
ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 5249 TO REPEAL THE PROVISIONS ESTABLISHING THE BEREA FIRE SERVICE AREA, THE GANTT FIRE SERVICE AREA, AND THE WADE HAMPTON FIRE SERVICE AREA FROM THOSE FIRE SERVICE AREAS ESTABLISHED THEREBY, AND OTHER MATTERS RELATING THERETO.

**PARTIAL REPEAL OF FIRE
SERVICE AREA ORDINANCE**

[__], 2021

TABLE OF CONTENTS

ARTICLE 1
FINDINGS OF FACT

Section 1.1 Findings 1

ARTICLE 2
AMENDMENTS

Section 2.1 Amendments to Fire Service Area Ordinance 3
Section 2.2 Effect on Remaining Fire Service Areas 3
Section 2.3 Interpretation of Remaining Provisions 3

ARTICLE 3
MISCELLANEOUS

Section 3.1 Affirmation of Findings 4
Section 3.2 Notice of Action 4

EXHIBIT A – BOUNDARIES OF THE FIRE SERVICE AREAS

EXHIBIT B – FORM OF NOTICE OF ACTION

NOW THEREFORE, BE IT ORDAINED, by the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), in meeting duly assembled:

ARTICLE 1

FINDINGS OF FACT

Section 1.1 Findings. The County Council makes the following findings of fact in connection with the enactment of this ordinance (this “*Ordinance*”) and the amendment of Ordinance No. 5249 of the County Council, enacted December 15, 2020 (the “*Fire Service Area Ordinance*”) pursuant hereto:

(a) Pursuant to the provisions of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the “*Fire Service Area Act*”), the County Council of Greenville County (the “*County Council*”), the governing body of Greenville 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 service (“*Fire Service*”).

(c) Pursuant to various acts and joint resolutions of the General Assembly of South Carolina, there have been created within the County several special purpose districts authorized to provide Fire Service, sewer collection service, and other governmental services within their respective boundaries: namely, Berea Public Service District (“*Berea*”); Gantt Fire, Sewer and Police District (“*Gantt*”); Parker Sewer and Fire Sub-District (“*Parker*”); Taylors Fire and Sewer District (“*Taylors*”); and Wade Hampton Fire and Sewer District (“*Wade Hampton*”, and collectively with Berea, Gantt, Parker, and Taylors, the “*Fire/Sewer Districts*”).

(d) Pursuant to Ordinance No. 5248 of the County Council, enacted December 15, 2020 (the “*Consolidation Ordinance*”), and the authorizations contained in Title 6, Chapter 11, Article 3 of the Code of Laws of South Carolina 1976, as amended, the County Council effected the consolidation (the “*Consolidation*”) of the Fire/Sewer Districts into the Metropolitan Sewer Subdistrict (“*Metro*”), such that upon the effective date of the Consolidation, as determined in accordance with the Consolidation Ordinance (the “*Consolidation Effective Date*”), Metro shall have been reconstituted to succeed to the powers, geographic boundaries, property interests, and liabilities of the Fire/Sewer Districts and the corporate existence of the Fire/Sewer Districts shall have ceased. Pursuant to the Consolidation Ordinance, the County Council adopted a Plan of Consolidation of Sewer Collection Systems (the “*Consolidation Plan*”), setting forth the process and outcomes of the Consolidation and mutual expectations of the County and Metro in connection with the Consolidation.

(e) Pursuant to the Fire Service Area Ordinance, the County Council established the “Berea Fire Service Area,” “Gantt Fire Service Area,” “Parker Fire Service Area,” “Taylors Fire

Service Area,” and “Wade Hampton Fire Service Area” (each a “**Fire Service Area**”); and provided for their governance and operation and the imposition of *ad valorem* property taxes and fees therein to fund Fire Service.

(f) Pursuant to Ordinance No. [____] of the County Council, enacted [____], 2021 (the “**Enlargement Ordinance**”), the County Council amended the Consolidation Ordinance to repeal certain provisions thereof to withdraw Berea, Gantt, and Wade Hampton from the Consolidation, while leaving unaffected the remaining provisions thereof (the “**First Amended Consolidation**”), and enlarged the boundaries of Metro to overlap those of Berea, Gantt, and Wade Hampton (the “**Enlargement**”). Pursuant to the Enlargement Ordinance the County Council has caused the Consolidation Plan to be amended in order to effect both the Enlargement and the First Amended Consolidation (as amended, the “**First Amended Consolidation Plan**”). The withdrawal of Berea, Gantt, and Wade Hampton (collectively, the “**Enlargement Districts**”) from the Consolidation will allow the Enlargement Districts to remain in place to continue to provide Fire Service, and has, therefore, negated the need to create the Fire Service Areas within their respective boundaries.

