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Darlington County, SC  
Scott B. Suggs Clerk of Court / ROD

File **2017-06**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DARLINGTON )

**ORDINANCE NO. 17-04**

**AN ORDINANCE TO AMEND DARLINGTON COUNTY CODE OF ORDINANCES, CHAPTER 2 (ADMINISTRATION), ARTICLE V. (FINANCE), DIVISION 7 (FEES), TO ESTABLISH A NEW UNIFORM EMERGENCY SERVICES VEHICLE FEE FOR DARLINGTON COUNTY AND THE GUIDELINES FOR THE COLLECTIONS AND USE OF THIS FEE; TO ESTABLISH A NEW UNIFORM EMERGENCY SERVICES RESIDENTIAL FEE FOR DARLINGTON COUNTY AND THE GUIDELINES FOR THE COLLECTION AND USE OF THIS FEE; AND TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE**

**PURPOSE**

The purpose of this ordinance is to establish a new Emergency Services Vehicle Fee and a new Emergency Services Residential Fee.

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of Darlington County, South Carolina, the Darlington County Council that:

**SECTION 1.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees), Section 2-401 (Road maintenance fee required; vehicle owners), which **currently reads**:

Sec. 2-401. - Road maintenance fee required; vehicle owners.

The owners of every vehicle, with the exception of manufactured homes and nonmotorized vehicles, required to be registered and licensed in Darlington County by the South Carolina Department of Motor Vehicles shall pay annually to the Darlington County Treasurer, a road maintenance fee of \$30.00 on each such vehicle.

**Be amended to read as follows:**

Sec. 2-401. - Road maintenance fee **and emergency services vehicle fee** required; vehicle owners.

The owners of every vehicle, with the exception of manufactured homes and nonmotorized vehicles, required to be registered and licensed in Darlington County by the South Carolina Department of Motor Vehicles shall pay annually to the Darlington County

Treasurer, a road maintenance fee of \$30.00 and an emergency services vehicle fee of \$15.00 on each such vehicle.

**SECTION 2.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees), Section 2-402. - Same—Dealers and wholesalers, which currently reads:

Sec. 2-402. - Same—Dealers and wholesalers.

The road maintenance fee established herein shall also apply to each dealer and wholesaler plate issued to duly licensed motor vehicle dealers and wholesalers in Darlington County by the South Carolina Department of Motor Vehicles.

**Be amended to read as follows:**

Sec. 2-402. - Same—Dealers and wholesalers.

The road maintenance fee and emergency services vehicle fee established herein shall also apply to each dealer and wholesaler plate issued to duly licensed motor vehicle dealers and wholesalers in Darlington County by the South Carolina Department of Motor Vehicles.

**SECTION 3.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-403. - Exemptions, subsections (1) and (2), which currently reads:

Sec. 2-403. - Exemptions.

The following are exempted from the road maintenance fee:

- (1) When an individual owns a vehicle which is not operated or nonoperational and such individual certifies this fact to the county auditor, therein certifying that the vehicle in question is not being operated on the roads of South Carolina, such individual shall be exempt from paying the \$30.00 road maintenance fee for that vehicle.
- (2) Disabled veterans, disabled individuals, or organizations, as certified to the county auditor by the state department of revenue, pursuant to the following provisions of S.C. Code 1976, § 12-37-220, as amended, shall be exempt from paying the fee on two vehicles registered in their name. A \$30.00 fee will be levied on all subsequent vehicles registered by the individual receiving the exemption:

**Be amended to read as follows:**

Sec. 2-403. - Exemptions.

The following are exempted from the road maintenance fee and emergency services vehicle fee:

- (1) When an individual owns a vehicle which is not operated or nonoperational and such individual certifies this fact to the county auditor, therein certifying that the vehicle in question is not being operated on the roads of South Carolina, such individual shall be exempt from paying the \$30.00 road maintenance fee and the \$15.00 emergency services vehicle fee for that vehicle.
- (2) Disabled veterans, disabled individuals, or organizations, as certified to the county auditor by the state department of revenue, pursuant to the following provisions of S.C. Code 1976, § 12-37-220, as amended, shall be exempt from paying the fee on two vehicles registered in their name. A \$30.00 fee and a \$15.00 fee will be levied on all subsequent vehicles registered by the individual receiving the exemption:

#### SECTION 4.

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-403. -- Exemptions, subsections (3) and (4), which currently reads:

- (3) All nonprofit and government vehicles shall be exempted from paying the \$30.00 road maintenance fee.
- (4) The road maintenance fee shall be paid the same day any exempted there from vehicle is licensed for operation and any person not paying such fee shall be subject to the penalties set forth in this section. The first day of the month displayed on the license tag for a vehicle placed back in operation shall be deemed to be the first day of operation for the purpose of imposing any fee. Individuals shall not be subject to the fee for the years the vehicle was not licensed for operation and was exempt pursuant to this subsection. Thus exemption shall not be applied retroactively.

