

1 Ord #1387

2 Adopted 6/7/05

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AN ORDINANCE

5 RELATING TO THE IMPOSITION OF ANNUAL SOLID WASTE RECYCLING AND
6 DISPOSAL FEES FOR THE DISPOSITION OF SOLID WASTE AND RECYCLING;
7 PROVIDING FOR CLASSIFICATIONS OF REAL PROPERTY SUBJECT TO ANNUAL SOLID
8 WASTE RECYCLING AND DISPOSAL FEES; AND ESTABLISHING THE AMOUNT OF THE
9 ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES.

10 BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL:

11 SECTION 1. Findings. It is hereby found and declared by Charleston
12 County Council (the "County Council"), the governing body of Charleston County,
13 South Carolina (the "County"):

14 1. On October 20, 1987, County Council adopted an ordinance entitled
15 AN ORDINANCE RELATING TO THE DISPOSITION OF SOLID WASTE;
16 PROVIDING FOR THE COLLECTION OF SUCH USER FEE; AND PROVIDING
17 FOR AN EFFECTIVE DATE, (the "Solid Waste Ordinance"). A requirement of the
18 Solid Waste Ordinance is that County Council each year adopt an ordinance
19 relating to rates to be imposed during such year to pay certain costs associated with
20 disposition of Solid Waste. County Council attempts to consider the rate ordinance
21 at substantially the same time each year that it considers its budget ordinance
22 inasmuch as the two ordinances each relate to the cost of providing basic services
23 to the County's residents. County Council has adopted rate ordinances as
24 contemplated by the Solid Waste Ordinance for each fiscal year since adoption of
25 the Solid Waste Ordinance. Such rate ordinances related to, among other things,
26 the imposition of annual disposal user fees for the disposition of solid waste,
27 provided for classifications of real property subject to annual disposal user fees and
28 establishing the amount and made appropriation of the annual disposal user fees.
29 Such rate ordinances were adopted on September 20, 1988, August 22, 1989,
30 October 2, 1990, June 18, 1991, June 2, 1992, June 15, 1993, June 7, 1994, June
31 6, 1995, June 4, 1996, June 3, 1997, June 2, 1998, June 1, 1999, June 6, 2000,
32 June 5, 2001, June 4, 2002, June 3, 2003, June 1, 2004. The Solid Waste
33 Ordinance, the 1988 Ordinance, the 1989 Ordinance, the 1990 Ordinance, the 1991
34 Ordinance, the 1992 Ordinance, the 1993 Ordinance, the 1994 Ordinance, the 1995
35 Ordinance, the 1996 Ordinance, the 1997 Ordinance, the 1998 Ordinance, the 1999
36 Ordinance, the 2000 Ordinance, the 2001 Ordinance, the 2002, the Ordinance 2003
37 and the 2004 Ordinance are herein referred to as the Ordinances.

1 2. In each of the Ordinances, County Council has made certain findings
2 and declarations concerning the need for an adequate Solid Waste Disposal and
3 Resource Recovery System (the "System) for the County, concerning the means of
4 obtaining the use of such System, concerning the benefits that would accrue to
5 property owners in the County from the existence of such a System, and concerning
6 certain other matters set forth more fully in the Ordinances.

7 In each of the Ordinances, County Council has made specific reference to
8 certain terms and conditions set forth in the Ordinances previously adopted but has
9 not specifically set forth the provisions to which reference has been made. As a
10 result, it has been necessary in the past to refer to each of the Ordinances for a
11 complete understanding of all the terms and conditions relating to the County's Solid
12 Waste Disposal and Resource Recovery System. In connection with adoption of
13 the 1995 Ordinance, several citizens suggested that a single rate ordinance
14 restating the relevant provisions of the Ordinances would be helpful to their
15 understanding of the County's Solid Waste Disposal and Resource Recovery
16 System. County Council determined to undertake such an effort in adopting the
17 1995 Ordinance which attempted to include many of the separate terms and
18 conditions set forth in each of the Ordinances in order to cumulatively present the
19 County's system of Solid Waste. In the interest of efficiency, County Council has
20 determined to incorporate by reference the 1995 Ordinance rather than restate
21 herein the terms and conditions which cumulatively present the County's system of
22 Solid Waste. In addition to incorporating by reference the 1995 Ordinance, it is the
23 purpose of this Ordinance to take the action required on an annual basis by the
24 Solid Waste Ordinance.

