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§(R1379, H2996)

No. 1208

An Act To Create The Belmont Fire And Sanitation District In Greenville County; To Establish A Governing Commission; To Provide For A Referendum For The Issuance of debt Not Exceeding One Hundred Thousand Dollars of General Obligation Bonds of The District; And To Provide A Penalty.

Whereas, the General Assembly of South Carolina, after due investigation, has found that the area in Greenville County described in this act has become populated to an extent that makes it desirable for the health, welfare and protection of the inhabitants thereof, to be served by publicly operated sanitation and fire protection systems and that, in addition thereto the district hereby created should also be incorporated into and made a part of Greater Greenville Sanitation District; and

Whereas, the General Assembly has determined to constitute the area as a special purpose district. Now, therefore,

Be it enacted by General Assembly of the State of South Carolina:

SECTION 1. Belmont Fire and Sanitation District in Greenville County created. -There is hereby established the Belmont Fire and Sanitation District in Greenville County which shall be as follows:

Beginning at a point, said point being the intersection of the center line of Interstate 85 and the Reedy River; thence in a southerly direction along the centerline of the Reedy River to its intersection wit the centerline of Ashmore Bridge Road; thence in a westerly direction along the centerline of Ashmore Bridge Road to a point, said point being the intersection of the centerline of Ashmore Bridge Road and the northerly boundary line of the South Greenville Fire District; thence in a northerly and westerly direction along the northerly and northwesterly boundary lines of Donaldson Center; thence in a northerly direction along the easterly, northerly and northwesterly boundary lines of Donaldson Center to a point, said point being the intersection of Ace Drive and Donaldson Road (Air Base Road), said point also being the intersection of the South Greenville Fire District

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and Donaldson Center, continuing in a northerly and westerly direction along the South Greenville Fire District limits line to the intersection of Augusta Road (U.S. 25);thence in a northerly direction along the centerline of Augusta road (U.S. 25) to the intersection of the southerly boundary line of the Gantt Water and Sewer District, said point also being the intersection of the centerline of Augusta Road (U.S. 25) and the Southern Railroad; thence generally in a southeasterly, easterly and northwesterly direction along the Gantt Water and Sewer District boundary line to its intersection with the southern boundary line of Magnolia Acres Subdivision, said plat recorded on September 8, 1955 and shown in plat book GG page 133 in the Greenville Coutu RMC office; thence along the southerly, easterly and northerly boundary line of the Magnolia Acers Subdivision to the intersection of the northernmost boundary line of the Magnolia Acres Subdivision and the Gantt Water and Sewer District boundary lines; thence continuing in a northwesterly direction along the Gantt Water and Sewer District

boundary line to the centerline of Interstate 85: thence in an n easterly direction along the centerline of Interstate 85 to the pint of beginning. Copies of the plat are to be filed in all offices required by law or necessary in the event of the issuance of bonds.

SECTION 2. To be governed by a commission. - The district shall be governed by a commission to be known as Belmont Fire And Sanitation Commission. The commission shall consist of three resident electors of the district who shall be elected by the qualified electors of the district. The election shall be conducted by the Greenville County Election commission, and the Election Commission shall certify the three candidates receiving the highest vote as the elected commissioners of the district. The successful candidates after being certified shall be appointed by the Governor for a term of four years. or until their successors are elected and qualified. Any vacancy occurring on the commissions by reason of death, resignation, or otherwise, shall be filled for the remainder of the unexpired term by appointment of the Governor, upon the recommendation of a majority of the Legislative Delegation of Greenville County. Upon any commissioner moving out of the area of the district, his position shall become automatically vacant.

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Any resident qualified elector of the district may be a candidate for the position of commissioner by filing with the County Elections Commission such intention at least two weeks prior to the election.

SECTION 3. Powers. - The commission shall be empowered to:

1. Have perpetual succession.
2. Sue and be sued.
3. Adopt, use and alter a corporate seal.
4. Make by laws for the management and regulations of its affairs.
5. Acquire, purchase, hold, use, lease, mortgage, sell, transfer , and dispose of any property, real, persona, or mixed, or any interest therein.
6. Maintain a fire protection system.
7. Purchase or otherwise acquire a supply of water sufficient to furnish proper fire protection and fire control to residents of the district.
8. Construct, install, operate, and maintain a system of garbage collection and disposal.
9. Enter into contracts for the purchase of water and for maintenance of water pipes, hydrants, valves, and all equipment necessary to provide water for fire protection.
10. Appoint officers, agents, employees, and servants, prescribe their duties, fix their compensation, and determine if and to what extent they shall be bonded for the faithful performance of their duties.
11. Make contracts for construction, engineering and other services with or without competitive bidding.
12. Purchase such fire fighting equipment as the commission deems necessary for controlling fires and furnishing fire protection in the district.
13. Select the sites within the area where the fire fighting equipment shall be kept.
14. Provide personnel, voluntary or otherwise, necessary to man the fire fighting equipment.
15. Provide and supervise the training of any volunteers used in manning fire fighting equipment with the end that equipment shall be fully utilized for the protection and control of fire within the district.

