



## Public Facilities Committee Beaufort County, SC

The meeting will be held at the County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom

Monday, June 20, 2022  
3:00 PM

### AGENDA

#### COMMITTEE MEMBERS:

STU RODMAN, CHAIRMAN  
CHRIS HERVOCHON,  
MARK LAWSON

YORK GLOVER, VICE CHAIRMAN  
BRIAN FLEWELLING,

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES- MAY 16, 2022
6. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language**
7. DIVISION UPDATE FROM ASSISTANT COUNTY ADMINISTRATOR, JARED FRALIX

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#### AGENDA ITEMS

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8. RECOMMEND APPROVAL TO APPLY FOR SC AERONAUTICS COMMISSION (SCAC) GRANT TO FUND A PORTION OF THE PROPOSED EXTERIOR TERMINAL RENOVATIONS AT BEAUFORT EXECUTIVE AIRPORT (ARW). (FISCAL IMPACT: \$112,500 REQUESTED FROM SCAC; 60/40 SHARE & \$75,000 IN LOCAL H-TAX FUNDS)
9. RECOMMEND APPROVAL TO AWARD IFB#050522E US 21 (RIBAUT ROAD) SIDEWALK PROJECT (FISCAL IMPACT: \$218,521.50)
10. APPROVAL OF COUNTY DIRT ROAD PAVING PRIORITIZATION CRITERIA
11. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT BETWEEN BEAUFORT COUNTY AND BEAUFORT-JASPER-HAMPTON COMPREHENSIVE HEALTH SERVICES,

INC. FOR THE PROPERTY AT 6315 JONATHAN FRANCIS, SR. ROAD (\$90,000: \$18,000 ANNUALLY FOR A PERIOD OF FIVE YEARS)

- [12.](#) A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCEPT CONVEYANCE OF THE REAL PROPERTY IDENTIFIED AS TMS NO. R200 014 000 0139 0000 (WHITE HALL) **(IF APPROVED, PUBLIC HEARING AND APPROVAL OF THIS RESOLUTION WILL OCCUR AT THE JULY 11TH COUNCIL MEETING)**
- [13.](#) RECOMMEND APPROVAL OF THE UPDATED SOLID WASTE MANAGEMENT PLAN, UPDATE FROM A. GOLDSMITH RESOURCES, LLC (JUNE 2022)
- [14.](#) RECOMMEND APPROVAL OF DESIGN ALTERNATIVE 4 FOR THE BEAUFORT HIGH SCHOOL ACCESS REALIGNMENT ALTERNATIVE
15. CHAIRMAN'S WRAP UP
16. ADJOURNMENT

**TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:**

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



## Public Facilities Committee Beaufort County, SC

This meeting was held in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom.

Monday, May 16, 2022  
4:00 PM

### MINUTES

*To hear Council's full discussion on a specific topic, or the complete meeting, watch the video stream available on the County's website. <https://beaufortcountysc.new.swagit.com/videos/173765>*

#### 1. CALL TO ORDER

Committee Chairman Rodman called the meeting to order at 4:29 PM

##### **PRESENT**

Vice-Chairman D. Paul Sommerville  
Council Member Gerald Dawson  
Council Member York Glover  
Council Member Alice Howard  
Council Member Mark Lawson  
Council Member Lawrence McElynn  
Council Member Stu Rodman

##### **ABSENT**

Chairman Joseph F. Passiment  
Council Member Brian Flewelling  
Council Member Logan Cunningham  
Council Member Chris Hervocho

#### 2. PLEDGE OF ALLEGIANCE

Committee Chairman Rodman led the Pledge of Allegiance

#### 3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Committee Chairman Rodman noted that the Public Notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act

**4. APPROVAL OF AGENDA**

**Motion:** It was moved by Council Member Lawson, Seconded by Council Member Howard to approve the agenda

**The Vote:** The motion was approved without objection

**5. APPROVAL OF MINUTES - APRIL 18, 2022**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Lawson to approve the minutes from April 18, 2022.

**The Vote:** The motion was approved without objection

**6. CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes ( a total of 15 minutes ) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

No Citizen Comments

**7. ASSISTANT COUNTY ADMINISTRATOR REPORT**

Assistant County Administrator Report- Jared Fralix, Assistant County Administrator

**AGENDA ITEMS**

**8. RECOMMEND APPROVAL OF AN ORDINANCE FOR A 2022 SALES TAX REFERENDUM (TRANSPORTATION ADVISORY COMMITTEE RECOMMENDATION)**

Recommendations presented by Dean Moss, Chairman of the Transportation Committee

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Lawson to recommend approval of an Ordinance for a 2022 Sales Tax Referendum.

**The Vote:** The motion was approved without objection

**Status:** Forward to Council for approval

**9. UPDATE ON THE SOLID WASTE MANAGEMENT PLAN**

Update on the Solid Waste Management Plan- Cindy Carter, Director of Solid Waste & Recycling

**10. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACQUISITION OF ADDITIONAL RIGHT OF WAY NEEDED FOR THE SIGNALIZATION OF BLUFFTON PARKWAY AT RIVER RIDGE DRIVE AND FLAT CREEK DRIVE**



**Motion:** It was moved by Council Member Lawson, Seconded by Council Member Glover to recommend approval of a Resolution authorizing the County Administrator to execute any and all necessary documents for the acquisition of additional right of way needed for the signalization of Bluffton Parkway at River Ridge Drive and Flat Creek Drive.

**The Vote:** The motion was approved without objection

**Status:** Forward to Council for approval

**11. RECOMMEND APPROVAL TO AWARD BOUNDARY STREET AND RIBAUT ROAD SIGNAL TIMING AND CRASH ANALYSIS TO KIMLEY HORNE (FISCAL IMPACT: TOTAL PROJECT COST NOT TO EXCEED \$192,830. FUNDING FOR THIS PROJECT IS NORTH OF THE BROAD IMPACT FEES PROFESSIONAL SERVICES ACCOUNT NUMBER 23030011-51160)**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Sommerville to recommend approval to award Boundary Street and Ribaut Road Signal Timing and Crash Analysis to Kimley Horn.

