all of the Bonds of like maturity are to be redeemed, the particular Bonds or portions of Bonds to

be redeemed shall be selected, not less than 45 days prior to the date fixed for redemption, by the Registrar by lot.

(b) In making such selection, the Registrar shall treat each Bond to be redeemed as representing that number of Bonds of the lowest authorized denomination as is obtained by dividing the principal amount of such Bond by such denomination. If any Bond is to be redeemed in part, the portion to be so redeemed shall be in a principal amount of an authorized denomination.

(c) The Registrar shall promptly notify Orangeburg in writing of the Bonds so selected for redemption.

#### Section 6.05 Deposit of Redemption Price

On or before any date fixed for redemption of any Bonds, cash and/or a principal amount of non-callable direct obligations of or obligations unconditionally guaranteed by the United States of America, maturing or redeemable at the option of the holder thereof not later than the date fixed for redemption which, together with income to be earned on such securities prior to such date fixed for redemption, will be sufficient to provide cash to pay the Redemption Price of and accrued interest on all Bonds or portions thereof which are to be redeemed on such date, shall be deposited with the Paying Agent unless such amount shall have been previously deposited with the Paying Agent.

#### Section 6.06 Partial Redemption of Bonds

In the event part but not all of a Bond Outstanding shall be selected for redemption, upon presentation and

surrender of such Bond by the Registered Holder thereof or his attorney duly authorized in writing (with, if Orangeburg or the Paying Agent so requires, due endorsement by, or a written instrument of transfer in form satisfactory to Orangeburg and the Registrar duly executed by, the Registered Holder thereof or his attorney duly authorized in writing) to the Registrar, Orangeburg shall execute and the Registrar shall authenticate and deliver to or upon the order of such Registered Holder, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of any authorized denomination of like tenor. Bonds so presented and surrendered shall be cancelled in accordance with Section 5.15 hereof.

Section 6.07 Purchases of Bonds Outstanding

Purchases of Bonds Outstanding may also be made by Orangeburg at any time with money available to it from any source at a price not greater than par plus interest accrued to the date of purchase. Upon any such purchase Orangeburg shall deliver such Bonds to the Registrar for cancellation.



## ARTICLE VII

### RATES AND CHARGES

#### Section 7.01 Rate Covenant

Orangeburg covenants and agrees to maintain, and to revise from time to time, and as often as may be necessary, such rates and charges for all 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 the Bonds, and all Bonds on a Parity therewith, and the interest and principal of all Additional Bonds that may hereafter be issued, as and when the same become due and payable; (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 VIII

### ADDITIONAL BONDS

#### Section 8.01 Right to Issue Additional Bonds

As recited in Paragraph 8 of Section 1.01, Orangeburg, on each occasion that it provided for the issuance of Outstanding Bonds, reserved the right to issue Additional Bonds on a parity with the Bonds and the Outstanding Bonds, and hereafter the right to issue Additional Bonds shall be dependent upon compliance with the following provisions which are identical to the analogous provisions of the Ordinances authorizing the Outstanding Bonds:

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

(2) There shall exist, on the occasion of the issuance of 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 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 for any succeeding calendar year on all Bonds, on all Additional Bonds then issued, and on all Additional Bonds, then proposed to be issued.

(7) Such Additional Bonds shall be expressed to mature on April 1 in each of the years in which they mature and the interest thereon shall be payable April 1 and October 1 in the years in which interest shall be payable thereon.

#### Section 8.02 Definition of Net Earnings

For all purposes of this Ordinance the term "Net Earnings" shall mean, the sum which remains from Gross Revenues after deducting therefrom the cost of operating and maintaining the System.

Section 8.03 Reliance Upon Certificates Establishing  
Net Earnings

For the purposes of this Bond Ordinance, both Orangeburg and any purchaser of any Additional Bonds shall be entitled to rely upon certificates of any independent public accountants, made in good faith, as to the Net Revenues of the System and upon the reports of the consulting engineers employed by City Council.

## ARTICLE IX

### JUNIOR LIEN BONDS

#### Section 9.01 Right to Issue Junior Lien Bonds

The City may at any time issue Junior Lien Bonds, in such amount and for such purpose as it may from time to time determine, payable in whole or in part from the Net Earnings of the System, provided that the pledge of revenues securing such Junior Lien Bonds, or other obligations of Orangeburg, and any lien created upon the System for the added protection thereof, shall at all times be subordinate and inferior to the pledge securing the Bonds, any pledge made to secure Additional Bonds, and the pledges securing the Outstanding Bonds.

## ARTICLE X

### ESTABLISHMENT OF FUNDS

#### Section 10.01 Requirement for Special Funds and Accounts

It is intended by this Bond Ordinance that the funds referred to in this Article shall remain in existence for so long a time as any sum remains due and payable by way of principal and interest on the Bonds, and that deposits and withdrawals therefrom be made in the manner herein prescribed. Certain of the funds are now in existence, having been established by the proceedings authorizing the Outstanding Bonds. Such funds shall not be duplicated, but shall continue to function throughout the life of the Bonds.

#### Section 10.02 The Gross Revenue Fund

The Gross Revenue Fund heretofore established by the proceedings authorizing the Outstanding Bonds shall be continued for so long as any Bonds shall be outstanding.

Such Fund shall consist of all receipts, income and revenues that Orangeburg shall derive, directly or indirectly, from the operation of the System. All such receipts, income and revenue shall be deposited in the manner prescribed by Article XI hereof into this fund. Moneys in the Gross Revenue Fund shall be made use of only in the manner and in the order specified in Article XI hereof. Withdrawals from the Gross Revenue Fund shall be made by official of Orangeburg who may from time to time be thereunto duly authorized.

#### Section 10.03 The Operation and Maintenance Fund

The Operation and Maintenance Fund heretofore established by the proceedings authorizing the Outstanding 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 the Bond Ordinance, the costs of audits required hereunder, and the premiums for all insurance and fidelity bonds required by the Bond Ordinance.

This fund shall be kept in the custody and control of a Custodian of such fund and withdrawals from the Operation and Maintenance Fund shall be made by the officials of Orangeburg who may from time to time be thereunto duly authorized.

#### Section 10.04 The Bond and Interest Fund

The Bond and Interest Fund is hereby established and shall be maintained throughout the life of the Bonds.

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 analogous funds created for each issue of Outstanding

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 kept with the institution appointed as Custodian thereof, and withdrawals therefrom shall be made only to make available to the Paying Agent the moneys which it requires to effect payment of principal of and interest on the Bonds. Such withdrawals shall be made not less than ten days prior to the occasion when installments of principal and interest become due.

Moneys in the Bond and Interest Fund shall be invested and reinvested at the direction of Orangeburg in obligations described in Authorized Investments maturing not later than the date on which such moneys will be needed to pay the interest and/or the principal and interest of the Bonds next maturing. All earnings from such investments shall be added to and become a part of the Bond and Interest Fund, and shall be credited against payments that would otherwise be paid to the Bond and Interest Fund pursuant to the provisions of Section 11.03 hereof.

#### Section 10.05 The Cushion Fund

A Cushion Fund is hereby established and shall be maintained throughout the life of the Bonds.

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 analogous funds created for each issue of Outstanding 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 Bonds 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 6.06 hereof.

The Cushion Fund shall be kept with the institution appointed as Custodian thereof, and withdrawals therefrom shall be made only to make available to the Paying Agent the moneys which it requires to effect payment of principal and interest on the Bonds. Such withdrawals shall be made not less than ten days prior to the occasion when installments of principal and interest become due.

