

Adopted: 6/5/18

Ord #: 2008

**AN ORDINANCE
AMENDING ORDINANCE NUMBER 1772, AUTHORIZING AN EXCLUSIVE
FRANCHISE FOR THE COLLECTION OF SOLID WASTE FROM
HOUSEHOLDS IN UNINCORPORATED AREAS OF THE COUNTY AND
OTHER MATTERS RELATED THERETO**

WHEREAS, In 1974, County Council adopted Ordinance No. 180, codified as Section 10-16 et seq. of the Code of Ordinances of Charleston County, which established rules and regulations regarding the use and collection of solid waste in unincorporated areas of the County not serviced by a special public service district; and

WHEREAS, the Ordinance created door-to-door collection areas in the unincorporated portion of the County; and

WHEREAS, the Ordinance also provided for licensing of contractors to make door-to-door curbside pickups, and to bill subscribers on a quarterly basis; and

WHEREAS, the County has subsequently conducted competitive bids and awarded contracts for the collection of household garbage, construction and demolition debris and yard waste in the collection districts pursuant to the Ordinance, county solid waste department policies and other applicable laws, rules, and regulations; and

WHEREAS, County Council believes it to be in the best interest of the County government and the health and welfare of its citizens to reaffirm that the business of collecting and subsequently transporting, transferring, disposing and/or recycling of household solid waste generated, kept, or accumulated in the collection districts previously established affects the health, safety, public welfare, and quality of life of the inhabitants of the County; that the business of collecting and disposing of household solid waste is a public service and should continue to be regulated by the County; and that the use of any public street, road highway or other public property in connection with such business is of interest to the County and a proper subject of regulation; and

WHEREAS, the County has solicited or will solicit for these services, which resulted or will result in one or more bids, and awarded or will award a contract to a provider ("Waste Services Provider"), being the lowest responsive and responsible bidder with proposed fees that are reasonable; and

WHEREAS, County Council, in continuance of past precedent and practice, finds that the exclusive contract to be awarded hereunder is necessary to ensure organized, cost effective, and efficient service throughout the collection districts; and

WHEREAS, South Carolina law provides that a franchise is a special privilege, not held by citizens generally, and is a right granted by the government to particular individuals or companies which will create private profits; and

WHEREAS, the regulatory system described above and the contracts to be awarded hereunder are in compliance with South Carolina law; and

WHEREAS, County Council's practice has been generally to establish a franchise by means of the adoption of an ordinance.

NOW, THEREFORE, be ordained it by the Charleston County Council, in meeting duly assembled, finds as follows:

SECTION I. FINDINGS INCORPORATED

The findings above are hereby incorporated by reference and made a part of this ordinance.

SECTION II. FRANCHISE FOR SOLID WASTE COLLECTION SERVICES

County Council hereby establishes a franchise for solid waste collection services, which authorize the execution of a contract awarded through a reoccurring competitive bid process for solid waste collection services to one or more Waste Services Provider(s), pursuant to the terms and conditions of a solicitation, respectively, which is incorporated herein by reference.

SECTION III. AUTHORITY TO EXECUTE DOCUMENTS; ADMINISTRATION

The County Administrator and/or Procurement Director, as the case may be, are authorized to execute and deliver all documents and instruments necessary to memorialize the contracts awarded hereunder. Terms, conditions, specifications, termination, renewals, amendments modifications and other actions related to the contracts may be accomplished pursuant to the terms of said solicitation, the Charleston County Procurement Ordinance and Regulations, Charleston County Code Section 10-16, et seq., and other applicable laws rules and regulations.

SECTION IV. SEVERABILITY

If, for any reason, any part of this ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect.

SECTION V. EFFECTIVE DATE

This ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 5th day of June, 2018

CHARLESTON COUNTY COUNCIL

By: _____
Victor Rawl
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen Salisbury
Clerk to Charleston County Council