

AN ORDINANCE
TO CREATE A FIRE PROTECTION DISTRICT IN THE UNINCORPORATED AREAS
OF NORTHERN CHARLESTON COUNTY BOUNDED BY SUMMERVILLE,
LINCOLNVILLE, NORTH CHARLESTON, AND BERKELEY AND DORCHESTER
COUNTIES

WHEREAS, Charleston County Council wishes to undertake action to create a fire protection district in the unincorporated areas of Northern Charleston County bounded by Summerville, Lincolville, North Charleston, and Berkeley and Dorchester Counties; and

WHEREAS, there are portions of unincorporated areas of Northern Charleston County which do not currently have an established fire protection district; and

WHEREAS, Charleston County Council finds that it is in the best interests of public health, safety and welfare to establish a fire district in this area; and

WHEREAS, The Town of Summerville and the City of North Charleston each have fire departments which are organized, well established, and exist for the purpose of providing fire protection services, and, starting January 1, 2007 are under contract with Charleston County to provide fire service to the service areas as shown on the attached map; and

WHEREAS, the C&B Volunteer Fire Department is organized, well established and exists for the purpose of providing fire protection services and is willing to discontinue subscription fees in unincorporated Charleston County and enter into contract with Charleston County to provide fire service to the service area shown on the attached map as C&B coverage area; and

WHEREAS, SC Code Section 4-19-10 sets forth the powers of County Councils to establish, operate and maintain fire protection districts in South Carolina; and

WHEREAS, SC Code Section 4-19-20 sets forth the prerequisites to the creation of a fire protection district;

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in meeting duly assembled, as follows.

1.0 Findings of Fact

In addition to the below, Council adopts the above recitals as finding of fact.

1.01 Authority to establish fire protection districts

Pursuant to the County Council's general police power to provide for the public health, safety and general welfare of residents of the County and to provide for fire protection services pursuant to the provisions of Chapter 19 of Title 4 of the Code of Laws of South Carolina, counties are empowered to establish, operate and maintain a system of fire protection, through, *inter alia*, designating an area of the county where such services may be furnished.

1.02 Current Fire Protection Services

The areas to be included within the proposed district are certain unincorporated areas of Northern Charleston County bounded by Summerville, Lincolnton, and North Charleston, and Berkeley and Dorchester Counties. The properties included in the district are depicted on a map entitled "Northern Charleston County Fire District" attached hereto and incorporated herein by reference as Exhibit A, along with a listing of the parcel identification numbers of all parcels of real property, attached hereto and incorporated herein by reference as Exhibit B. These areas currently receive fire protection services from three different fire departments; C&B Fire Department (through direct subscription), Town of Summerville, and the City of North Charleston Fire Departments (both through contractual arrangement with Charleston County). The County reserves the right to enter into future contractual arrangements with these and other fire service providers.

1.03 Establishment of District

The public will benefit by the establishment of a fire protection district in the unincorporated areas of Northern Charleston County bounded by Summerville, Lincolnton, North Charleston, and Berkeley and Dorchester Counties through the institution of a comprehensive system to provide reliable fire protection.

1.04 Compliance with statute

On February 27, 2007, Charleston County Council adopted a resolution, pursuant to SC Code Section 4-19-20, directing that a public hearing be held on the question of the establishment of a fire district in the unincorporated areas of Northern Charleston County bounded by Summerville, Lincolnton, North Charleston and Berkeley and Dorchester Counties. On March 20, 2007 at 6:30 P.M. a public hearing was held before County Council.

2.0 Establishment of fire protection district

2.01 Subject to the effective date herein, the Charleston County Council, acting within the authority granted by the constitution, subject to the general law of this state, exercises its power to adopt this ordinance creating a fire protection district covering the unincorporated service area defined herein, in order that fire protection services as described in this ordinance can be rendered and revenues raised by appropriate measures to fund the installation and operation of such services.

2.02 It is intended that the fire protection district created herein shall be empowered to operate with the full powers and provide the full extent of fire services as such powers

are now or hereafter may be defined by law, subject to decisions of County Council or its designees as to the scope and means of providing such fire protection services. It is intended that initially the fire protection district created herein shall have fire protection through contracts with existing fire service providers, as determined by Charleston County Council.

3.0 Service Area

The area to be included within the proposed fire protection district shall include the unincorporated areas of Northern Charleston County bounded by Summerville, Lincolnville, North Charleston, and Berkeley and Dorchester Counties that are not currently in an established fire district, as depicted in Exhibit A, for the parcels listed in Exhibit B. Currently, fire protection services are provided by three different fire departments; C&B Fire Department (through subscription service) and the Town of Summerville and the City of North Charleston Fire Departments (both through contractual arrangement with Charleston County). The specific boundaries of the three contract areas and the parcels of property within these areas and the District at large are as shown on Exhibits A and B, previously incorporated herein by reference.

4.0 Financing Costs of Services

4.01 There will be levied ad valorem taxes for the operation and maintenance of the district, in an amount to be determined annually by County Council. County Council may also from time to time supplement the costs of equipping and operating the district from other funding sources.

4.02 Initially there will not be imposed within the district rates and charges for operations and maintenance of the district, but that County Council reserves the ability to impose such rates and charges in the future if deemed desirable. In addition, the County reserves the right to charge fees for fire protection services pursuant to SC Code Section 12-37-235 to properties exempt from taxation under SC Code Section 12-37-220.

4.03 The County Council shall be empowered to issue general obligation bonds of the county, payable from an ad valorem tax levied within the district, for the purpose of providing fire protection service in the district.

5.0 Boards.

5.01 The entities providing fire service have existing boards and municipal councils in place. Therefore, no additional board is established for this fire district. However, Charleston County reserves the right to establish Advisory Board(s) in the future, with duties and powers to be defined at the time of creation of any such board(s).

5.02 Same--Limitation of powers.

Except as may otherwise be provided by ordinance, the powers and duties of any board created for the District shall not have any powers or duties which would conflict with or

supersede the powers and duties of the County Council or of the County Administrator, or other county commissions or boards.

6.0 Contracts

The County Administrator is empowered to enter into such contracts as are necessary or beneficial for the purposes of the Fire Protection District, including, but not limited to, contracts for fire protection services with the Town of Summerville, the City of North Charleston, and C&B Volunteer Fire Department . Any necessary or beneficial mutual aid or automatic aid agreements, and other agreements and lawful expenditures of funds beneficial to the purpose of the District are also hereby authorized.

7.0 Annexations

This fire district pertains to unincorporated properties only. When annexations by any annexing authority take place, the properties annexed will no longer be included in the area covered under this ordinance.

8.0 Effective date of Ordinance

This ordinance shall be effective upon approval following third reading. The effective date and time of the creation of the Northern Charleston County Fire District shall be 12:01 A.M., July 1, 2007.

9.0 Miscellaneous.

9.01 Severability. If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

9.02 This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

9.03 The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not effect the meaning, construction, interpretation, or effect of this ordinance.

CHARLESTON COUNTY COUNCIL