Upon the delivery of the Bonds, there shall be remitted to the Custodian of the Cushion Fund the amount of the Cushion Fund Requirement. If the market value of the cash and securities in the Cushion Fund shall fall below the Cushion Fund Requirement, then there shall be remitted to the Custodian to the Cushion Fund during each of the next succeeding six months the proportionate monthly amount necessary to restore the value of the Cushion Fund to the

Cushion Fund Requirement by the end of such six month period. The market value of the securities in the Cushion Fund shall be ascertained by the Custodian thereof semi-annually not less than 30 days prior to the beginning of each Fiscal Year and not less than 30 days prior to the end of the first six months of each Fiscal Year in order to determine the extent to which payment therefor or withdrawals therefrom must be made during the succeeding six months. The first such calculation shall be made for the fiscal year beginning October 1, 1987. The market value so ascertained shall be used throughout the succeeding six month period.

Moneys in the Cushion Fund shall be invested and reinvested in Authorized Investments. Subject to the provisions of the preceding paragraph of this Section, such earnings shall be added to and become a part of the Cushion Fund.

#### Section 10.06 The Depreciation Fund

The Depreciation Fund heretofore established by the proceedings authorizing the Outstanding 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.

This fund shall be kept in the custody of the Custodian of this fund and withdrawals from the Depreciation Fund

shall be made by the officials of Orangeburg who may from time to time be thereunto duly authorized.

#### Section 10.07 The Contingent Fund

The Contingent Fund as established by the proceedings authorizing the Outstanding 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 reasonable necessary to maintain the System in good repair and working order, and to defray the cost of unforeseen contingencies.

This fund shall be kept in the custody of a Custodian of this fund and withdrawals from the Contingent Fund shall be made by the officials of Orangeburg who may from time to time be thereunto duly authorized.

#### Section 10.08 Withdrawal of Funds

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 installments.

#### Section 10.09 Permissible Transfers

The following transfers of money shall at all time be permissible, under the conditions enumerated below:

(1) As prescribed by Section 6-21-480, Code of Laws of South Carolina, 1976, if any surplus shall accumulate in the Operation and Maintenance Fund, which shall be equal to the cost of operating and maintaining the System during the

remainder of the Fiscal Year and the cost of operating and maintaining the System during the succeeding Fiscal Year, such surplus may at any time be transferred to the Depreciation Fund, the Contingent Fund, the Bond and Interest Fund, or the Cushion Fund.

(2) As prescribed by Section 6-21-490, Code of Laws of South Carolina, 1976, if any surplus shall accumulate in the Depreciation Fund over and above the normal annual depreciation for the then Fiscal Year and the next ensuing Fiscal Year, such surplus may be transferred to the Contingent Fund, the Bond and Interest Fund, or the Cushion Fund.

(3) As prescribed by Section 6-21-500 Code of Laws of South Carolina, 1976, if any surplus shall accumulate in the Contingent Fund, over and above the sum heretofore found to be the normal annual amount required for contingencies for the current Fiscal Year or the next ensuing Fiscal Year, any such excess may be transferred to the Bond and Interest Fund or the Cushion Fund.

If, on the occasion when the payments required by Sections 11.02 and 11.03 are to be made, the sum total of the payments required by said Sections 11.02 and 11.03, supra, plus previous monthly payments, and the remaining payments to be made prior to the next succeeding principal and interest payment date, will be insufficient to meet the payment of the next succeeding installment of either principal or interest, or both, as the case may be, there

shall be added to the payments to be made pursuant to said Sections 11.02 and 11.03 a sum equal to such deficiency.

Section 10.10 Investment of Funds

Whenever, in the opinion of the Manager of Public Utilities, it becomes desirable to invest moneys in any of the funds established by this Article (other than the Cushion Fund and the Bond and Interest Fund for which provision has heretofore been made) the Manager of Public Utilities may effect such investments in Authorized Investments. In the event the Manager of Public Utilities directs any Custodian of a fund to so invest, the Custodian shall act in compliance with such directions. Earnings resulting from the investment of moneys in a particular fund may be deposited into the Gross Revenue Fund.

## ARTICLE XI

### DISPOSITION OF REVENUES

#### Section 11.01 Deposits to Gross Revenue Fund; Dispositions Therefrom

All revenues that Orangeburg derives, directly or indirectly, from the System (except customer deposits) shall constitute a part of the Gross Revenue Fund, shall be deposited in the Gross Revenue Fund and allocation therefrom shall be made in the order of priority corresponding to the numerical sequence of the remaining Sections of this Article XI.

#### Section 11.02 Provision for Payment of Interest

On the 15th day of each month there shall be deposited in the Bond and Interest Funds previously created for the Outstanding Bonds and the Bond and Interest Fund herein established for the Bonds, the monthly fraction of the aggregate amount of interest to become due on the Outstanding Bonds and on the Bonds on the next interest payment date, all without preference or priority, so that not less than 15 days prior to each interest payment date, the amount of interest to be paid on the Outstanding Bonds and the Bonds shall have been accumulated and be on hand.

#### Section 11.03 Provision for Payment of Principal

On the 15th day of each month there shall be deposited in the Bond and Interest Redemption Funds previously created for the Outstanding Bonds and the Bond and Interest Fund herein established for the Bonds, one-twelfth (1/12) of the

aggregate amount of principal of all Outstanding Bonds and Bonds becoming due and payable during the next succeeding 12 months, all without preference or priority, so that not less than 15 days prior to each principal maturity date, the amount of principal to be paid shall have been accumulated and be on hand.

No further payments shall be made for the Bond and Interest Fund for the Bonds when the amount held therein, plus the amount in the Cushion Fund for the Bonds is equal to the aggregate amount of principal and interest of the Bonds, that will be payable at the maturity of such bonds.

#### Section 11.04 Deposits to Cushion Fund

On the 15th day of each month there shall be deposited, respectively into each of the Cushion Funds previously created for the Outstanding Bonds and in the Cushion Fund herein established for the bonds, that sum which is fifteen per centum (15%) of the respective monthly payments required to be made into the Bond and Interest Funds for such issues of bonds payable from the revenues of the System then outstanding. Provided, however, that no payments need be made into the Cushion Fund for the Bonds whenever the value of the cash and securities therein shall equal the Cushion Fund Requirement.

#### Section 11.05 Deposits to Operation and Maintenance Fund

On the 15th day of each month withdrawals from the Gross Revenue Fund for the Operation and Maintenance Fund

shall be made in the amount necessary to provide the cost of operating and maintaining the System for the ensuing month.

Section 11.06 Deposits to Depreciation Fund

On the 15th day of each month there shall be withdrawn from the Gross Revenue Fund and deposited in the Depreciation Fund that sum which is one-twelfth (1/12) of that figure which has been estimated for the Depreciation Fund for the then current Fiscal Year.

Section 11.07 Deposits to Contingent Fund

On the 15th day of each month there shall be withdrawn from the Gross Revenue Fund and deposited into the Contingent Fund that sum which is one-twelfth (1/12) of that figure which has been estimated for the Contingent Fund for the then current Fiscal Year.

Section 11.08 Use of Surplus Moneys

All revenues remaining in the Gross Revenue Fund, after the foregoing applications, may be disposed of as Orangeburg shall provide, provided, always, that the disbursing officers of Orangeburg shall not honor any withdrawal ordered by City Council for purposes other than those enumerated herein until the dispositions required by Sections 11.02 through 11.07 have been made.

Nothing contained in this Article shall be construed to prevent the issuance of Additional Bonds on a parity with the Bonds, if such Additional Bonds be issued in conformity with the provisions of Article VIII, and, under such circumstances, appropriate revisions of the disposition of



the Gross Revenues derived from the operation of the System shall be made.

ARTICLE XII  
AGREEMENT TO FURNISH INFORMATION  
WITH RESPECT TO SYSTEM

Section 12.01 Keeping Records

The City recognizes that those who may from time to time hereafter be the holders of the Bonds 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:

(1) That it will keep proper books of records and accounts, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the System, all revenues derived therefrom, and all expenditures which may be made from such revenues. Such records shall be kept in such fashion as to show the number of consumers which may from time to time make use of the System, or any facilities or services rendered by the System, and the rates required to be paid by each class of consumer.