**Be amended to read as follows:**

- (3) All nonprofit and government vehicles shall be exempted from paying the \$30.00 road maintenance fee and the \$15.00 emergency services vehicle fee.
- (4) The road maintenance fee and the emergency services vehicle fee shall be paid the same day any exempted there from vehicle is licensed for operation and any person not paying such fee shall be subject to the penalties set forth in this section. The first day of the month displayed on the license tag for a vehicle placed back in operation shall be deemed to be the first day of operation for the purpose of imposing any fee. Individuals shall not be subject to the fee for the years the vehicle was not licensed for operation and was exempt pursuant to this subsection. Thus exemption shall not be applied retroactively.

**SECTION 5.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-404. – Authorization, which currently reads:

Sec. 2-404. - Authorization.

The county auditor is hereby authorized to add a uniform road maintenance fee of \$30.00 per annum to all motorized licensed vehicles subject to the taxes in the county beginning with tax notices which become due July 1, 2006, and each month thereafter. The charge of \$30.00 so added shall become due and payable at the time other personal property taxes become due and payable. Also, the auditor is hereby authorized to bill annually for plates issued to duly licensed motor vehicle dealers and wholesalers in Darlington County by the South Carolina Department of Motor Vehicles.

**Be amended to read as follows:**

Sec. 2-404. - Authorization.

The county auditor is hereby authorized to add a uniform road maintenance fee of \$30.00 **and a uniform emergency services vehicle fee of \$15.00** per annum to all motorized licensed vehicles subject to the taxes in the county beginning with tax notices which become due July 1, 2006, and each month thereafter. The charge of \$30.00 so added shall become due and payable at the time other personal property taxes become due and payable. Also, the auditor is hereby authorized to bill annually for plates issued to duly licensed motor vehicle dealers and wholesalers in Darlington County by the South Carolina Department of Motor Vehicles

**SECTION 6.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section Sec. 2-405. – Refunds, which currently reads:

Sec. 2-405. - Refunds.

In the event a vehicle registration is cancelled and the Darlington County Auditor orders a refund of property tax pursuant to S.C. Code 1976, § 12-37-2725, as amended, a refund of the road maintenance fee shall also be made in the same manner and proportion as the property tax is refunded.

**Be amended to read as follows:**

Sec. 2-405. - Refunds.

In the event a vehicle registration is cancelled and the Darlington County Auditor orders a refund of property tax pursuant to S.C. Code 1976, § 12-37-2725, as amended, a refund of the road maintenance fee **and the emergency services vehicle fee** shall also be made in the same manner and proportion as the property tax is refunded.

**SECTION 7.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-406. - County treasurer to collect, which currently reads:

Sec. 2-406. - County treasurer to collect.

The county treasurer is hereby authorized to collect the uniform road maintenance fee at the time of collection of all other charges and taxes due on such vehicles.

**Be amended to read as follows:**

Sec. 2-406. - County treasurer to collect.

The county treasurer is hereby authorized to collect the uniform road maintenance fee **and the uniform emergency services vehicle fee** at the time of collection of all other charges and taxes due on such vehicles.

**SECTION 8.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-407. - Use of fee, which currently reads:

Sec. 2-407. - Use of fee.

The treasurer shall deposit the proceeds from the collection of such fee in a fund separate and distinct from the county general fund. The proceeds of such fund, together with any interest earned thereon, must be used solely and exclusively for the construction, maintenance, and repairs of all roads and bridges maintained by the Darlington County Roads and Bridges Department. Funds not used in any fiscal year shall be carried forward and used exclusively for the purposes stated herein.

**Be amended to read as follows:**

The treasurer shall deposit the proceeds from the collection of such fees in a fund separate and distinct from the county general fund. The proceeds of such **fund from the road maintenance fee**, together with any interest earned thereon, must be used solely and exclusively for the construction, maintenance, and repairs of all roads and bridges maintained by the Darlington County Roads and Bridges Department. **The proceeds of funds from the emergency services vehicle fee, together with any interest earned thereon, must be used solely and exclusively for the operation, maintenance, and fiscal needs of the Emergency Services Fund which shall include the 911 Central Communication Center, Emergency Medical Services and Emergency Preparedness.** Funds not used in any fiscal year shall be carried forward and used exclusively for the purposes stated herein.