25 3. As stated at paragraph 2 of Section 5 of the Solid Waste Ordinance,
26 as amended, County Council must adopt a Rate Ordinance establishing
27 classifications and determining the Recycling and Disposal Fees to be imposed
28 upon the Owners of occupied real property within the County. The purpose of this
29 Ordinance is to meet the requirements of the Solid Waste Ordinance and the
30 Ordinances.

31 SECTION 2. Definitions. The definitions contained in the Ordinances are
32 incorporated herein by reference.

33 SECTION 3. Annual Solid Waste Recycling and Disposal Fees, Amendment
34 of Section 20 of the Solid Waste Ordinance. As required by paragraph (1) of
35 Section 5 of the Solid Waste Ordinance, and as further required by the Ordinance
36 providing for the issuance of the 1994 User Fee Revenue Bonds, County Council is
37 required annually to adopt a budget for the operation and maintenance of the Solid
38 Waste Disposal and Resource Recovery System. Such budget is attached hereto
39 as Exhibit A, which budget confirms the funds described in the Fiscal Year
40 Beginning July 1, 2005 Budget Ordinance adopted by County Council substantially
41 on a schedule consistent with adoption of this Ordinance, which funds are hereby
42 appropriated for the purposes set forth in Exhibit A. In order to provide a portion of
43 the sum reflected in the budget, County Council sets the following Annual Solid
44 Waste Recycling and Disposal Fees.

1 1. Residential Properties -- the Annual Solid Waste Recycling and
2 Disposal Fee for Residential Properties shall be as follows:

<u>Classification of Property</u>	<u>Annual Solid Waste Recycling and Disposal Fee</u>
Single Family Residence	\$89.00 each
Multi-family Unit	\$63.00 each

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4 2. Non-Residential Properties -- the Annual Solid Waste Recycling and
5 Disposal Fees for Non-Residential Properties shall be \$78.00 for all Non-Residential
6 Properties which generate .5 cubic yards or less per week. The Annual Solid Waste
7 Recycling and Disposal Fee for other Non-Residential Properties shall be the
8 product of \$155 multiplied by the average number of cubic yards of non-compacted
9 waste generated per week. Compacted waste shall be calculated at a ratio of four
10 cubic yards of noncompacted waste for every one yard of compacted waste.

11 SECTION 4. Preparation of Annual Disposal User Fee Roll. The Solid
12 Waste Ordinance provides that upon adoption by the County Council of the Rate
13 Ordinance and not later than the date the County tax books are transmitted by the
14 Auditor to the County pursuant to Section 12-39-140 of the Code, the Auditor shall
15 cause to be prepared an Annual Disposal User Fee Roll. The information required
16 to be included in the Annual Disposal User Fee Roll shall conform to that
17 maintained by the Auditor on the tax books with respect to real property within the
18 County.

19 The Solid Waste Ordinance further provides that County Council shall cause
20 to be published in a newspaper of general circulation in the County once each week
21 for two consecutive weeks, notice that County Council on a specified date at a
22 regular or special meeting will hear testimony as to the amount of any Annual
23 Disposal User Fee. At such time as the Annual Disposal User Fee Roll is prepared,
24 County Council will cause to be reviewed the Annual Disposal User Fee Roll
25 prepared by the Auditor with respect to Residential Properties. County Council shall
26 make such changes or additions as necessary to conform such roll with the Rate
27 Ordinance. If upon the completion of such review, County Council shall be satisfied
28 that the Annual Disposal User Fee Roll for Residential Properties has been
29 prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll
30 and certify the roll to the Treasurer and the Solid Waste User Fee Department, as
31 appropriate, for collection.

32 County Council will also cause to be reviewed the Annual Disposal User Fee
33 Roll for Non-Residential Properties prepared by the Solid Waste User Fee
34 Department. County Council shall make such changes or additions as necessary to
35 conform such roll with the Rate Ordinance. If upon the completion of such review,
36 County Council shall be satisfied that the Annual Disposal User Fee Roll for Non-
37 Residential Properties has been prepared in conformity with the Rate Ordinance, it
38 shall ratify and confirm such roll and certify the roll to the Solid Waste User Fee
39 Department for collection.

1 SECTION 5. Required Publications and Public Hearing. As required at
2 Sections 5 and 7 of the Solid Waste Ordinance, a public hearing shall be held prior
3 to adoption of this Ordinance for the following purposes:

4 1. To adopt a budget for the operation and maintenance of the Solid
5 Waste Disposal and Resource Recovery System.