**The Vote:** The motion was approved without objection

**Status:** Forward to Council for approval

**12. RECOMMENDATION OF AWARD FOR RFP 040122 BEAUFORT COUNTY HAULING SERVICES- SOLID WASTE AND RECYCLING (\$1,830,000)**

**Motion:** It was moved by Council Member Howard, Seconded by Council Member Sommerville to approve the recommendation of award for RFP 040122 Beaufort County Hauling Services- Solid Waste and Recycling

**The Vote:** The motion was approved without objection

**Status:** Forward to Council for approval

**13. RECOMMENDATION OF AWARD FOR RFQ #050322E FOR THE DESIGN & ENGINEERING OF A MATERIAL RECYCLING FACILITY (MRF)**

**Motion:** It was moved by Council Member Dawson, Seconded by Council Member Howard to approve the recommendation of award for RFQ #050322E for the design and engineering of a Material Recycling Facility (MRF)

**The Vote:** The motion was approved without objection

**Status:** Forward to Council for approval

**14. CHAIRMAN'S WRAP UP**

Chairman's Wrap Up, Committee Chairman Rodman

**15. AGENCIES, BOARDS AND COMMISSIONS VACANCIES**

Agencies, Boards, and Commission Vacancies: Country Transportation Committee, District 9.

**16. ADJOURNMENT**

Adjournment: 5:29 pm

Ratified:



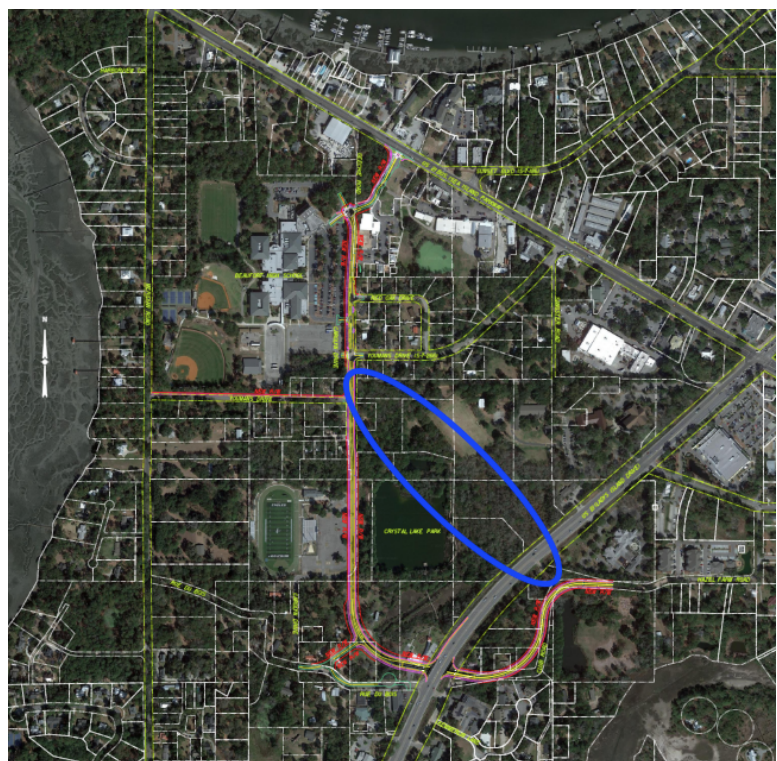
June 20, 2022

Dear Public Facilities Committee,

Thank you for the opportunity to comment on behalf of the Coastal Conservation League regarding Agenda Item 14, the Beaufort High School Realignment Design Alternatives.

One of the principal transportation goals for Lady’s Island is an interconnected network of secondary streets to relieve pressure along the main corridors, coupled with multi-modal pathways to increase opportunities for bike and pedestrian access and public transit.

We support the access road improvements that facilitate those goals. However, we believe these improvements can and should utilize existing roadways to fullest extent possible.



While we understand engineering’s preference for Alternative 4, which would create a new intersection to connect to Hazel Farm Road across Lady’s Island Drive, this design would require carving out an entirely new road footprint through forested wetlands and Crystal Lake Park property. The approximate location of this new road and the resources it would impact is circled in blue.

We have serious concerns with design alternatives that involve impacts to Crystal Lake Park property, which was acquired using taxpayer dollars through the Rural and Critical Lands program.

We believe any taking of Rural and Critical property creates a dangerous precedent for use of

these properties and undermines the integrity of the program.

In addition, viable alternatives exist that would avoid and minimize impacts to the park, while also achieving the goal of improved interconnectivity through a network of secondary streets.

Alternative 5 is a preferable option because it utilizes existing roads and would not require significant impacts to wetlands and public lands. It includes improvements to Carolyn Drive, which connects down to Rue Du Bois and the intersection with Club Road across Lady’s Island Drive. We believe this option could be further refined to utilize an existing frontage pathway to connect Club Road and Hazel Farm Road (see below).



Lastly, we question the need to eliminate 90 degree curves along existing roadways. We are concerned that such realignment will induce higher travel speeds along what should look, feel, and function like secondary neighborhood streets.

We urge you to select Alternative 5 for the Beaufort High School Realignment. Moreover, we urge you to encourage further refinement of that design to take advantage of existing road footprints on both sides of Lady's Island Drive.

