

CITY OF WALHALLA

Mr. Danny Edwards, Mayor
Ms. Sarai Melendez, Councilwoman
Mr. Keith Pace, Councilman
Ms. Gwen Owens, Councilwoman

"MAIN STREET to the MOUNTAINS"

Mr. Danny Woodward, Mayor Pro Tem
Mr. Josh Roberts, Councilman
Mr. David Underwood, Councilman

**AGENDA
WALHALLA CITY COUNCIL
May 18, 2021
5:30 PM
206 N. Church Street, Walhalla, SC**

CALL TO ORDER & WELCOME

Mayor Edwards

PLEDGE OF ALLEGIANCE

Mayor Edwards

EXECUTIVE SESSION

1. Intergovernmental Contract
2. Personnel Matter
3. Economic Development Incentive

PUBLIC COMMENT

Ms. EMILY DEROBERTS- DUKE ENERGY
Ms. WYLIE LIPCHIK- BACKWATER LANDING

APPROVAL OF MINUTES

April 20, 2021

ADMINISTRATOR COMMENTS

Brandon Burton

READING OF ORDINANCES AND RESOLUTIONS

Reading of Resolution 2021-07 A RESOLUTION HONORING WAYNE MCCALL

Reading of Resolution 2021-08 A RESOLUTION HONORING WILLIAM ADDIS

Second Reading and Public Review of Ordinances:

ORDINANCE 2021-5 AN ORDINANCE TO AMEND ZONING ORDINANCE 1994-8/2004-11/2017-11/2018-15 TO ADD A SUBDIVISION DESIGN GUIDELINES APPENDIX, KNOWN AS APPENDIX 2021-A, AND TO AMEND SECTION 202, 303E, 400.2, AND 403.4. – MS. MELENDEZ

First Reading of Ordinances:

ORDINANCE 2021-6 AN ORDINANCE TO RAISE REVENUE AND ADOPT FOR THE CITY OF WALHALLA, SOUTH CAROLINA A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021. - MR. PACE

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ORDINANCE 2021-7 AN ORDINANCE TO AMEND ORDINANCE 2019-6, AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT, IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, THE USE AND OPERATION OF THE WATER WORKS SYSTEM MAINTAINED AND OWNED BY OR WHICH MAY BECOME THE PROPERTY OF THE CITY OF WALHALLA AND PROVIDING PENALTIES FOR VIOLATION THEREOF. – MRS. OWENS

ORDINANCE 2021-8 AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF WALHALLA, SOUTH CAROLINA, WATER AND SEWER DEPARTMENTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021. - MR. PACE

ORDINANCE 2021-9 AN ORDINANCE TO RAISE REVENUE AND ADOPT FOR THE CITY OF WALHALLA, SOUTH CAROLINA, A LOCAL 2% HOSPITALITY BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021. - MR. PACE

ORDINANCE 2021-10 AN ORDINANCE TO RESCIND ORDINANCE 2013-9 IN ITS ENTIRETY AND REPLACE WITH ORDINANCE 2021-10 AND ORDINANCE TO INCORPORATE FEE STRUCTURE INTO CURRENT FISCAL YEAR BUDGET DOCUMENT -MS. MELENDEZ

ORDINANCE 2021-11 AN ORDINANCE TO AMEND ORDINANCE 2012-1 AN ORDINANCE GOVERNING GARBAGE, TRASH, AND REFUSE TO UPDATE FEE STRUCTURE- MR. ROBERTS

ORDINANCE 2021-12 AN ORDINANCE TO ESTABLISH FRANCHISE FEE FOR DUKE ENERGY- MR. PACE

ORDINANCE 2021-13 AN ORDINANCE TO RESCIND ORDINANCE 2019-01 REPLACE WITH AN ORDINANCE TO ESTABLISH REGULATIONS FOR MOBILE FOOD VEHICLES – MS. MELENDEZ

DISCUSSION AND/OR ACTION ITEMS

**GRANT APPROVAL FOR OCONEE HISTORY MUSEUM
JULY 3RD DATE SET
UPLOAD/STREAMING OF MEETINGS TO YOUTUBE GOVERNMENT**

Committee Reports

**Fire/Ms. Melendez
General Gov't-Finance/Mr. Pace
Public Works/Mr. Roberts
Recreation/Mr. Woodward
Police/ Mr. Underwood
Utilities/Ms. Owens**

CITY OF WALHALLA

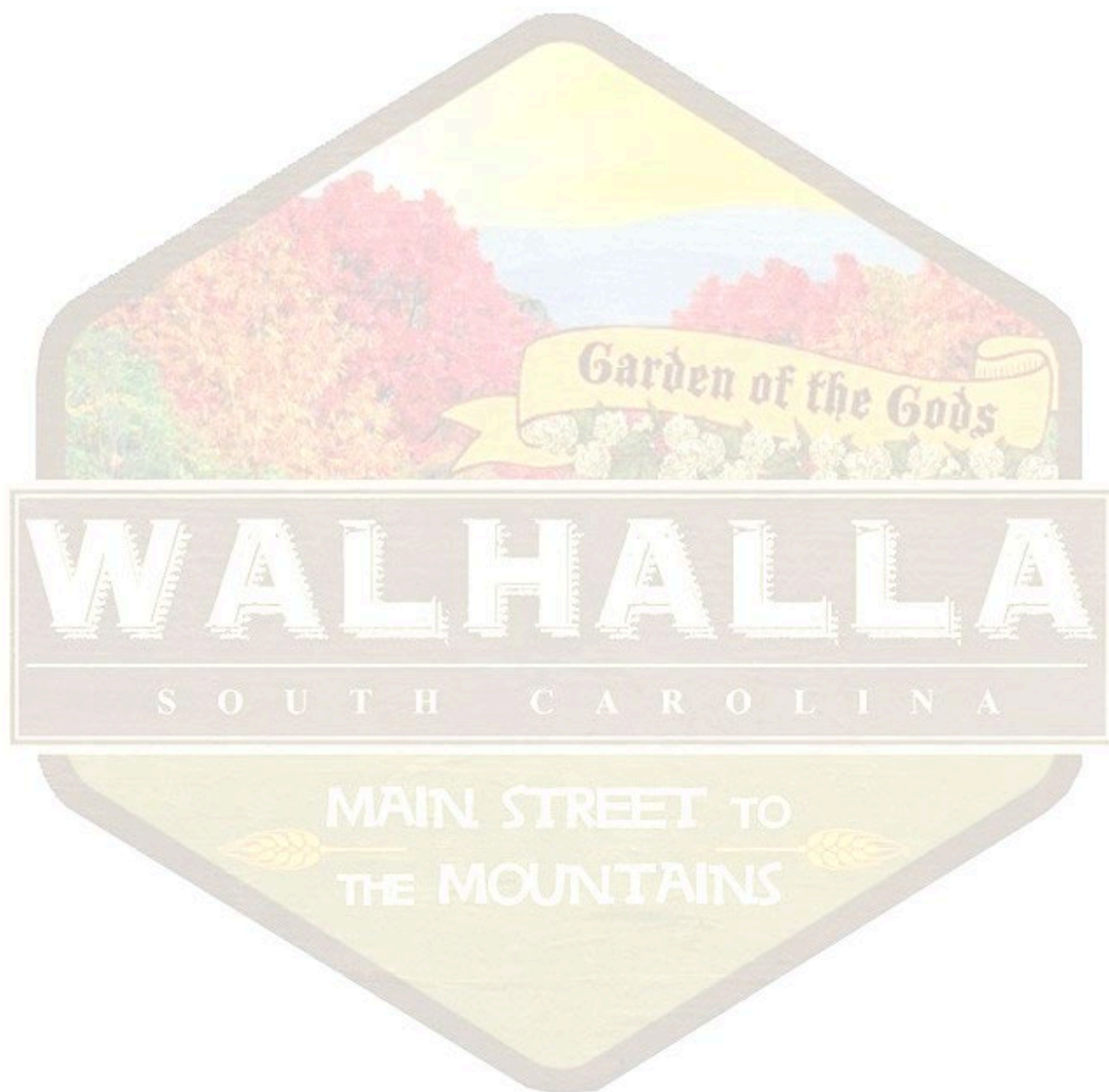
Mr. Danny Edwards, Mayor
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Mr. Josh Roberts, Councilman
Mr. David Underwood, Councilman

MAYOR COMMENTS

ADJOURN



**MINUTES OF THE REGULAR MEETING
OF THE WALHALLA CITY COUNCIL
April 20, 2021, 5:30 PM**

Present: Mayor Danny Edwards, Councilwoman Sarai Melendez, Councilman David Underwood, , Councilman Josh Roberts, Councilman Keith Pace, and Mr. Brent Taylor, City Administrator.

Absent: Mayor Pro-Tempore Danny Woodward

Guests: Media and guests of Mrs. Owens

Mayor Edwards called the meeting to order at 5:30 PM.

Mr. Josh Roberts led the Pledge of Allegiance.

Mayor Edwards swore in councilwoman-elect Gwen Owens. The oath was given, and Mrs. Owens became councilwoman and took her seat.

Mayor Edwards read proclamation that designated the Month of April as Child Abuse Awareness Month.

Mayor Edwards appointed Mrs. Owens to the Utilities-Chair, Police, and General Government committees.

Mayor Edwards called for Public Input, there were none.

Mr. Pace made the motion to approve the April 20, 2021, council minutes. Mr. Underwood seconded. Motion to approve passed.

Mr. Pace provided second reading of Ordinance 2021- 2 AN ORDINANCE TO APPROVE AN ECONOMIC INCENTIVE GRANT TO VOTGA HOLDINGS, LLC. AND TOTGA HOLDINGS, LLC. Mr. Pace made motion and it was seconded by Mr. Josh Roberts. Mayor Edwards called for public comment on proposed ordinance. Question from the public- what was it for: Lana Justice asked. Mayor Edwards explained it was to give an incentive to do repairs on the old davenport building and to run fire lines to that building and to behind the building that little Japan is in. Amy Welch asked for the amount Mayor Edwards, responded up to \$7000. Mayor called for vote, all voted in favor.

Mr. Pace provided second reading of Ordinance 2021-3 AN ORDINANCE TO AUTHORIZE CITY EMPLOYEES TO ABATE NUISANCES ON PRIVATE PROPERTY, ESTABLISH FEES FOR SUCH SERVICE AND OTHER MATTERS RELATED THERETO. Mr. Pace made the motion and Mr. Underwood made the second. No comments from public or council. Mayor called for vote, all voted in favor.

Ms. Melendez gave second reading of Ordinance 2021-4 AN ORDINANCE TO AMEND SECTION 501.2 (K) 2 OF ZONING ORDINANCE 1994. Ms. Melendez made the motion and Mr. Roberts provided the second. Mayor called for any discussion. Mr. Underwood asked that it be read aloud. Ms. Melendez read the motion aloud and Mayor called for vote after no discussion. All voted in favor of the motion.

Ms. Melendez gave first reading of Ordinance 2021-5 AN ORDINANCE TO AMEND ZONING ORDINANCE 1994-8/2004-11/2017-11/2018-15 TO ADD A SUBDIVISION DESIGN GUIDELINES APPENDIX, KNOWN AS APPENDIX 2021-A, AND TO AMEND SECTION 202, 303E, 400.2, AND 403.4. Ms. Melendez made the

motion and Mr. Underwood asked for explanation, Interim Administrator Burton gave an overview of the Subdivision Regulations and verified the Planning Commission moved to send this to council. Mr. Pace gave second. Interim Administrator Burton mentioned that it covered definitions of tiny homes/container homes and applications would only be allowed in GR with a special exception. Ms. Melendez asked what a container home was; it is a metal shipping container. A tiny home is 500 sf or less regardless of construction. Mayor reiterated that this places restrictions for this type of construction as we have none now. All voted in favor of motion.

Mayor called for Committee Reports

Ms. Melendez gave Fire Committee report;
115 calls for service 62 fire related and 53 rescue/ems related calls 15 mutual aid 43 inside the city 72 outside the city spent 356 hours on incidents and spent 439 hours of training. 30 inspections were completed. The Codes and Zoning Administrator is now full time in Walhalla and office is in City Hall. BZA met to issue a variance on a property and working with DHEC for COVID vaccination sites.

Mr. Pace- General Government and Finance
City wide dept head meeting April 7
General Code working on codification
Budget documents are being developed
Spending cut off is May 25
SMBP use on the upswing and met with SCDNR
Pay Station is being working
Ross Mtn parking design is being worked on

Mr. Roberts- Public Works
We picked up over 500 pounds of garbage on the trash pickup day.

Mr. Woodward was absent; Ms. Melendez gave the report for the Parks and Recreation Committee. For 2021 there are 194 participants had 293 last year. 21 teams this year. Began Jan 4
Ms. Melendez thanked the partners for the Pin Wheel garden at the City Pool.