(2) That at least annually, Orangeburg will prepare a report signed by its Manager of Public Utilities, setting forth in detail:

- (a) the income and expense account of the System;
- (b) all payments to, and withdrawals from the Construction Fund, the Bond and Interest Fund, the Cushion Fund, the Operation and

Maintenance Fund, the Depreciation Fund and the Contingent Fund, established by this Ordinance;

- (c) the amounts on deposit at the end of each annual period to the credit of each of the funds listed in sub-paragraph (b),;
- (d) the aggregate of all bonds issued, paid, purchased or redeemed, and the prices received or paid therefor; and
- (e) the Balance Sheet of the System at the end of such annual period.

Section 12.02 Audit Required

The City further covenants and agrees that as soon after the close of each Fiscal Year as possible, 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 the purchaser of the Bonds, Moody's Investors Service and Standard & Poor's Corporation, 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 XIII

ADDITIONAL COVENANTS

Section 13.01 Additional Covenants to Secure Bonds

The City further covenants and agrees:

(1) That neither the System, nor any part thereof, nor any of the revenues derived from the System, have been hypothecated, mortgaged, otherwise pledged or encumbered, save and except as herein enumerated and provided for;

(2) That it will permit no free service to be rendered or use to be made of the services and facilities of the System, and for the services and facilities of the System used by Orangeburg, and any department, agency or instrumentality thereof, including the water made use of for fire hydrants throughout Orangeburg, Orangeburg shall pay the reasonable cost and value of such services and facilities as the services or facilities accrue, from current funds or from the proceeds of taxes. The revenue so received from Orangeburg shall be deemed to be revenue derived from the operation of the System and shall be accounted for in the same manner as other revenues from the System;

(3) That so long as there are any Bonds 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 revenues

therefrom, except in the manner provided by Articles VIII and IX hereof, and it will not sell, lease or dispose of any substantial portion of the System until all the 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 Holder or Holders of said Bonds 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 will be sufficient at all times to meet the requirements of this Bond Ordinance. If pursuant to this Section anything belonging to the System which is not deemed substantial shall be sold or disposed of, the purchase price thereof shall be deposited in the Gross Revenue Fund, and accounted for as other funds payable into said Gross Revenue Fund;

(4) That so long as any Bonds remain Outstanding and unpaid, it will maintain insurance for the benefit of the Bondholders of a kind and in an amount which would be carried by private companies engaged in a similar type of business, and to pay the cost of such insurance from the Operation and Maintenance Fund; and

(5) That it will permit, at all reasonable times, so long as any Bonds are outstanding and unpaid, and funds are not available for the payment thereof, Bondholders to inspect the System, and all records and accounts thereof.

## ARTICLE XIV

### STATUTORY LIEN - REMEDIES

#### Section 14.01 Establishment of Lien

For the further protection of the Bondholders, a statutory lien upon the System is hereby created and granted as provided in the Enabling Act, which said statutory lien is hereby recognized as valid and binding upon Orangeburg and the System, and shall take effect immediately upon the delivery of any Bonds, and any Bondholder may, either in law or in equity, by suit, action, mandamus or other proceedings, protect the statutory lien hereby conferred, and may by suit, action, mandamus or other proceedings enforce and compel the performance of all duties required by this Bond Ordinance and the Enabling Act, including the making and collecting of sufficient rates and charges for the services and facilities from all users, including Orangeburg, and its agencies, segregating of the income and revenue, and the proper application thereof.

The statutory lien hereby created and granted shall not preclude the securing of Additional Bonds by a statutory lien of equal rank, in order that such Additional Bonds shall become pari passu with the Bonds; provided, always that such Additional Bonds be issued in conformity with the provisions of Article VIII hereof.

#### Section 14.02 Remedies

If there be any default in the payment of the principal of or interest on any of said Bonds, then upon the

institution of suit by any Bondholder, any court having jurisdiction of the action, may appoint a receiver to administer said System on behalf of Orangeburg, with the power to charge and collect rates and charges sufficient to provide for the payment of the Bonds, and for the payment of the expenses of operating and maintaining the same, and to apply the income and revenues in conformity with this Bond Ordinance and the Enabling Act.

Section 14.03 No Remedy Exclusive

No remedy conferred upon any Holder of the Bonds by this Bond Ordinance is exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by this Bond Ordinance or the Enabling Act, or by any other law. No waiver of any default or breach of duty or contract by any Holder of the Bonds shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Bondholder to exercise any right or power accruing upon any default shall impair any such right or power accruing by reason thereof, or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Holders of the Bonds may be enforced and exercised from time to time and as often as may be expedient. In case any suit, action or proceedings to enforce any right or exercise any remedy

shall be brought or taken, and then discontinued or abandoned, or shall be determined adversely to the Holders of the Bonds, then and in every such case, Orangeburg and such Bondholders shall be restored to their former rights, positions and remedies as if no suit, action or proceeding had been brought or taken.

Section 14.04 Actions of One Bondholder Not to Prejudice Rights of Others

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 Bonds on a Parity Outstanding.



ARTICLE XV

DESIGNATION OF CUSTODIANS

Section 15.01 Designation of Custodians

The City designates the following banks in Orangeburg, which are duly qualified banks doing business in South Carolina, satisfactory to Orangeburg, as Custodians of all revenues derived from the operation of the System, and as Custodians of the several funds established by the Bond Ordinance, viz.:

Bankers Trust of South Carolina  
The Citizens and Southern National Bank of  
South Carolina  
First National Bank of Orangeburg  
Southern Bank & Trust Company

All funds received from the operation of the System shall be deposited in one or more of said banks in accounts appropriately designated as determined by an Authorized Officer. All funds held by such banks shall be impressed with a trust for the benefit of the persons entitled thereto, as provided by the Enabling Act and the provisions of this Bond Ordinance. At the time such deposits are made, instructions shall be given requiring a compliance with the provisions of this Bond Ordinance.

## ARTICLE XVI

### CONSTRUCTION FUND

#### Section 16.01 Establishment of Construction Fund

There is hereby established a Construction Fund. Moneys in the Construction Fund shall be applied first to the costs and expenses incident to the issuance of the Bonds and then to defray the cost of constructing the Improvements to the System hereinbefore ordered.

#### Section 16.02 Investment of Funds

Whenever practicable, moneys in the Construction Fund shall be kept invested in Authorized Investments which have stated maturity within six months after the date such investments shall be made. Any income received from such investments shall become a part of the Bond and Interest Fund.

#### Section 16.03 Provisions for Surplus Revenues

Any surplus remaining in the Construction Fund upon completion of the Improvements shall be disposed of in the manner prescribed by Section 6-21-310, Code of Laws of South Carolina, 1976.

ARTICLE XVII  
SECURITY OF MONEYS ON DEPOSIT  
IN THE SEVERAL FUNDS

Section 17.01 Security to be Given if so Required

Unless the same be secured as trust funds in the manner provided by the applicable regulations issued by 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 of a market value at least equal to the sum on deposit and not insured as aforesaid by the Federal Deposit Insurance Corporation.

Section 17.02 Custody of Securities

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 furnished such securities, which is a member of the Federal Deposit Insurance Corporation. Such other bank shall have a combined working capital surplus of not less than \$25,000,000.

ARTICLE XVIII

SALE OF BONDS

Section 18.01 Sale and Award of Bonds

The Bonds herein authorized shall be sold at public sale after notice inviting bids for the purchase of the Bonds shall have been published at least once, not less than seven days prior to the date fixed for such sale, in THE DAILY BOND BUYER, a financial publication published in the City of New York, New York. Sealed bids for the sale of the Bonds shall be received by City Council on a date to be selected by the Mayor of Orangeburg and incorporated in the Notice of Sale. Bids shall be submitted in accordance with the terms of the Notice of Sale, the terms of which shall be substantially as set forth in Exhibit A attached hereto. The award of the Bonds and the designation of the Registrar and Paying Agent may be made by the Mayor and shall be evidenced by a certificate signed by the Mayor.