Respectfully,

**Jessie White**  
*South Coast Office Director*  
843.522.1800 | [jesssiew@scccl.org](mailto:jesssiew@scccl.org)



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
Recommendation of approval to apply for SC Aeronautics Commission (SCAC) grant to fund a portion of the proposed exterior terminal renovations at Beaufort Executive Airport (ARW).
<b>MEETING NAME AND DATE:</b>
Public Facilities Committee June 20, 2022
<b>PRESENTER INFORMATION:</b>
Jon Rembold, Airports Director 5 minutes
<b>ITEM BACKGROUND:</b>
Council approved application for SCAC funding for the interior renovations at ARW last year. That project is complete and this is the follow-on project.
<b>PROJECT / ITEM NARRATIVE:</b>
Exterior renovations will include building façade painting, landscaping monument signage, among other improvements. The airport is the aerial gateway to Beaufort County and receives approximately 12,000 visitors annually. The appearance and ease of access to the terminal are important for customer service and experience.
<b>FISCAL IMPACT:</b>
The maximum amount that will be requested via SCAC will be \$112,500. The actual request will be based on the project’s estimated budget which is underway. SCAC grants of this nature are a 60/40 share. The airport has been awarded \$75,000 in local hospitality tax funds, which comprise the airport’s share of the project funding.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Approve request to apply for SCAC funding for exterior terminal renovations.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve/deny the application for SCAC funding for exterior terminal renovations <b>Next step: County Council meeting on June 27, 2022</b>



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
Recommendation to Award IFB#050522E US 21 (Ribaut Road) Sidewalk Project (\$266,521.50)
<b>MEETING NAME AND DATE:</b>
Public Facilities Committee – June 20, 2022
<b>PRESENTER INFORMATION:</b>
Jared Fralix, Assistant County Administrator – Infrastructure (5 mins)
<b>ITEM BACKGROUND:</b>
On April 4, 2022, Beaufort County published a solicitation for construction services for the 2018 One Cent Sales Tax project Ribaut Road Sidewalk Extension.
<b>PROJECT / ITEM NARRATIVE:</b>
On May 5, 2022, Beaufort County received two (2) bids: <ul style="list-style-type: none"><li>1. First Construction Management.....\$218,460.50</li><li>2. Edisto Contracting.....\$351,006.31</li></ul> After a review of the bids, First Construction Management was the lowest, most responsive bidder.
<b>FISCAL IMPACT:</b>
First Construction Management provided a bid of \$218,460.50. With a 20% contingency of \$48,061, the total project cost is \$266,521.50 to be funded from the 2018 One Cent Sales Tax account number 47050011-54510 with a balance of \$8,358,891.49.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval to award IFB#050522E US 21 (Ribaut Road) Sidewalk Project to First Construction Management.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve/deny recommendation to award IFB#050522E US 21 (Ribaut Road) Sidewalk Project to First Construction Management.  <b><i>Next Step: Move forward to County Council for recommendation to award IFB#050522E US 21 (Ribaut Road) Sidewalk Project to First Construction Management.</i></b>

# PRELIMINARY BID TABULATION

PURCHASING DEPARTMENT

Item 9.



<b>Project Name:</b>	US 21 (Ribaut Road) Sidewalk Project
<b>Project Number:</b>	IFB 050522E
<b>Project Budget:</b>	
<b>Bid Opening Date:</b>	5-May-22
<b>Time:</b>	3:00:00 PM
<b>Location:</b>	Beaufort County
<b>Bid Administrator:</b>	Dave Thomas
<b>Bid Recorder:</b>	Victoria Moyer

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDE NDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	Grand Total Price
<b>Edisto Contracting</b>	X	X	X	X	X	X	\$ 351,006.31
<b>First Construction Management</b>	X	X	X	X	Self Performing	Self Performing	\$ 218,460.50

Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.

*David L. Thomas*  
 \_\_\_\_\_  
 Bid Administrator Signature

*Victoria Moyer*  
 \_\_\_\_\_  
 Bid Recorder





# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<b>A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT BETWEEN BEAUFORT COUNTY AND BEAUFORT-JASPER-HAMPTON COMPREHENSIVE HEALTH SERVICES, INC. FOR THE PROPERTY AT 6315 JONATHAN FRANCIS, SR. ROAD</b>
<b>MEETING NAME AND DATE:</b>
Public Facilities Committee - June 22, 2022
<b>PRESENTER INFORMATION:</b>
Chuck Atkinson, ACA Development and Recreation 5 Minutes
<b>ITEM BACKGROUND:</b>
Lease is being proposed in support of Beaufort County's new "60 and Better Senior Program".
<b>PROJECT / ITEM NARRATIVE:</b>
The Leroy Brown Medical center has been used as a meeting place for the current senior program for more than a decade. The county is proposing to lease the facility, in an effort to continue providing services at this location and to transfer programming responsibilities to the county will no adverse impacts to the seniors who have previously been participating at this location.
<b>FISCAL IMPACT:</b>
\$18,000 annually for a period of Five years. (\$90,000)
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve/deny a resolution authorizing the county administrator to execute a lease agreement between Beaufort County and Beaufort-Jasper-Hampton Comprehensive Health Services, Inc. for the property at 6315 Jonathan Francis Senior Road. Move forward to Council for approval on 27 June, 2022.



**RESOLUTION 2022/\_\_\_**

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT BETWEEN BEAUFORT COUNTY AND BEAUFORT-JASPER-HAMPTON COMPREHENSIVE HEALTH SERVICES, INC. FOR THE PROPERTY AT 6315 JONATHAN FRANCIS, SR. ROAD**

**WHEREAS**, Beaufort-Jasper-Hampton Comprehensive Health Services Inc. (“BJH”) is the owner of the real property located at 6315 Jonathan Francis Senior Road, St. Helena, SC 29920 with TMS No. R300 016 000 0469 0000, collectively hereinafter the “Property”; and

**WHEREAS**, Beaufort County (“County”) desires to provide services for leisure activities, meal services, and special events designed to allow opportunities for education, social interaction, and physical wellness.(“Services”); and

**WHEREAS**, in order for the County to provide the Services to the citizens of Beaufort County it is necessary to enter into a lease agreement with BJH for the use and occupancy Property; and

**WHEREAS**, Beaufort County Council finds that it is in the best interest of the citizens and residents of Beaufort County for the County Administrator to execute a lease agreement for the purpose of providing Services at the Property.

