

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)

ORDINANCE NO: 21-22-787

AN ORDINANCE ESTABLISHING A THIRTY DOLLAR PER VEHICLE ROAD USER FEE FOR ALL MOTORIZED VEHICLES REGISTERED IN EDGEFIELD COUNTY AND TO PROVIDE FOR THE COLLECTION AND EXPENDITURE OF REVENUE FROM SAID FEE AND OTHER MATTERS RELATING THERETO

WHEREAS, in 2004 Edgefield County established a vehicle Road Maintenance Fee on all motorized vehicles registered in the County of Edgefield; and,

WHEREAS, in 2021, the Supreme Court ruled in Burns vs. Greenville County Burns v. Greenville Cnty. Council, 861 S.E.2d 31, 433 S.C. 583 (S.C. 2021), that certain Road Maintenance Fees were considered at taxes,

WHEREAS, the County of Edgefield, in reaction to the Supreme Court ruling, eliminated their Road Maintenance Fee in October 2021; and,

WHEREAS, the state legislature amended Section 6-1-300(6) to allow a county imposition of service or user fees; provided that (1) the revenue generated from said user fee is used for the benefit of the payers, even if the general public also benefits;(2) is used for specific improvements;(3) does not exceed the cost of the improvements; and (4) is uniformly imposed on all payers; and,

WHEREAS, there are over 27,000 motorized vehicles registered in Edgefield County, which contribute to the wear and tear on the county-maintained roads; and,

WHEREAS, all fees collected under this ordinance shall be used only for expenditures directly related to the uses outlined below for the maintenance of roads;

NOW THEREFORE BE IT ORDAINED BY THE EDGEFIELD COUNTY COUNCIL THAT A UNIFORM THIRTY DOLLAR ROAD USER FEE IS ENACTED, ITS PROCEEDS OUTLINED AND SPENT IN ACCORDANCE WITH THE TERMS, CONDITIONS, PROCEDURES, AND OTHER PROVISIONS ESTABLISHED HEREIN:

Section 1. Enactment and Expiration

Effective _____, 2022, a mandatory uniform user fee of Thirty Dollars (\$30.00) shall be imposed upon each motorized vehicle registered in Edgefield County, South Carolina, excluding mobile homes and non-motorized trailers and campers, with notice of such fee being included with the annual vehicle tax notices.

Section 2. Expenditure of Proceeds

- A. For each year during which this ordinance remains in effect, Edgefield County Council shall budget expenditures from the proceeds of the annual road user fee for operations and capital expenditures directly related to the maintenance of county roads.
- B. Said funds shall be used specifically by the County for the following uses:

1. All costs associated with maintaining and improving County maintained gravel and dirt roads.
 2. All costs associated with paving County maintained gravel and dirt roads.
 3. All cost associated with re-paving and patching county-maintained roads.
 4. All costs associated with storm water drainage from County maintained roadways,
 5. All costs associated with maintenance of right of ways to county-maintained roads.
 6. All costs associated with installation, maintenance and replacement of roadway signage.
 7. All costs for professional service for the construction and maintenance of county-maintained roads.
- C. Revenue received by the County from said fee shall not exceed the actual cost of the maintenance. Any excess funds shall be applied first towards budgeted costs of above referenced maintenance in successive years.
- D. The County, pursuant to SC Code §6-1-330, shall post on the county's website the amount of dollars received annually from this user fee.

Section 3. Collection and Investment of Funds

For the period during which this ordinance remains in effect, the county auditor shall cause a mandatory road user fee of Thirty Dollars (\$30.00) to be imposed on all motorized vehicles required to be registered and licensed in Edgefield County, South Carolina, excluding mobile homes and non-motorized trailers and campers. The County treasurer shall ensure the collection and investment of these funds in the manner that she deems most efficient.

Section 4. Repeal of Millage Increase.

Upon repeal of the previously road maintenance fee in October 2021, Edgefield County raised the County operations millage for the year 2021-2022 by 6.9 mils. The County Council shall:

A. Direct the County Auditor to calculate the estimated funds to be received from the collection of this user fee and the effect this collection shall have on the County operations millage rate.

B. Once calculated and before implementation of this Ordinance, Council shall by resolution repeal the portion of the County operations millage imposed for road maintenance for the specific uses outlined under this ordinance.

Section 5. Severability

If any portion in this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications on the ordinance, which remaining provisions and applications shall stay in full force and effect.

Section 6. Repeal

The existing ordinance previously adopted by Council establishing the current districts and any other ordinances of the Council now in effect that are inconsistent with the Ordinance are hereby repealed as the Effective Date of this Ordinance.

AND IT IS SO ORDAINED, this the ___ of October 2022, by the Edgefield County Council in meeting duly assembled in Edgefield, South Carolina.

Edgefield County Council

Dean Campbell, Chair

ATTEST:

Aretha Eubanks, Clerk to Council
First Reading: _____
Public Hearing: _____
Second Reading: _____
Third Reading: _____

Ordinance Title: Ordinance for “Collection and Charge of a Road Service or User Fee”