ARTICLE XIX

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 19.01 Deposits Required

The purchase price derived from the sale of the Bonds shall be disposed of as follows:

- (1) \$500,000 shall be deposited to the Cushion Fund;
- (2) The remaining principal proceeds thereof shall be deposited in the Construction Fund; and
- (3) Any sum received by way of accrued interest and premium, if any, shall be deposited in the Bond and Interest Fund, and to the extent of the money received by way of accrued interest, the deposits required to be made into said fund by the provisions of Section 11.02 shall be correspondingly reduced.

## ARTICLE XX

### DEFEASANCE

#### Section 20.01 Defeasance Generally

If all of the Bonds issued pursuant to the Bond Ordinance, and all interest thereon shall have been paid and discharged, then the obligations of Orangeburg under the Bond Ordinance, the pledge of revenues made hereby, and all other rights granted hereby shall cease and determine. The Bonds 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, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Principal Installments and interest thereon; or

2. If default in the payment of any principal of the Bonds or any interest thereon shall have occurred on any Bond Payment Date and thereafter tender of such payment shall have been made, and the Paying Agent shall then 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 have deposited with the Paying Agent, in an irrevocable trust moneys or direct obligations of, or obligations unconditionally guaranteed by, the United States of America, the principal of and interest on which when due (without reinvestment thereof) will provide moneys

which, together with the moneys, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay, when due, the Principal Installments or Redemption Price and interest, due and to become due on the Bonds on and prior to their maturity dates or redemption date as the case may be.

Neither the obligations nor moneys deposited with the Paying Agent pursuant to this Section nor the payments of principal thereof or interest thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Principal Installments of, or Redemption Price and interest on, the Bonds; provided that any cash received from such payments of principal of or interest on securities deposited with the Paying Agent, if not then needed for such purpose, shall to the extent practicable, be invested and reinvested in obligations of the nature described above maturing at times and in amounts sufficient to pay when due the Principal Installments or Redemption Price and interest, to become due on the Bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments not required for the payment of the Principal Installments, or Redemption Price and interest, may be paid over to Orangeburg, as received by the Paying Agent, free and clear of any trust, lien or pledge.

Section 20.02 Deposits with Paying Agent Subject to Provisions of Article XX

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, shall be and are hereby assigned, transferred and set over to the Paying Agent in trust for the respective Holders of the Bonds, 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 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.

The City 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 XXI

### CONCERNING THE FIDUCIARIES

#### Section 21.01 Paying Agent, Registrar and Certain Custodians to Constitute Fiduciaries

For all purposes of this Article the Paying Agent, the Registrar, and the Custodians established for the various funds established hereunder shall constitute "Fiduciaries" and where so used in this Article such term shall embrace the Paying Agent, the Registrar and the Custodians of said funds.

#### Section 21.02 Fiduciary; Appointment and Acceptance of Duties

The financial institution designated by the Mayor to act initially as Paying Agent and Registrar hereunder, shall accept the duties and trusts imposed upon it by the Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article. Similarly, each financial institution appointed as a successor Registrar or as a successor Paying Agent or as a Custodian shall signify its acceptance of the duties and trusts imposed by the Ordinance by a written acceptance.

#### Section 21.03 Responsibilities of Fiduciaries

The recitals of fact herein and in the Bonds contained shall be taken as the statements of Orangeburg and no Fiduciary assumes any responsibility for the correctness of the same except in respect of the authentication certificate of the Registrar endorsed on the Bonds. No Fiduciary shall

be deemed to make any representations as to the validity or sufficiency of the Ordinance or of any Bonds or as to the security afforded by the Ordinance, and no Fiduciary shall incur any liability in respect thereof. No Fiduciary shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiduciary. No Fiduciary shall 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 hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiduciary shall be liable in connection with the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 21.04 Evidence on Which Fiduciaries May Act

(a) Each Fiduciary, upon receipt of any notice, resolution, request, consent order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of the Ordinance, shall examine such instrument to determine whether it conforms to the requirements of the Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiduciary may consult with counsel, who may or may not be of counsel to Orangeburg, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it

under the Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiduciary shall deem it necessary or desirable that a matter to be proved or established prior to taking or suffering any action under the Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of an Authorized Officer, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of the Ordinance upon the faith thereof; but in its discretion the Fiduciary may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may deem reasonable.

(c) Except as otherwise expressly provided in the Ordinance any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by Orangeburg to any Fiduciary shall be sufficiently executed if executed in the name of Orangeburg by an Authorized Officer.

#### Section 21.05 Compensation

Orangeburg shall pay to each Fiduciary from time to time reasonable compensation based on the then standard fee schedule of the Fiduciary for all services rendered under the Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the

performance of their powers and duties under the Ordinance. Subject to the provisions of Section 21.03 hereof, Orangeburg further agrees to indemnify and save each Fiduciary harmless against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder and which are not due to its negligence or willful misconduct; provided, however, that any specific agreement between Orangeburg and a Fiduciary with respect to the compensation of such Fiduciary shall control the compensation to be paid to such Fiduciary.

#### Section 21.06 Certain Permitted Acts

Any Fiduciary may become the owner or underwriter of any Bonds, notices or other obligations of Orangeburg or conduct any banking activities with respect to Orangeburg, with the same rights it would have if it were not a Fiduciary. To the extent permitted by law, any Fiduciary may act as depositary for, and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or the Ordinance.

#### Section 21.07 Resignation of Any Fiduciary

Any Fiduciary may at any time resign and be discharged of the duties and obligations created by the Ordinance by giving not less than 60 days' written notice to Orangeburg and not less than 30 days' written notice to the Registered Holders of the Bonds as established by the books of registration prior to the next succeeding Bond Payment Date and such resignation shall take effect upon the date

specified in such notice unless previously a successor shall have been appointed by Orangeburg pursuant to Section 21.09 hereof in which event such resignation shall take effect immediately on the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

#### Section 21.08 Removal of Fiduciary

Any Fiduciary may be removed at any time by an instrument or concurrent instruments in writing, filed with Orangeburg and such Fiduciary, and signed by the Bondholders representing a majority in principal amount of the Bonds then Outstanding or their attorneys in fact duly authorized, excluding any Bonds held by or for the account of Orangeburg.

#### Section 21.09 Appointment of Successor Fiduciaries

In case any Fiduciary hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by Orangeburg. Every such Fiduciary appointed pursuant to the provisions of this Section shall be a trust company or bank organized under the laws of the United States of America or any state thereof and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$50,000,000 if there be such an

institution willing, qualified and able to accept the trust upon reasonable and customary terms.

If in a proper case no appointment of a successor Fiduciary shall be made by Orangeburg pursuant to the foregoing provisions of this Section within 45 days after any Fiduciary shall have given to Orangeburg written notice as provided in Section 21.07 hereof or after a vacancy in the office of such Fiduciary shall have occurred by reason of its removal or inability to act, the former Fiduciary or any Bondholder may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after such notice, if any, as such court may deem proper, appoint a successor.

#### Section 21.10 Transfer of Rights and Property to Successor

Any successor Fiduciary appointed under the Ordinance shall execute, acknowledge and deliver to its predecessor, and also to Orangeburg, an instrument accepting 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 such predecessor Fiduciary, with like effect as if originally named in such capacity; but the Fiduciary ceasing to act shall nevertheless, on the written request of Orangeburg, or of the successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and

confirming in such successor all the right, title and interest of the predecessor Fiduciary in and to any property held by it under the Ordinance, and shall pay over, assign and deliver to the successor Fiduciary any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from Orangeburg be required by such successor Fiduciary for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by Orangeburg. Any such successor Fiduciary shall promptly notify the Paying Agent and Depositaries, if any, of its appointment as Fiduciary.