**NOW THEREFORE, BE IT RESOLVED, BY BEAUFORT COUNTY COUNCIL**, duly assembled, does hereby authorize the County Administrator to execute a lease agreement between Beaufort County and Beaufort-Jasper-Hampton Comprehensive Health Services, Inc. for the for Property located at 6315 Jonathan Francis Senior Road.

Adopted this \_\_\_ day of \_\_\_\_\_, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah Brock  
Clerk to Council

STATE OF SOUTH CAROLINA                    )  
   )  
 COUNTY OF BEAUFORT                        )                    **COMMERCIAL PROPERTY**  
   )                    **LEASE**

**THIS COMMERCIAL PROPERTY LEASE AGREEMENT** is made and entered into this 1st day of July, 2022 (“Lease”), by and between **Beaufort-Jasper-Hampton Comprehensive Health Services, Inc.**, (“Landlord”) and **Beaufort County**, a political subdivision of the State of South Carolina, (“Tenant”), collectively referred to as the “Parties”.

**NOW, THEREFORE**, Landlord, for and in consideration of the rents paid and to be paid, and the covenants, conditions, and stipulations to be kept and performed by Tenant, agrees to lease the premises described herein below.

**I. DESCRIPTION OF LEASED PREMISES.** The premises to be conveyed is located at 6315 Jonathan Francis, Sr. Road, St. Helena, SC 29920, and includes 2,032 square feet of office space in the Leroy E. Brown Medical Center; the property described herein shall collectively be referred to as the “Premises”.

**II. TERM**

2.1 *Term.* The Lease Term shall be for a term of three (3) years (“Tenancy”) commencing on 1 July 2022 (“Commencement Date”) and terminating on 1 July 2025 (“Termination Date”).

2.2 *Renewal.* This Lease may be renewed upon the mutual consent of the Parties and agreed upon in writing. Any lease renewal shall include the same terms as this Lease. This Lease may only be renewed up to two (2) times. Tenant shall notify the Landlord in writing of its desire to renew no later than ninety (90) days before the expiration of the Initial Term or any renewal term. The terms set forth in this Paragraph shall collectively be referred to hereafter as a “Renewal Term”.

**III. RENTAL PAYMENT**

3.1 *Payment of Rent.* Tenant shall pay to Landlord **Fifteen Hundred (\$1,500.00) Dollars** per month, payable on the first (1<sup>st</sup>) day of each month (“Rent”) during the Lease Term or during any Renewal Period. If occupancy begins and/or ends on any day other than the first day of a month, rent shall be prorated for the month of commencement and/or month of termination and monthly rent collected in advance thereafter.

The first rental payment shall be made on or before the Commencement Date. Tenant shall pay all rents due and owing, without deduction or set off, to Landlord at the address set forth in Section 9.1. All rental payments shall be made in the form of check or wire transfer.

3.2 *Late Payment of Rent.* Any rents not paid within ten (10) days of the due date shall be deemed late and shall obligate Tenant to pay a late charge of ten percent (10%) of the sum then due.

3.3 *Additional Fees/Costs.* The Parties agree this is *not* a “triple net lease” and, except as otherwise provided herein, Landlord is responsible for all costs related to the Premises, the Building and the Land, together with all Improvements constructed thereon, including, without limitation, all taxes, fees, insurance and maintenance. Tenant shall have no responsibility for any such expenses unless specifically provided for herein.

Landlord Initials \_\_\_\_\_ Tenant Initials \_\_\_\_\_

3.4 *Security Deposit.* No security deposit is required. Landlord expressly acknowledges its duty to mitigate any damages resulting from default on the part of Tenant.

**IV. UTILITIES.** Tenant shall be responsible for paying one hundred percent (100%) of all utility expenses associated with the Leased Premises during the Initial Term and any Renewal Term. Tenant warrants and agrees to establish accounts in its name with the providing/billing entity or authority and pay for all water, gas, power, electric current, garbage collection and removal, sewer charges, and all other utilities and utility charges and fees charged to the Premises during the term of this Lease and all extensions hereof.

**V. CONDITION, USE, MAINTENANCE AND REPAIRS OF PREMISES**

5.1 *Acceptance and Condition of the Premises.* The Parties mutually agree that Tenant shall take possession of the Premises on the Commencement Date. Tenant stipulates that he or she has examined the premises, including the grounds and all buildings and improvements, and that they are, at the time of this Agreement, in good order, repair, and in a safe, clean and tenantable condition. Landlord has made no representation in connection with the Premises and shall not be liable for any latent defects therein; provided, however, that if such latent defects render the Premises uninhabitable for the purposes of this Lease, Tenant may at its option, and upon written notice to Landlord, terminate this Lease.

5.2 *Use of Premises.* Tenant shall use the Premises for the sole purpose of operating the Beaufort County “60 and Better Senior Program” (“Permitted Use”). Any change in the use of the Premises may only be undertaken with the written consent of the Landlord. Tenant shall not use the Premises for any illegal purpose, nor violate any statute, regulation, rule or order of any governmental body in its use thereof, nor create or allow to exist any nuisances, nor do any act in or about the Premises or bring anything upon the Premises which will increase the premium for insurance on the Premises.

5.3 *Maintenance and Repairs.* Tenant, at its sole cost and expense, shall handle or contract for the maintenance of the Premises, and shall generally maintain the Premises in a neat and orderly condition. Maintenance shall be defined as any repair or upkeep of the Premise not to exceed an amount greater than Five Hundred (\$500.00) Dollars for any repair project; and maintenance shall specifically exclude HVAC, electrical, plumbing, or structural issues.