(g) Pursuant to the Fire Service Area Act, by resolution adopted on [____], 2021, the County Council ordered that public hearings be held on the question of the amendment of the Fire Service Area Ordinance and the repeal of the provisions thereof establishing the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area. Notices of the public hearings on such questions were published in a newspaper of general circulation in the County once a week for three successive weeks, on [____], 2021, [____], 2021, and [____], 2021, and the public hearings were held on [____], 2021. The public hearings were conducted publicly and both proponents and opponents of establishment of each Fire Service Area were given the full opportunity to be heard.

(h) In accordance with the Enlargement Ordinance and the First Amended Consolidation Plan, the County Council desires to amend the Fire Service Area Ordinance to repeal the provisions thereof establishing the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area, while leaving the remaining provisions thereof in full force and effect.

[End of Article 1]

ARTICLE 2

AMENDMENTS

Section 2.1 Amendments to Fire Service Area Ordinance. The County Council hereby repeals Articles 2, 3 and 6 of the Fire Service Area Ordinance pertaining to the respective establishment of the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area, with the intent of repealing the provisions thereof establishing such Fire Service Areas. The boundaries of the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area, the establishment of which are repealed hereby, are coterminous with the boundaries for Fire Service of Berea, Gantt, and Wade Hampton, respectively, and are shown on the map attached to this Ordinance at **Exhibit A**.

Section 2.2 Effect on Remaining Fire Service Areas. Articles 4 and 5 of the Fire Service Area Ordinance shall remain in full force and effect and are unaffected by the provisions of this Ordinance and the amendments thereto enacted hereby, with the express intent of the County Council being to carry out the establishment of the Parker Fire Service Area and the and the Taylors Fire Service Area pursuant to the remaining provisions of the Fire Service Area Ordinance.

Section 2.3 Interpretation of Remaining Provisions. The findings of fact set forth at Article 1 and the provisions of Article 7 of the Fire Service Area Ordinance shall remain in full force and effect with respect to the establishment of the Parker Fire Service Area and the Taylors Fire Service Area, and shall continue to apply, *mutatis mutandis*, to the establishment thereof.

[End of Article 2]

ARTICLE 3

MISCELLANEOUS

Section 3.1 Affirmation of Findings. It is hereby found and determined that each statement of fact set forth in this Ordinance is in all respects true and correct.

Section 3.2 Notice of Action. Upon third and final reading of this Ordinance, a notice of action, as required by Section 4-19-20 of the Fire Service Area Act, substantially in the form that is attached hereto as **Exhibit B**, shall be published in *The Greenville News* once a week for two successive weeks in connection with the repeal of the provisions establishing the Berea Fire Service Area, Gantt Fire Service Area, and Wade Hampton Fire Service Area. A copy of this Ordinance shall be kept on file with the Clerk to County Council and be made available upon request during normal business hours.

[End of Article 3]

ENACTED in meeting duly assembled this __th day of _____ 2021.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

