

**STATE OF SOUTH CAROLINA**

**ORDINANCE #2008-81**

**COUNTY OF GEORGETOWN**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2006-100  
PREVIOUSLY ADOPTED BY THE GEORGETOWN COUNTY  
COUNCIL TO ESTABLISH A UNIFORM SERVICE CHARGE  
FOR MOTORIZED VEHICLE USERS OF THE COUNTY ROADS  
OF GEORGETOWN COUNTY, SOUTH CAROLINA**

WHEREAS, on June 26, 2001, Georgetown County Council adopted Ordinance 2001-16 to establish a Uniform Service charge for Motorized Vehicle Users in Georgetown County, South Carolina; and

WHEREAS, on April 8, 2003, Georgetown County Council adopted Ordinance 2003-11 amending the same; and

WHEREAS, Georgetown County Council has after extensive study and consideration determined that it is in the best interest of the citizens and taxpayers of Georgetown County, South Carolina, that Ordinances #2001-16 and #2003-11 should be repealed, and replaced by Ordinance #2006-100, which shall become the Road User Fee Ordinance for Georgetown County, South Carolina;

**NOW, THEREFORE, IT IS RESOLVED AND ORDAINED AS FOLLOWS:**

FINDINGS OF FACT:

1. There are currently in excess of two hundred seventy-seven (277) miles of dirt and gravel roads within Georgetown County, South Carolina.
2. The cost of maintaining roads is escalating at an ever accelerating rate and all funds available must be used to maintain the system in its present condition. Funds are extremely limited to implement improvements in the system.
3. The South Carolina Department of Transportation is accepting fewer roads into the State highway system.
4. The annual appropriation of "C" funds from the Department of Transportation is insufficient to impact the number of roads within Georgetown County that require improvement up to State standards.
5. The State of South Carolina has for many years, through the Department of Transportation, charged motorized vehicular users fees for the use of the State highway system through the provisions of Chapter 3 of Title 56 of the South Carolina Code of Laws.

6. Dirt and gravel roads within Georgetown County total in excess of eighty-two (82%) percent serving primarily residential areas. The roads are not conditioned or located for interstate or inter-county traffic. As a result, virtually all the motorized vehicular users of the roads within Georgetown County are motorized vehicles licensed in Georgetown County.
7. Roads within Georgetown County are used by pedestrians, bicyclists, equestrians and other non-motorized vehicular users. However, motorized vehicular traffic constitutes the overwhelming majority of the use of the road system. Furthermore, motorized vehicular traffic causes practically 100% of all the wear and tear on the County road system.
8. The road system within Georgetown County must be maintained and improved to a much better condition to accommodate motorized vehicular traffic, and rapidly increasing volumes of traffic throughout Georgetown County, especially on major roads and thoroughfares.
9. Georgetown County Council has authorized the development of a Transportation Master Study for Georgetown County in order to identify potential corrective action to address specific needs including, but not limited to congestion on major road thoroughfares, such as US Highway 17, as well as drainage and right-of-way issues.
10. Improvements of the road system within Georgetown County bestows a specific benefit on motorized vehicular users not enjoyed by the non-owning members of the general public by reason of the above.
11. The use of general tax revenues to construct and maintain roads within Georgetown County has resulted in placing on property owners, including non-residents, non-users, and non-owners, the entire cost of maintaining roads through ad valorem property taxes on all taxable property in the County.
12. Counties are specifically mandated "to assess...uniform service charges...and make appropriations for...roads..." by '4-9-30(5) of the South Carolina Code of Laws, 1976, as amended ("The Home Rule Act").
13. The health, order, general welfare, and convenience of the County will be served by the enactment of this ordinance.
14. Certain classes of automobile owners should be exempted from the provisions of this ordinance. County Council determines that the exemptions from ad valorem taxes provided for by 12-37-220S.C. Code Ann. (1990 Com. Supp.) should apply to the road user fee required to be paid by this ordinance.

