

## ORDINANCE 4465

### **AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 70, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF HARTSVILLE, SOUTH CAROLINA ESTABLISHING AN EXPANDED COMMERCIAL SERVICE BOUNDARY FOR THE PROVISION OF THE COLLECTION AND DISPOSAL OF COMMERCIAL SOLID WASTE SERVICES; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, The City of Hartsville is a municipal corporation of the State of South Carolina (the “**State**”) that is empowered and authorized by the general powers given to such entities to provide for solid waste and recycling collection and disposal services (the “**Services**”) and make charges therefor within the boundaries of and in areas outside the corporate limits of the City; and

**WHEREAS**, The City has enacted certain ordinances related to the provision of the Services to commercial establishments within the City and seeks to expand the established service boundary to include certain areas outside the corporate limits of the City, and the assessment of fees therefor; and

**WHEREAS**, The Council has determined that it is necessary to clarify portions of the Solid Waste Code by amending and restating certain sections in order to provide, in general terms, as follows:

- (i) define non-jurisdictional commercial users;
- (ii) to establish a commercial service boundary outside the corporate limits of the City;
- (iii) that each non-jurisdictional commercial user outside the corporate limits of the City who engages with the City for commercial solid waste collection services shall be assessed a user fee.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Hartsville as follows:

**Section 1.** By and through the enactment of this Ordinance, the following sections of the Solid Waste Code shall be amended as following:

Sec. 70-1. – Definitions.

***By the addition of the definition of “Established Non-Jurisdictional Commercial Boundary” to Section 70-1 of the Solid Waste Code shall read, in its entirety, as follows:***

*Established Non-Jurisdictional Commercial Boundary means any area beyond the city limits within a predetermined boundary. The boundary limits are established by SC-151, SC-151 Business, US-15 Bypass, US-15 Business, Lakeview Boulevard, and W. Old Camden Road.*

***By the addition of the definition of “Non-jurisdictional Commercial Users” to Section 70-1 of the Solid Waste Code shall read, in its entirety, as follows:***

*Non-jurisdictional Commercial user means any person, business, company, or other governmental or nongovernmental entity using a property within the Established Non-Jurisdictional*

Commercial Boundary and not within the city limits for nonresidential purposes that is operated as an establishment that is separate and independent from any other entity.

Section 70.3 – Commercial solid waste user’s fee.

**Section 70-3 of the Solid Waste Code shall be amended to read, in its entirety, as follows:**

(a) Each commercial user within the city shall either make use of the solid waste collection services provided by the city or shall engage a private solid waste collector to provide such services. Should a commercial user engage a private solid waste collector to provide its solid waste collection services, such service shall make collections on no less than a weekly basis and the commercial user may be required to provide evidence of such engagement upon written request from the city. The city shall assess an appropriate user fee, as approved by Council from time to time and on file in the city clerk’s office, upon any commercial user who has not engaged a private solid waste collector to provide such services.

(b) There shall be assessed a user fee on all commercial users of garbage, recycling, and/or yard debris disposal provided by the city pursuant to Section 70-3(a). Fee schedules are approved by Council from time to time and are on file in the city clerk’s office. Copies shall be made available upon request.

(c) There shall be assessed a user fee on all non-jurisdictional commercial users of garbage disposal provided by the City pursuant to Section 70-3(a). Fee schedules are approved by Council from time to time and are on file in the city clerk’s office. Copies shall be made available upon request.

~~(c)(d)~~ User fees shall be included on each customer’s monthly utility (water and wastewater) billing. Penalties adopted by the city for late payment and nonpayment shall apply to user fees as well as all other utility charges.

~~(d)(e)~~ The public service director (or his designee) shall designate and assign garbage and refuse containers or rollout carts to commercial users **and non-jurisdictional commercial users** in his sole discretion, as he deems appropriate based in the nature of the use of the premises being serviced by the commercial user.

**Section 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 3.** Nothing in this Ordinance hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes 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 4.** All ordinances or parts of ordinances inconsistent or inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the Council.

**DONE AND ORDAINED IN A MEETING OF THE CITY COUNCIL, DULY ADVERTISED AND ASSEMBLED**, on the \_\_\_\_ day of \_\_\_\_\_ 2023 and to become effective upon final passage.

\_\_\_\_\_  
Casey Hancock, Mayor

ATTEST: \_\_\_\_\_  
Andrea D. Crenshaw, CMC, City Clerk

First Reading:  
Public Hearing:  
Final Reading: