

ORDINANCE NO. 198.2012

AN ORDINANCE TO ADOPT, CHARGE AND COLLECT A SERVICE OR USER FEE FOR DISPOSAL OF RESIDENTIAL SOLID WASTE FOR KERSHAW COUNTY HOUSEHOLDS

FILED FOR RECORD  
2012 JUL 10 AM 10:42  
JOYCE MOON  
CLERK OF COURSE  
KERSHAW COUNTY, S.C.

Legislative Findings and Determinations

WHEREAS, South Carolina Code Ann. § 6-1-330 (Supp. 2011) provides that a local governing body, by ordinance approved by a positive majority, is authorized to charge and collect a service or user fee.

WHEREAS, state and federal regulations for the disposal of residential solid waste have greatly increased the cost of disposing of residential solid waste, and

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WHEREAS, Kershaw County provides and pays for disposing of municipal residential solid waste, lawn debris, and recyclables collected by the City of Camden, and

WHEREAS, Kershaw County pays for the cost of disposing of residential solid waste for the household residents of Kershaw County including the disposal of residential solid waste for household residents of the City of Camden, and

WHEREAS, Kershaw County Council has determined that a fair and equitable method of paying for the disposal of residential solid waste, residential lawn debris, residential construction and demolition material, residential recyclables, and residential white goods (collectively referred to in this Ordinance as residential solid waste) is to assess a service or user fee on each residential household in Kershaw County, and

**NOW, THEREFORE, BE IT ORDAINED** by Kershaw County Council that:

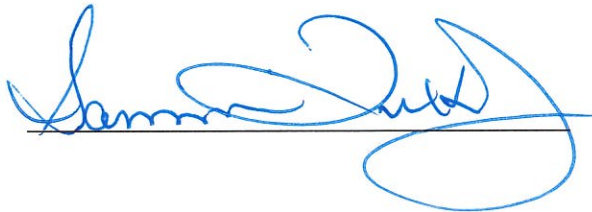
1. There shall be assessed a service or user fee of \$55.00 per year per residence located in Kershaw County, South Carolina to help defray the costs of disposing of residential solid waste. This service or user fee shall be charged and collected against the property owner of each residential household (residence) and shall be collected by the Treasurer of Kershaw County at the same time and in the same manner as real property taxes are paid.
2. As used herein the term "Residence" is defined as follows:
  - a. A house or other structure in which a person or persons live or
  - b. A house or other structure designed for habitation by person or persons whether or not said building or structure is actually used for habitation, PROVIDED that no residence shall be assessed this fee unless it is connected to an electrical service as of December 31 preceding the year of assessment.

PROVIDED further that the burden shall be upon the property owner to establish that the residence was not connected to electrical service as of December 31 preceding the year of assessment.

- c. In a building or structure designed for habitation by more than one family, or one group of persons inhabiting one unit, each unit or apartment shall be considered as a separate residence and each unit or apartment assessed a separate fee.
  - d. Mobile homes and modular homes designed for or used for human habitation shall be included in the definition of residence.
3. All sums collected under this section shall be used for the disposal of residential solid waste which is generated in Kershaw County and shall be credited to a separate account and used for that purpose.
  4. The service or user fee assessed in this Ordinance may be changed from time to time and it may be changed by Kershaw County Council as reflected in its budget ordinance adopted for each fiscal year.
  5. 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 effect.
  6. This Ordinance shall become effective upon third reading.

ADOPTED BY KERSHAW COUNTY COUNCIL THIS 26<sup>th</sup> DAY OF JUNE, 2012

KERSHAW COUNTY COUNCIL



ATTEST:



Merri Seigler  
Clerk to County Council

First Reading: June 5, 2012  
Second Reading: June 12, 2012  
Public Hearing: June 26, 2012  
Third Reading: June 26, 2012