#### Section 21.11 Merger or Consolidation

Any company into which any Fiduciary may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it may be party or any company to which any Fiduciary may sell or transfer all or substantially all of its corporate trust business, provided such company shall be a bank or trust company organized under the laws of any state of the United States or a national banking association, and shall be authorized by law to perform all the duties imposed upon it by the Ordinance, shall be the successor to such Fiduciary without the

execution or filing of any paper or the performance of any further act.

Section 21.12 Adoption of Authentication

In case any of the Bonds contemplated to be issued under the Ordinance shall have been authenticated but not delivered, any successor Registrar may adopt the certificate of authentication of any predecessor Registrar so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Registrar may authenticate such Bonds in the name of the predecessor Registrar or in the name of the successor Registrar, and in all such cases such certificate shall be of full force and effect.



ARTICLE XXII

TENOR OF OBLIGATIONS

Section 22.01 Purpose of Covenants in Bond Ordinance

Every covenant, undertaking and agreement made on behalf of Orangeburg, as set forth in this 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 Holders of the Bonds, and shall be enforceable accordingly.

## ARTICLE XXIII

### SAVING PROVISIONS

#### Section 23.01 Rights and Remedies Conferred Equally Upon the Bondholders

If it shall be held by any court of competent jurisdiction that any right or remedy granted by the Bond Ordinance is not available to the holders of Bond on a Parity with the Bonds, then such rights and remedies are herewith conferred upon the holders of such bonds. But if it be held by any court of competent jurisdiction that such additional rights and remedies may not lawfully be vested in the holders of the Bonds on a Parity with the Bonds, then such rights and remedies herein granted by the Bond Ordinance shall remain dormant until the last of the Bonds on a Parity with the Bonds shall have been paid and discharged.

If it shall be held by any court of competent jurisdiction that the rights or remedies which exist in favor of the holders of the Outstanding Bonds do not exist under the Bond Ordinance and are not available to the Holders of the Bonds, then the said Bondholders shall be vested with all rights and remedies granted to the holders of the Outstanding Bonds by the ordinances authorizing the issuance of such Outstanding Bonds, it being the intent of Orangeburg that the rights and remedies of the Holders of the Bonds and the rights and remedies of the Holders of the Outstanding Bonds, shall at all times, and in all ways, be

similar, in order that the Bonds and the Outstanding Bonds shall be, at all times, and in all ways, on a parity in all respects.

Section 23.02 Severability of Invalid Provisions

If any section, paragraph, clause or provision of this Bond Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Bond Ordinance.

## ARTICLE XXIV

### MODIFICATION OF ORDINANCE

#### Section 24.01 Modification Without Bondholder Approval

Provided, always, that the security of the Bonds, the Outstanding Bonds, and any Additional 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, supplemental to 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; and
- (2) 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 purchasers of the Bonds, the original purchasers of the Outstanding Bonds and the original purchasers of any Additional Bonds then outstanding.

#### Section 24.02 Modification with Bondholder Approval

The rights and duties of Orangeburg and the holders of the Bonds, the Outstanding Bonds and any additional Bonds,

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 sixty-six and two-thirds per centum (66-2/3%) in principal amount of the Bonds, Outstanding Bonds, and Additional 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 to be recorded, but no such modification or alteration shall:

- (1) Extend the maturity of any payment of principal or interest due upon any Bond, Outstanding Bond or Additional 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 premiums of the Bonds, Outstanding Bonds, or Additional Bonds;
- (4) Permit the creation of a lien on the revenues prior to or equal to the lien of the Bonds, the Outstanding Bonds, or Additional Bonds;
- (5) Permit preference or priority of any Bonds, Outstanding Bonds, or Additional Bonds to others;

- (6) Alter or modify the provisions of Articles VII, X and XI; or
- (7) Reduce the percentage of Bonds, Outstanding Bonds and Additional Bonds required for the written consent to any modification or alteration of the provisions of the Bond Ordinance or Ordinances supplemental thereto.

Provided that nothing contained in this Section shall be construed to limit or restrict the right of Orangeburg to issue bonds or other obligations specifically authorized by Articles VIII and IX.

Section 24.03 Procedure for Procuring Bondholder Approval

Orangeburg, the Paying Agent, and the Registrar may rely upon the 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 for Orangeburg County, the Paying Agent and the Registrar a copy of such amendatory ordinance hereinabove provided for, duly certified, as well as proof of consent to such modification by the Holders of sixty-six and two-thirds per centum (66-2/3%) in principal amount of the Bonds then Outstanding.

ARTICLE XXV

REPEALING CLAUSE

Section 25.01 Repealing Clause

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

ARTICLE XXVI

CODIFYING CLAUSE

Section 26.01 Direction to Index Bond Ordinance

This Bond Ordinance shall be forthwith codified in the Code of City Ordinances as required by law and by the rules and regulations of Orangeburg, and the same shall be indexed under the heading: "BOND ISSUE - \$4,500,000 COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS OF 1985 OF THE CITY OF ORANGEBURG, SOUTH CAROLINA."

DONE AND RATIFIED IN MEETING DULY ASSEMBLED this 17th day of September, 1985.

E. O. Ferguson  
Mayor  
W. Herbert Selby  
Sam H. Alexander Jr.  
Hermy B. Emerson  
William S. Selby

Attest:

Charles Amberson  
Municipal Clerk of the City  
of Orangeburg, South Carolina



EXHIBIT A

(FORM OF BOND)  
(FACE OF BOND)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
CITY OF ORANGEBURG  
COMBINED PUBLIC UTILITY SYSTEM  
REVENUE BOND OF 1985

No. \_\_\_\_\_

MATURITY DATE:

RATE OF INTEREST:

ORIGINAL ISSUE DATE  
September 1, 1985

CUSIP:

SEE REVERSE FOR CERTAIN DEFINITIONS

REGISTERED HOLDER:

PRINCIPAL AMOUNT:

DOLLARS

THE CITY OF ORANGEBURG, SOUTH CAROLINA (the "City") acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount set forth above on the Maturity Date stated above, unless this Bond be subject to redemption and shall have been redeemed prior thereto as hereinafter provided, upon presentation and surrender of this Bond at the Corporate Trust Office of \_\_\_\_\_, in the City of \_\_\_\_\_, State of South Carolina (the "Paying Agent"), and to pay interest on such principal amount at the annual rate of interest stated above (calculated on the basis of a 360-day year of twelve 30-day months), until the obligation of the City with respect to the payment of such principal amount shall be discharged.

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

IN WITNESS WHEREOF, the City of Orangeburg, South Carolina has caused this Bond to be signed by the facsimile signature of the Mayor of the City of Orangeburg, its corporate seal to be reproduced hereon, and the same to be attested by the facsimile signature of the Manager of Public Utilities of the City of Orangeburg.

(SEAL)

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Manager of Public  
Utilities

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in  
the within mentioned Ordinance.

By:

\_\_\_\_\_  
REGISTRAR

Dated:

Authorized Officer

CITY OF ORANGEBURG, SOUTH CAROLINA

COMBINED PUBLIC UTILITY SYSTEM

REVENUE BOND OF 1985

(BACK OF BOND)

This Bond bears interest from the April 1 or the October 1 to which interest has been paid next preceding the authentication date hereof, unless the authentication date hereof is a April 1 or October 1, in which event this Bond will bear interest from the earlier of such authentication date or the date to which interest has last been paid; provided that if the authentication date hereof precedes April 1, 1986, or if the City shall fail to pay interest on April 1, 1986, then this Bond will bear interest from September 1, 1985. Interest on this Bond is payable on April 1 and October 1 of each year beginning April 1, 1986, at which time interest for seven months will be due. The interest so payable on any April 1 or October 1 will be paid to the person in whose name this Bond is registered at the close of business on the 15th day of the March or on the 15th day of the September next preceding such April 1 or October 1.