Mr. Underwood gave police report
860 calls for service
251 traffic stops
Took part in EVOC with OC
Completed MASC survey with 100%
2 new officers are being trained
May 19 is the Community Police Event at the WPAC. Topics include internet safety.

Mr. Pace gave Utilities report
Waiting on SCDOT for permit on the Westminster Walhalla Highway project
Cane Creek sewer work is progressing
Hydrant will be installed at Pool
Looking at landscaping issues at the WTP
Addressing overflow issue at Harrison St Tank
Reducing valve at Tanglewood area is in process

Executive Session

Mr. Roberts made motion and Mr. Pace seconded.

No action was taken.

Council Voted to re-enter into regular session

Mayor Edwards adjourned the meeting at 705 PM.

Timothy B. Burton, Interim City Administrator

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

RESOLUTION 2021- 07

A RESOLUTION RECOGNIZING MAY AS NATIONAL WATER SAFETY MONTH IN HONOR OF WAYNE MCCALL

WHEREAS, the City announces this proclamation of May as National Water Safety Month in honor of Wayne McCall, Oconee County Council member from 2008-2020, whose leadership was instrumental in reopening and revitalizing the City of Walhalla pool so that all youth in our community would have an affordable, safe, and supervised setting to participate in swimming and aquatic-related activities; and

WHEREAS, the City of Walhalla is committed to improving the safety and security of all those living in and visiting our community; and

WHEREAS, developing physical skills along with understanding and adhering to water safety practices is essential to preventing drowning and water-related injuries; especially when recognizing that Oconee County is surrounded by water; and

WHEREAS, according to the Children’s Safety Network, children account for 1 of 4 drowning deaths; nearly half of child drowning deaths are infants and toddlers; boys account for 3 in 4 drowning deaths; while white children account for nearly half of these deaths, Asian Islander, Native American, and African American children drown at higher rates; the likelihood of drowning in natural water settings increase with age for every child that drowns; 5 more are treated in the Emergency Department for near drowning; formal swimming lessons reduce the risk of drowning in 1–4-year-old children by 88%, and children should always be supervised in and around water by a designated adult water watcher; and

WHEREAS, citizens of Walhalla recognize the vital role that swimming and aquatic-related activities can play in good physical and mental health and enhancing the quality of life for all people; and

WHEREAS, the citizens of Walhalla understand the essential role that education regarding the topic of water safety plays in preventing drowning and recreational water-related injuries; and

WHEREAS, the City is dedicated to creating safe swimming facilities, aquatic programs, and related activities that provide healthy places to recreate, learn life-long skills, and build self-esteem and confidence that contribute to the quality of life for all citizens; and

WHEREAS, the City understands the importance of water safety rules and programs to families and individuals of all ages to prevent tragedies and allow citizens to enjoy water recreation activities in public facilities, private pools, or water parks.

NOW THEREFORE BE IT RESOLVED THAT, I, Danny Edwards, Mayor of Walhalla, and the City Council of the City of Walhalla, do hereby proclaim the month of May 2021 as National Water Safety Month in the City of Walhalla and urge all citizens to always adhere to safety practices while enjoying any water recreation activities.

Adopted this 18th Day of May, 2021

Mayor, Danny Edwards

Attest:

Timothy B. Burton

Interim City Administrator

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

RESOLUTION 2021- 08

A RESOLUTION HONORING THE LIFE OF COUNCILMAN WILLIAM BUTLER ADDIS AND HIS CONTRIBUTIONS TO THE CITY OF WALHALLA.

WHEREAS, Mr. William Butler Addis was born March 11, 1961 to the late Butler Winfred and Bonnie Jones Addis and sadly passed on April 29, 2021, and

WHEREAS, The Walhalla City Council is the governing body of the City of Walhalla, and

WHEREAS, Mr. Addis was a member of that body from 1996 until 2009, and

WHEREAS, Mr. Addis served diligently on all city council committees, and

WHEREAS, Mr. Addis demonstrated a deep dedication and commitment to service to improve the quality of life for people of Walhalla, and

WHEREAS, Mr. Addis was heavily involved in water and sewer improvements, and

WHEREAS, Mr. Addis was instrumental in securing a platform ladder truck for the fire department, and

WHEREAS, Mr. Addis was a dedicated volunteer firefighter, and

WHEREAS, Mr. Addis was devoted to his family and friends, and

NOW THEREFORE BE IT RESOLVED THAT: The Walhalla City Council hereby honors former Councilman William Addis for contributions and service to the City of Walhalla.

Adopted this 18th Day of May, 2021

Mayor, Danny Edwards

Attest:

Timothy B. Burton

Interim City Administrator

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-5

AN ORDINANCE TO AMEND ZONING ORDINANCE 1994-8/2004-11/2017-11/2018-15 TO ADD A SUBDIVISION DESIGN GUIDELINES APPENDIX, KNOWN AS APPENDIX 2021-A, AND TO AMEND SECTION 202, 303E, 400.2, AND 403.4.

WHEREAS, the City of Walhalla Zoning Ordinance requires re-adoption with existing amendments and appendices by active ordinances, and

WHEREAS, the City of Walhalla Planning Commission has recommended changes in the ordinance as a result of review by that body,

Then, Let It Therefore Be Resolved, by the City Council of the City of Walhalla, South Carolina amend the following sections of the Zoning Ordinance as follows:

SECTION 202: DEFINITIONS

NOW, THEREFORE, Section 202 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following definitions:

Container Home: A residential building, either for living or renting, that is made out of a shipping container or the like.

Tiny Home: A residential building, for either living or renting, that is 500 square feet or less.

ADOPTION OF APPENDIX 2021-A

NOW, THEREFORE, Appendix 2021-A is hereby adopted into the zoning ordinance to establish order in the realm of growth and to encourage the economically sound and stable development of the City of Walhalla. The appendix is as follows:

AN ORDINANCE GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF WALHALLA, PRESCRIBING THE PROCEDURE FOR PREPARING AND APPROVING PLATS, DESIGN STANDARDS, IMPROVEMENTS REQUIRED, BOND AND SURETY, VARIATIONS AND EXCEPTIONS, AND PROVIDING FOR AMENDMENTS, ENFORCEMENT AND PENALTIES.

BE IT ORDAINED by the Mayor and Council of the City of Walhalla, South Carolina, in Council assembled:

AN ORDINANCE GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF WALHALLA, PRESCRIBING THE PROCEDURE FOR PREPARING AND APPROVING PLATS, DESIGN STANDARDS, IMPROVEMENTS REQUIRED, BOND AND SURETY, VARIATIONS AND EXCEPTIONS, AND PROVIDING FOR AMENDMENTS,

ENFORCEMENT AND PENALTIES.

ARTICLE 1. - TITLE AND AUTHORITY

Section 1-1. - Title.

This ordinance shall be known as the Subdivision Regulations, City of Walhalla, South Carolina.

Section 1-2. - Authority.

This ordinance was prepared in accordance with the provisions of General Statutes of South Carolina, Act No. 487 of 1967 and the requirements of said Act supplement this ordinance.

ARTICLE 2. - PURPOSE

[Section 2-1. - Purpose.]

The purpose of this ordinance is for the promotion, protection and improvement of the public health, safety, economy, good order, appearance, convenience, morals and general welfare by providing for the harmonious, orderly and progressive development of land within Walhalla, South Carolina. In furtherance of this general intent, the regulation of land subdivision is authorized for the following purposes, among others:

- a. To encourage the economically sound and stable development of Walhalla;
- b. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- c. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- d. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes; and

e. To assure, in general, the wise and timely development of new areas in harmony with the comprehensive plan of Walhalla.

ARTICLE 3. - JURISDICTION

[Section 3-1. - Territorial jurisdiction.]

From and after the date of adoption, these regulations shall govern all subdivision of land within the corporate limits of Walhalla as now and hereafter established.

ARTICLE 4. - DEFINITIONS

[Section 4-1. - Definitions and rules of construction.]

When used in this ordinance, certain words and terms shall have the meaning as herein defined. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

1. *Block*: A parcel of land entirely surrounded by streets or highways or by a combination of streets, highways, parks or railroad rights-of-way.
2. *Comprehensive plan*: The official city plan or any part thereof for the City of Walhalla adopted and approved in accordance with the provisions of Act No. 487, South Carolina Acts of 1967.
3. *Easement*: A grant by the property owner of the use, for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons.
4. *Engineer*: A registered professional engineer in good standing with the South Carolina Board of Registration.

[4.1.] *Land development*: A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease or any combination of owner and rental characteristics.
5. *Lot*: A portion of a subdivision or other parcel of land intended for transfer of ownership or for building purposes.
6. *Planning commission*: The planning commission of Walhalla, South Carolina.
7. *Plat*: A map, or drawing upon which the subdivider's plan of the subdivision is presented for approval.
8. *Street*: A way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, alley, or other way; and for the purposes of this ordinance, streets are divided into the following categories:

- a. *Thoroughfare*: Those streets designated as freeways, arterials or collectors on the preliminary thoroughfare plan of the City of Walhalla.
 - b. *Minor collector*: A street within a subdivision used to carry traffic from minor streets to thoroughfares including principal entrance and circulation streets of a subdivision.
 - c. *Minor or local street*: A street used primarily for access to the abutting properties.
 - d. *Alley*: A minor way used for service access to the back or side of properties otherwise abutting on a street.
 - e. *Cul-de-sac*: A minor street having one end open to traffic and one end terminating in a vehicular turnaround.
 - f. *Marginal access street*: A minor street parallel and adjacent to major streets and which provides access to abutting properties with protection from through traffic.
9. *Subdivider*: An individual, firm, association, syndicate, co-partnership, trust or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.
10. *Subdivisions*: A division of [a] tract or parcel of land into two or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. The definition includes all divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combinations of lots of record. The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:
- a. Combining or recombining portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the ordinance standards.
 - b. Dividing land into parcels of five acres or more where no new street is involved. The planning commission must receive plats of these exceptions as information and indicate that fact on the plats.
 - c. Combining or recombining entire lots of record where no new street or change in existing streets is involved.
11. *Surveyor*: A registered land surveyor in good standing with the South Carolina board of registration.

12. *Zoning ordinance*: The officially adopted zoning ordinance, City of Walhalla, South Carolina.

ARTICLE 5. - GENERAL PROVISIONS

[Section 5-1. - Prerequisites for filing of plats; minimum standards; dedication of public use sites.]

1. No plat of the subdivision of any land within the jurisdiction of the planning commission shall be filed with the Oconee County, until:
 - a. A preliminary plat shall have been prepared and shall have been approved by the planning commission as specified herein.
 - b. The required improvements shall have been satisfactorily installed and completed by the subdivider or a bond has been posted to secure the same.
 - c. A final plat shall have been prepared and approved by the planning commission as specified herein.
 - d. A resolution shall have been passed by the city council accepting the dedication of all public ways or lands, or a statement included on the final plat that the public ways or lands have not been accepted by the city council.
 - e. Statement by the planning commission as having received as information, plats identified as exceptions by state law under the definition of a subdivision.
2. All proposed subdivision of land shall conform to the applicable portions of the comprehensive plan for Walhalla.
3. Whenever regulations contained in this ordinance are different from regulations contained in other city ordinances, the most restrictive regulation shall prevail.
4. Where the area being subdivided includes lands to be used for parks, schools or other public uses under the officially adopted comprehensive plan of Walhalla, the subdivider shall indicate the location of such areas on the subdivision plat and shall dedicate said area or grant a two-year option for the purchase of such lands by a public agency at the appraised raw land value prior to subdividing, plus one-half the cost of grading and surfacing of the portions of any streets that are contiguous to the site. In case of a disagreement over the value of [the] land, said value shall be established by three qualified appraisers, one of whom shall be appointed by the city council, one of whom shall be appointed by the subdivider and one of whom shall be mutually agreed upon by the two previously appointed appraisers. The subdivider shall bear the cost of any appraisal. Should the park, school, or public use sites not be purchased within the two-year period, the subdivider may then sell or cancel them for an alternate purpose as shown on the approved subdivision plat.

ARTICLE 6. - PROCEDURE

[Section 6-1. - Administrative procedure for subdivision approval.]