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16. Be responsible for the upkeep, maintenance and repairs of the trucks and other fire fighting equipment and to make regular inspections of all equipment and operations.
17. Promulgate such rules and regulations as it may deem necessary to insure that the equipment shall be utilized for the best advantage to the area.
18. Construct, if necessary, buildings to house the equipment provided herein.
19. Issue not exceeding one hundred thousand dollars of general obligation bonds of the district, the proceeds of which shall be used only to defray the costs of constructing and establishing a fire protection and control system in the district. For the purpose of this section the term "construct and establish" shall embrace the costs of direct construction, the cost of all land, property, rights, easements and franchises acquired which are deemed necessary for such fire protection system, the cost of all machinery, equipment, and apparatus needed therefore, payment to contractors, laborers, and or others for work done, or material furnished, financing charges, interest prior to and during construction and for six months after completion of construction, cost of engineering services, legal services, legal expenses, plans, specifications, surveys, administrative expenses and such other expenses as may be necessary or incidental to the construction of a fire control or fire protection system, and the placing of same in operation. General obligation bonds shall be issued only in the event the election provided for in this act shall result favorably. If, pursuant to this paragraph, the bonds are issued:
 - a. They shall be issued as a single issue, or, from time to time as several separate issues. They shall bear such date as the commission shall determine and the bonds of any issue shall mature in such equal or unequal annual installments as may be determined by the commission. They shall be made payable at each place or places as the commission shall prescribe and shall bear interest at such rate payable in such manner, as the commission may determine. The bonds may be registered as to principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon such conditions as the commission may prescribe. Any bond issued pursuant to this

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paragraph may be made subject to to redemption prior to its stated maturity on such terms and conditions, and with such redemption premium as the commission shall prescribe.

- b. The shall, Be sold at not less than par and accrued interest to the date of their respective deliveries at public sale and, at least ten days prior to any sale, notice announcing the intention to receive bids for the sale of such bonds shall be published in a news paper of general circulation in the State. In offering the bonds for sale the commission shall reserve the right to reject any and all bids and if all bids shall be rejected the commission may negotiate privately for the disposition of such bonds.
- c. The principal and interest of the bonds shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 code.
- d. Such bonds shall be executed I the name of “Belmont Fire and Sanitation District” by the Chairman of the Belmont Fire and Sanitation District Commission and by the Treasurer of Greenville who are in office occurring after such execution or authentication.
- e. There shall be irrevocably pledged for the payment of the bonds and interest, as they mature, the full faith , credit and resources of the district and the Auditor and treasurer of Greenville County, respectively, and hereby authorized and directed to levy and collect annually a tax upon all taxable property within the district sufficient to pay the bonds and interest as they respectively mature and to create such sinking fund as may be necessary for the redemption of the bonds and interest at their respective maturities. The bonds may be additionally secured by a pledge of the net revenues which the district may derive form the operation of any revenue-producing as shall be available shall be delivered to the Treasurer of Greenville County prior to the occasion when the auditor fixes the annual levy. The annual ad valerian tax herein directed to be levied may be reduced in each year by the amount of net revenues actually in the hands of the Treasurer of Greenville County at the time the tax for such year is required to be levied, and the tax may be entirely suspended for any year in which such moneys on

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hand are sufficient to pay both principal and interest then due in such year and remaining unpaid.

- f. The pledge of net revenues authorized by subparagraph (e) of this paragraph need not, in the discretion of the commission, be exclusive and the commission may reserve the right to issue further bonds, payable in whole or in part, from such net revenues, on a parity with the bonds authorized by this paragraph, under such conditions as the commission may prescribe.
- g. The proceeds derived from the sale of such bonds shall be deposited with the Treasurer of Greenville County in a separate and special fund and shall be expended upon the warrants or orders of the commission for the purposes specified herein, and no others except that any premium received shall be deposited with the Treasurer of Greenville County and by him applied to the first installment of principal becoming due on the bonds, and any accrued interest received shall be applied by the Treasurer of Greenville County to the first installment of interest becoming due on the bonds. Neither the purchasers of the bonds, nor any subsequent holders thereof, shall be responsible for the proper application of the proceeds of sale.

