

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 22-13

An Ordinance To Reconstitute and Reestablish The Hartsville Fire Protection District In Darlington County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto

BE IT ORDAINED BY THE DARLINGTON COUNTY COUNCIL, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the reconstitution and reestablishment of the Hartsville Fire Protection District, Darlington County Council, finds that the facts set forth in this Article exist, and the statements with respect thereto herein made, are true and correct.

Section 1.01

Pursuant to the provisions of Chapter 19 of Title 4 of the Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), the Darlington County Council (the "Council"), the governing body of Darlington County, South Carolina (the "County"), is empowered to establish, operate and maintain a system of fire protection facilities within designated areas of the County in order to provide the residents and property owners who reside and own property located within the designated areas with fire protection services.

Section 1.02

Pursuant to Ordinance 97-20 (the "Original Ordinance") an unincorporated area of the County has previously been demarcated and established as a special tax fire district designated the Hartsville Fire Protection District (as reconstituted and reestablished herein, the "District")

Section 1.03

Council has undertaken a study of the efficiency and effectiveness of the provision and financing of fire protection through the District, including the renewal of a contract with the City of Hartsville to provide fire protection service within the District, and has determined that it will be in the best interests of the County to reestablish and reconstitute the District utilizing the provisions of Chapter 19 of Title 4 of the

Code in order to make provision for certain matters necessary for the proper functioning of the District, including without limitation the establishment of the current boundaries of the District and the power of the County to issue general obligation bonds payable from ad valorem taxes levied in the District in order to finance the provision of fire protection service in the District.

Section 1.04

Prior to the designation of an area as a service area or district as authorized by the provisions of the Enabling Act, the Council is required to conduct a public hearing after notice of such hearing has been published in a newspaper of general circulation in the County for three successive weeks prior to the date of the public hearing. In accordance with such requirement, the Council adopted a resolution on July 11, 2022, the provisions of which ordered that a public hearing be held on August 15, 2022 upon the question of the creation of the District. Notice of this hearing was published in the *News and Press* once a week during each of the three weeks prior to the public hearing and included the time, date and location of the hearing as well as a description of the proposed areas (1) within which fire protection services will be rendered and (2) within which ad valorem taxes will be levied in order that sufficient moneys may be raised to defray the cost of operation and maintenance with regard to such services; and (3) within which ad valorem taxes will be levied to pay general obligation bonds of the County payable from an ad valorem tax levied therein for the purpose of providing fire protection.

Section 1.05

Council specifically finds that the reconstitution and reestablishment of the District satisfies the requirements and conditions of §§4-19-10 and 4-19-20 of the Code and is now minded, in accordance with the specific authorization of §4-19-10(b) of the Code, to reconstitute and reestablish the District to comprise, embrace, and consist of the aggregate area set described in "Exhibit A" attached hereto

ARTICLE II

RECONSTITUTION AND REESTABLISHMENT OF THE HARTSVILLE FIRE PROTECTION DISTRICT

Section 2.01

The Hartsville Fire Protection District (heretofore defined as the "District"), previously established by the Original Ordinance, is hereby reconstituted and reestablished as comprising, embracing, and consisting the area described on "Exhibit A" attached hereto and by reference incorporated herein. Reference is made to the Darlington County Tax Map maintained by the Darlington County Tax Assessor for a metes and bounds description of the District.

Section 2.02

It is intended that this Ordinance and the actions effected hereby shall not abolish or discontinue the powers of the District as created by the Original Ordinance; rather, this Ordinance shall effect a reconstitution and reestablishment of the District with no intervening lapse of the authorization and powers of the District as created and empowered by the Original Ordinance.

ARTICLE III

REAUTHORIZATION TO LEVY AND COLLECT AD VALOREM TAXES AND TO IMPOSE RATES AND CHARGES FOR OPERATION AND MAINTENANCE

Section 3.01

In order to provide for the operation and maintenance of the function of the District, there is hereby reauthorized an annual levy by the Auditor of Darlington County and the collection by the Treasurer of Darlington County of an ad valorem tax for each fiscal year as the Council may determine for the operation and maintenance of the District.

Section 3.02

In addition to or in lieu of the levy of ad valorem taxes, Council may authorize the imposition of appropriate rates and charges within the District for operation and maintenance of the District.

ARTICLE IV

AUTHORIZATION TO ISSUE GENERAL OBLIGATION BONDS ON BEHALF OF THE DISTRICT

Section 4.01

In order to provide for the facilities of the District, the County may issue, without election and from time to time, general obligation bonds by the County on behalf of the District, such bonds to be payable from ad valorem taxes collected within the District.

ARTICLE V

ADMINISTRATION OF THE DISTRICT

Section 5.01

The affairs of the District shall be administered by the County in the same manner as other special tax fire districts of the County; provided, however, that the County may contract with another governmental entity, including without limitation the City of Hartsville, for the provision of fire protection service within the District on such terms as shall be negotiated by the County Administrator of the County.

