

## ORDINANCE 4316

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARTSVILLE, SOUTH CAROLINA AUTHORIZING AND IMPLEMENTING AN ENVIRONMENTAL REMEDIATION RATE CLASS FOR CERTAIN INDUSTRIAL USERS OF THE CITY'S SEWER; AND OTHER MATTERS RELATED THERETO.

The City Council of the City of Hartsville (the “*Council*”), the governing body of the City of Hartsville, South Carolina (the “*City*”), has made the following findings of fact:

**WHEREAS**, the City is a municipal corporation of the State of South Carolina (the “*State*”) located in Darlington County, South Carolina, and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities, including the power to operate utility systems and to furnish water and sewer operations both within and without the corporate limits of the City.

**WHEREAS**, the City currently operates a water and sewer utility system<sup>1</sup> (collectively, the “*System*”).

**WHEREAS**, Section 82-176 of the City’s Code of Ordinances provides that the City is authorized to prescribe monthly rates and charges of service for customers being served by the System.

**WHEREAS**, population in and around the City is static or declining and growth opportunities for the System are limited.

**WHEREAS**, the City is actively trying to engage and promote industrial growth for the System since increasing the City’s industrial customer base contributes to increased economies of scale and to a more efficient use of the System.

**WHEREAS**, industrial customers are often high-volume sewer users with high load factors, which makes such customers less costly to serve than other customers.

**WHEREAS**, in promoting industrial usage of the System, the City also recognizes that its System may not be adequately suited to meet the industrial treatment needs of certain industries and that certain City facilities may require improvements prior to accepting sewer flow from such industries.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Hartsville, South Carolina, in a meeting duly assembled, as follows:

#### Section 1      Recitals

Each finding or statement of fact set forth in the recitals hereto has been carefully examined

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<sup>1</sup> Pursuant to Ordinance No. 4307 dated October 10, 2017, the System was recently combined with the City’s waterpark enterprise.

and has been found to be in all respects true and correct.

## Section 2      Environmental Remediation Rate Class

A.      The City hereby creates a rate class for to be called the “Environmental Remediation Rate Class,” which shall be structured as follows: a base charge (which is fixed) and a volume charge (which is based on flow).

The base fee shall equal the amount charged to a residential customer residing within the City limits; the volume charge (per 1,000 gallons of flow) shall also equal the amount charged to a residential customer residing within the City limits.

B.      In order to be eligible for the Environmental Remediation Rate Class, a customer or potential customer must meet the following criteria (collectively, the “**Rate Criteria**”): (a) prior to its connection to the System invests no less than five hundred thousand dollars (\$500,000) into City-owned portions of the sewer system (as approved in the sole discretion of the City), (b) meets all federal, State and City requirements and standards for the processing of industrial waste, and (c) anticipates generating 750,000 of sewer flow per month (as determined and certified by the City).

## Section 3      Execution

The Council has determined that it is in the best interest of City to authorize the City Manager of City (the “**Manager**”) to enter into written agreements with industries which meet the Rate Criteria.

## Section 4      Adjustments

The rates established in Section 2 above shall not be static but rather shall be subject to the sewer rates applicable to in-City residential users as they may be amended by the Council from time to time.

## Section 5      Severability

If any one or more of the provisions this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Ordinance.

## Section 6      Repealer

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7      Inconsistency.

All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 8      Effect

This Ordinance shall be enacted upon second reading by the Council.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this \_\_th day of \_\_\_\_\_, 2017.

CITY OF HARTSVILLE,  
SOUTH CAROLINA

(SEAL)

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Carl M. (Mel) Pennington IV, Mayor

Attest:

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Sherron L. Skipper, City Clerk

First Reading:      November 14, 2017  
Public Hearing:      \_\_\_\_\_, 2017  
Second Reading:    \_\_\_\_\_, 2017