



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

Ordinance No. 2020-24

**AN ORDINANCE TO AMEND CHESTER COUNTY CODE CHAPTER 2, ADMINISTRATION,
TO CREATE DIVISION 19, SECTION 2-767 TO INCLUDE LEWIS FIRE PROTECTION
DISTRICT**

WHEREAS, following a review of Chapter 2, it is found that the Lewis Fire Protection District enabling act is combined with the Fort Lawn Fire Protection District; and

WHEREAS, the Lewis Fire Protection District was duly organized as a standalone Fire Protection District and thus should have its own enabling act; and

WHEREAS, this Ordinance does not seek to organize the Lewis Fire Protection District since this was achieved through Ordinance 12-15-14; and

WHEREAS, Chester County Council does hereby authorize the enabling act attached as Exhibit A through the legislative process of an Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL FOR CHESTER COUNTY, SOUTH CAROLINA, DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

To create Division 19, Section 2-767 Lewis Fire Protection District for purposes of creating the enabling act for the Lewis Fire Protection District.

This Ordinance shall be effective upon adoption by the Chester County Council on the date of the final reading approval.

Ordinance No. 2020-24

Enacted and approved this ____ day of _____, 2020.

CHESTER COUNTY, SOUTH CAROLINA

By: _____
K. Shane Stuart, Chester County Supervisor

Attest:

By: _____
Karen Lee
Clerk to County Council
Chester County, South Carolina

First Reading: _____, 2020
Second Reading: _____, 2020
Public Hearing: _____, 2020
Third Reading: _____, 2020
Chester County, South Carolina

EXHIBIT A

Sec. 2-767. Establishment of districts.

The “Lewis Fire Protection District” is hereby established as fire protection districts pursuant to and subject to the provisions of the Act. The areas of the Lewis Fire Protection District are more particularly described in the attached Exhibit A. [A copy can be found in the county offices.]

(Ord. No. 12-15-14, §1, 12-15-2014 NEW ORD NO NEEDS TO BE INCLUDED)

Sec. 2-768. Statutory findings and determinations.

County council determines that the establishment of the district satisfies the requirements and conditions of the Act, specifically Sections 4-19-10 and 4-19-20. The areas comprising the districts are not included within any existing fire protection district or special tax district for the purpose of fire protection, and there are no contracts for the provision of fire protection service between any resident districts and any provider of fire protection service.

(Ord. No. 12-15-14, §2, 12-15-2014 NEW ORD NO NEEDS TO BE INCLUDED)

Sec. 2-769. Levy of ad valorem tax; imposition of rates and charges.

To provide funds to pay for the costs of operating and maintaining the district, county council is authorized to annually (i) levy and collect ad valorem taxes on the taxable property within each district, (ii) impose rates and charges for fire protection services within the district; or (iii) both.

(Ord. No. 12-15-14, §3, 12-15-2014 NEW ORD NO NEEDS TO BE INCLUDED)

Sec. 2-770. Authority to issue general obligation bonds.

Pursuant to the Act, the county is authorized to issue, from time to time by subsequent ordinance, general obligation bonds of the county, payable from ad valorem taxes levied in each district, to finance the provision of fire protection services in the district.

(Ord. No. 12-15-14, §4, 12-15-2014 NEW ORD NO NEEDS TO BE INCLUDED)

Sec. 2-771. Administration of the districts.

(a) *Governance:* The district shall be administered by a board of commissioners (“board”) consisting of no fewer than five commissioners. County council shall appoint the board for the district and establish the term for the commissioners of the board in accordance with the policies, procedures and standard practices of county council relating to commission and board appointments.

The board shall meet at least one time annually and elect a chair and secretary from its membership.

(b) *Powers of board:* The board is authorized, subject to the approval of county council, to operate and maintain its district. Specifically, following approval from county council the board is authorized to:

- (1) Buy such firefighting equipment as funds will allow and as the board deems necessary for the purpose of controlling fires within the district;
- (2) Select sites or places within the service areas of the district where the firefighting equipment must be kept;
- (3) Employ all necessary fire protection personnel and fix their compensation in accordance with established and approved budgets;
- (4) Employ and supervise the training of firefighters to ensure that the equipment is utilized for the best interest of the district service areas;
- (5) Be responsible for the purchase, acquisition, upkeep, maintenance, and repairs of all fire-fighting equipment and fire stations and the sites of the stations through regular and routine inspections;
- (6) Promulgate such rules and regulations as it may deem proper and necessary to ensure that the equipment is being used to the best advantage of the district and to carry out the provisions of the Act;
- (7) Construct, if necessary, buildings to house the equipment authorized herein, and all fire stations necessary to provide an adequate fire protection system;
- (8) Purchase, lease hold and dispose of real and personal property in the name of the county for the exclusive use of the district; provided, however, that any conveyance, lease or purchase of real property shall be by the county council and in accordance with the provisions of state law; and
- (9) Cooperate or enter into contracts or agreements with any public or private agency which results in improved services or the receipt of financial aid in carrying out the functions of the board for the benefit of the district; following approval by county council.

(c) *Financial:* Annually, the board shall submit to county council:

- (1) A budget for the upcoming fiscal year adequate to fund the operation and maintenance of the district. Each budget shall list all funds which the board anticipates will be available for the operation of the district. All

funds appropriated, earned, granted or donated to the district, including funds appropriated by county council, shall be (i) deposited and expended in accordance with the Act and this Division and (ii) used exclusively for providing fire protection services. All financial procedures relating to the district, including audits, shall conform to the practices and procedures established by county council.

- (2) The recommended amount of millage that it wishes to levy or rate that it wishes to charge to provide for the operation and maintenance of the district.
- (3) File a detailed report of its operations and expenditures for the previous fiscal year with county council.

(Ord. No. 12-15-14, §5, 12-15-2014 NEW ORD NO NEEDS TO BE INCLUDED)

Sec. 2-772. Defining and clarifying boundaries of fire service areas.

At the request of the fire protection service providers in the county and based on information supplied by the fire protection service providers, county council hereby adopts and establishes the service areas of the fire protection service area as shown on the attached Exhibit A, which areas include the districts. [A copy of Exhibit A can be found in the county offices.]

(Ord. No. 12-15-14, §6, 12-15-2014 NEW ORD NO NEEDS TO BE INCLUDED)