**SECTION 9.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-408. – Appropriation, which currently reads:

Sec. 2-408. - Appropriation.

Funds generated from the road maintenance fee shall be appropriated for expenditures within the county general operating budget for each fiscal year.

**Be amended to read as follows:**

Sec. 2-408. - Appropriation.

Funds generated from the road maintenance fee and the emergency services vehicle fee shall be appropriated for expenditures within the county general operating budget for each fiscal year.

**SECTION 10.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-409. – Violations, which currently reads:

Sec. 2-409. - Violations.

It shall be unlawful for any person required to pay the road maintenance fee described in sections 2-401 and 2-402 of this division to drive or to allow another person to drive a vehicle on a Darlington County road without having paid the road maintenance fee therefore on or before its due date.

**Be amended to read as follows:**

Sec. 2-409. - Violations.

It shall be unlawful for any person required to pay the road maintenance fee and the emergency services vehicle fee described in sections 2-401 and 2-402 of this division to drive or to allow another person to drive a vehicle on a Darlington County road without having paid the road maintenance fee and the emergency services vehicle fee therefore on or before its due date

**SECTION 11.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-410. – Penalties, which currently reads:

Sec. 2-410. - Penalties.

In the event the road maintenance fee remains unpaid after the expiration of 60 days from the due date of the road maintenance fee, the fee may be enforced by judgment and

attachment or such other means as provided under the laws of the State of South Carolina. Nothing in this section shall be construed as a limitation on the time for the bringing of an action to collect such fee. In addition, the county may recover reasonable attorney's fee and other expenses of litigation or collection.

**Be amended to read as follows:**

Sec. 2-410. - Penalties.

In the event the road maintenance fee and the emergency services vehicle fee remains unpaid after the expiration of 60 days from the due date of the road maintenance fee and the emergency services vehicle fee, the fee may be enforced by judgment and attachment or such other means as provided under the laws of the State of South Carolina. Nothing in this section shall be construed as a limitation on the time for the bringing of an action to collect such fee. In addition, the county may recover reasonable attorney's fee and other expenses of litigation or collection.

#### **SECTION 12.**

Darlington County Code of Ordinances, Chapter 2 (Administration), Article V. (Finance), Division 7 (Fees) Section 2-412 Fee Schedule, to add new items numbered 19 and 20, and renumber the current item 19 to Item 21 as follows:

**Be amended to read as follows:**

**(19) Emergency Services Vehicle Fee**  
**(Reference Code Section 2-401).....\$15.00**

**(20) Emergency Services Residential Fee.....\$20.00 annually**  
**(The emergency services residential fee is levied upon all residential properties, including mobile homes and farm residences, in the county. The service charge shall be levied on individual residential units located in apartments and duplexes and on individual mobile home parking spaces located in mobile home parks. The service charge shall be added to the annual tax bill of the owners of such residential properties and collected at the same time and subject to the same provisions as county taxes. Unpaid service charges shall constitute a lien against the property charged, superior to all other liens and encumbrances except only the lien for property taxes, and such unpaid service charges shall accrue interest and penalties as provided for property taxes. The method provide in this section for the enforcement of the collection of past due service charges shall not be the exclusive method of enforcing service charges in any other lawful manner.)**

~~(1921)~~ Taxicabs/Limousine Fares ..... \$0.15 for fares of less than \$1.00 or 15% of the fare rounded to the next multiple of \$0.05 for fares in excess of \$1.00.

#### **SECTION 13.**

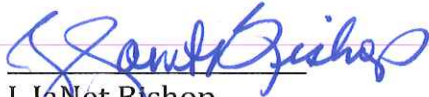
The provision of this ordinance shall be included and incorporated in the Code

of Ordinances of the County of Darlington, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 14.**

This ordinance shall become effective upon third reading.

ATTEST:



J. Janet Bishop  
Clerk to Council

DARLINGTON COUNTY COUNCIL



Bobby Hudson, Chairman

FIRST READING: April 3, 2017  
SECOND READING: May 1, 2017  
PUBLIC HEARING: May 1, 2017  
THIRD READING: June 5, 2017