The following is an outline of procedure for obtaining approval of a subdivision of land within the City of Walhalla:

1. Prior to preparing a preliminary plat and filing an application for approval thereof, the subdivider should consult Zoning Official regarding the proposal, the requirements of this ordinance and the provisions of the comprehensive plan.
2. An application requesting approval of the preliminary plat, together with supporting material, shall be filed with the zoning administrator 15 days prior to the regularly scheduled meeting of the planning commission at which the plat is to be considered.
3. The planning commission shall act on the preliminary plat within 60 days after filing of the application. Otherwise said plat shall be deemed to have been approved. The applicant may waive this requirement and consent to an extension of such period. Approval of the preliminary plat will not constitute approval of the final plat. Approval serves as authorization for the subdivider to proceed with site improvements.
4. The subdivider may install required improvements or post a bond securing the improvements in the area covered by the approved preliminary plat, or any portion thereof, which he proposes to record and develop at the time.
5. Upon installation of required improvements or the posting of a bond securing the same, a final plat may be submitted. Said final plat shall conform substantially to the preliminary plat, or portion thereof, as approved.
6. Application for approval of the final plat shall be submitted to the zoning administrator at least 15 days prior to the meeting at which it is to be considered. Said application shall be submitted within 12 months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the planning commission.
7. Action of the planning commission on the final plat shall consist of approval or disapproval. Disapproval shall be accompanied by reasons for such action.
8. After approval by the planning commission, the final plat shall be forwarded to city council for acceptance of the dedication of rights-of-way or other land.
9. After acceptance of dedication by city council, the planning commission shall file the plat for record with Oconee County. The zoning administrator shall act as recording agent for the subdivider.
10. Where a proposed subdivision contains no more than four lots and does not require dedication of any land to the public or installation of any public improvements, the planning commission may waive the hearing on the final plat and consider and act upon the preliminary plat as the final plat.

ARTICLE 7. - PRELIMINARY PLAT

Section 7-1. - Submittal.

Six copies of the preliminary plat shall be submitted to the zoning administrator with the application for approval. One copy of any supporting documents shall be submitted.

Section 7-2. - Distribution.

Copies of the preliminary plat shall be distributed by the zoning administrator to various departments within the city for review and recommendation. Recommendations shall be returned to the planning commission prior to the initial hearing on said plat.

Section 7-3. - Fees.

To defray the cost of investigation, processing the plat and notifying interested parties, the subdivider shall pay the following fees to the office of the zoning administrator at the time of filing:

- (1) \$50.00 minimum; or
- (2) \$5.00 for each residential lot or \$8 for each acre in a nonresidential subdivision.

No charge shall be made where the subdivision consists solely of the establishment or vacation of a new street.

Section 7-4. - Hearing notice.

Notice of hearing shall be sent by registered or certified mail to the subdivider not less than five days before the date set for the hearing.

Section 7-5. - Planning commission action.

Planning commission action shall consist of approval as submitted, conditional approval or disapproval. If the plat is conditionally approved or disapproved, the conditions or reasons for such action shall be noted. The action of the planning commission shall be noted on two copies of the plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the planning commission.

Section 7-6. - Effect of preliminary plat approval.

Approval of the preliminary plat by the planning commission shall be authorization for the subdivider to proceed with preparation of construction drawings, layout of streets, installation of improvements and staking of lots.

Section 7-7. - Scale.

The preliminary plat shall be clearly and legibly drawn to a scale of not less than 100 feet to the inch nor larger than 20 feet to the inch and marked "Preliminary Plat."

Section 7-8. - Content.

The preliminary plat shall show:

- a. Title, north point, graphic scale and date.
- b. Names and addresses of the owners of the property, any existing mortgages, the subdivider and the person or firm preparing the plat.
- c. Boundaries of the proposed subdivision. Location of city limits line if within or adjacent to the area to be subdivided.
- d. A vicinity sketch at a scale of not more than 500 feet to the inch showing the relation of the proposed subdivision to surrounding development. Also, the boundaries of adjoining parcels of unsubdivided land with the names and addresses of owners.
- e. Location, width of right-of-way, width of roadway, and names of all existing or prior platted streets, roads or highways that pass through or adjoin the area to be subdivided.
- f. Location and extent of watercourses and all land subject to flooding.
- g. Location and size of sanitary and storm sewers and water mains within or adjacent to the area to be subdivided.
- h. Location and pertinent data for existing railroads, easements, structures, public land and other features affecting the plat.
- i. Topography at a contour interval of not greater than five feet; provided, however, the city may require one-foot contour intervals and intermediate spot elevations.
- j. Indication of existing zoning district classification applying to, and proposed use of, all land within the subdivision.
- k. Written and signed statements of the appropriate officials verifying the availability of gas, electricity and water to the proposed subdivision.
- l. The proposed location and width of all streets (right-of-way's and roadways), alleys and easements together with proposed street names.
- m. Typical street cross sections and proposed grades.
- n. Layout, numbers and approximate dimension of lots.
- o. Building setback lines with dimensions.
- p. Sketch plans indicating the proposed method of accomplishing drainage, water supply, sewage disposal and storm drainage.
- q. Location and size of all parcels of land intended to be dedicated or reserved for public use.

r. Draft of any restrictions including protective covenants proposed to be included in the owner's declaration of plat.

ARTICLE 8. - FINAL PLAT

Section 8-1. - Submittal.

The original drawing and two copies of the final plat shall be submitted to the zoning administrator with the application for approval. The final plat shall include certification from the city engineer that required site improvements have been installed to the city's satisfaction or a bond posted securing to the city the actual construction and installation of required site improvements.

Section 8-2. - Fees.

To defray the cost of investigation and processing the plat the subdivider shall pay an additional fee in the amount of:

- (1) \$3 for each residential lot.
- (2) \$5 for each acre in a nonresidential subdivision.

No charge shall be made where the subdivision consists solely of the establishment or vacation of a new street.

- (3) The actual cost of recording the final plat.

Section 8-3. - Recording of plat.

The zoning administrator, acting for the planning commission and as recording agent for the subdivider, shall file the final plat for record with Oconee County. Such filing shall take place after approval by the planning commission and acceptance of dedicated land by city council. The final plat shall show the plat book and page where recorded.

Section 8-4. - Final plat distribution.

Subsequent to recording, the original of the final plat shall be returned to the subdivider. Copies of the final plat shall be distributed to various departments within the City.

Section 8-5. - Scale; sheet size; material.

The final plat prepared by a surveyor or civil engineer licensed by the state shall be drawn in ink on linen or plastic film type material at a scale of 200 feet to the inch unless otherwise approved by the planning commission. The plat shall be identified as the final plat.

Section 8-6. - Content.

The final plat shall show:

- a. Title, north point, graphic scale, date.

- b. The name of the owner or owners, any existing mortgages and the subdivider. Notarized acknowledgement of the owner or owners and mortgagee, if any, to the plat, and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements included on the plat.
- c. The name and registration number of the surveyor or engineer. A notarized certificate attesting to the accuracy of the survey and the correct location of all monuments shown.
- d. The township, boundary line bearings and distances, and boundary ties with the nearest intersection of existing streets or roads.
- e. Right-of-way lines and widths of streets, alleys, easements and other rights-of-way, with accurate dimensions and bearings, or deflection angles and the radii and central angles of all curves.
- f. Names of all streets together with a letter from the post office department stating that proposed street names do not duplicate existing street names within the urban area of Walhalla.
- g. All lot lines, lot dimensions, building setback lines and an identification system for lots and blocks.
- h. Location and description of monuments. Monuments shall be designated by a small open circle at points of installation.
- i. The lines of streets and alleys that adjoin the subdivision with their width and names. Reference to recorded subdivision plats of adjoining platted land by plat book and page number or deed book and page number.
- j. Purpose for which lots or tracts other than residential are to be dedicated or reserved.
- k. Statement that all easements shown on the plat may be used for the installation of sanitary sewers, storm sewers, public utilities and open storm drains unless otherwise noted.
- l. Space for the approval of the city planning commission.
- m. Statement of, or reference to, private restrictions, trusteeships or protective covenants.
- n. Space for city council acceptance of public ways and lands included on the plat.
- o. Space for number of plat book, volume and page where recorded.
- p. The final plat shall be accompanied by certification:
 - (1) That all legally due taxes have been paid.

(2) That all required improvements have been installed and approved by the proper officials or agencies, or that a bond ensuring their installation has been accepted by the city.

(3) [For property located in a flood hazard area, a statement reading substantially as follows:]

Lot number(s) _____ are located wholly or partially within a flood hazard area as defined by the Federal Emergency Management Agency, and are subject to all codes and ordinances as they relate to floodplains. Special development permits are required for these areas.

ARTICLE 9. - DESIGN STANDARDS

[Section 9-0. - Minimum requirements.]

The design standards herein presented are minimum requirements. All roadways, alleys, sidewalks, street lighting, and thoroughfares are to be constructed to the standards of the SCDOT Roadway Design Manual (2017). IF ANY PART OF THIS ORDINANCE CONFLICTS WITH SCDOT ROADWAY DESIGN MANUAL (2017), THE MORE STRINGENT LANGUAGE SHALL PREVAIL.

Section 9-1. - Streets and alleys.

a. *Street right-of-way width.*

(1) Thoroughfares: Width shall conform to specifications of the preliminary thoroughfare plan.

(2) Minor collector: Width shall not be less than 50 feet.

(3) Minor street: Width shall not be less than 40 feet.

(4) Cul-de-sac: Width shall not be less than 50 feet except that the terminal turnaround shall have a diameter of not less than 90 feet.

(5) Marginal access street: Width shall not be less than 40 feet.

(6) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum standards contained herein.

(7) When the subdivision abuts a major street, any land necessary for widening the major street shall be dedicated.

(8) Subdivisions with unusual topographic conditions shall provide greater street right-of-way than herein required and/or provide slope easements for the sloping of banks or fill material.

b. *Alleys.*

(1) Alleys will not be permitted in residential districts except as a continuation of a dead-end alley.

(2) Alleys, not less than 20 feet in width, shall be required in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking consistent with and adequate for the uses proposed.

c. *Street alignment.*

(1) All street alignments must provide for the continuation of existing streets abutting the subdivision.

(2) Arrangement of major streets in the subdivision shall conform as closely as possible with the thoroughfare plan.

(3) The arrangement of streets shall be such as will not cause hardship to owners of adjoining property in providing convenient access.

(4) Minor collector streets may be required where necessary to facilitate traffic flow in the subdivision.

(5) Radii of not less than 100 feet shall be provided on all curves unless local conditions warrant a shorter radius.

d. *Street grades.*

(1) Street grades shall comply with good engineering practice and shall not exceed ten percent or be less than 0.5 percent. Wherever possible, grades of thoroughfares shall not exceed 5.0 percent.

(2) Grades approaching intersections shall not exceed 5.0 percent for a distance of not less than 50 feet from the right-of-way line of said intersection.

(3) All changes in street grade shall be connected by vertical curves of at least 100 feet or the equivalent of 15 times the algebraic difference in the rate of grade, whichever is greater.

e. *Street intersections.*

(1) Not more than two streets shall intersect at a point.

(2) Street right-of-way lines at intersections shall be rounded by a minimum radius of 25 feet. The roadway edge at intersections shall be rounded by a minimum radius of 25 feet.

(3) Streets shall intersect as nearly at right angles as possible, and in no case at an angle of less than 60 degrees. Intersections involving a thoroughfare shall not be less than 80 degrees.

- (4) Street intersections shall be located at least 150 feet apart.
- (5) Street intersections shall be located at least 150 feet from any railroad right-of-way.
- (6) Streets generally parallel to railroad rights-of-way shall not be closer than 150 feet to the railroad right-of-way.

[f. Reserved.]

g. *Cul-de-sac.*

- (1) The length of a cul-de-sac, measured from the intersecting street to the center of the turnaround, shall not be longer than 750 feet.

Section 9-2. - Easements and special rights-of-way.

- a. An adequate right-of-way shall be dedicated along each side of surface drainage courses for purposes of constructing, widening, deepening, relocating, improving or maintaining the drainage course. The location of any surface drainage course shall not be changed without the approval of the city engineer.
- b. Easements of at least 7½ feet in width shall be provided on each side of rear and side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water or other utilities. Easements of greater width may be required along rear lot lines or across lots where necessary for the extension of major utility lines, or where more than one utility is located in the same easement. A three-foot easement shall be required on one side of an alley to accommodate pole lines.

Section 9-3. - Lots.

- a. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- b. Where easements for public utilities and sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction and maintenance of such improvements.
- c. Lot areas shall not be less than minimum zoning requirements in the area in which the property is located.
- d. All side lines of lots shall be at right angles or radial to street lines, except where a variation will provide a better street and lot layout.
- e. Double frontage lots shall be avoided wherever possible.
- f. Corner lots for residential use shall have additional width sufficient to provide equal setback from front and side streets.

- g. Every lot shall abut on a street. In no case shall an alley serve as the only access to a lot.
- h. The depth of a lot shall not be less than 100 feet, and excessive depth in relation to width shall be avoided.

Section 9-4. - Blocks.

- a. No block shall be more than 1,500 feet in length, and preferably not less than 800 feet in length.
- b. The greater dimension of a block adjoining a major street shall abut the major street.
- c. Where blocks are over 1,000 feet in length, a crosswalk easement not less than 20 feet wide may be required if necessary, to provide proper access to schools, playgrounds or other public facilities.

Section 9-5. - Sanitary sewers and storm drainage.

Except in cases determined to be impractical by the Water Department, sanitary sewer mains shall not be less than eight inches in diameter. Tap connections shall be provided from mains to each lot line and marked at the lot line by a permanent iron pin. Storm drainage shall be provided to the degree deemed necessary by the city engineer to prevent property damage.