Interest hereon will be payable by check or draft mailed at the times provided herein from the office of the Paying Agent to the person in whose name this Bond is registered at the address shown on the registration books. The principal of, redemption premium, if any, and interest

on this Bond are 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; provided, however, that payment of the interest on this Bond shall be effected by check or draft as set forth above.

This Bond is one of an issue of Bonds in the aggregate principal amount of Four Million Five Hundred Thousand Dollars (\$4,500,000) of like tenor, except as to number, rate of interest, date of maturity and redemption provisions, issued pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly Sections 6-21-10 to 6-21-570, inclusive, Code of Laws of South Carolina, 1976, as amended, and an ordinance (the "Ordinance") duly adopted by the City Council of the City of Orangeburg for the purpose of obtaining funds to defray the cost of constructing improvements to the Combined Public Utility System of the City of Orangeburg (the "System").

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Registrar, in the office of the Paying Agent and in the office of the Clerk of Court for Orangeburg County, South Carolina.

Both the principal of and interest on this Bond, as the same shall become due, are payable solely from the gross revenues derived from the operation of the System. Said

pledge is on a parity with the pledge securing the outstanding principal amount of \$4,410,000 of five earlier issues of Combined Public Utility System Revenue Bonds of the City of Orangeburg. This Bond shall not 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 City is not obligated to pay this Bond, or the interest hereon, save and except from revenues derived from the operation of the System.

The City has reserved the right to issue additional bonds on a parity with the Bonds of this issue and the other bonds on a parity therewith under the conditions related in the Ordinance.

The City of Orangeburg has covenanted to 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 principal of and interest on the Bonds and all bonds on a parity therewith, as and when the same become due and payable, (2) to create a "Bond and Interest Redemption Fund" and "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 6-21-330 Code of Laws of South Carolina, 1976, 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, a statutory lien which is hereby recognized a 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 principal of and interest on this Bond and the issue of which is forms a part. Upon default in the payment of the principal of or interest on this Bond, or any bond of the issue of which this Bond forms a part, then upon proper application, any court having jurisdiction thereof may appoint a receiver to administer and operate the System.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within 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.

Except under the circumstances hereinafter described, the Bonds are issuable only as fully registered Bonds without coupons in the denomination of \$5,000 or any multiple thereof not exceeding the principal amount of the

Bonds maturing in such year. The City has agreed that if at any time hereafter, changes in law permit the conversion of the Bonds into coupon bonds payable to bearer without such conversion resulting in the loss or diminution of the tax exempt status of the interest on the Bonds under Federal laws or regulations or the imposition of any penalty upon the City, it will at such time, but at the request and expense of the then Registered Holders of the Bonds, provide for the exchange of the Bonds as then outstanding in registered form for coupon bonds payable to bearer in the denomination of \$5,000 and of like maturity, interest rate and redemption provisions.

This Bond is transferable, as provided in the Ordinance, only upon the registration books kept for that purpose at the Corporate Trust Office of the Registrar by the Registered Holder in person or by his duly authorized attorney, upon (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the Registered Holder or his duly authorized attorney and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond or Bonds of like maturity, interest rate, and redemption provisions and in a like aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The City, the Paying Agent and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner



hereof for the purpose of receiving payment of or on account of the principal or Redemption Price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of the Bonds, the City, the Paying Agent, or the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

The Bonds maturing subsequent to April 1, 1995, are, at the option of the City, subject to redemption in inverse chronological order of maturity on April 1, 1995, and all subsequent Bond Payment Dates, in whole or in part, at 100% of the principal amount thereof, plus a redemption premium of 2% of such principal amount plus interest accrued to the date of redemption.

If less than all of the Bonds of like maturity are to be redeemed, the particular Bonds or portions of Bonds to be redeemed will be selected not less than 45 days prior to the date fixed for redemption by the Registrar by lot. Bonds in denomination of more than \$5,000 may be redeemed in part from time to time in one or more units of \$5,000 in the manner provided in the Ordinance.

In the event that any Bonds are to be called for redemption as aforesaid, the Paying Agent shall give notice of the redemption of the Bonds in the name of the City specifying (i) the principal amount and the maturities of the Bonds to be redeemed; (ii) the redemption date; (iii)

the Redemption Price; (iv) the numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Outstanding Bonds are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the Redemption Price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Paying Agent shall mail a copy of such notice, postage prepaid, not less than 30 days before the redemption date to the Registered Holders of any Bonds or portions of Bonds which are to be redeemed at their last addresses appearing upon the registration books, but failure to so mail any such notice to any one of such Registered Holders shall not affect the redemption of those registered Bonds to whose Registered Holders such notice was mailed. Provided that, if the Bonds shall have been converted into coupon form, then in such event, notice of redemption shall be given by publication at least once, not less than 30 days and not more than 60 days prior to the redemption date, in a financial journal published in the City of New York, New York.

On the specified redemption date (unless the City shall default in the payment of the Redemption Price and accrued

interest), all Bonds so called for redemption shall cease to bear interest, will no longer be secured by the Ordinance and will no longer be considered as Outstanding.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of South Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the City of Orangeburg, does not exceed any limit prescribed by such Constitution or Statutes.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED the undersigned hereby sells,  
assigns and transfers unto

\_\_\_\_\_  
(please print or type name and address of Transferee and  
Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and  
hereby irrevocably constitutes and appoints  
attorney to transfer the within Bond on the books kept for  
registration thereof, with full power of substitution in the  
premises. .

Date: \_\_\_\_\_

Signature guaranteed:

\_\_\_\_\_  
\_\_\_\_\_

OFFICIAL NOTICE OF SALE

\$4,500,000  
CITY OF ORANGEBURG, SOUTH CAROLINA  
COMBINED PUBLIC UTILITY SYSTEM  
REVENUE BONDS OF 1985

SEALED PROPOSALS, addressed to the undersigned, will be received by him until 12:00 Noon (local time),

Wednesday, September 18, 1985

at which time said proposals will be publicly opened in Council Chambers in City Hall, Orangeburg, South Carolina, for the purchase of FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS OF 1985 of the City of Orangeburg, South Carolina. The bonds will bear date the first day of September, 1985, will be issued as fully registered bonds in the denomination of \$5,000 or any whole multiple thereof not exceeding the principal amount maturing in any year. The bonds will mature on April 1 in the years and amounts as follows:

| <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|
| 1988        | \$175,000     | 1995        | \$375,000     |
| 1989        | 225,000       | 1996        | 400,000       |
| 1990        | 250,000       | 1997        | 425,000       |
| 1991        | 275,000       | 1998        | 450,000       |
| 1992        | 300,000       | 1999        | 450,000       |
| 1993        | 325,000       | 2000        | 500,000       |
| 1994        | 350,000       |             |               |

The bonds maturing subsequent to April 1, 1995, are subject to redemption, at the option of the City, in whole or in part, but if in part, in inverse order of maturity, on April 1, 1995, and all subsequent Bond Payment Dates, at a

redemption price equal to the principal amount of such bond, or portion thereof to be redeemed plus a redemption premium of two per centum (2%) of the principal amount called for redemption.

The bonds will bear interest from September 1, 1985 at a rate or rates to be named by the successful bidder, payable on April 1 and October 1 of each year, (the Bond Payment Dates) commencing April 1, 1986, at which time interest for seven months will be due. 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 Corporate Trust Office of a financial institution designated by the City of Orangeburg to act as Paying Agent and Registrar of the bonds. Bidders are invited to name the rate or rates of interest which the bonds are to bear, and unless all bids are rejected, they will be awarded to the bidder offering to take them at the lowest net interest cost to the City, at a price of not less than par and accrued interest to the date of delivery. Bidders may name any number of rates of interest, except that:

- (a) all bonds of the same maturity shall bear the same rate of interest;
- (b) if the net interest cost in the lowest bid is in excess of 7% per annum, the award of the bonds will be subject to the approval of the South Carolina State Budget and Control Board;

- (c) no rate of interest named shall be more than 2% higher than the lowest rate of interest named;
- (d) each interest rate named shall be a multiple of 1/20th of 1%; and
- (e) any sum named by way of premium shall be paid in cash as a part of the purchase price.