Section 5.02

The County may from time to time enter into any such contract for the provision of fire service within the District with another political subdivision of the State of South Carolina qualified to provide such service, including without limitation the City of Hartsville. The form of a contract for the provision of fire service within the District between the County and the City of Hartsville dated as of July 1, 2022 presented to Council at second reading of this ordinance is hereby approved with such changes, not inconsistent with the terms of this ordinance, as the County Administrator of the County may deem appropriate.

ARTICLE VI

PUBLIC HEARING

Section 6.01

In accordance with Section 4-19-20 of the Enabling Act, a public hearing was held prior to the third and final reading of this Ordinance.

ARTICLE VII

NOTICE OF ACTION TAKEN

Section 7.01

In accordance with Section 4-19-20 of the Enabling Act, there shall be provided a notice of the action of the Council in adopting this Ordinance, which notice shall be published for two successive weeks in the *Morning News*. The form of this notice is attached hereto as "Exhibit B."

ARTICLE VIII

SAVING PROVISION

Section 8.01

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

ARTICLE IX

DIRECTION TO INDEX

Section 9.01

This Ordinance shall be forthwith codified in the Code of Darlington County Ordinances as required by law.

DONE IN MEETING DULY ASSEMBLED, THIS 15th day of August, 2022.

ATTEST:


Clerk to County Council

SIGNED:


Chairman

EXHIBIT A

DESCRIPTION OF THE BOUNDARIES OF THE HARTSVILLE FIRE PROTECTION DISTRICT

The boundaries of the District shall be as described in Section 26-104 of the Darlington County Code of Ordinances, which description is incorporated herein by reference, as well as that map or plat dated July 12, 2022 and recorded on July 12, 2022 in the office of the Darlington County Clerk of Court in Plat Book 218 at page 411.

EXHIBIT B

**NOTICE OF ACTION TAKEN
BY THE DARLINGTON COUNTY COUNCIL
CONCERNING THE RECONSTITUTION AND REESTABLISHMENT
OF THE HARTSVILLE FIRE PROTECTION DISTRICT**

Pursuant to the provisions of Sections 4-19-10 et seq. of the Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), the Darlington County Council ("Council") conducted a public hearing in the County Council Chambers, Darlington County, South Carolina, on August 15, 2022 at 6:00 pm on the question of the creation and reestablishment of the Hartsville Fire Protection District.

Following the aforesaid public hearing, Council did on the 15th day of August, 2022 give third and final reading to an Ordinance entitled **"To Reconstitute and Reestablish The Hartsville Fire Protection District In Darlington County, South Carolina Pursuant To Title 4, Chapter 19 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Approve The Annual Levy And Collection Of Ad Valorem Taxes And The Imposition Of Rates And Charges For The Operation And Maintenance Thereof, To Authorize The Issuance Of General Obligation Bonds On Behalf Of The District From Time To Time, And Other Matters Relating Thereto."** (the "Ordinance").

The Ordinance authorizes the reconstitution and reestablishment of the Hartsville Fire Protection District which shall comprise, embrace, and consist of the following area:

The area that was located as of August 15, 1988 within five (5) miles, by road, of the City of Hartsville fire station, as amended by the addition of certain parcels to and removal of certain parcels from the District by Ordinance 13-01 of the Council. Such boundaries of the District are shown on that certain plat or map dated July 12, 2022 and recorded on July 12, 2022 in the office of the Darlington County Clerk of Court in Plat Book 218 at page 411.

A copy of said plat or map and other information pertaining to the boundaries of the District may be obtained from the office of the Clerk to Darlington County Council, 1 Public Square, Rm 210, Darlington, SC 29532. Phone: 843-398-4100.

Pursuant to the provisions of the Enabling Act, the Council shall be authorized to levy ad valorem taxes within the area of the District to the extent necessary to defray the cost of constructing and equipping fire protection facilities within the District and to pay for maintenance and operation of such fire protection system. The County Council shall be further authorized to issue general obligation bonds of the County, payable from ad valorem taxes levied within the District, for the purpose of providing fire protection therein.

Notice of this Action is being published once a week for two successive weeks in the *Morning News*.

Any person affected by this action of the Darlington County Council may, by action de novo instituted in the Court of Common Pleas for Darlington County, within twenty (20) days following the last publication of this Notice, but not afterwards, challenge this action of the Darlington County Council.

DARLINGTON COUNTY COUNCIL

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

I, the undersigned, Clerk to Darlington County Council, South Carolina ("County Council"), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by County Council on August 15, 2022. The Ordinance was read at three public meetings of County Council on three separate days, July 11, 2022, August 8, 2022, and August 15, 2022. An interval of at least seven days occurred between each reading of the Ordinance. At each such meeting, a quorum of County Council was present and remained present throughout the meeting.

The meetings held on July 11, 2022, August 8, 2022, and August 15, 2022, were meetings of County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of the County, in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Darlington County, South Carolina, this 15th day of August, 2022.

(SEAL)


Clerk to Darlington County Council,
South Carolina

First Reading: July 11, 2022
Second Reading: August 8, 2022
Public Hearing: August 15, 2022
Third Reading: August 15, 2022