

AN ORDINANCE

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

BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL:

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

1. On October 20, 1987, County Council adopted an ordinance entitled AN ORDINANCE RELATING TO THE DISPOSITION OF SOLID WASTE; PROVIDING FOR THE COLLECTION OF SUCH USER FEE; AND PROVIDING FOR AN EFFECTIVE DATE, (the "Solid Waste Ordinance"). A requirement of the Solid Waste Ordinance is that County Council each year adopt an ordinance relating to rates to be imposed during such year to pay certain costs associated with disposition of Solid Waste.

County Council attempts to consider the rate ordinance at substantially the same time each year that it considers its budget ordinance inasmuch as the two ordinances each relate to the cost of providing basic services to the County's residents. County Council has adopted rate ordinances as contemplated by the Solid Waste Ordinance for each fiscal year since adoption of the Solid Waste Ordinance. Such rate ordinances related to, among other things, the imposition of annual disposal user fees for the disposition of solid waste, provided for classifications of real property subject to annual disposal user fees and establishing the amount and made appropriation of the annual disposal user fees. Such rate ordinances were adopted on September 20, 1988, August 22, 1989, October 2, 1990, June 18, 1991, June 2, 1992, June 15, 1993, June 7, 1994, June 6, 1995, June 4, 1996, June 3, 1997, June 2, 1998, June 1, 1999, June 6, 2000, June 5, 2001, June 4, 2002, June 3, 2003. The Solid Waste Ordinance, the 1988 Ordinance, the 1989 Ordinance, the 1990 Ordinance, the 1991 Ordinance, the 1992 Ordinance, the 1993 Ordinance, the 1994 Ordinance, the 1995 Ordinance, the 1996 Ordinance, the 1997 Ordinance, the 1998 Ordinance, the 1999 Ordinance, the 2000 Ordinance, the 2001 Ordinance, the 2002 Ordinance and the 2003 Ordinance are herein referred to as the Ordinances.

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

In each of the Ordinances, County Council has made specific reference to certain terms and conditions set forth in the Ordinances previously adopted but has not specifically set forth the provisions to which reference has been made. As a result, it has been necessary in the past to refer to each of the Ordinances for a complete understanding of all the terms and conditions relating to the County's Solid Waste Disposal and Resource Recovery System. In connection with adoption of the 1995 Ordinance, several citizens suggested that a single rate ordinance restating the relevant

provisions of the Ordinances would be helpful to their understanding of the County's Solid Waste Disposal and Resource Recovery System. County Council determined to undertake such an effort in adopting the 1995 Ordinance which attempted to include many of the separate terms and conditions set forth in each of the Ordinances in order to cumulatively present the County's system of Solid Waste. In the interest of efficiency, County Council has determined to incorporate by reference the 1995 Ordinance rather than restate herein the terms and conditions which cumulatively present the County's system of Solid Waste. In addition to incorporating by reference the 1995 Ordinance, it is the purpose of this Ordinance to take the action required on an annual basis by the Solid Waste Ordinance.

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

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

SECTION 3. Annual Solid Waste Recycling and Disposal Fees, Amendment of Section 20 of the Solid Waste Ordinance. As required by paragraph (1) of Section 5 of the Solid Waste Ordinance, and as further required by the Ordinance providing for the issuance of the 1994 User Fee Revenue Bonds, County Council is required annually to adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System. Such budget is attached hereto as Exhibit A, which budget confirms the funds described in the Fiscal Year Beginning July 1, 2004 Budget Ordinance adopted by County Council substantially on a schedule consistent with adoption of this Ordinance, which funds are hereby appropriated for the purposes set forth in Exhibit A. In order to provide a portion of the sum reflected in the budget, County Council sets the following Annual Solid Waste Recycling and Disposal Fees.

1. Residential Properties -- the Annual Solid Waste Recycling and 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

2. Non-Residential Properties -- 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 of non-compacted waste generated per week. Compacted waste shall be calculated at a ratio of four cubic yards of noncompacted waste for every one yard of compacted waste.

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

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

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

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

1. To adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System.
2. To adopt a Rate Ordinance establishing classifications and determining the Annual Solid Waste Recycling and Disposal Fees.

As required by the last paragraph of Section 5 of the Solid Waste Ordinance, notice of the time, place and purpose of the public hearing was published once a week for two successive weeks prior to the public hearing, specifically May 9, 2004 and May 16, 2004. The form of such notice is attached hereto as Exhibit B.

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

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

SECTION 7. Partial Invalidity. 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 portion of this Ordinance.

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

First Reading: May 18, 2004

Second Reading: May 25, 2004

Third Reading: June 1, 2004

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted by the said County Council, having been read at three duly called and regularly held meetings at which a quorum attended and remained throughout on each of May 18, May 25 and June 1, 2004.

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

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal of said County Council this 1st day of June, 2004.

(SEAL)

Clerk, Charleston County Council

EXHIBIT A

**FISCAL YEAR BEGINNING JULY 1, 2004, 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.

At the time and place fixed for said public hearing, all residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance.

Mrs. Beverly Craven
Clerk, County Council of Charleston County

Dates of Publication:

May 09, 2004

May 16, 2004