

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2021-11**

AN ORDINANCE ESTABLISHING CHAPTER 40 OF THE OCONEE COUNTY CODE OF ORDINANCES, TO BE ENTITLED "CULTURAL AND HISTORIC PRESERVATION," AND ENACTING ARTICLE V THERETO, CAPTIONED "PROTECTION OF HISTORICAL MEMORIALS."

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County ("County") a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council ("County Council"), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers relating to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances"), as amended;

WHEREAS, the County's mission is stated as follows: "It is the mission of Oconee County to provide our current and future citizens and visitors with quality services while protecting our communities, heritage, environment and natural resources, in an ever-changing world";

WHEREAS, County Council recognizes that there is a need to revise and supplement the law of the County to meet the changing needs of the County, and by this ordinance to preserve and protect historical memorials of all varieties;

WHEREAS, County Council has therefore determined to add Chapter 40 to its Code of Ordinances, to be entitled "Cultural and Historic Preservation" and to enact Article V thereto, entitled "Protection of Historical Memorials."

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

- 1. Chapter 40, entitled "Cultural and Historic Preservation," is hereby added to the Oconee County Code of Ordinances.**
- 2. Articles I – IV are reserved.**
- 3. Article V to Chapter 40 is hereby enacted and shall be entitled "Protection of Historical Memorials." It shall read as follows:**

ARTICLE V. – Protection of Historical Memorials

Sec. 1-101 – Purpose.

It is the purpose of this Article to facilitate the preservation of historical memorials, as defined below, which are located within the unincorporated boundaries of Oconee County, South Carolina.

Sec. 1-102 – Scope.

(a) “Historical Memorials” is defined as any marker, monument, memorial, tombstone, plaque, or similar structure or site of significant political, cultural, military, or social history.

(b) The following acts are strictly prohibited: climbing on, attaching oneself to, attaching anything to, defacing, damaging, removing, or altering in any way without the express permission of the owner thereof, any Historical Memorial located within the unincorporated boundaries of Oconee County, South Carolina.

(c) This Article applies only to property that is publically owned, operated, or controlled, including roadways and related easement premises (collectively “Public Property”).

(d) The Oconee County Arts and Historical Commission is hereby directed to develop a comprehensive list of Historical Memorials located on Public Property in Oconee County. This list, along with a statement of the criteria used to determine applicable Historical Memorials, shall be presented to County Council for review and adoption as Appendix A hereto, and it shall then constitute the definitive list of Historical Memorials to which this Ordinance shall apply.

Sec. 1-103 – Enforcement.

Any person who violates the provisions of this Article V shall be subject to the penalties established in Section 1-7 of the Oconee County Code of Ordinances, to include fines and imprisonment in an amount not to exceed the jurisdictional limits granted to a magistrate court in the County under South Carolina Law.

4. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

5. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.


5. All other provisions of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

6. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this 1st day of June, 2021.

ATTEST:


Katie D. Smith
Clerk to Oconee County Council


John Elliott
Chair, Oconee County Council

First Reading: May 4, 2021
Second Reading: May 18, 2021
Third Reading: June 1, 2021
Public Hearing: June 1, 2021