Tenant shall at its own expense keep the Premises in good repair. Tenant shall not perform any additional work upon the Premises without prior written consent of the Landlord. The Premises shall be maintained in a clean and orderly manner. In the event of any damage of the Premises which is the direct result of Tenant, Tenant shall, immediately upon receiving demand from Landlord, correct the damage.

5.4 *Right of Inspection.* Landlord shall have the unfettered right at all reasonable times during the Initial Term or any Renewal Term to enter the Premises for any reason whatsoever. Landlord agrees, when able, to provide Tenant with Twenty-Four (24) hour notice of said entry upon the Premises. No notice will be required in emergency situations or for access or entry upon the Premises.

**VI. DESTRUCTION OR DAMAGE**

Landlord Initials \_\_\_\_\_ Tenant Initials \_\_\_\_\_

- 6.1 If the Premises shall be damaged or destroyed during the term of this Lease by any casualty insured under Landlord's standard fire and casualty insurance, Landlord shall, except as otherwise provided in this Lease and subject to any delay or inability from causes beyond its control, repair and/or rebuild the same substantially to what had been the condition thereof immediately prior to such damage or destruction.
- 6.2 If the Premises or the Building shall be damaged or destroyed to the extent of fifty percent (50%) or more of the insurable value thereof, or if such casualty shall not have been insured against by Landlord's standard fire and casualty policies, then Landlord or Tenant may terminate this Lease or elect to repair such damage or rebuild the Premises. Within thirty (30) calendar days after any such casualty, Landlord shall notify Tenant whether Landlord intends to repair or rebuild the Premises, and Tenant shall notify Landlord whether Tenant intends to terminate this Lease. If Landlord elects to repair or rebuild the Premises, Landlord shall perform such repair or rebuilding as provided in Subsection (a) above, and rent shall be abated proportionately as provided in Subsection (f) below. If Landlord elects not to repair or rebuild, the Lease shall terminate without further notice and all further obligations of both parties hereunder shall cease (other than those which shall theretofore have accrued), effective as of the date on which Tenant ceases doing business on the Premises.
- 6.3 If Landlord elects to repair the Premises and Tenant does not elect to terminate the Lease, and if Landlord's repairs are not substantially completed within one hundred twenty (120) calendar days following the date of the casualty, then Tenant, upon not less than thirty (30) calendar days written notice to Landlord, may terminate this Lease if Landlord has not substantially completed such repairs within the time period (which shall not be less than 30 calendar days) set forth in such notice. Substantial completion, as used herein, shall mean that the Premises are restored to the condition that they may be occupied and utilized for their intended purpose, notwithstanding that there may be additional "punch list" or other non-essential items to be completed, which neither affect nor impact Tenant's use and enjoyment of the Premises. Nevertheless, Landlord shall diligently pursue the completion of all remaining work in a timely manner.
- 6.4 During any period of reconstruction or repair of the Premises, provided Tenant has not elected to terminate this Lease, Tenant may at its sole option continue the operation of Tenant's business in the Premises to the extent reasonably practicable from the standpoint of good business practice. Tenant shall not interfere with the repair or restoration activities of Landlord or its contractors, and will adapt and modify its business activities as deemed necessary by Landlord to allow such repair or restoration activities to continue expeditiously.
- 6.5 During any period in which, by reason of any damage or destruction not resulting from the negligence of Tenant, Tenant's employees, agents, or invitees, Tenant is unable to occupy all or a portion of the Premises, Tenant's rent shall be appropriately abated for that part of the Premises rendered unusable for the conduct of Tenant's business. Such abatement shall continue for the period commencing with such destruction or damage and ending with the substantial completion by Landlord of Landlord's repairs and/or rebuilding of the Premises, as described in this Lease.

## VII. ASSIGNMENT AND SUBLETTING

The Tenant shall not, without the Landlord's prior written consent: (i) mortgage, pledge, encumber, or otherwise transfer (whether voluntarily, by operation of law, or otherwise) this lease or any interest hereunder; (ii) allow any lien to attach to Tenant's interest in the Premises or this Lease; (iii) permit the use or occupancy of the Premises or any part thereof by anyone for a purpose other

Landlord Initials \_\_\_\_\_ Tenant Initials \_\_\_\_\_

than as set forth herein; (iv) assign or convey this Lease or any interest herein; or (v) sublet the Premises or any part thereof; and any attempt to consummate any of the foregoing without Landlord's consent shall be void. Any assignment or subletting of this Lease must be approved in writing by Landlord, which approval shall not be unreasonably withheld. Assignment of the Lease will not relieve the Tenant or the Guarantors of their respective obligations under this Lease and Guaranty Agreement unless otherwise agreed by Landlord in writing.

**VIII. TERMINATION.** This Lease shall end on the Termination Date stated in Section 2.1. This Lease may be terminated by Landlord prior to the Termination Date upon providing a sixty (60) day notice from Landlord to Tenant and/or upon the occurrence of any default event as set forth in Section 9.

8.1 *Surrender of Property.* At the termination of this Lease, Tenant agrees to quit and deliver the Premises peaceably and quietly to Landlord, or its attorney, or other duly authorized agent, at the expiration or other termination of this Lease. The Tenant shall surrender the Premises in as good state and condition as delivered to Tenant at the commencement of this Lease, reasonable use and wear thereof expected.

8.2 *Hold Over.* If, without objection by Landlord, Tenant holds possession of the Premises after expiration of the term of this Lease, Tenant shall become a Tenant from month to month upon the terms herein specified, but at a monthly rent amount equivalent to 150% of the gross rent being paid (starting sixty (60) calendar days after the expiration of the term of this Lease) at the end of the term of this Lease, and all fees, assessments, costs and other items must continue to be paid pursuant to all the provisions set forth herein. Such month to month rent and other amounts shall be payable in advance on or before the fifteenth (15<sup>th</sup>) calendar day of each month.

