

**AN ORDINANCE**

**AMENDING ORDINANCE NUMBER 1996 TO ALLOW THE CHARLESTON COUNTY TREASURER TO ESTABLISH AN ALTERNATIVE PAYMENT SCHEDULE FOR THE INSTALLMENT PAYMENTS OF TAXABLE REAL PROPERTY WITHIN CHARLESTON COUNTY.**

WHEREAS, by virtue of Section 12-45-75 of the Code of Laws of South Carolina, 1976, as amended, the governing body of a county may by ordinance allow each taxpayer owning a parcel of taxable real property within the county the option to pay property taxes in installments;

WHEREAS, on February 13, 2018, the Charleston County Council adopted Ordinance Number 1996 to provide its taxpayers the option to pay real property taxes in installments pursuant to the statutory scheme set forth in Section 12-45-75 of the Code of Laws of South Carolina, 1976, as amended;

WHEREAS, on May 13, 2021, the South Carolina General Assembly passed House Bill 3482, which the Governor approved on May 17, 2021, that further amends Section 12-45-75 to allow counties to authorize an ordinance to grant flexibility in the scheduling and collection of installment payments for taxpayers for ad valorem property taxes that are due, by providing the treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in a county with the discretion in the scheduling and collection of installment payments from taxpayers as well as in the application process;

WHEREAS, the Charleston County Council believes that such flexibility in the scheduling and timing of the collection of ad valorem property taxes due should be made available to its taxpayers, and therefore, it is the will and desire of the County Council to adopt, authorize and approve an amendment to Ordinance Number 1966 to provide the Charleston County Treasurer with the discretion in the scheduling and collection of installment payments from taxpayers, as well as in the application process for installment payments of property taxes set forth in Section 12-45-75 of the Code of Laws of South Carolina, 1976, as amended; and

NOW, THEREFORE, BE IT ENACTED by the Charleston County Council in meeting duly assembled as follows:

**II. I. INSTALLMENT PAYMENTS OF PROPERTY TAX.**

County Council adopts the procedures set forth in in Section 12-45-75 of the Code of Laws of South Carolina, 1976, as amended, provided below:

**Section 1.** The governing body of a county may by ordinance allow each taxpayer owning a parcel of taxable real property within the county the option to pay property taxes in installments as provided in this section. An installment election is not allowed for taxes paid through an escrow account.

**Section 2.** A taxpayer electing to pay ad valorem taxes in installments or electing to opt out of paying in installments, must notify the county treasurer in writing no later than January fifteenth of the tax year for which the installment payments are applicable, and no earlier than December first of the preceding tax year. If the treasurer does not receive written notification from December first to January fifteenth, the taxpayer must pay ad valorem taxes in the same manner as the previous taxable year.

**Section 3.** The treasurer must notify the county auditor and the county assessor of each taxpayer electing the installment payment option or electing to opt out paying in installments. If the county assessor determines the property has diminished in value, an estimated property obligation must be adjusted to reflect the reduced value. Upon being notified of an adjustment of reduced value from the assessor, the county treasurer must notify the property owner of the adjusted estimated property tax obligation.

**Section 4.**

**(A)(1)** An installment payment is based on the total property tax due for the previous property tax year, after applying all applicable credits and adjustments reflecting reduced value as determined by the county assessor. An amount equal to sixteen and two-thirds percent of the estimated property tax obligation must be paid to the county treasurer in each of five installments according to the following schedule:

In the case of the following estimates, the due date is on or before:

First	February 15
Second	April 15
Third	June 15
Fourth	August 15
Fifth	October 15

The remaining balance is due on or before January fifteenth of the following taxable year in accordance with Section 12-45-70. The treasurer must notify the county auditor of the amount of the property owner's payments received no earlier than October fifteenth and no later than November fifteenth. A notice of the remaining tax due and other authorized charges and information must then be prepared and mailed to the property owner.

**(2)** As an alternative to the scheduling provided for in item (1), the authorizing ordinance may provide the treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in a county with the discretion in the scheduling and collection of installment payments from taxpayers as well as the application process provided for in Section 2.

**Section 5.** If a taxpayer electing to pay in installments does not timely make each payment pursuant to the schedule in Section 4, the county may refuse to accept all other installment payments. If the county refuses to accept other installment payments, the remaining balance is due in accordance with Section 12-45-70.

**Section 6.** Estimated property taxes paid in installments during a property tax year are a credit against the total property tax due on the property for the property tax year. The estimated property taxes paid in installments during a property tax year must be deposited by the county treasurer in an interest bearing account. The interest is to be retained by the treasurer to offset the administrative expenses of installment payments. Once final payment is made, and no later than January fifteenth of the following taxable year, the installment payments must be credited to the accounts of the property taxing entities in the county in the same proportion that millage was imposed by such entities in the previous tax year with the necessary adjustments made to reflect current tax year millage impositions with property taxes for the current year are paid.

**Section 7.** If the credit allowed for estimated property tax paid during the property tax year results in an overpayment of property tax, the overpayment must be refunded to the taxpayer together with the actual interest earned by the county treasurer, running from the later of the due date of the installment resulting in the overpayment, without regard to additional

amounts paid, or the actual date the overpayment was received by the county treasurer, to the date the refund is issued. Except that if the overpayment is issued to the taxpayer within forty-five days of the installment payment that resulted in the overpayment, the treasurer may retain the interest earned.

**Section 8.** Every tax notice for real property, for which the installment payment option has been elected, must contain a calculation of any estimated property tax due and a payment schedule and return envelopes for these payments.

**Section 9.** The payment of estimated property tax as provided in this section and the credit allowed arising from these payments in no way alters the due date, penalty schedule, and enforced collection of property taxes as provided by law.

**III. SEVERABILITY.** If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Subsection or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect. Should a court of competent jurisdiction declare any word, phrase, clause or provision of this Ordinance invalid or unconstitutional, such declaration shall not effect this Ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional.

**IV. CONFLICT WITH PRECEDING ORDINANCES.** If any Section, Subsection, or part of this Ordinance shall conflict with the Section, Subsection, or part of a preceding Ordinance of Charleston County, then the preceding Section, Subsection, or part shall be deemed repealed and no longer in effect.

**V. EFFECTIVE DATE OF THIS ORDINANCE.** The Ordinance shall be effective upon Third Reading and be effective for the 2021 property tax year.

**VI.**

**DONE, RATIFIED AND ADOPTED** this 27<sup>th</sup> day of July, 2021.

CHARLESTON COUNTY, SOUTH CAROLINA

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Teddie S. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Kristen L. Salisbury  
Clerk to Charleston County Council

First Reading: June 8, 2021  
Public Hearing: June 22, 2021  
Second Reading: June 22, 2021  
Third Reading: July 27, 2021