

ORDINANCE No 249.2015
AN ORDINANCE TO AMEND AND RESTATE THE KERSHAW COUNTY
ORDINANCE SECTION 9-2, ENTITLED ROAD MAINTENANCE USER
FEE; ESTABLISHING A UNIFORM COUNTY ROAD MAINTENANCE USER
FEE; PROVIDING FOR THE COLLECTION, DISPOSITION AND USE OF
THE FEE; AND PROVIDING FOR PENALTIES FOR NONPAYMENT OF
THE FEE AS AMENDED

NOW, THEREFORE, BE IT ORDAINED BY THE KERSHAW COUNTY COUNCIL THAT KERSHAW COUNTY ORDINANCE SECTION 9-2 IS AMENDED AND RESTATED TO READ AS FOLLOWS:

Sec. 9-2. Road maintenance user fee.

- (a) The owner of every vehicle, except duly licensed and registered mobile homes, required to be registered and licensed in the county by the South Carolina Department of Highways and Public Transportation, shall pay to the county treasurer a county road maintenance user fee. The county road maintenance user fee shall be an amount established and enacted each year in the budget ordinance of Kershaw County and used to improve and maintain roads in Kershaw County.
- (b) The County Treasurer shall collect the county road maintenance user fee in the same manner as the county treasurer collects ad valorem vehicle taxes. The County Treasurer is directed, where applicable, to pro-rate monthly the county road maintenance user fee based on the yearly amount set in the Kershaw County annual budget.
- (c) The proceeds from the collection of such fees shall be allocated and used for the maintenance and improvement of roads maintained by Kershaw County.
 1. Provided, however, that municipalities which have a road maintenance program as of the effective date of this ordinance shall be allocated and appropriated a portion of the fees collected by Kershaw County for vehicles within the municipality which pay vehicular ad valorem taxes in the annual fiscal year budget ordinance for Kershaw County. The amount allocated by Kershaw County shall be determined by Kershaw County in its annual budget ordinance and shall be based on a percentage of fees collected by Kershaw County on vehicles inside the municipality for the previous calendar year.
 2. To be eligible for allocation of the funds the municipalities shall pass an ordinance which shall specify the use of the funds as provided herein by the municipality. The funds shall be allocated by the county to the municipalities on an annual basis only so long as the municipality uses allocated funds as provided in this ordinance.

FILED FOR RECORD
2015 APR -1 9:17
JOYCE NODD
CLERK OF COURT
KERSHAW COUNTY, S.C.

(d) Penalties for nonpayment:

- (1) In the event an owner does not pay the county road maintenance user fee at the time designated by the county treasurer (or at the time ad valorem vehicle taxes are due), a penalty of thirty dollars (\$30.00) will be due 30 days after ad valorem taxes are due and shall be levied against such owner.
- (2) The penalty shall apply to each vehicle fee that is unpaid.
- (3) If the county road maintenance user fee and penalties are not paid after the expiration of 60 days from due date of the user fee, the fees and penalties may be enforced by judgment and attachment or such other means provided for under the laws of the state. Nothing in this section shall be construed as a limit on the time for the bringing of an action to collect such fees and penalties. In addition to the penalties provided herein, the county may recover reasonable attorney's fees and other expenses of litigation or collection.

This Amendment to Kershaw County Ordinance Section 9-2 is effective upon the third reading.

DONE IN REGULAR MEETING THIS 10th DAY OF FEBRUARY, 2015.



Kershaw County Council

ATTEST:



Merri M. Seigler
Clerk to County Council

First Reading: January 13, 2015
Second Reading: January 27, 2015
Public Hearing: February 10, 2015
Third Reading: February 10, 2015