**IX. DEFAULT**

9.1 *Default by Tenant.* The occurrence of any of the following shall constitute an event of default:

- (a) The rent of any other sum of money payable under this Lease, whether to Landlord or otherwise, is not paid within ten (10) days of the due date.
- (b) Tenant's interest in the Lease of the Premises shall be subjected to any attachment, levy, or sale pursuant to any order or decree entered against Tenant in any legal proceeding and such order or decree shall not be vacated within thirty (30) days of entry thereof; unless with respect to any attachment, levy or sale, which cannot be vacated within thirty (30) days, Tenant in good faith shall have commenced and thereafter shall continue to diligently pursue the vacation of such order or decree by lawful means.
- (c) Tenant breaches or fails to comply with any term, provision, condition, or covenant of this Lease, other than the payment of rent, or with any of the rules and regulations now or hereafter established from time to time by the Landlord to govern the operation of the building and such breach or failure to comply is not cured within ten (10) days after written notice of such breach or failure to comply is given to Tenant.

9.2 *Remedies of Landlord.* Upon the occurrence of an event of default by Tenant other than a failure of Tenant to timely pay a sum that is due and payable, Landlord shall notify Tenant in writing of the event of default, and Tenant shall, within thirty (30) days of receipt of such written notice cure

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such event of default. Where the Tenant fails to cure such event of default within thirty (30) days of receipt of the above-referenced written notice, Landlord shall have the option to do and perform any one or more of the following in addition to, and not in limitation of, any other remedy or right permitted by law or in equity or by this Lease. In electing to do any one or more of the following courses of conduct, the Landlord must reasonably undertake its best efforts to properly mitigate any damages caused or sustained by Landlord due to the occurrence of an event of default by the Tenant. The options and courses of conduct which may be undertaken by the Landlord in an event of default by the Tenant are as follows:

- (a) Landlord, with or without terminating this Lease, may immediately or at any time thereafter re-enter the Premises and correct or repair any condition which shall constitute a failure on Tenant's part to keep, observe, perform, satisfy, or abide by any term, condition, covenant, agreement or obligation of this Lease or of the rules and regulations adopted by the Landlord or of any notice given Tenant by Landlord pursuant to the terms of this Lease, and Tenant shall fully reimburse and compensate Landlord on demand for all reasonable expenses.
- (b) Landlord, with or without terminating this Lease may immediately or at any time thereafter demand in writing that Tenant immediately vacate the Premises whereupon Tenant shall immediately vacate the Premises and, immediately remove therefrom all personal property belonging to Tenant, whereupon Landlord shall have the right to immediately re-enter and take possession of the Premises. Any such demand, re-entry and taking of possession of the Premises by Landlord shall not of itself constitute an acceptance by Landlord of a surrender of this Lease or of the Premises by Tenant and shall not of itself constitute a termination of this Lease by Landlord. In the event the Landlord re-enters and takes possession of the Premises as provided above and the Tenant has failed upon request by Landlord to immediately remove from the Premises all property belonging to or placed upon the Premises by the Tenant, the Landlord shall have the right to have such property of the Tenant removed from the Premises and reasonably be placed within a secure storage facility for a period of time not to exceed thirty (30) days, and all costs of handling, moving and storing such property of the Tenant shall be paid by the Tenant. Notwithstanding any of the foregoing, Landlord shall be required to comply with applicable South Carolina law regarding reentry and possession of the Premises.
- (c) Landlord may immediately or at any time thereafter terminate this Lease, and this Lease shall be deemed to have been terminated upon receipt by Tenant of written notice of such termination; upon such termination Landlord shall recover from Tenant all damages Landlord may suffer by reason of such termination including, without limitation, all arrearages in rentals, costs, charges, additional rentals, and reimbursements, the cost (including court costs and attorneys' fees) of recovering possession of the Premises, and, in addition thereto, Landlord at its election shall have and recover from Tenant either: (1) an amount equal to the excess, if any, of the total amount of all rents and other charges to be paid by Tenant for the remainder of the term of this Lease over the then reasonable rental value of the Premises for the remainder of the Term of this Lease, or (2) the rents and other charges which Landlord would be entitled to receive from Tenant if the Lease were not terminated. Such election shall be made by Landlord by serving written notice upon Tenant of its choice of the alternatives within thirty (30) days of the notice of termination. Notwithstanding anything hereunder to the contrary, Landlord must use its reasonable best efforts to re-let the Premises and abate Landlord's damages.

9.3 *No Waiver.* No course of dealing between Landlord and Tenant or any failure or delay on the part of Landlord in exercising any rights of Landlord under any provisions of this Lease shall operate

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as a waiver of any rights of Landlord, nor shall any waiver of a default on one occasion operate as a waiver of any subsequent default or any other default. No express waiver shall affect any condition, covenant, rule or regulation other than the one specified in such waiver and that one only for the time and in the manner specifically stated.

9.4 *No Election of Remedies.* The exercise by Landlord of any right or remedy shall not prevent the subsequent exercise by Landlord of other rights and remedies. All remedies provided for in this Lease are cumulative and may, at the election of Landlord, be exercised alternatively, successively, or in any other manner, and all remedies provided for in this Lease are in addition to any other rights provided for or allowed by law or in equity.

**X. SALE OF PREMISES.** In the event the Landlord hereunder, or any successor owner of the Premises, shall sell or convey the Premises, all liabilities and obligations on the part of the Landlord, or such successor owner, under this Lease accruing thereafter shall remain, and shall become the obligations of the successor owner of the Premises.

**XI. COMPLIANCE WITH LAWS.** Tenant shall comply, at its own expense, with all statutes, regulations, rules, ordinances and orders of any governmental body, department, or agency thereof which apply to or result from Tenant’s use of the Premises.