6 2. To adopt a Rate Ordinance establishing classifications and
7 determining the Annual Solid Waste Recycling and Disposal Fees.

8 As required by the last paragraph of Section 5 of the Solid Waste Ordinance,
9 notice of the time, place and purpose of the public hearing was published once a
10 week for two successive weeks prior to the public hearing, specifically May 8, 2005
11 and May 15, 2005. The form of such notice is attached hereto as Exhibit B.

12 As required by Section 7 of the Solid Waste Ordinance, "the County Council
13 shall cause to be published in a newspaper of general circulation in the County once
14 each week for two consecutive weeks, notice that the County Council on a specified
15 date at a regular or special meeting will hear testimony as to the amount of any
16 Annual Recycling and Disposal Fee." Such notice was supplied in the publication
17 described in the preceding paragraph in order to afford County Council the
18 opportunity to hear testimony as to the amount of the Annual Solid Waste Recycling
19 and Disposal Fee. As stated above, the form of such notice is attached hereto as
20 Exhibit B.

21 SECTION 6. Ratification and Confirmation of Annual Solid Waste Recycling
22 and Disposal Fee. A public hearing has been held in connection with adoption of
23 this Ordinance to enable County Council to hear comments and receive testimony
24 regarding (1) the budget for the Solid Waste Disposal and Resource Recovery
25 System and (2) the rates and classifications determining the Annual Solid Waste
26 Recycling and Disposal Fees to be imposed upon the Owners of certain property
27 within the County or collected by municipalities primarily located in the County.
28 County Council hereby ratifies and confirms such Annual Solid Waste Recycling
29 and Disposal Fee.

30 SECTION 7. Partial Invalidity. If any section, subsection, sentence, clause,
31 phrase or portion of this Ordinance is for any reason held invalid or unconstitutional
32 by any court of competent jurisdiction, such portion shall be deemed a separate,
33 distinct and independent provision and such holding shall not affect the validity of
34 the remaining portion of this Ordinance.

35 SECTION 8. Effective Date. This Ordinance shall take effect upon third
36 reading by County Council.

37 First Reading: May 17, 2005

38 Second Reading: May 24, 2005

39 Third Reading: June 7, 2005

1 STATE OF SOUTH CAROLINA

2 COUNTY OF CHARLESTON

3 I, the undersigned, Clerk of County Council of Charleston County, South Carolina, DO
4 HEREBY CERTIFY:

5 That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted
6 by the said County Council, having been read at three duly called and regularly held meetings at
7 which a quorum attended and remained throughout on each of May 17, May 24 and June 7, 2005.

8 That the said Ordinance is now in full force and effect and has not been modified, amended,
9 repealed or rescinded.

10 IN WITNESS WHEREOF, I have hereunto set my Hand and Seal of said County Council
11 this 7th day of June, 2005.

12 (SEAL)

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Clerk, Charleston County Council

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EXHIBIT A

**FISCAL YEAR BEGINNING JULY 1, 2005, BUDGET FOR SOLID WASTE
DEPARTMENT TO BE SUPPLIED BY FINANCE OR PUBLIC WORKS**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County Council of Charleston County, South Carolina, at its meeting on the 25th day of May, 2004, at 6:45 o'clock p.m., in the Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, in County Council Chambers, in the City of North Charleston, South Carolina, will conduct a public hearing for the purpose of receiving comments on adoption of a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System and to hear testimony as to the amount of any Annual Solid Waste Recycling and Disposal Fee, which fees are contained in a Rate Ordinance establishing classifications and determining the Annual Solid Waste Recycling and Disposal Fees to be imposed upon the owners of certain property within the County or within the corporate limits of a municipality primarily located in the County.

County Council is considering an Ordinance which would impose an Annual Solid Waste Recycling and Disposal User Fee of \$89.00 on every Single Family Residence, including mobile homes, and \$63.00 on every Multi-family Unit. The Ordinance further proposes that the Annual Solid Waste Recycling and Disposal Fees for Non-Residential Properties shall be \$78.00 for all Non-Residential Properties which generate .5 cubic yards or less per week. The Annual Solid Waste Recycling and Disposal Fee for other Non-Residential Properties shall be the product of \$155 multiplied by the average number of cubic yards generated per week.