Section 9-6. - Public sites and open spaces.

Where the subdivision contains a park, school or other public area which is shown on the comprehensive plan, the size and exact location shall be determined by the planning commission based on criteria and requirements specified in the comprehensive plan. Where other public agencies are involved, current criteria and specifications of said agency shall prevail unless waived.

Section 9-7. - Land subject to flooding.

Land subject to flooding or inadequately served by drainage facilities will not be acceptable for subdivision unless the subdivider agrees to make such improvements as will in the opinion of the city engineer render the land fit for occupancy.

Section 9-8. - Character of development.

The subdivider should confer with the planning commission regarding the type and character of development that will be permitted in the subdivision. The planning commission may require that certain minimum requirements be incorporated in restrictive covenants to apply to all lots in the subdivision for the purpose of protecting the character and value of the proposed subdivision and of adjoining property.

ARTICLE 10. - MINIMUM IMPROVEMENTS REQUIRED

The satisfactory installation of the improvements required herein or the posting of a bond securing the improvements shall be a prerequisite to approval of a final plat by the planning commission. Prior to starting construction of any proposed improvements for a subdivision, construction plans and specifications shall be prepared by an engineer.

Section 10-1. - Street improvements.

- a. All streets shall be graded to their full width, including side slopes.
- b. A standard curb and gutter, with not less than a six-inch face, shall be constructed on both sides of the street.
- c. Streets shall be surfaced to a width stated herein and with a type of pavement conforming to paving standards SCDOT.
 - (1) Marginal access streets: Minimum 24-foot width between curb faces.
 - (2) Minor collector streets: 40-foot width between curb faces.
 - (3) Minor streets: 28-foot width between curb faces.
- d. Alleys, wherever platted, shall be surfaced to their full width with a pavement conforming to paving standards of SCDOT.
- e. Except as hereinafter provided those portions of thoroughfares included within the subdivision shall be paved by the subdivider to widths and in accordance with paving standards SCDOT. Whenever the property abutting both sides of a major street is zoned for residential purposes, the subdivider shall be responsible for only that portion of the cost equal to the installation of minor street improvements.

Section 10-2. - Underground utilities.

Storm drainage and sanitary sewers shall be provided by the subdivider. All underground utilities, including water, gas, electrical and telephone service, shall be installed prior to the installation of paving. Sufficient taps shall extend to lot lines to insure against subsequent cutting of pavement. When sanitary sewers are not reasonably accessible to the subdivision, septic tanks conforming to the standards and requirements of the county health department shall be installed. Fire hydrants shall be installed in accordance with specifications of Fire Underwriters.

Section 10-3. - Sidewalks.

Sidewalks shall be constructed along both sides of a thoroughfare and in such other locations where they are deemed necessary for public safety by the planning commission. Such sidewalks shall conform to the width requirements and specifications of SCDOT.

Section 10-4. - Street name signs.

Street name signs shall be installed for a payment of \$25.00 per sign made to the City of Walhalla.

Section 10-5. - Monuments.

Permanent monuments shall be placed at the tangent points of curves and at all corners in the exterior boundary of the subdivision (except at such corners that are inaccessible due to topography) and at such other points as may be designated by the city engineer. All monuments shall be set flush with the surface of the ground or finished grade. Monuments shall be of reinforced concrete, 30 inches or more in length and six inches or more in diameter with a metal pin at the point of intersection, or an iron rod (five-eighths inch or more in diameter and 30 or more inches long) completely embedded in concrete.

ARTICLE 11. - BOND AND SURETY

Section 11-1. - Construction bond.

In the event the subdivider elects to defer construction of the improvements required under article 10 until after approval of the final plat, a bond shall be required of the subdivider, the amount and specifications of which shall be approved by zoning administrator, securing to the city the actual construction and installation of such improvements within a period of two years from the date of recording the plat and in accordance with standard specifications of the City of Walhalla. Such bond shall be in cash or be made by a surety company authorized to do business in the State of South Carolina, and shall be made payable to and enforceable by the City of Walhalla, South Carolina. Such bond must equal at least 125 percent of the cost of the required improvements. The surety shall not be released from said bond except by written release from the city council.

(Ord. No. 99-05, 4-26-1999)

Section 11-2. - Maintenance bond.

- a. In any case in which the zoning administrator may have reasonable doubt concerning the stability or proper construction of any improvement required herein, upon his recommendation the city council may require a maintenance bond for a period of two years for maintenance of said improvement. This bond shall be in cash or be made by a surety company authorized to do business in the State of South Carolina.
- b. The subdivider, by agreement with the zoning administrator, shall maintain for a period of nine months the fill and improvements in and over the ditches that were cut for the installation of utilities including storm and sanitary sewers, water, gas and laterals.

ARTICLE 12. - VARIATIONS AND EXCEPTIONS

[Section 12-1. - Modifications, variations and waivers.]

a. Whenever strict compliance with these regulations would result in extraordinary hardship or injustice to the subdivider because of unusual topography, unusual size or shape of the property, or unusual conditions in surrounding property or development, the planning commission, acting with the concurrence of the city engineer, may modify, vary or waive such regulations in order that the subdivider may subdivide his property in a reasonable manner provided that such modification, variation or waiver will not nullify the intent or purpose of these subdivision regulations and that the public welfare, interest of the city and the surrounding area shall be protected. Any such variance, together with reasons therefor shall be entered upon the minutes of the planning commission.

b. In granting modifications, variations or waivers, the planning commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation or waiver and still maintain the objectives of these regulations.

c. Each modification, variation or waiver of these regulations sought by a subdivider shall be applied for specifically on forms supplied by the planning commission, a copy of which shall be forwarded to the zoning administrator.

ARTICLE 13. - CHANGES AND AMENDMENTS

[Section 13-1. - Amendment procedure.]

The city council may amend the regulations or provisions of this ordinance after study and report by the planning commission and the holding of a public hearing as required by law.

ARTICLE 14. - ENFORCEMENT

[Section 14-1. - Plat approval required; unlawful sale of lots.]

a. No plat of any subdivision shall be entitled to record with Oconee County, or shall have any validity until it has been approved in the manner prescribed herein.

b. It shall be unlawful for the owner, or the agent of an owner to transfer or sell any land by reference to or by other use of a plat unless such plat has been approved as prescribed herein. The city may enjoin such transfer, sale, or agreement by appropriate action.

ARTICLE 15. - PENALTY

[Section 15-1. - Penalty.]

Any violation of these regulations will be a misdemeanor and upon conviction is punishable with a fine of up to \$500 and or 30 days in jail.

ARTICLE 16. - SEPARABILITY AND SEVERABILITY

[Section 16-1. - Severability.]

Should any article, section or provision of these regulations be for any reason held to be void or invalid, it shall not affect the validity of any other article, section or provision hereof which is not itself void or invalid.

ARTICLE 17. - EFFECTIVE DATE

This ordinance shall be in full force and effect 30 days following its passage as provided by law

SECTION 303E: MINIMUM REGULATIONS

NOW, THEREFORE, Section 303E of the Zoning Ordinance for the City of Walhalla is hereby amended to read as follows:

E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension below the minimum requirements set forth herein. Lots created by subdividing after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance and must be in compliance with Appendix 2021-A

SECTION 400.2: PERMITTED USES IN R-25

NOW, THEREFORE, Section 400.2 of the Zoning Ordinance for the City of Walhalla is hereby amended to read as follows:

The following buildings and uses shall be permitted in any R-25 Zoning District:

- A. Single family dwellings, detached (other than mobile homes, tiny homes, or container homes);
- B. Cultivation of land and general gardening, horticulture or growing agricultural crops, and plant nursery and sales;
- C. Accessory buildings and structures in conjunction with permitted uses as prescribed in Section 707.

SECTION 403.4: SPECIAL EXCEPTION USES IN GR

NOW, THEREFOR, Section 403.4 of the Zoning Ordinance for the City of Walhalla is hereby amended to read as follows:

Certain uses within any GR Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

- B. Mobile homes. Mobile homes and Mobile home parks are special exceptions in any GR districts subject to the requirements and procedures of Section 708, all subsections, and all conditions stipulated herein.

- C. Tiny homes or other non-traditional homes styles similar to container homes

NOW, THEREFOR, BE IT RESOLVED that the City of Walhalla, South Carolina adopts the Zoning changes to be affixed to the Zoning Ordinance.

DODE, ORDERED AND ADOPTED this ____ day of _____ 2021

ATTEST: ‘

Timothy B. Burton, City Administrator, Interim

Danny Edwards, Mayor

Introduced By: _____

First Reading: _____

Second Reading & Adoption: _____

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-06

AN ORDINANCE TO RAISE REVENUE AND ADOPT FOR THE CITY OF WALHALLA, SOUTH CAROLINA A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021.

BE IT ORDAINED by the governing body of the City of Walhalla in Council duly assembled and by the authority of the same:

SECTION 1.

That the prepared budget and the estimated revenue for the payment of same are hereby adopted and is made part hereof as fully as if incorporated herein and a copy thereof is hereto attached and also be known as the current approved fiscal year budget document;

SECTION 2.

That the City has complied with the S.C. Code 6-1-80 which requires that a municipality shall provide notice to the public by advertising the public hearing before the adoption of its budget for the next fiscal year in at least one South Carolina paper of general circulation in the area;

SECTION 3.

That the tax to cover the period July 1, 2020 through June 30, 2021, both inclusive of the sums and in the manner hereafter mentioned is and shall be levied, collected and paid to the treasury of the City of Walhalla for the use and service thereof; that is a tax of eight dollars and forty cents (\$8.40) for every one hundred dollars (\$100.00) assessed value of all real estate and personal property owned and used in the City of Walhalla, except that which is exempt pursuant to South Carolina law, is levied and shall be paid to the City Treasury improvements, and current expenses of the City, such tax shall constitute a levy to eighty-four (84) mills against all property which is assembled by Oconee County for tax purposes;

SECTION 4.

The billing dates, the penalty dates and the amount of penalty, which shall be levied for delinquent taxes, shall be as follows:

Tax notices shall be issued on before September 20, 2021, providing for payment on or before January 1, 2022, with penalty of three percent (3%) if paid by January 15, 2022, and execution with another three percent (3%) will be issued if paid after March 15, 2022. Cost of levy, advertisement and sale shall be added as additional costs on all property of a defaulting taxpayer;

SECTION 5.

The Tax Collector Oconee County shall be responsible for the collection of all delinquent taxes and to levy and sell all property to defaulting taxpayer:

SECTION 6.

That the City Council shall administer this budget and City Administrator and/or Finance Director shall authorize the transfer of funds within departments of the City and lease purchases deemed necessary and appropriate:

SECTION 7.

All new and existing business proposing to exercise, carry on any trade, or show intent to do business, shall procure a license before commencing such trade, business, or profession in accordance with the provisions of Ordinance 2020-18 An Ordinance Amending the Business License Ordinance of the City of Walhalla;

SECTION 8.

There will be an interfund transfer from FY 2022 Water Budget of \$450,000.

DONE AND RATIFIED in Council Duly Assembled this _____ Day of _____

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Public Hearing,
Second Reading
And Adoption: _____

CITY OF WALHALLA

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

ORDINANCE NO. 2021-7

CITY OF WALHALLA

WATER USE ORDINANCE

An Ordinance to amend Ordinance 2020-5, An Ordinance to Regulate, Restrict and Limit, in the interest of the Public Health and Safety, the use and operation of the Water Works System maintained and owned by or which may become the property of the City of Walhalla and providing penalties for violation thereof.

BE IT ORDAINED by the Mayor and Council of the City of Walhalla as follows:

ARTICLE I

DEFINITIONS

Section 101. Apartment - shall mean any building containing two (2) or more Single Family Dwelling Units and having one (1) water connection for all Dwelling Units.

Section 102. Building - shall mean any improved property containing a structure which meets any one of the classifications in Article 1, Sections 101 through 108.

Section 103. Business - shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under “Commercial” and “Institution.”

Section 104. Camper/Travel Trailer - shall mean a vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight not to require a special highway moving permit, designed to provide temporary living quarters for recreational, camping and travel use, and designed not to require permanent on-site utilities, including, but not limited to tent campers, park models, park trailers, motor homes, and fifth wheels. This term may include any vehicle whose body width is less than eight feet, and whose length is not more than thirty-five feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

Section 105. City - shall mean the City of Walhalla, its elected officials and appointed authorized representatives.

Section 106. Commercial - shall mean any hotel, motel, lodge, tourist home, efficiency apartments, or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each

room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a Rental Unit.

Section 107. Customer - shall mean any responsible person who makes application to the City for water service.

Section 108. Customer in good standing - shall mean a customer who has an active account(s) and has not violated the water use ordinance at any time, and whose account is not currently delinquent.

Section 109. Equivalent Unit - shall mean equal to the number of Single Family dwelling unit for the purpose of establishing tap fee and billing cost; the following equivalents shall be used:

A) Single Family Dwelling Unit	1.0
B) Condominium Dwelling Unit	1.0
C) Townhouse Dwelling Unit	1.0
D) Apartment	1.0
E) Hotel or Motel per room	0.50
F) Mobile Home	1.0
G) Camper/travel Trailer	0.50

Section 110. Farm Users - shall mean class of user that uses the water exclusively for lawn, garden, and crop use and there is no connection inside or outside of a building which is directly or indirectly tied to a sewer.

Section 111. Institution - shall mean any building used as a hospital, church, school or similar public facility.

Section 112. Master Meter – A water meter serving more than one unit.

Section 113. Multiple Family Dwelling Unit - shall mean any building containing two (2) or more Single Family Dwelling Units and having individual water connections to each Dwelling Unit.

Section 114. Non-Payment Fee – shall mean the fee charged to all customers on the disconnect list. This fee can only be waived one time for the lifetime of the account, and applies, regardless of connection status.

Section 115. Person - shall mean any individual, firm, company association, corporation, institution or group.

Section 116. Photo ID- A governmental issued identification card including a South Carolina Driver's license or photo ID or a current real photo ID from another state or a valid passport or a United States military identification card.

Section 117. Rental Property – shall mean any and all real property that is rented or leased by one group or person from any other group or person for the purpose of living space, commercial, or industrial use. ALL rental properties inside the City Limits MUST be inspected by the Fire Department prior to obtaining services.

Section 118. Residence – Any dwelling unit, home, mobile home, apartment, camper, etc. used as living space, whether permanent or temporary.

Section 119. Services - shall mean the delivery of potable water through an authorized and approved Water Connection, account record keeping, billing, and all work associated therewith.

Section 120. Single Family Dwelling Unit - shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for thirty (30) days or more per year. Only one unit per meter allowed.

Section 121. Townhouse - shall mean one or more buildings containing two (2) or more Single Family Units owned individually and provided with, or adjacent to, public streets or roads and having one (1) water connection for each unit.

Section 122. Water Connection - shall mean all materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient property line of the customer.

Section 123. Waterworks System - shall mean all property, well equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenances necessary to provide water service owned and operated by the City of Walhalla.

Article II

GENERAL

Section 201.

- A. Each water customer shall make application to the City for service by completing the standard contract of the City. In addition, proof of ownership (deed), or a copy of a rental agreement, and a photo ID will be required to establish service. Contracts may be completed in person, by email, or through the City's website. Contracts for new service taken after 3:00 PM will be processed the next business day. Requests for same day service made after 3:00 PM will be charged an additional \$25 fee. Rental units inside City limits

must pass an inspection prior to establishing service. Connection fees and service charges are as follows:

<u>METER SIZE</u>	<u>CONNECTION FEE</u>	<u>NO SSN</u>
Rental Units, ¾" & 1"	\$150.00	\$450
¾ " & 1"	\$ 70.00	\$450
1 ½"	\$100.00	\$450
2"	\$140.00	\$450
3"	\$380.00	\$760
4" or larger	\$600.00	\$1200

**** Includes a non-refundable \$15.00 administrative fee.

- B. To perform a home inspection that requires water service, water will be furnished for a one-time inspection at a cost of \$25 for up to 100 gallons usage. The customer will be required to fill out a contract at City Hall prior to a work order being processed. The meter will be unlocked and turned on by 3:30 PM, and will remain on until 3:30 PM the following day. This service may only be requested Monday through Thursday. The individual requesting water service will be responsible for coordinating with their inspector.

Section 202. It shall be unlawful and a violation of this Ordinance for any person, or persons to damage, deface, alter, change, or tamper with any part of the Waterworks System in any way. This includes damage to the water meter or curb stop owned by the City. Upon conviction, said person or persons shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor. The minimum tampering/damage charge shall be \$250.

Section 203. The City reserves the right to discontinue Service immediately, and the Water Connection removed or severed, if it is found that any provision of this Ordinance has been violated.

Section 204. It shall be unlawful and a violation to this Ordinance for any person to make any connection to the Waterworks System or to reconnect service when it has been discontinued for violation of this Ordinance, or any other reason except where specifically approved in writing by the City with said approval being contingent upon satisfaction of all Articles of this Ordinance; and upon conviction, said person or persons shall be found guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor.

Section 205. When Service has been discontinued for violation of this Ordinance, including non-payment of bill, all charges for services to date become immediately due and payable.

Service will not be reinstated until payment in full of all charges including: bills, cost of repairs, service charges, non-payment fees, and penalties.

Section 206. All metered accounts will be read monthly and billed monthly to the customer from the date service is established, regardless of the number of days of service. If a bill is not paid by the 10th of the month of billing, a 10% penalty will be added. A bill with a balance due of \$75.00 or greater on the 20th of the month shall put the customer in non-payment status and will result in the customer being put on the cut-off list. If the bill is not paid in its entirety by the 20th, a \$35.00 non-payment fee will be added to the account when the cut-off list is generated. The non-payment fee must be paid before the service will be restored. For customers in good standing, the first non-payment fee will be waived.

Section 207. For each new Water Connection and in addition to conformance with Article II, Section 201, the person applying for water service shall pay a tap fee for new meter installation according to the schedule of Article V, Section 503. Payment is to be made before the water connection is provided by the City.

Section 208. No water service shall be furnished to any residence or property from an existing service at another residence. Unauthorized connection will result in termination of water service at the residence with the active account.

Section 209. No claims or demand that the customer may have against the City shall be considered as an offset against the payments for service as provided under this Ordinance.

Section 210. Water service, as provided by this Ordinance, is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial, or institution. Said service shall not be subleased, assigned, transferred, sold, or disposed of to others, in whole or any part thereof.

Section 211. Each water connection shall require the connection fee as required by Section 201. All accounts will be billed monthly, regardless of usage or days of service. The applicant shall be responsible to all Articles of this Ordinance regardless of ownership of the property being served by that water connection.

Section 212. No water service shall be furnished or rendered free of charge to any person.

Section 213. To discontinue service with the City, the customer must make a request, in writing, to have the service discontinued. The City has forms available at City Hall, which can be completed in person, by mail, or online. Service will not be discontinued until the completed form is received.

Section 214. Customers with a critical medical need for water service shall provide a letter stating the medical necessity for water service on their physician's letterhead. If the customer's account is unpaid after the 20th, a written disconnect notice will be given, and

service discontinued 48 hours later if balance remains unpaid. All penalties, late fees, and non-payment fees will apply.

ARTICLE III

SERVICE

Section 301. The City shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina State Department of Health and Environmental Control. The City agrees to use reasonable diligence in providing a regular and uninterrupted supply of water service. In case the supply of water shall be interrupted, or fail by accident, or any cause whatsoever, except negligence on the part of the City, the City shall not be liable for any damages sustained by the customer by reason thereof.

(A) WATER METER OWNERSHIP

The City of Walhalla shall exclusively own all water meters as a part of its water system. The user of utility service shall pay for the tap to the City of Walhalla Water System to provide such service to connect water to the ultimate user. Customer is liable for ANY damages or tampering to the meter, box, valve, connections, etc. The City is NOT responsible for any portion of a service line beyond the discharge meter coupling.

(B) WATER METER REMOVAL FOR NONPAYMENT, TAMPERING, OR DAMAGE

If an individual, corporation, partnership, or other entity does not pay a bill for utility service prior to the 20th of the month, and service shall be disconnected, and the water meter shall be locked. The lock shall be removed only when the bill is paid, including delinquent charges. If the lock is removed, cut, bypassed and/or tampered with, or the meter is tampered with or damaged, the following will occur:

The water meter shall be removed, and service discontinued. The minimum charge for removal and reinstallation shall be \$250.00, or the cost of actual repairs, whichever is greatest, plus payment of any delinquent bill.

Section 302. All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year. When at the request of the customer, water meters have been tested by the City or any other party approved by the City and found to be more than 3% fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed three months prior billing. If a meter is tested at the customer's request more than once in any six-month period, the customer shall pay a service charge of **\$25.00** for such service but in the event the meter is found to be more than 3% fast, then the customer will have his bill adjusted as stated above and no service charge will be applied. For remote read meters, the reading on the meter register shall be the reading used for billing purposes in the event of a transmitter failure.

Section 303. The City shall have the right to enter the Customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service,

necessary installations, or reading of meters. The City shall further have the right to enter the Customer's premises for inspection and any other reason for administering reasonable service provided that the customer is notified in advance.

Section 304. All commercial businesses inside the City, whether owner occupied or rental property, must pass a fire inspection before water service can be established.

Section 305. All applications for water service are also subject to the Oconee Joint Regional Sewer Authority policies in effect at the time of application.

Section 306. All water connections installed for sprinkler systems or similar business or commercial fire protection devices must be equipped with at least a testable double check valve or a reduced pressure backflow preventer on the customer's side of the line, at the customer's expense. These must be certified once per year by a certified backflow tester at the customer's expense, and all tests must be submitted in the iBackflow system. Testing notices will be sent by iBackflow several weeks before the test is due. If a customer fails to have the device tested, the City will have the device tested by a contract tester, and bill the customer \$75 on their water bill.

Section 307. The City will allow each customer two free convenience cutoffs and cut-ons each year; thereafter, a fee of \$25.00 will be billed for this service. Convenience cut-offs, as a protective device during periods of absence from the premises, do not relieve the customer of any obligation to pay the minimum charges as set forth in the rate schedule of Article VI.

Section 308. All building plumbing shall conform to the National Plumbing Code, latest revision, and shall be accomplished only by a regular, licensed plumber authorized by the City. It shall become the responsibility of each person requesting a water connection to notify the City and arrange for final inspection of the plumbing while visible and accessible to the inspecting agent of the City before permission to connect is granted.

Section 309. The City shall make inspections of existing building plumbing and if any condition is found which, in the opinion of the City, constitutes a health hazard or a potential health hazard to the water supply or operation of the Waterworks System. The City shall require immediate action to be taken by that customer or sever the water connection until remedial measures are instituted, and the hazard eliminated to the complete satisfaction of the City.

Section 310. Under no circumstance shall any part of the Waterworks System be connected in any way with any other water source. Any hazardous connection between the Waterworks System and any source of contamination is expressly prohibited.

Section 311. During any and all improvements, expansions, extensions, repairs, or fire calls, the City shall exercise all reasonable precautions to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.

Section 312. In the interest of the public health and safety, the City shall be permitted to take

such emergency action as may be deemed necessary in the operation of the Waterworks System. These rights, include but are not limited to, the right to close down any water line or portion of the System for the purpose of making connections, alterations, or repairs. The City shall not be liable for any damages to any portion of the customer's service line, plumbing, etc.

Section 313. The City shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the SCDHEC.

Section 314. During times of drought, the City reserves the right to discontinue water service for failure to abide by the water restrictions imposed. All irrigation equipment must be removed prior to re-installation of the meter.

Section 315. For new business or commercial water service, where renovations will be taking place, and water service will be needed, all permits must be obtained (Zoning, OJRSA if applicable, Building Permit) prior to application. After permits have been obtained, the Fire Marshall can be contacted for an inspection. After passing inspection, the Fire Marshall will clear the property for water service, and the occupant may then apply for water service. If the Fire Marshall, at any time during the renovation process, determines that the occupant is working outside of the permitted use or activities, or not following the permitted actions, the Marshall may request that water service be discontinued.

ARTICLE IV

RECORDS AND BILLING

Section 401. All metered accounts shall be billed and payable monthly.

Section 402. While the City will make every reasonable effort to see that each customer received his bill, no responsibility will be assumed for non-delivery when same has been mailed at the Post office.

Section 403. All charges for water services are due and payable at the collecting office in the City Hall building of Walhalla.

Section 404. All bills paid after 5:00 PM shall be credited on the following business day.

Section 405. In no event will refunds for overcharges be made for a period covering more than three (3) months immediately preceding.

Section 406. Each account for water service shall be classified for billing purposes at the discretion of the City according to the definitions contained herein. The customer shall have the right to redress to the City for purpose of reclassification through presentation of sufficient evidence to the City Council.

Section 407. Billing will be based upon minimum rates for each meter size as given under Article VI. Any service discontinued for convenience under Section 305 shall be subject to payment of the minimum monthly rate for the period of absence.

Section 408. Services discontinued for non-payment shall only be re-instated after all past due charges, penalties, non-payment fees, and tampering fees have been paid in full. If the balance remains unpaid for 2 months and exceeds the connection fee amount, or, is unpaid for 3 months, the account will be closed and the connection fee applied to the balance. Outstanding balances on old accounts may be transferred to a customer's active account for payment.

Section 409. The City shall keep separate from other business the records of the Water System.

Section 410. All records of business transactions, billings, and receipt of funds shall be maintained by the City clerk and treasured in accordance with the Bond Ordinances governing the system.

Section 411. The City Council shall prepare an annual budget for the Water System based upon the audit and establish such changes as may be necessary to fund said budget in accordance with the Water Use Ordinance.

Section 412. The City of Walhalla has the right, pursuant to the South Carolina Setoff Collection Act, to collect any sum due and owed by the applicant through offset of the applicant's state income tax refund. If the City of Walhalla chooses to pursue debts owed by the applicant through the Setoff Debt Collection Act, the applicant agrees to pay all fees and costs incurred through the setoff process, including fees charged by the Department of Revenue, the Municipal Association of South Carolina, and/or the City of Walhalla. If the City of Walhalla chooses to pursue debts in a manner other than setoff, the applicant agrees to pay the costs associated with the selected manor as well.

ARTICLE V

TAPS

Section 501. No water connection shall be made until the tap fee as set forth below has been paid, and all necessary encroachment permits have been obtained.

Section 502. All taps and related water connections shall be accomplished by the City using standard equipment and materials.

Section 503. Tap fees for new connections shall be determined by the following based upon the number of equivalent units served:

TAP FEES

Equivalent Units	Meter Size	Tap Fee			
		Inside		Outside	
			Premade		Premade
1-2	3/4"	1,000	850	1600	1200
3-5	1"	1200	1150	2000	1500

All tap fees for taps larger than one (1) inch in size, or requiring additional work beyond the normal tap, shall be the base one (1) inch tap cost, plus all materials, and appurtenances required for a complete installation. Each tap application will be reviewed, and a cost estimate provided to the customer, based upon actual site conditions. For new water taps that require additional materials (Additional pipe, concrete or asphalt work, special conditions, etc.), above and beyond that included in the tap fee listed, a quote for the additional cost will be prepared for the customer. The City reserves the right to postpone the installation of a service tap until all required permits are obtained, and all materials for the job have been delivered.

All taps requiring flow for fire protection shall be required to have a detector check valve assembly for backflow prevention and to monitor usage. The fire line charge is for the tap fee and inspection only. The tap fee for all fire lines is \$2500.00. For fire line taps outside City limits, or as part of a new construction project, all work, including tap, must be performed by a licensed contractor, and coordinated with City of Walhalla personnel. For retrofit fire sprinkler projects, within City limits, the City will perform the fire line tap.

Section 504 Master Meters are allowed only by special permission of the City Council. Each billing/dwelling unit is required to have a separate meter. If any unit is removed from a master meter connection, the unit must have a separate meter installed before service can be restored. If the unit is re-connected to the master meter, the master meter is subject to disconnection for violation of this ordinance.

ARTICLE VI

WATER USE RATES

RESIDENTIAL/COMMERCIAL USERS

	IN TOWN	OUT OF TOWN
First 2000 Gallons	\$16.50/UNIT	\$32.40/UNIT
Per 1,000 Gallons	3.31	\$5.10

INDUSTRIAL USERS

First 25,000 gallons	\$49.39/UNIT	\$76.00/UNIT
Over 25,000 gallons/1000 gallons	1.59	2.50

FARM USERS

First 40,000 gallons		\$81.00
Over 40,000 gallons (Per 1000 gals. Used.)		\$2.07

MUNICIPAL

First 25,000 gals.		\$100.00
Over 25,000 gals./1000 gals.		\$2.25

Section 601. Sprinkler service provided to commercial, business or industries which are not metered shall be charged a monthly rate of \$0.10 in town and \$0.20 out of town per one hundred (100) square feet.

Section 602. Discontinued or services, cut off for non-payment of bills may be reconnected only after payment of all charges, penalties, non-payment fees, and tampering fees.

Section 603. Discontinued water service cut on after normal hours of operation shall only be done with proof of payment of bill in full. Only a paid receipt or a cancelled check for the amount due will be accepted as proof.

Section 604. Each customer will be entitled to one adjustment every four years due to water leaks, upon showing proof of repair of the plumbing system. The customer will pay an estimated bill based upon the last six months of billing. The customer must have a minimum of six month's usage history to be eligible for an adjustment, and apply for the adjustment in person. If a customer has a leak, and is not eligible for a leak adjustment, the customer may be eligible for a payment plan. To qualify, there must be proof of the leak repair, and the customer's bill must be at least double their 6-month average usage. If

qualified, the customer must request the payment plan prior to the 10th to avoid that month's penalties. The request must be made in person, by the account holder. The customer's high bill will be divided into 3 monthly payments that must be paid in addition to the normal monthly billing. If the payment is not made by the 10th, penalties will apply to the entire balance. If payment is not made by the 20th, the account will be subject to disconnection. If the customer's bill is greater than \$1,000, the payment period will be extended to 6 months, and all other conditions above will apply.

ARTICLE VII

WATER SYSTEM EXTENSIONS INSIDE CITY LIMITS

Section 701. New developments proposed to be constructed within the City Limits of Walhalla shall be provided access to adequate water service along public road rights of way which border the property to be developed. All proposed water main extensions within the development will be at the developer's cost, and built to meet the City's specifications. The developer's engineer will develop a preliminary plan to serve the development to include:

- Proposed use (residential, commercial, etc.)
- Number of units
- Anticipated water demand
- Preliminary layout of lots, water mains and sizes, proposed connection point(s) to public water system, etc.
- Proposed timeline of project

Information provided during the initial design phase of the project will be used to determine the City's current ability to serve the project, and/or the need for existing system upgrades.

All required extensions of existing water mains, exceeding \$10,000, must be approved by City Council.

After the final development of plans, the project will follow the same process listed in Sections 703 – 711.

Section 702. Cost of design and construction of water lines in any new development, or line extension, shall be the responsibility of the person responsible for such development.

Section 703. Water lines constructed within new developments may be conveyed to the City provided all lines are located within public rights of way or upon approval easements of adequate unobstructed widths to provide maintenance vehicle access.

Section 704. Any new development proposing to construct water distribution line or extensions to existing transmission mains to connect directly into the City's water system shall conform it's plans and specs, shall be prepared by a registered engineer who is authorized

by the laws of the state of South Carolina and approved or approval by any and all local, county and state authorities having jurisdiction.

Section 705. The following administrative procedures shall be followed:

- A. Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, pressures and point of connection to the City's system.
- B. Receive preliminary approval from City and other jurisdictional agencies.
- C. Prepare construction drawings and documents for City approval.
- D. Secure all other agency approvals of construction drawings and contract documents.
- E. Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.
- F. Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.
- G. Furnish to the approving authority a certificate of completion, instrument of conveyance, warranty together with such other legal documents as may be required.

Section 706. Construction of the proposed water system shall be accomplished by a registered licensed contractor under the laws of the State of South Carolina who shall have paid all business licenses required by the City.

Section 707. Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority at no cost to the City, his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specs, and shall provide four copies of "As Built" drawings.

Section 708. The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for twelve months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the City harmless in each instance.

Section 709. All water taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "AS Built" drawings.

Section 710. All water line extensions must be compatible with present and future plans and needs of the City.

Section 711. When all other requirements of this ordinance have been met and approved, the owner shall prepare and submit to the approving authority an Instrument of Conveyance, conveying the constructed system to the City, at no cost to the City and the system shall thereafter be owned, operated and maintained by the City as provided for in this ordinance. The Instrument of Conveyance shall also include permanent easements and rights-of-way

fully described and duly recorded at the appropriate authority.

Section 712. Water system extensions (Single Family Dwelling). Construction of water lines to service a single family shall be made as follows:

1. All line extensions of over 1,000 ft. will require approval of the Water Committee.
2. All water lines shall be conveyed to the City of Walhalla at the time the service to dwelling is completed.

Article VIII

VALIDITY

Section 801. All ordinance or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

Section 802. This ordinance shall be forthwith codified in the Code of City Ordinances as required by Section 47-61.3 Code of Laws of South Carolina, 1962, and same shall be indexed under the general heading “Waterworks System of City of Walhalla”.

Section 803. The City of Walhalla, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this ordinance, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to , Public Notice prior to final action.

Section 804. The invalidity of any section, clause, sentence or provision in this ordinance shall not affect the validity of any other section clause, sentence or provision of this ordinance which can be given effect without such invalid part of part.

ARTICLE IX

EFFECTIVE DATE

Section 901. This ordinance shall be in full force and effect from and after its passage.

DONE AND RATIFIED in Council duly assembled this 16th day of June, 2021.

Danny Edwards, Mayor

ATTEST:

Brandon Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Second Reading
and adoption: _____

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-08

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF WALHALLA, SOUTH CAROLINA, WATER AND SEWER DEPARTMENTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.

BE IT ORDAINED by the governing body of the City of Walhalla in Council duly assembled and by the authority of the same:

SECTION 1.

That the prepared budget and the estimated revenue for the payment of same, are hereby adopted and is made part hereof as fully as if incorporated herein and a copy thereof is hereto attached and also known as the current approved fiscal year budget document;

SECTION 2.

That the City Council shall administer this budget and the City Administrator and/or the Finance Director may authorize the transfer of funds within the Water Department and Sewer Department, lease purchases as deemed necessary and appropriate;

SECTION 3.

That all ordinances or parts of ordinances which are in conflict with this Ordinance are hereby repealed, and that if for any reason, any sentence, clause or provisions hereof shall be declared invalid, such shall not affect the remaining sentences, clauses, or provisions thereof;

SECTION 4.

As designated by the Walhalla City Council, an interfund transfer of \$450,000.00 to the General Fund for obligations.

DONE AND RATIFIED in Council duly assembled this _____ day of _____.

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Second Reading
And adoption: _____

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-09

AN ORDINANCE TO RAISE REVENUE AND ADOPT FOR THE CITY OF WALHALLA, SOUTH CAROLINA, A LOCAL 2% HOSPITALILTY BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.

WHEREAS, The City of Walhalla desires to collect a tax for the sole purpose of promoting tourism and/or tourism related activities and for the support of Main Street Walhalla and;

WHEREAS, the City of Walhalla finds it desirable to fund and promote the Main Street Walhalla programs and its endeavors and;

WHEREAS, the City of Walhalla will support Main Street Walhalla by contributing 45% of the prior year's local 2% hospitality collections to the non-profit arm (a 501c3) of Main Street Walhalla as listed in Section 5 and;

BE IT ORDAINED by the governing body of the City of Walhalla in Council duly assembled and by the authority of the same:

SECTION 1.

That the prepared budget and the estimated revenue for the payment of same are hereby adopted and is made part hereof as fully as if incorporated herein and known as current fiscal year adopted budget document;

SECTION 2.

That the City Council shall administer this budget and City Administrator and/or Finance Director shall authorize the transfer of funds within departments of the City and lease purchases deemed necessary and appropriate:

SECTION 3.

That the City has complied with the S.C. Code 6-1-80 which requires that a municipality shall provide notice to the public by advertising the public hearing before the adoption of its budget for the next fiscal year in at least one South Carolina paper of general circulation in the area;

SECTION 4.

That the tax will be collected for the period of July 1, 2020 through June 30, 2021 and will be used for

SECTION 5.

The City of Walhalla Administrator shall have the authority to adjust the apportioned amount by up to 10% and;

In return Main Street Walhalla will submit an annual budget by April 1 for approval by the City of Walhalla Council and;

Main Street Walhalla will provide monthly financial statements to the City of Walhalla Council and;

Main Street Walhalla will submit an independent yearly financial audit by Dec 31 to the City of Walhalla Council and;

Main Street Walhalla will abide by the procurement regulations set forth by City of Walhalla Ordinance 2019-15 and;

Any shortcomings identified in the independent yearly financial audit shall be remedied by Main Street Walhalla before further contribution will be made by the City of Walhalla.

DONE AND RATIFIED in Council Duly Assembled this _____ Day of _____.

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Public Hearing,
Second Reading
And Adoption: _____

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-10

AN ORDINANCE TO RESCIND ORDINANCE 2013-9 IN ITS ENTIRETY AND REPLACE WITH ORDINANCE 2021-10 AN ORDINANCE TO ESTABLISH FEES FOR CODES AND ZONING

WHEREAS, the City of Walhalla fees for certain services provided by the codes and zoning department requires adopting a more accurate reliable, and more current fee structure.

WHEREAS, the City of Walhalla regulations for fees for certain services provided by the codes and zoning department requires relocating fees within the most current approved budget document for easier reference and budgeting needs.

Then, Let It Therefore Be Resolved, by the City Council of the City of Walhalla, South Carolina rescind ordinance 2019-01 and replace entirety with ordinance 2021-10, making all fees for the codes and zoning department to be reflected in "Appendix A" of the most recent approved budget document.

DONE AND RATIFIED in Council Duly Assembled this _____ Day of _____ 2021

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Public Hearing,
Second Reading
And Adoption: _____

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-11

**AN ORDINANCE TO AMEND ORDINANCES 2012-01 GOVERNING
GARBAGE, TRASH AND REFUSE**

BE IT ORDAINED by the governing body of the City of Walhalla in Council duly assembled and by the authority of the same:

Article II- Collection and Disposal
Section 9- Collection and Disposal Rates

Current

The City shall charge such rates for garbage and refuse collection and disposal as are established by the City Council from time to time.

Remove and Replace with:

The current rates for garbage and refuse collection and disposal are established in “Appendix A” of the most current approved budget document.

DONE AND RATIFIED in Council duly assembled this _____ day of _____.

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Second Reading
And adoption: _____

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2021-12

CITY OF WALHALLA)

AN ORDINANCE APPROVING THE MUNICIPAL ELECTRIC SERVICE AGREEMENT BETWEEN THE CITY OF WALHALLA AND DUKE ENERGY CORPORATION

BE IT RESOLVED AND ORDAINED by the Council of the City of Walhalla, a municipal corporation, that the Municipal Electric Service Agreement attached hereto between the City of Walhalla and DUKE ENERGY CORPORATION be and the same is hereby approved; that the Mayor be and is hereby authorized and directed to execute the same for and on behalf of the City; and that the City Administrator be and hereby authorized and directed to attest his signature.

This resolution was passed by a majority vote of the Council voting in favor thereof at the Council held in the City of Walhalla, South Carolina, on the ____ day of May, 2021, and was again for a second time by a majority vote of the said Council at the meeting of the said Council of the City of Walhalla which was held in the City of Walhalla, South Carolina on the ____ day of June, 2021.

Danny Edwards, Mayor City of Walhalla

ATTEST:

Timothy B. Burton, Interim City Administrator

CERTIFICATE

This is to certify that the foregoing is a true copy of the ordinance and resolution passed by a majority vote of the Council of the City of Walhalla at the meeting held in the City of Walhalla on the ____ day of May 2021, and was again passed by a majority vote of the Council of the City of Walhalla for a second time at the meeting of the Council of the City of Walhalla, held in the City of Walhalla on the _____ day of June, 2019.

DONE AND RATIFIED in Council duly assembled this _____ day of June 2021.

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Second Reading
And adoption: _____

STATE OF SOUTH CAROLINA)	MUNICIPAL SERVICE AGREEMENT
COUNTY OF OCONEE)	FOR THE PROVISION OF ELECTRIC
CITY OF WALHALLA)	SERVICE

THIS MUNICIPAL SERVICE AGREEMENT FOR THE PROVISION OF ELECTRIC SERVICE (this “Agreement”), made and entered into this the 1st day of July, 2021 (the “Effective Date”), by and between **Duke Energy Carolinas, LLC**, a North Carolina limited liability company, duly domesticated in the State of South Carolina (“Company”) and the City of Walhalla, a municipality incorporated under the laws of the State of South Carolina (the “City”).

For Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Company and the City agree as follows:

1. As a payment for the rights enumerated hereinafter for the term of this Agreement, Company will pay to the City, during the term of this Agreement, on or before the sixtieth (60th) day following the end of each calendar quarter, a sum of money equal to five percent (5%) of Company’s gross electric receipts from the sale of electricity using approved electrical rates, derived by Company from within the corporate limits of the City, for the previous calendar quarter. If the first period of service is less than a full calendar quarter, Company shall make the gross receipts payment to the City for that part of the calendar quarter the Agreement was in effect.
2. During the term of this Agreement, the City reserves the right to adjust the fee upon a vote by the City Council, and will provide one hundred twenty (120) calendar days’ prior notice of such adjustment to Company.
3. The payment of the percentage of gross electric receipts as provided in Section 1 shall be in lieu of all occupation, license, gross receipts, excise, franchise and all other levies or taxes, however designated, and in full payment of all such money demands and charges on such accounts. The Company shall still pay ad valorem taxes on Company’s property, and standard building permit fees in amounts established by the City through its ordinances, regulations and practices that are otherwise applicable.
4. the City hereby consents to Company’s use of all public streets, avenues, alleyways, and public rights-of-way, however designated, for the provision of electric service to the City and its inhabitants and for the maintenance and operation of Company’s facilities within the corporate limits, the City grants its consent to Company to construct and install, operate, maintain, renew, replace and repair its electrical distribution and transmission lines, poles, conduits, transformers, communications cables, and connections and services thereto, and to operate, maintain, renew, replace and repair any existing distribution and transmission lines, over, across, along and under the public streets, avenues, roads, alleys, and other public rights of the way in the City for the transmission, distribution, and sale of electricity and its own internal communications purposes, subject to the terms and conditions of this

Agreement and any applicable municipal ordinances. PROVIDED, however, that no consent is granted hereby for the use of any public streets, avenues, roads, alleys, or other public rights of way in the City for the construction of any transmission line unless that transmission line is specifically necessary for and will be used primarily as an integral part of the electric distribution system serving electricity within the corporate limits of the City, PROVIDED FURTHER, however, that in the case of any transmission line annexed into the City after the Effective Date of this Agreement, Company shall have the consent of the City to use the public streets, avenues, roads, alleys, or other public rights of way in the city for the continued maintenance and operation of such line. AND FURTHERMORE, that in the event of annexation of any territory into the City within which Company has filed with the Federal Energy Regulatory Commission or the Public Service Commission of South Carolina (the "Commission") for approval of the design, routing, siting, and construction of a transmission line not necessary for or intended to be used as an integral part of the electric system for provision of the electricity within the City limits and so long as Company agrees to minimize to the maximum extent possible any possible adverse impact within the City, and to perform the work in accordance with ordinances applicable to all other such construction and utility work within the City Limits, then no further consent of the City shall be necessary for the use of public streets, avenues, roads, alleys, or other public rights of way in that annexed territory for the construction, maintenance, and operation of that transmission line. The parties hereto may make additional contracts not in conflict with this Agreement for the furnishing of said electric energy in accordance with the state law, and under the rates and regulation of, or approval by, the Commission.

5. The Company's right to use public rights-of-way shall be non-exclusive. Should the City itself ever at any time construct, purchase, lease, acquire, own, hold, use, or operate a transmission or distribution system to supply electricity to itself or to others, or should the City grant to another provider of electric service the right to use public rights-of-way for the transmission or distribution of electricity, then all such occupants and users of the rights-of-way shall also be required to receive permission from the City for such occupancy and use and shall pay the same percentage fee on gross receipts as Company, so that Company will not be at a competitive disadvantage as a consequence of the fee required by this Agreement.
6. All work upon the streets and public rights-of-way of the City shall be done under the general supervision and in compliance with applicable ordinances of the City. All street pavement, sidewalks, curb, gutter, sewer, and storm drain facilities, and all appurtenances of any type which may be displaced by reason of such work shall be properly replaced and re-laid by Company to the reasonable satisfaction of the City. If the City or the State of South Carolina determines that it is necessary to reconstruct, widen, or relocate a road or other public right-of-way, the City may require Company at Company's sole expense to relocate its facilities then located in the public right-of-way to an acceptable alternate location within the public right-of-way, as reconstructed, widened, or relocated. If Company's equipment is located on a private property at the time relocation is required by the City's reconstruction, widening, or relocation of the public right-of-way, then the City shall pay for the cost of the relocation of any Company equipment located on private property. This provision on expense allocation shall not require the City to pay for the

expense of relocation of facilities located on private property when the right-of-way change is one requires by the State of South Carolina. Nor shall Company be obligated to incur expenses for the relocation of it facilities when the sole basis for relocation is the aesthetic preference of the City, unrelated to infrastructure improvement for public health and safety, or for project specific economic development.

7. In the event that Company's electric service shall be wholly or partially interrupted or suspended, or shall fail due to any cause reasonably beyond the control of Company and not due to its neglect, or in the event that Company shall deem it necessary to suspend said service for the purpose of inspecting its lines, substations, or other equipment, or making repairs or alterations thereto, Company shall not be obligated to provide said service during and such period of interruption, suspension, or failure, and shall not be liable for any damage or loss resulting therefrom.
8. It is expressly agreed that Company does not hereby contract to furnish power for pumping water for extinguishing fires. It is expressly agreed that Company shall not, in any event, be liable to the City for any loss or damage occasioned by fire which may result from the failure of Company to supply electric power to operate any pumping apparatus.
9. It is understood and agreed that this Agreement and all service rendered hereunder are subject to the Rules and Regulations of the Commission and the Service Requirements filed by Company with the Commission, as the same now exist, or any of them may be hereafter amended, modified, changed, or annulled in accordance with the laws and regulations thereto pertaining but only to the extent such rules and regulations may be applicable within municipal limits. All service rendered to the City by Company shall be in accordance with the Rate Schedules, Service Regulations, Underground Distribution Installation Plan, Municipal Overhead to Underground Conversion Plan, and underground plans and forms on file with the Commission.
10. Whenever Company owns real property which is outside the corporate limits of the City but which becomes eligible for annexation under any procedure authorized by the general law of the state, then this Agreement shall constitute written consent by Company for the annexation of its eligible property.
11. The initial term of the Agreement shall be ten (10) years, with an effective date of July 1, 2021 and a termination date of July 1, 2031 (the "Initial Term"). Thereafter, this Agreement will automatically renew in for successive five-year (5-year) increments, unless either party provides the other with written notice of non-renewal at least one hundred eighty (180) days prior to the date of the next automatic renewal (each a "Renewal Term," and the Initial Term and any Renewal Term or Renewal Terms shall be referred to collectively as the "Term"). Should such notice be given by either party, the parties agree to negotiate, in good faith, modifications to this Agreement. In any case this Agreement shall not be extended past July 1, 2041.
12. If the South Carolina General Assembly enacts legislation which deregulates or otherwise restructures the generation and distribution of retail electrical service in this state, then

Company and the City agree to discuss modification to this Agreement. Failure to agree on modifications between one hundred eighty (180) and ninety (90) days of the effective date of the legislation, will entitle either Company or the City to terminate this Agreement with ninety (90) days written notice to the other party. Upon the termination or expiration of this Agreement, all sums due to the City which have accrued but which have not been paid, shall become due and payable within sixty (60) days of the last day of the month in which termination or expiration occurs.

13. Implementation of this Agreement and the application of its terms shall be made in good faith by the parties and in accord with such additional terms they may mutually agree to in writing for that purpose.
14. As of the Effective Date, all prior Agreements of any other type, however designated, which relate to the provision of electric service by Company to the City or which pertain to the use of public right-of-way within the City shall become null and void, except to the extent the provisions contained therein are separately renewed in this Agreement or in any collateral Agreement permitted by this Agreement.
15. Whenever this Agreement requires or permits that notice be given by one party to another, such notice shall be in writing and deemed given (a) when delivered in person to the other party; or (b) when deposited with either a nationally recognized courier or the U.S. Postal Service, addressed as follows:

City: City of Walhalla
Attn: Timothy B. Burton
206 N. Church Street
PO Box 1099
Walhalla, SC 29691

Company: Duke Energy Carolinas, LLC
—
—
Charlotte, NC 28202

With Copy to:

Office of the General Counsel
Attn: Christopher King
550 S. Tryon Street, DEC45A
Charlotte, NC 28202

16. This Agreement shall be governed by the laws of the state of South Carolina without regard to the conflicts of law provisions therein.

17. This Agreement contains the complete understanding of the parties and shall supersede any prior and contemporaneous communications, agreements, and assurances related to the subject matter of this Agreement. Any modification of this Agreement must be agreed to in writing and signed by the parties.
18. The failure of Company in any one or more instances to insist upon compliance with any provision or covenant herein or to exercise any right or privilege herein shall not constitute or be construed as a waiver of such or any similar provision or covenant.
19. City's indemnification obligations set forth in this Agreement shall survive the expiration of this Agreement.

IN WITNESS WHEREOF, this Agreement has been duly executed by City and Company under seal as of the day and year first above written.

City:

CITY OF WALHALLA (SEAL)

By: _____ (SEAL)

Name: _____

Title: _____

Company:

DUKE ENERGY CAROLINAS, LLC (SEAL)
a North Carolina limited liability company

By: _____ (SEAL)

Name: _____

Title: _____

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-13

AN ORDINANCE RESCIND ORDINANCE 2019-9, REGULATIONS FOR MOBILE FOOD VEHICLES, ENTIRELY AND REPLACE WITH ORDINANCE 2021-13

WHEREAS, the City of Walhalla regulations for mobile food vehicles requires amending for more accurate and reliable fee structure.

WHEREAS, the City of Walhalla regulations for mobile food vehicles requires amending to prioritize local food trucks and provide a clear reapplication process.

Then, Let It Therefore Be Resolved, by the City Council of the City of Walhalla, South Carolina adopts ordinance 2021-13, Regulations for Mobile Food Vehicles to read as follows;

SECTION 1- Title and Purpose

The provisions embraced within the following sections shall constitute and be known and may be cited as “The Mobile Food Vending Ordinance”. The purpose of this ordinance is to promote health, safety, convenience, prosperity and general welfare of the citizens of Walhalla by establishing reasonable guidelines and regulations for mobile food vehicles.