**XII. INSURANCE.**

12.1 *Insurance Liability.* Landlord has obtained Premise Liability Insurance, which does not cover Tenant's possessions or Tenant's negligence. Tenant must obtain a Renter's Insurance Policy, in an amount of no less than \$1,000,000 in commercial general liability, or other appropriate policies to cover damage or loss resulting from Tenant's negligence. Tenant shall name Landlord as an additional party in any and all insurance policies, and shall provide Landlord with a copy of all policies.

12.1.1 Tenant shall provide proof that payment for the insurance policy has been made initially and thereafter and that the policy has been renewed at least fifteen (15) calendar days prior to the anniversary of the initial year of this lease. Landlord may contact Tenant’s insurer(s) or insurer(s)' agent(s) directly at any time regarding Tenant’s coverage, coverage amounts, or other such relevant and reasonable issues related to this Lease.

**XIII. MISCELLANEOUS PROVISIONS**

13.1 *Notices.* Any notice, communication, request, approval or consent which may be given or is required to be given under the terms of this Agreement shall be in writing and shall be transmitted (1) via hand delivery or express overnight delivery service to the Seller or the Purchaser, (2) via facsimile with the original to follow via hand delivery or overnight delivery service, or (3) via e-mail, provided that the sending party can show proof of delivery, as the case may be, at the addresses/numbers set forth below:

AS TO LANDLORD:        Beaufort County  
                                  Attn: Beaufort County Administration  
                                  Post Office Box 1228  
                                  Beaufort, SC 29901

Copy To:                Beaufort County

Landlord Initials \_\_\_\_\_ Tenant Initials \_\_\_\_\_

Attn: Beaufort County Attorney  
Post Office Box 1228  
Beaufort, SC 29901

AS TO TENANT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 13.2 *Entire Agreement.* This Lease constitutes as the sole and entire agreement of Landlord and Tenant and no prior or contemporaneous oral or written representations or agreements between the parties affecting the Premises shall have any legal effect.
- 13.3 *Counterparts.* This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.
- 13.4 *Severability.* If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, then such provision shall be deemed to be written, construed and enforced as so limited.
- 13.5 *Amendment.* This Agreement cannot be amended orally or by a single party. No amendment or change to this Agreement shall be valid unless in writing and signed by both Parties to this Agreement.
- 13.6 *Captions.* The captions used in this Lease are for convenience only and do not in any way limit or amplify the terms and provisions hereof.
- 13.7 *Successors and Assigns.* The provisions of this Lease shall inure to the benefit of and be binding upon Landlord and Tenant, and their respective successors, heirs, legal representatives, and assigns.
- 13.8 *Applicable Law.* The laws of the State of South Carolina shall govern the interpretation, validity, performance and enforcement of this Lease; and, of any personal guarantees given in connection with this Lease.
- 13.9 *Authority.* Each individual and entity executing this Agreement hereby represents and warrants that he, she or it has the capacity set forth on the signature pages hereof with full power and authority to bind the party on whose behalf he, she or it is executing this Agreement to the terms hereof.
- 13.10 *Force Majeure.* Except for timely Rent payment, Landlord or Tenant shall not be in default hereunder when performance of any term or condition is prevented by a cause beyond its control.
- 13.11 *Time is of the Essence.* Time is of the essence of this Lease.
- 13.12 *Quiet Enjoyment.* Landlord hereby covenants, warrants and agrees that so long as Tenant is performing all of the covenants and agreements herein stipulated to be performed on the Tenant's part, Tenant shall at all times during the lease term have the peaceable quiet and enjoyment and

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possession of the Premises without any manner of hindrance from Landlord or any person or persons lawfully claiming the Premises, or any part thereof.

**IN WITNESS WHEREOF**, and in acknowledgement that the parties hereto have read and understood each and every provision hereof, the Parties have caused this Agreement to be executed on the date first written above.