In order to implement the legislative intent of Georgetown County Council based on the above findings of fact, it is ordained as follows:

- a. The owners of every vehicle, except duly licensed and registered mobile homes, required to be registered and licensed in Georgetown County by the South Carolina Department of Transportation, shall pay annually to the Georgetown County Treasurer, a road user fee of Thirty and 00/100 (\$30.00) Dollars on each such vehicle.
- b. The Georgetown County Treasurer shall collect the road user fee in such manner and method as the Treasurer deems most efficient and fair.
- c. The proceeds from the collection of such fees shall be deposited in a fund to be administered by the Georgetown County Administrator, who shall maintain a separate accounting of funds collected. The proceeds of such fund, together with any investment income earned thereon, must be used solely and exclusively for the construction and improvement of roads within Georgetown County, related drainage, or parking lots and any other related needs required for the general public's access to publicly owned facilities. Funds not used in any fiscal year shall be carried forward and used exclusively for the construction and improvement of roads within Georgetown County and related drainage.
- d. Funds derived from the road user fee shall be used exclusively for improving roads and streets, which are not a part of the State or Federal road system, except as may be coordinated in conjunction with the use of other State or Federal funds, upon specific approval of County Council.
- e. Penalties for nonpayment:
  1. In the event an individual does not pay the thirty (\$30.00) dollar road improvement and maintenance fee at the time designated by the County Treasurer, a penalty of ten (\$10.00) dollars each day the road maintenance fee is unpaid shall be levied against such individual. Each day which a violation occurs shall be deemed a separate and distinct offense.
  2. The penalty shall apply to each vehicle fee that is unpaid.
  3. If the road user fee and penalties are not paid after the expiration of Sixty (60) days from the 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 of South Carolina. 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.
- f. Criminal Penalties:
  1. In the event an individual does not pay the thirty (\$30.00) dollar road user fee and operates his vehicle on any road within Georgetown County, the individual shall pay a fine of up to Two

Hundred (\$200.00) Dollars and/or serve a sentence of Thirty (30) days in jail, which offense shall be tried in Magistrate's Court.

g. Exemptions:

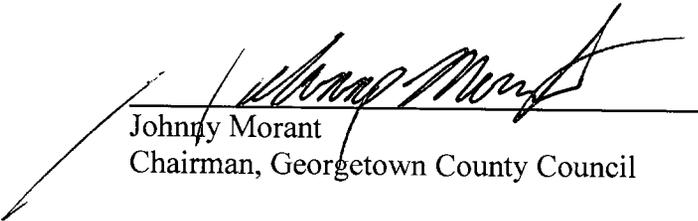
1. The owner of any vehicle that would be exempt from ad valorem taxes pursuant to §12-37-220 S.C. Code Ann.(1990 Cum. Supp.) shall be exempt from the provisions of this ordinance.

Should a court of competent jurisdiction declare any word, phrase, clause or provision of this ordinance invalid or unconstitutional, such declaration shall not affect this ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional.

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.

This ordinance shall take effect upon final approval of this ordinance.

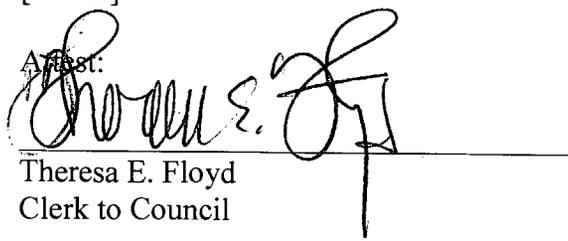
**DONE, RATIFIED, AND ADOPTED THIS 10th DAY OF MARCH, 2009.**



Johnny Morant  
Chairman, Georgetown County Council

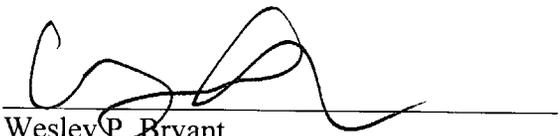
[SEAL]

Attest:



Theresa E. Floyd  
Clerk to Council

This Ordinance No. 2008-81, has been reviewed by me and is hereby approved as to form and legality.



Wesley P. Bryant  
Georgetown County Attorney

First Reading: November 25, 2008  
Second Reading: February 24, 2009  
Third Reading: March 10, 2009