SECTION 2- Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Catering Truck” is defined as a truck, van or similar vehicle from which the vendor offers for sale foods and beverages that are prepackaged.

“Food trailer” is defined as an enclosed attached or detached trailer equipped with facilities for preparing, cooking and selling various types of food products.

“Food truck” is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking selling various types of food products.

“Ice cream truck” is defined as a motor vehicle containing a commercial freezer and from which a vender sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar products.

“Mobile food vendor” is defined as any person selling food from a mobile vehicle but does not include a food trailer.

“Mobile food vehicle” is defined as a self-contained non-motorized unit (push cart), motorized vehicle mounted food service unit that returns daily to its base of operations as approved by DHEC and is used for either preparation or the sale of food products or for both.

“Mobile market food truck” is defined as an enclosed motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce is sold in its original form and has not been altered or cooked in any other way consistent with coming fresh from the fields or gardens in which it was grown.

“Restaurant” a brick-and-mortar establishment where meals are generally served and eaten on premises or prepares and serves food and/or drink to customers for consumption on the premises in return for money, either paid before the meal, after the meal or with running a tab. A restaurant does not include a food service that is delivery only.

SECTION 3 Required

- A) It shall be unlawful for any person to engage in business as a mobile food vendor within the City without first obtaining a city business license and a mobile food decal to do so.
- B) To obtain and display approvals from the South Carolina Department of Health and Environmental Control and any other agency documentation necessary to provide food service.
- C) To obtain a State of South Carolina Retail License.
- D) At time of application for a business license, the mobile food vendor must provide proof of general liability insurance for operation of the vehicle as a motor vehicle and the conduct of business and if conducted on public streets or city owned property amounts reasonably determined by the City Administrator. Failure to maintain this insurance can result in immediate revocation of the license.
- E) Each licensed mobile food vendor must maintain for patrons' use, a litter receptacle of sufficient size to accept litter being generated by the sales from the vendor's vehicle at the point of sale. The receptacle must be maintained in such a manner as to preclude an over flow of refuse. Each vendor shall pick up litter which is associated with the vendor's sales in the

vicinity of the vendors' mobile food vehicle prior to departing a sales location. Recycling is encouraged.

- F) Mobile food vendors shall be limited to edibles hot and cold beverages containing no alcohol. The selling of nonfood or drink items shall be limited to merchandise displaying mobile food vendor company and logo and branding.
- G) To display decal and picture of the unit.
- H) To collect and remit Hospitality Taxes in the same manner as other food services.
- I) All power shall be self-contained.
- J) Provide proof of ownership or lease of the property from the owner for such purposes.
- K) Must provide to the City a lease or the written expressed consent from the owner to use the business property on which they propose to operate.
- L) Provide a site plan including photo of site and detailed layout noting truck orientation and service plan for each site.

SECTION 4 Temporary permits

- A) A mobile food vendor may apply for a temporary permit limited the business to operate five days within the calendar year. The permit shall indicate the days of intended operations. If it isn't known which days of operation, the permittee must communicate such operation to Codes Enforcement officer 72 hours prior to the days of operation. Failure to communicate such notice shall be a violation of this ordinance which may result in revocation of the permit.
- B) Temporary permit will not be required for vendors that have officially registered with the host of permitted special event prior to the start of said event. Special Event host are required to supply the city with a list of all registered food vendors at least 5 days prior to the event. Any food vendor not registered with the event will be required to obtain the necessary permits to operate.

SECTION 5 Fees

Upon approval of an application the annual permit fee shall be reflected in "Appendix A" of the most current adopted budget document.

SECTION 6 Operation

All mobile food vendors shall be subject to the following regulations in their operation on private property:

- A) No mobile food vendor shall operate within 250 feet from the door of a lawfully established eating establishment that is actively open for business serving customers, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity.
- B) No mobile food vendor shall operate outside the hours of 8:00 a.m. to 10:00 p.m. However, a mobile food vendor may apply for additional authorization to operate after 10:00 p.m., but under no conditions operate later than 1:00 a.m. the following day.
- C) No mobile food vendor shall use any public address system or sound device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
- D) Mobile food vendors must keep all areas within five feet of the truck and any associated seating clean of grease, trash, paper cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto sidewalks, streets or other public spaces. Under no circumstances can grease be released or disposed of in a sanitary sewer system.
- E) All exterior body work and mechanical equipment of any mobile food truck vendor shall be maintained in good and clean condition and free of excessive wear or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions, or any other conditions that may cause a hazard or reduce clarity of vision below the level specified by the manufacturer, and/or other type of damage or possible public hazard deemed appropriate by the Codes enforcement officer.
- F) Food vendors shall not obstruct the use of any street intersection, pedestrian crosswalk or space. Shall not impede ingress or egress of any driveway. The use of existing on-street parking is not permitted for food

truck operation from Tugaloo St to Ann St, except with written authorization from city officials.

SECTION 7 Denial, Revocation, Suspension of Permit

- A) A permit may be revoked, suspended, modified, or not renewed by the City for failure to comply with provisions of this ordinance, or any provisions of this Code or other ordinance of the city.
- B) A permit may also be revoked for the following reasons:
- i. whenever in the judgement of the City Council deems it necessary for the protection of the public good or for prevention of disorders; provided, however, that the City Council shall first give reasonable notice to the permittee of a public hearing on the matter of such revocation.
 - ii. The permittee or any of its principals fails to satisfy any qualifications or requirement imposed by this ordinance or other local, state, or federal laws or regulations that pertain to the particular license or
 - iii. The permittee or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required.
 - iv. The permittee or any of its principals has been convicted of any crime as a result of having perpetrated deceptive practices upon the public within the last ten years.
 - v. The permittee or any of its principals had been convicted of any crime that involves any local, state, federal law or regulation arising out of the operation of similar business.
 - vi. The motor food vehicle on which the business is conducted does not satisfy all local state or federal laws or regulations which relate to the activity that is to be licensed after a notice of opportunity to cure.
 - vii. The permittee or any of its agents is in default of any payments owed to the city.

- viii. The application contains material omissions or false, fraudulent, or deceptive statements.
- ix. The motor food vehicle is operated in such a manner as constituting a public nuisance.
- x. The SCDHEC denies, revokes or suspends the license of the mobile food vehicle.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this Ordinance or local state and federal laws and regulations.

SECTION 8 Ice Cream Trucks

All ice cream trucks are subject to requirements as stated above. Ice cream trucks must remain mobile, except for short periods of time in order to make a sale, or except by contract or authorization from the City for a special event or contracted through the parks and recreation department. Ice Cream trucks shall not operate before 9:00 a.m. and must cease operations one half hour before sunset as stated by the National Weather Service.

Ice cream trucks may not use any public address system on the vehicle to announce or advertise its products. A bell or musical recording may be sounded for a period of time to announce the arrival of the vehicle at each location as deemed appropriate by the Code Enforcement Officer.

SECTION 9 Term

Every permit issued under the provisions of this division shall expire December 31 of each year.

SECTION 10 Severability

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

DONE AND RATIFIED in Council Duly Assembled this _____ Day of _____ 2021

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, Interim City Administrator

Introduced By: _____

First Reading: _____

Public Hearing,
Second Reading
And Adoption: _____



oconeehistorymuseum.org

April 24, 2021

Dear Mr. Burton and members of Walhalla City Council,

Oconee History Museum would like to request \$8500 from the City of Walhalla HTAX fund to assist with the cost of museum utilities and daily operations. The museum's activities, community impact, and the ways we have responded to the effects of the pandemic were described in a presentation that I gave to City Council at their regular meeting on March 16, 2021. If anyone has questions or would like additional information, please let me know. Thank you for your ongoing support of Oconee History Museum and the Museums Off Main program!

Sincerely,

Leslie Hagerty
Director/Curator

**MINUTES OF THE COMMITTEE MEETING
OF THE WALHALLA CITY COUNCIL
May 4 2021, 5:30 PM**

Present: Mayor Danny Edwards, Councilwoman Sarai Melendez, Councilman David Underwood, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, Interim City Administrator.

Absent: None

Mayor Edwards Opened the committee meeting at 5:30PM

Garrett Holcombe with BSA Troop 45 gave presentation on work being done at Sertoma Restrooms.

Committee Reports were given by respective department heads.

Parks and Recreation- Mr. Woodward, Chair

Director Galbreath reported:

Covid vaccination took place at City Gym-had a good turnout

Blood Drive will be there as well on May 20.

Concert on Memorial Field

2nd COVID vaccination on June 2

Regular baseball and softball are currently being played.

Materials to change lights to LED on the backfield are about \$17,000

Public Works- Mr. Roberts, Chair

Director Price reported:

For April:

172 -ton of residential garbage

162 -ton of commercial garbage

81-ton of recyclable brush

3-ton C&D

1 -ton of Mattresses

Delivered 33 roll carts

Picked up 6 roll carts

During the month of March our department continued picking up leaves, brush, cleaning storm drains, trimming trees and other routine maintenance tasks. Cleaned and repaired tiles in the City Pool.

Discussion about: Mr. Woodward asked about life expectancy of roll carts. Depending on use it could be about 20 years. Those are the ones they are replacing now. Picking up a lot of new customers. Russ stated working on the billing for brush. Mr. Underwood asked about the

ordinance that was passed to clean up properties. Mr Burton stated it was enacted and working on it. We are having to work with QS1 for one-time invoices.

Ms. Melendez thanked Russ and the crews for COVID vaccination awareness.

Police- Mr. Underwood, Chair

Mr. Underwood made a statement about the impacts that budgets have on LE.

Chief Brinson reported:

770 Calls for service

299 traffic stops

9 collisions

51 incident reports

314 citations issued

22 arrests

129 extra patrols

80 hours of training

Sgt. McCall is now certified to maintain agency rifles

Chief Brinson attended SCPA training that discussed budgeting, grants, and effects of COVID on LEO.

Capt. Rice attended narcotics training

Participated in the Pin Wheel Garden dedication

PD participated in The Learning Center visit that talked with children and showed them the patrol cars.

Mr. Woodward asked about drug cases, Chief responded there is a definite increase in drug cases. The narcotics investigator will help with this.

Ms. Melendez and Chief Brinson reminded everyone that May 19 at 630pm at WPAC the PD will have a community education event.

Chief Brinson discussed that its important to have the necessary tools to maintain the progress of the police department in salaries and equipment. LE is under intense scrutiny. They are spending a lot of time to onboard new officers to ensure they get the right person for the job.

Utilities- Mr. Pace, Committee Member

Director Parris gave report:

For April:

20- new water taps

8- new sewer taps

65- new water contracts

4- emergency locates

35- sanitation delivery work orders

6- sanitation pickup work orders

4-meter box changes

9- meter change outs

5-new development service inquires.

1. Mill Street waterline is almost complete.
2. Cane Creek sewer work is progressing with pipe lining.
3. Waiting on comments from SCDOT on Westminster Hwy project
4. Would like to continue on throughout the Cane Creek trunk line.
5. Discussed the rate increases and proposed budget of the OJRSA

Mr. Pace discussed an amendment to the Water Ordinance asked that the language go to council. This will allow city to install water lines in certain instances inside City limits.

Main Street (General Gov't)- Mr. Pace-Chair

Director Imbody gave report of upcoming events and noted the Main Street Board had a 5-year workplan. The MSW board did approve the 5-year plan. Attended training with members of the board. Been busy telling stories of businesses. The first story reached 25,000 people. The April 17 event went very well and had around 1500 people attended.

Fire and Codes- Ms. Melendez-Chair

Chief Burton gave April report:

109 calls for service

49 Fire, 60 medical/rescue

17 mutual aid

47 inside city, 62 outside

201 hours spent on incidents

238 hours of training completed

32 inspections completed

5 code enforcement issues addressed

151 business licenses renewed

13 new licenses issued

17 verifications/permits issued

All equipment is in working order again.

General Government- Mr. Pace, Chair

Chief Burton gave the administrators report

1. Zoning Map is now on website.
2. General Code is working on the codification.
3. Working on budget document. Budget Workshop was held on May 1.
4. CO was issued for the Old Fire Station. Lawyers will be working on documents.
5. Spending will be cut off on May 25, 2021

6. Working on cleaning up data issues in QS1.
7. May 17 is set for listening session on moratorium.
8. Stumphouse is very busy again.
9. WSPA filmed a segment at Stumphouse.
10. Engineer is working on design work for parking.

This concluded committee reports.

Mr. Pace made motion to move budget from committee to council. Ms. Melendez seconded. Mr. Underwood asked about discussion on sewer. Mayor responded that there will be discussion when the ordinance is presented.

Mr. Pace motioned to adjourn, Mr. Underwood seconded.

Mayor Edwards adjourned the meeting.