

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE) **ORDINANCE 2025-03**
CITY OF WALHALLA)

AN ORDINANCE TO AMEND ORDINANCE #2023-17, THE CITY OF WALHALLA WATER AND SEWER ORDINANCE, AS ADOPTED SEPTEMBER 9, 2023 BY AMENDING ARTICLE II, TO REQUIRE AN ANNEXATION COVENANT FOR THE PROVISION OF SERVICE OUTSIDE OF CITY LIMITS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Walhalla, a body politic and corporate and a political subdivision of the State of South Carolina (the "City"), acting by and through its City Council (the "City Council") has previously adopted City of Walhalla Ordinance # 2023-17, the City of Walhalla Water & Sewer Ordinance (the "Ordinance"); and,

WHEREAS, SC Code Sections 5-3-10 through 5-3-315 establish the methods to change the corporate limits of a municipality, including the increase of corporate limits by consolidating with another political subdivision or by annexing land; and

WHEREAS, the City finds that annexation may provide potential benefits to both the property owners and the municipality, such as additional and improved services, lower service charges, a higher level of fire protection and law enforcement, lower property insurance premiums and participation in municipal government for property owners; and economy of scale in providing services, increased revenue sharing and revenue base to support services, better long-range planning for the urban area for the municipality; and

WHEREAS, City Council desires to amend the Ordinance to include a requirement of an annexation covenant to the provision of service outside of city limits;

NOW, THEREFORE, be it ordained by the City of Walhalla Council, in meeting duly assembled, that:

1. The City of Walhalla Council hereby finds that this proposed amendment is in accord with requirements of the South Carolina Code of Laws Title 5, Chapter 3.
2. The City of Walhalla Council hereby amends the City of Walhalla Water & Sewer Ordinance as previously adopted September 19, 2023, by City of Walhalla Ordinance #2023-17 to include:

Section 216 Provision of Service Outside of City Limits

A. Purpose and intent.

An article requiring execution of an agreement and real property covenant to be annexed upon request by the City before City water and sewer services are provided to a landowner

outside the corporate limits of the City. Provision of water and/or sewer service to property located outside of the City's boundaries is subject to the sole discretion of the City, which reserves the right to negotiate the terms for agreements for such service. Provision of service is subject to the City's current rate schedules, rules, and regulations.

B. Requirement.

It shall be required that the landowner agree to annexation prior to extending water and sewer services beyond the corporate limits of the city. The landowner shall execute a covenant encumbering and restricting the real property, which covenant shall be a covenant running with the real property, so as to bind the landowner, his heirs, personal representatives, grantees, devisees, successors and assigns to submit to annexation of the real property in to the town at such time as the said real property becomes contiguous to the corporate limits of the city and the city requests that the annexation take place. Such covenant shall be in writing and upon such form and with such content as the city shall designate, and shall be filed of record in the office of the Oconee County Register of Deeds.

1. Contiguous Properties.

If the property where water and/or sewer service is desired is contiguous to the corporate boundaries of the City and if the property is not already subject to a legal and properly recorded covenant, a properly executed petition for annexation must be submitted at the time service is requested. Service shall not be provided, connected, transferred, permitted, or allowed until such petition has been submitted and accepted by the City. Submission of the annexation petition does not guarantee annexation, nor does it guarantee the point in time at which annexation might take place. Should City Council decide not to annex the property immediately, the property owner(s) must also execute a properly executed, recordable annexation covenant to be filed with the Oconee County Register of Deeds and which shall run with the land. Service shall not be provided, connected, transferred, permitted, or allowed until such annexation covenant, if required, has been submitted to and accepted by the City.

2. Non-Contiguous Properties.

If the property where water and/or sewer service is desired is not contiguous to the corporate boundaries of the City at the time the request for service is submitted and if the property is not already subject to a binding legal and properly recorded covenant, the property owner(s) must execute a properly executed, recordable annexation covenant to be filed with the Oconee County Register of Deeds and which shall run with the land. No water and/or sewer service shall be provided, connected, transferred, permitted, or allowed until such time as a properly executed petition annexation covenant is submitted to and accepted by the City.

3. Format.

Annexation petitions and covenants each must be in formats approved by the City Attorney.

4. Exceptions.

This requirement shall not apply to a renter requesting a new water and/or sewer account or when the application is a result of a transfer of ownership between spouses or children.

C. Authority to Annex.

The decision whether or not and when to annex any particular property upon submission of an annexation petition or based on a covenant once a property becomes contiguous rests solely with City Council, in accordance with applicable State law and City ordinances.

3. Should any portion of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining terms and provisions of this ordinance, all of which are hereby deemed separable.
4. All orders, resolutions, and enactments of City of Walhalla Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
5. This ordinance shall take effect and be in full force and effect from and after second reading and enactment by City of Walhalla Council.

AND IS DONE AND RATIFIED in Council Duly assembled this ____ Day of _____ 2025.

Tim Hall, Mayor

ATTEST:

Celia Boyd Myers, City Administrator

Introduced By: Kenny Johns
First Reading: February 18, 2025

Public Hearing,
Second Reading
And Adoption: June 17, 2025