20. Make provision for the holding of a special election in the district, on a date to be fixed by the commission, at which time there shall be submitted to the qualified electors of the district the question of issuing bonds of the district for the purposes authorized by paragraph 19. the election shall be conducted by the commissioners of election for Greenville County who shall give notice thereof by publication once each week for two successive weeks prior thereto, in one or more newspapers with general circulation in the district, stating the question to be submitted at the election, and specifying amount in dollars of the bonds proposed to be issued. The election shall be conducted in each of the several precincts of the district and at the regular voting place therein. If they are within the district: otherwise, the commissioners of election shall designate a suitable voting place within such precinct. The question submitted shall show on its face the primary purpose for which the proceeds of the bond issue are to be

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expended and with the blank set forth therein appropriately, completed. Such question shall be substantially in the following form.

“Shall the Belmont Fire and Sanitation District issue bonds in the sum of not exceeding one hundred thousand dollars the proceeds of which shall be used to construct and establish a fire prevention and fire control system in the district?”

YES

NO’

The ballot shall contain suitable instructions, advising the voter that if he favors the issuance of bonds he shall erase or strike through the word “No”, and that if he is opposed to the issuance of bonds, he shall erase or strike through the word “yes”. The managers of election at each precinct shall count the ballots and forthwith return the result of the election, together with the original ballots and tally sheets, to the Commissioners of Election for Greenville County, who shall declare the result of the election. If the commissioners determine that a majority of the voters voting in the election voted in favor of the issuance of bonds, the bonds, or any part thereof, may be issued as provided in paragraph 19 of this section; but if the commissioners determine that a majority of the ballots cast in the election be against the issuance of bonds, then no bonds shall be issued under the provisions of paragraph 19 of this section.

21. Do all other acts necessary to carry out any function or power committed or granted to the district.
22. Raise funds for discharging the duties vested in it by levying a tax thereafter. The commission shall notify the auditor and treasurer of any desired tax, where upon they shall assess and collect the tax as requested and the treasurer shall hold the funds and disburse them as directed by the commission. All such taxes shall constitute a lien upon the property against which it is levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this act.

SECTION 4. Revenues- All revenues derived by the commission from the operation of any revenue-producing facility, which may not be required to discharge covenants made by it in issuing bonds, notes or

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other obligations authorized by this act, shall be disposed of by the commission from time to time for the purpose of the district.

SECTION 5. Rates not to be regulated—The rates charged for services furnished by any revenue-producing facility of the district shall not be subject to regulation of any State Agency.

SECTION 6. Exempt from taxes—The property of and income of the district shall be exempt from all taxes levied by the State, county, or any municipality, division, subdivision, or agency thereof direct or indirect.

SECTION 7. Obligations not to be impaired—So long as the district shall be indebted to any person, on any bonds, notes or other obligations issued pursuant to the authority of this act, the provisions of this act and the powers granted to the district and the commission shall not be in any way diminished or restricted, and this provision of this act shall be deemed a part of the contract between the district and the holders of such obligations.

SECTION 8. Supervision of equipment—The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over the usage and operation, and it shall be his responsibility to insure that the equipment is readily available for use at all times.

SECTION 9. Members to enforce fire laws—All members of the truck company or fire districts, employees or volunteers may direct and control traffic at the scene of any fire in the area of the county and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in a like manner as provided for their enforcement of such laws by peace officers.

SECTION 10. Unlawful acts—penalties—It shall be unlawful for any person to willfully destroy or damage any facility of the district, or equipment incident thereto or used in the operation of such facility, or to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the

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fire department in the district, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred dollars or be imprisoned not exceeding thirty days.

SECTION 11. Eminent Domain—exceptions—The power of eminent domain conferred here under shall not extend to such property of any public utility as the utility could have acquired under its power of eminent domain.

SECTION 12. may be included in Greater Greenville Sanitation District—Upon their qualification the commissioners of the Belmont Fire and Sanitation District shall by a letter of request to the commissioner of Greater Greenville Sanitation commission include the area comprising the Belmont Fire and Sanitation District within the confines of the greater Greenville Sanitation Commission and subject to all of the rules, regulations and assessments as are in effect in the Greater Greenville Sanitation District: and in return, the greater Greenville Sanitation District, by accepting the Belmont District shall be charged with the collection and disposal of garbage within the confines of the Belmont Fire and Sanitation District.

SECTION 13. Saving Clause—If any part of this act shall be held unconstitutional, such unconstitutionality shall not affect the remainder of this act.

SECTION 14. Time effective—This act shall take effect upon approval by the Governor.

Approved the 22nd day of May 1968.