First Reading: [__], 2021

Public Hearing: [__], 2021

Second Reading: [__], 2021

Third Reading: [__], 2021

EXHIBIT A

Boundaries of the Fire Service Areas

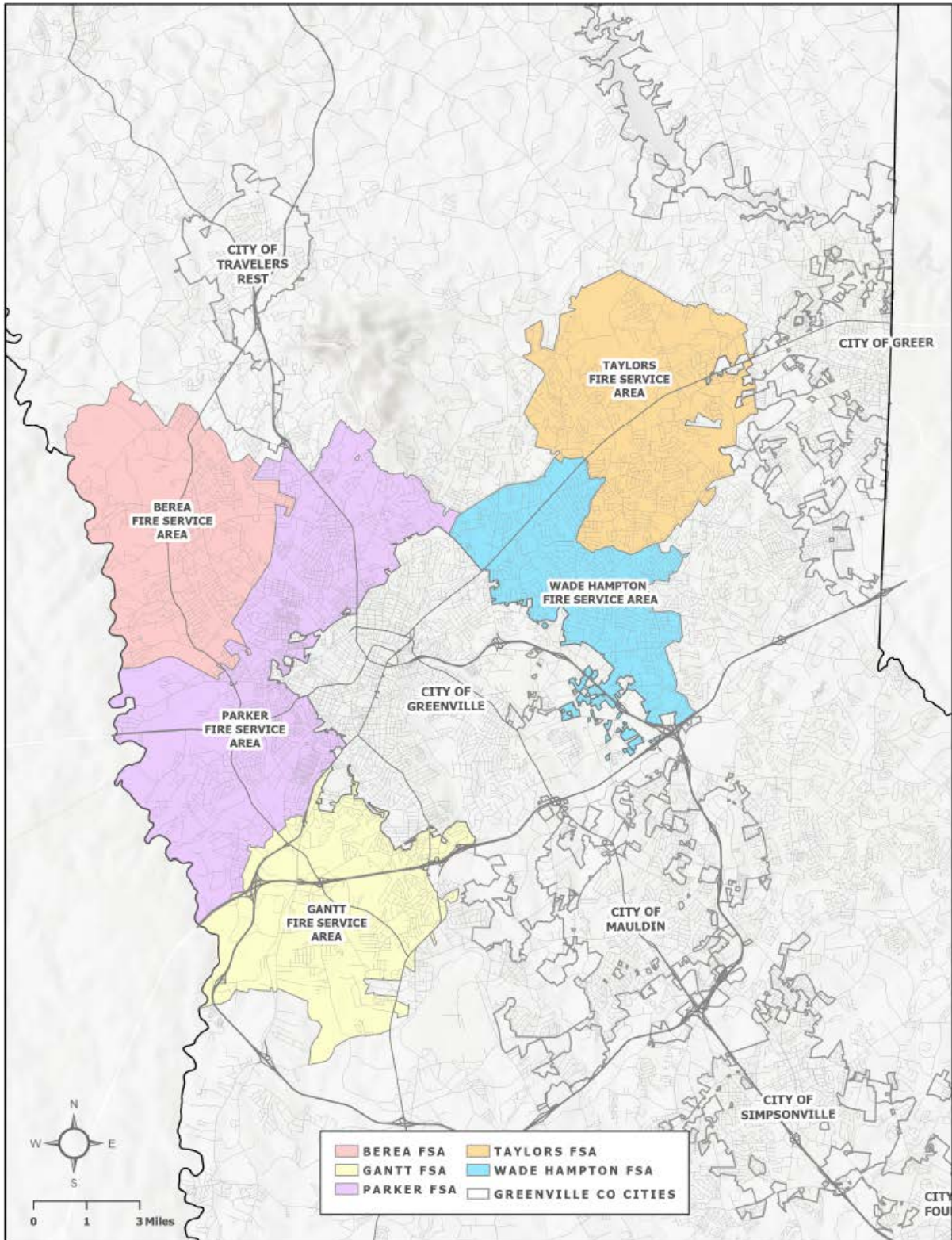


EXHIBIT B

**Form of Notice of Action
[To be updated for each Fire Service Area]**

NOTICE OF ACTION

Notice is hereby given pursuant to Section 4-19-20 of the Code of Laws of South Carolina 1976, as amended (the “*S.C. Code*”), as follows:

1. Following a public hearing held on [____], 2021, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), enacted Ordinance No. [____], entitled “AN ORDINANCE AMENDING ORDINANCE NO. 5249 TO REPEAL THE PROVISIONS ESTABLISHING THE BEREHA FIRE SERVICE AREA, THE GANTT FIRE SERVICE AREA, AND THE WADE HAMPTON FIRE SERVICE AREA FROM THOSE FIRE SERVICE AREAS ESTABLISHED THEREBY, AND OTHER MATTERS RELATING THERETO” (the “*Ordinance*”), dated [____], 2021.

2. The Ordinance repeals certain provisions of Ordinance No. 5249 (the “*Prior Ordinance*”) of the County Council pertaining to the establishment of the [NAME] Fire Service Area (the “*Fire Service Area*”) which, if established, would have comprised, embraced, and consisted of the former boundaries for fire service of the [AFFECTED FIRE/SEWER DISTRICT]. A map of the boundaries of the Fire Service Area, as would have been established pursuant to the Prior Ordinance, has been placed on file with the Clerk to County Council and is available for review at the County’s offices during normal business hours.

3. Pursuant to the provisions of the Ordinance, the Fire Service Area shall not be established and fire service shall continue to be provided within the proposed boundaries thereof by [AFFECTED FIRE/SEWER DISTRICT].

Persons affected by the aforesaid action of the County Council may object to such action by following the procedures provided in Section 4-19-20(6) of the S.C Code.

COUNTY COUNCIL OF GREENVILLE COUNTY

Publication Instructions: To be published once a week for two successive weeks in the Greenville News.