

ORDINANCE 2016 / 13

AN ORDINANCE CREATING PROCEDURE FOR ESTABLISHING DIRT ROAD MAINTENANCE AND THE ESTABLISHMENT OF A SPECIAL PURPOSE TAX DISTRICT TO COVER COSTS ASSOCIATED WITH IMPROVEMENTS

WHEREAS, Beaufort County has a duty to provide for the general public works including roads, drainage, bridges and related access services.

WHEREAS, Beaufort County has several hundred miles of paved and unpaved roads including an undetermined number of miles of dirt surface roads that are private or not otherwise a part of the County Road System; and

WHEREAS, a majority of these dirt surface roads serve as the sole means of ingress and egress by many Beaufort County residents and taxpayers and are not generally maintained creating difficulty for persons living on them to have a reasonable means of access to their property; and

WHEREAS, Beaufort County Council recognizes that in order for its residents and citizens to have reasonable access to government provided services including fire and EMS, work, church and other opportunities, a reasonable means of getting to and from their residences is essential; and

WHEREAS, Beaufort County Council recognizes that some private roads are in need of one-time repair by the County based on hardship conditions; therefore, a procedure should be put in place for a resident to petition for repair and establish payment of the benefits received; and

WHEREAS, S.C. Code Sec. 4-9-30(5)(a)(ii) allows for the establishment of a Special Tax District when a petition is submitted to the County Council signed by seventy – five percent or more of the resident freeholders who own at least seventy – five percent of the assessed valuation of the real property in the proposed special tax district and upon certification of the petition County Council may pass an ordinance establishing the special tax district; and

WHEREAS, it should be noted that at no time will this petition process be utilized to develop a road in an area which is underdeveloped and in which the property owners are seeking assistance from the County to build a road in order for them to subdivide their land to make a profit.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the following procedure is enacted for the one-time repair of a private road based on hardship conditions and the establishment of a special tax district for the benefits gained from some such improvement.

CHAPTER 34, Article 1

Section 34.1 PURPOSE

Beaufort County Council recognizes that some private roads are in need of one-time repair by the County based on hardship conditions so its residents and citizens can have reasonable access to government provided services including fire and EMS, work, church and other opportunities.

Section 34.2 PROCEDURE

- 1) Upon receipt of a signed petition of the residents for a one-time maintenance request, the Beaufort County Public Works Director will review the roadway and determine whether roadway maintenance is necessary and appropriate.
- 2) If deemed necessary and appropriate and the one-time maintenance would provide reasonable access to government-provided services including fire and EMS, work, church and other opportunities, the Public Works Director shall prepare a cost estimate for road maintenance and provide a copy to the property owners.
- 3) Upon receipt of the cost estimate, seventy – five percent or more of the resident freeholders who own at least seventy – five percent of the assessed valuation of the real property adjacent to any road proposed roadway project shall sign a petition affirming the approval of establishment of a special purpose tax district for the purpose of a one-time roadway maintenance project.
- 4) After receiving 75% approval from the resident freeholders, the Public Works Director will forward the cost estimate and maintenance proposal to County Council for review and approval.
- 5) Upon approval, County Council shall create a special tax district pursuant to S.C. Code Sec. 4-9-30(5)(a)(ii) to cover the costs of the maintenance.

Adopted this 23<sup>rd</sup> day of May, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:   
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

  
Thomas J. Keaveny, II, County Attorney

ATTEST:

  
Suzanne M. Rainey, Clerk to Council

First Reading: April 25, 2016

Second Reading: May 9, 2016

Public Hearing: May 23, 2016

Third and Final Reading: May 23, 2016

Chronology

- Third and final reading occurred on May 23, 2016 / Vote 11:0
- Second reading approval occurred on May 9, 2016 / Vote 10:1
- First reading approval occurred on April 25, 2016 / Vote 9:0
- Public Facilities Committee discussion and recommendation to approve ordinance on first reading. Approval occurred on April 18, 2016 / Vote 5:1