Interest cost will be determined by deducting premium, if any, from the aggregate of interest on the bonds from September 1, 1985 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.

If the net interest cost in the lowest bid does not exceed 7% per annum, bids will be accepted or rejected by 2:00 P.M. (local time) on the day of the sale; if, however, the net interest cost in the lowest bid is in excess of 7% per annum, bids will be accepted or rejected by 3:00 P.M. (local time) on the day of the sale or at such earlier time as the approval of the State Budget and Control Board may be obtained.

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

The bonds will be issued pursuant to Sections 6-21-10 to 6-21-570, inclusive, Code of Laws of South Carolina, 1976, as amended, and will be payable solely from, and will be secured by, a pledge of the gross revenues derived from the operation of the Combined Public Utility System of the City of Orangeburg. The bonds will rank equally and will be on a parity with the outstanding principal amount of \$4,410,000 of unmatured bonds of five earlier issues of Combined Public Utility System Revenue Bonds of the City of Orangeburg.

The City of Orangeburg has reserved the right to issue additional bonds on a parity with the bonds of this issue and the other bonds on a parity therewith 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, a copy of which will be printed on the back of each bond, and with the usual closing proofs, which will include (a) a certificate that there is no litigation threatened or pending to restrain the issuance or sale of the bonds, (b) certificates establishing that the bonds are not "arbitrage" bonds, within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and the applicable regulations issued thereunder as in effect on the occasion of the delivery of the bonds, and (c) certifications by appropriate officials to the effect that the Official



Statement, as of its date and as of the date of delivery of the bonds, does not contain an untrue statement of a material fact and does not omit to state a material fact which should be included therein for the purpose for which the Official Statement is intended to be used, or which is necessary to make the statements contained therein, in the light of the circumstances under which they were made, not misleading.

The City has agreed that if at any time hereafter, changes in law permit the conversion of the bonds here offered into coupon bonds payable to bearer without such conversion resulting in the loss or diminution of the tax exempt status of the interest on the bonds under Federal laws or regulations, it will at such time, but at the expense of the then holders of the bonds, provide for the exchange of the bonds as then outstanding in registered form for coupon bonds payable to bearer in the denomination of \$5,000 and of like maturity, interest rate and redemption provisions.

Persons seeking information should communicate with Ted M. Johnson, Manager, Public Utility System, City of Orangeburg, Orangeburg, South Carolina 29115, (Telephone 803-534-2821), from whom additional copies of the Official Statement may also be obtained.

EACH BID should be enclosed in a sealed envelope and marked "PROPOSAL FOR CITY OF ORANGEBURG, SOUTH CAROLINA, COMBINED PUBLIC UTILITY SYSTEM REVENUE BONDS OF 1985," and

be directed to the undersigned and be accompanied by a certified, cashier's or treasurer's check upon an incorporated bank or trust company for \$90,000, payable to the City of Orangeburg, as a good faith deposit. The check of the successful bidder will be applied in part payment for the bonds or to secure the City from any loss resulting from the 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 fails to deliver the bonds as provided in the Notice of Sale. No interest will be allowed on the good faith deposit of the successful bidder.

It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the notice of sale.

The Official Statement will be mailed on or about September 9, 1985. The successful bidder will be furnished with 100 copies without cost.

The bonds will be delivered to the purchasers in Atlanta, Georgia, Charlotte, North Carolina, Columbia, South Carolina or New York, New York, at the option of the successful bidder, on or before September 30, 1985, against payment in federal or other immediately available funds.

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

Ted M. Johnson, Jr., Manager,  
Public Utility System  
City of Orangeburg,  
South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG

I, the undersigned, Municipal Clerk of the City Council of the City of Orangeburg, South Carolina (City Council), DO HEREBY CERTIFY:

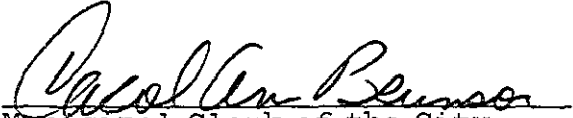
That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by said City Council. The Ordinance received the first reading at a public meeting of City Council held on September 3, 1985. The second reading was given September 6, 1985. Final reading took place at a public meeting of Council held on September 17, 1985.

At each meeting, a quorum of City Council was present and remained present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the City Council, this 17th day of September, 1985.

(SEAL)

  
Municipal Clerk of the City  
Council of the City of  
Orangeburg, South Carolina

ORDINANCE NO. 1985-16

AN ORDINANCE TO ANNEX ONE LOT LOCATED AT 840 CHESTNUT, NE INTO THE CORPORATED LIMITS OF 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 City Council 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 piece, parcel or lot of land situate, lying and being in Orangeburg County, State of South Carolina, bounded and measuring as follows: On the Northeast by City of Orangeburg measuring thereon 205.6 feet; on the Southwest by U.S. 21-178 Bypass Chestnut, NE measuring thereon 200 feet; on the Northwest by City of Orangeburg street right-of-way measuring thereon 133.1 feet and on the Southeast by Barbara Seymore measuring thereon 181.4 feet. The same being further designated and described as Lots 9,10,11,12, 13,14,15 and 16 on reference plat.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS 17TH DAY OF SEPTEMBER, 1985.

E. O. Pendragon  
MAYOR

W. Keith Selby

Sara H. Pender

James B. Johnson

W. Keith Selby  
CITY COUNCIL

ATTEST:

Carol Ann Bunker  
CITY CLERK

EEC866

ORDINANCE NO. 1985-17

AN ORDINANCE TO RAISE REVENUE AND ADOPT  
A BUDGET FOR THE CITY OF ORANGEBURG,  
SOUTH CAROLINA, FOR THE FISCAL YEAR END-  
ING SEPTEMBER 30, 1986.

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

Section 1. In accordance with Section 5-7-260 of the 1976 Code of Laws of South Carolina, and Council shall act by ordinance to adopt budgets, levy taxes, and collect all other income sources available to the city pursuant to public notice.

Section 2. That the prepared budget for the fiscal year October 1, 1985-September 30, 1986, and the estimated revenue for payment of same is hereby adopted.

Section 3. That a tax to cover the period from the First day of January, 1985 to the Thirty-first day of December, 1985, both inclusive, for the sums and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the treasury of the City of Orangeburg for the use and service thereof; i.e., a tax of 49 mils 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.

Section 4. 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 1st day of November, 1985, until the 14th day of January, 1986, from the hours of 8:00AM to 5:00PM, Monday through Friday, Saturdays and Sundays excepted.

Section 5. On January 15, 1986, a penalty of fifteen (15) percent shall be added on all unpaid taxes. On March 15, 1986, an execution cost shall be issued on all delinquent taxes and penalties by the City Clerk and Treasurer and delivered to the Delinquent Tax Collector. The City Clerk and Treasurer shall September 1, 1986, impose an additional 5% cost to the amount of all delinquent taxes and penalties as provided by Section 24-11, as amended, of the Code of Ordinance of the City of Orangeburg.

Section 6. If for any reason any sentence, clause of provisions of this ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.

DONE AND RATIFIED BY THE CITY COUNCIL OF ORANGEBURG, SOUTH CAROLINA IN COUNCIL ASSEMBLED THIS 17TH DAY OF SEPTEMBER, 1985.

E. O. Ponder  
MAYOR

W. L. Smith  
CITY CLERK

Henry B. Trivette  
CITY COUNCIL

ATTEST:

W. L. Smith  
CITY CLERK

ORDINANCE NO. 1985 - 18

AN ORDINANCE TO AMEND SECTION 5-1 OF THE CODE OF ORDINANCES, CITY OF ORANGEBURG, SOUTH CAROLINA, ADOPTED OCTOBER 21, 1969; RELATING TO ADOPTION OF THE STANDARD BUILDING CODE.

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

Section 1: Amend Section 5-1 of said Code by striking said section in its entirety and inserting in lieu thereof the following:

"For the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenance connected or attached to any building or structure, the 1985 Edition of the Standard Building Code, as prepared and adopted by the Southern Building Code Congress International, Inc. is hereby adopted and incorporated by reference as a part of this Code".

DONE AND RATIFIED in City Council by the City Council of Orangeburg, South Carolina, this first day of October, 1985.

E. O. Henderson  
MAYOR

W. R. Smith  
CITY COUNCIL

James H. Alexander  
CITY COUNCIL

Samuel B. Johnson  
CITY COUNCIL

William S. McChesney  
CITY COUNCIL

ATTEST:

James B. Bunker  
CITY CLERK

Formal's Carolle Fleming

EEC866

ORDINANCE NO. 1985- 19

AN ORDINANCE TO AMEND SECTION 7-79 OF THE CODE OF ORDINANCES, CITY OF ORANGEBURG, SOUTH CAROLINA, ADOPTED OCTOBER 21, 1969, RELATING TO ADOPTION OF THE STANDARD FIRE PREVENTION CODE.

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

Section 1: Amend Section 7-79 of said Code by striking said section in its entirety and inserting in lieu thereof the following:

"There is hereby adopted by the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code as prepared and adopted by the Southern Building Code Congress International Inc. being particularly the 1985 edition thereof and the whole thereof, of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City Council and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the city limits of the City."

DONE AND RATIFIED in City Council by the City Council of Orangeburg, South Carolina, this first of October, 1985.

E. O. Pendleton  
MAYOR  
W. Everett Selby  
Sam H. Alexander  
Henry B. Fryman  
Willie S. Selby  
CITY COUNCIL

ATTEST:

Willie S. Selby  
CITY CLERK  
Formally, Carol Ann Kenney



ORDINANCE NO. 1985- 20

AN ORDINANCE TO AMEND SECTION 5-41 OF THE  
CODE OF ORDINANCES, CITY OF ORANGEBURG, S.C.,  
ADOPTED OCTOBER 21, 1969, RELATING TO ADOPT-  
TION OF THE STANDARD UNSAFE BUILDING ABATE-  
MENT CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ORANGEBURG,  
IN COUNCIL DULY ASSEMBLED THIS 15TH DAY OF OCTOBER, 1985, THAT  
SECTION 5-41 OF THE CODE OF ORDINANCES, CITY OF ORANGEBURG, S.C.,  
IS HEREBY AMENDED TO READ AS FOLLOWS:

"Section 5-41. STANDARD UNSAFE BUILDING ABATEMENT CODE.  
The 1985 Standard Unsafe Building Abatement Code is hereby  
adopted with subsequent amendments thereto, which code is  
published in book form and which is referred to, incorpora-  
ted herein, and made a part hereof for all purposes, a copy  
of which code is on file in the office of the City Clerk  
and the office of the building official."

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS THE 15TH DAY OF  
OCTOBER, 1985.

E. O. Pendleton  
MAYOR  
W. Thelma Selby  
L. H. Blanton  
Henry E. Trivette  
Willie S. Sells  
CITY COUNCIL

ATTEST:

Carol Ann Benson  
CITY CLERK  
Annalyne G. Blanton

EEC866

ORDINANCE NO. 1985- 21

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 18TH DAY OF MAY, 1954, FOR THE PURPOSE OF REGULATING AND RESTRICTING WITHIN THE CORPORATE LIMITS OF ORANGEBURG, SOUTH CAROLINA, 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 GRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES.

BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, in Council assembled, and by authority of same: 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 parcel of land situate, lying, and being inside the city limits of Orangeburg, South Carolina, and being bounded as follows: On the North by Whaley, SE, and measuring thereon seventy (70) feet; on the East by property of Agnes Dibble Morris and measuring thereon one hundred fifty (150) feet; on the South by the property of Floyd A. Metts and measuring thereon seventy (70) feet; on the West by property of McCall-Thomas Engineering Company and measuring thereon one hundred fifty (150) feet. This property is located at 142 Whaley, SE and is owned by Julian A. McMichael. The rezoning is requested by the prospective purchaser of the property, McCall-Thomas Engineering Company.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS THE 5TH DAY OF NOVEMBER, 1985.

E. D. Henderson  
MAYOR

W. Everett Selley

Samuel Alexander

Henry E. Emerson

Walter Selley  
CITY COUNCIL

ATTEST:

Carol E. Emerson  
CITY CLERK  
Formally Carol E. Emerson

## ORDINANCE NO. 1985 - 22

WHEREAS, truck traffic has increased on certain streets in the City of Orangeburg which are located in residential areas and areas wherein there are located parks, playgrounds and gardens, and

WHEREAS, said increased traffic has been to the extent that it has hindered the peaceful enjoyment of the aesthetic, residential and recreational character of said areas, and

WHEREAS, the City Council for the City of Orangeburg wishes to maintain the integrity of the character of said areas for the protection of the public safety and welfare,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Orangeburg:

SECTION 1. Definitions. For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Orangeburg.
- (2) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (3) "Truck" is any vehicle designed or operated for the transportation of property, whose body weight or whose combined body and load weight exceeds 12,000 pounds or a vehicle which has more than six (6) wheels.
- (4) "Prohibited truck route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the City are prohibited from operating.

SECTION 2. Application of Regulation. No trucks within the City shall be operated on, over and along the prohibited truck routes herein established or which may hereinafter to be established by amendment hereto.

- (1) Exceptions. This Ordinance shall not prohibit:

- (a) Operation on Street of Destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.

- (b) Emergency Vehicles. The operation of emergency vehicles upon any prohibited truck route.

- (c) Public Utilities. The operation of trucks on or operated by the City, the Department of Public Utilities of the City, any contractor or material man,

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1985-22

while engaged in the repair, maintenance or construction of streets, street improvements, utilities, or street utilities within the City.

SECTION 3. Prohibited Truck Routes Established. There is hereby established within the City the following "prohibited truck routes":

- (1) That portion of Riverside Drive running from Russell Street to Pinehill Road.

SECTION 4. Enforcement.

- (1) Clerk Maintains Maps. The City Clerk shall keep and maintain accurate maps setting out prohibited truck routes and streets upon which truck traffic is prohibited; the maps shall be kept on file in the office of the City Clerk and shall be available to the public.

- (2) Chief of Police Maintains Signs. The Chief of Poice of the City shall cause all prohibited truck routes and those streets upon which truck traffic is prohibited to be clearly signed-posted to give notice that this ordinance is in effect.

- (a) Failure to Post. No person shall be charged with violating the provisions of this ordinance by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on said street.

- (3) Weigh-in. The Chief of Police shall have the authority to require any person driving or in control of any commercial vehicle proceeding over a prohibited truck route or street over which truck traffic is prohibited to proceed to any public or private scale available for the purpose of weighing and determining whether this Ordinance has been violated.

SECTION 5. Penalties. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Two Hundred and no\100 (\$200.00) Dollars or be imprisoned for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. Ordinances Repealed. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Passed by the City Council of the City of Orangeburg, duly assembled,  
this 17th day of December, 1985.

E. O. Fardness  
MAYOR  
W. North Selby  
Lane & Alexander  
Henry G. Morrison  
William S. Miller  
CITY COUNCIL

ATTEST:

Carol Benson  
CITY CLERK  
Formally Carol Benson

EEC866