

AN ORDINANCE

TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, DISPOSAL OF WASTE AT COUNTY LANDFILL, CHAPTER 33, SECTIONS 50.02 AND 50.33(B) AND (D) AND TO ADD SECTIONS 50.33(E) AND (F) IN ORDER TO DEFINE UNSECURED LOAD; TO SET FEES FOR TRANSPORTING UNSECURED LOADS TO THE LANDFILL; TO CLARIFY FEE EXEMPTIONS FOR INDIVIDUAL YORK COUNTY RESIDENTS; TO ADD FEES AND REQUIREMENTS FOR SOLID WASTE CREDIT ACCOUNTS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

**SECTION 1. Legislative findings.**

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 Council finds it has the authority and responsibility to provide solid waste management facilities for York County and may enact ordinances to carry out its duties under S.C. Code Ann. §§ 44-96-80(J)-(K).

1.2 Council finds that it must add requirements to the individual resident fee exemption to prevent abuse of the exemption by commercial entities disposing of solid waste without paying the tipping fee.

1.3 Council finds that it should approve fees and requirements for opening and maintaining credit accounts with the Solid Waste Department to prevent credit holders from continuing to dispose of solid waste without paying outstanding debts owed to the County.

1.4 Council finds that counties may promulgate regulations controlling liter under S.C. Code Ann. §§ 4-9-30(17) and 4-9-145.

1.5 Council finds that roadside litter detracts from citizens' quality of life, that transporting unsecured loads to the York County Landfill contributes to roadside litter, and that charging a fee for arriving at the Landfill with unsecured loads will decrease roadside litter.

**SECTION 2. Code of York County Amended.**

**Chapter 50, Section 50.02 within the York County Code of Ordinances is hereby amended to add a definition for Unsecured Load between Special Handling Waste and White Goods.**

**§ 50.02 DEFINITIONS.**

**“UNSECURED LOAD.** A shipment of solid waste in or on a vehicle that is not covered, protected, or otherwise secured or tied down by safety chains or other fastening devices in a manner that will prevent waste materials from spilling, escaping, falling, or being blown or deposited outside the vehicle while the vehicle is in motion.”

**Chapter 50, Section 50.33(B) within the York County Code of Ordinances is hereby amended to add subsection (8).**

**§ 50.33 FEES AND CHARGES.**

(B) “(8) For all vehicles with unsecured loads arriving at the York County Landfill and Transfer Station, the County shall charge operators of the vehicles the following fee:

Passenger Licensed vehicles      \$ 25.00

Commercial vehicles, commercial flatbeds, and commercial tandem trucks      \$ 50.00”

**Chapter 50, Section 50.33(D) within the York County Code of Ordinances is hereby amended and Sections 50.33(E) and (F) are added to now read as follows.**

“(D) Payment of rates, fees and charges. Rates, fees or charges for the deposit, treatment or disposal of solid waste at the municipal solid waste landfill or at any county solid waste collection or disposal facility shall be paid, collected, received and deposited in accordance with the ordinances of the county and the policies and procedures established by the County Council and administrative policies and procedures established or promulgated by the county manager..

**(E) Fee Exemptions**

(1) Individual residents delivering solid waste from their residence shall be exempt from solid waste tipping fees as long as they meet the following conditions.

(a) The combined weight of items to be disposed will not exceed one ton (2000 pounds).

(b) Commercial vehicles, commercial flatbeds, and commercial tandem trucks do not qualify for fee exceptions.

(c) Each individual resident may dump a maximum of one ton (2000 pounds) of material each month.

(d) To claim the exemption, an individual must prove residency in York County by showing a valid South Carolina driver’s license or identification card or another proof of residency, including but not limited to a voter registration card, utility bill, or vehicle registration. The proof of residency must contain the name of the individual and a current York County address.

(2) Adopt-a-Highway litter delivered by the State Department of Transportation shall be exempt from payment of tipping fees.

**SECTION 3. Severability.**

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

**SECTION 4. Repeal of inconsistent sections and ordinances.**

All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

**SECTION 5. Effective date.**

This ordinance shall take effect on November 6, 2017.

YORK COUNTY COUNCIL

By: 

J. Britt Blackwell, O.D., Chairman  
York County Council

Attest: 

William P. Shanahan, Jr.  
County Manager

First Reading: October 2, 2017  
Second Reading: October 16, 2017  
Public Hearing: November 6, 2017  
Third Reading: November 6, 2017