**LANDLORD:**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**Eric L. Greenway**  
*Beaufort County Administrator*

\_\_\_\_\_  
Witness

**TENANT:**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By:

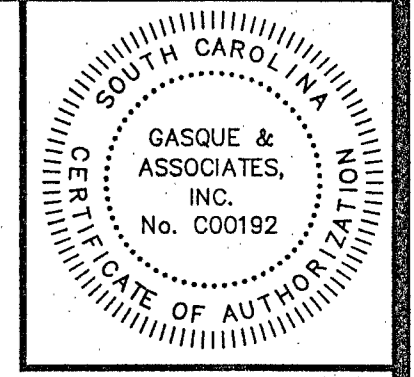
\_\_\_\_\_  
Witness

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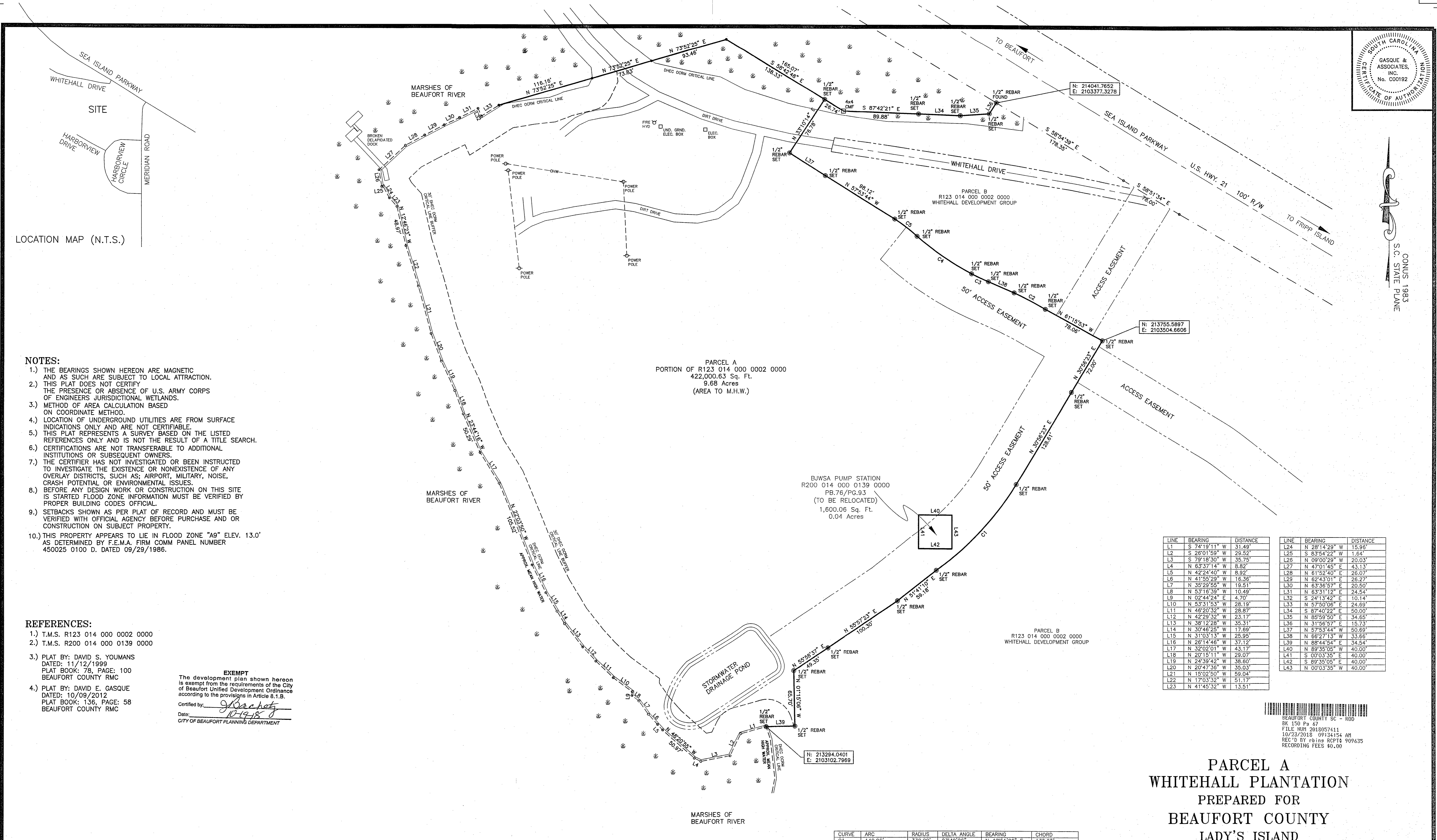


# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<b>A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND ACCEPT CONVEYANCE OF THE REAL PROPERTY IDENTIFIED AS TMS NO. R200 014 000 0139 0000</b>
<b>MEETING NAME AND DATE:</b>
Public Facilities Committee; June 20, 2022
<b>PRESENTER INFORMATION:</b>
Brittany Ward, Deputy Attorney 5 Minutes
<b>ITEM BACKGROUND:</b>
<b>PROJECT / ITEM NARRATIVE:</b>
Beaufort Jasper Water Sewer Authority (“BJWSA”) is the owner of the real property with TMS No. R200 014 000 0139 0000 and consisting of approximately 0.04 acres. The property was obtained by BJWSA for the purpose of establishing a pump station. The County owns the surrounding property which is known as Whitehall Park. BJWSA no longer desires to have a pump station located on this property and desires to convey it to the County.
<b>FISCAL IMPACT:</b>
No funding required.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Accept the property from BJWSA
<b>OPTIONS FOR COUNCIL MOTION:</b>
Move forward to Council for public hearing and approval.



CONUS 1983  
S.C. STATE PLANE



LOCATION MAP (N.T.S.)

- NOTES:**
- 1.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
  - 2.) THIS PLAT DOES NOT CERTIFY THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
  - 3.) METHOD OF AREA CALCULATION BASED ON COORDINATE METHOD.
  - 4.) LOCATION OF UNDERGROUND UTILITIES ARE FROM SURFACE INDICATIONS ONLY AND ARE NOT CERTIFIABLE.
  - 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
  - 6.) CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
  - 7.) THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
  - 8.) BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.
  - 9.) SETBACKS SHOWN AS PER PLAT OF RECORD AND MUST BE VERIFIED WITH OFFICIAL AGENCY BEFORE PURCHASE AND OR CONSTRUCTION ON SUBJECT PROPERTY.
  - 10.) THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "A9" ELEV. 13.0' AS DETERMINED BY F.E.M.A. FIRM COMM PANEL NUMBER 450025 0100 D. DATED 09/29/1986.

- REFERENCES:**
- 1.) T.M.S. R123 014 000 0002 0000
  - 2.) T.M.S. R200 014 000 0139 0000
  - 3.) PLAT BY: DAVID S. YOUNG  
DATED: 11/12/1999  
PLAT BOOK: 76, PAGE: 100  
BEAUFORT COUNTY RMC
  - 4.) PLAT BY: DAVID E. GASQUE  
DATED: 10/09/2012  
PLAT BOOK: 136, PAGE: 58  
BEAUFORT COUNTY RMC

**EXEMPT**  
The development plan shown hereon is exempt from the requirements of the City of Beaufort Unified Development Ordinance according to the provisions in Article 8.1.B.

Certified by: *[Signature]*  
Date: *10-19-18*  
CITY OF BEAUFORT PLANNING DEPARTMENT

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 74°18'11" W	31.49'	L24	N 28°14'29" W	15.96'
L2	S 28°01'59" W	29.52'	L25	S 83°54'22" W	1.64'
L3	S 79°18'30" W	35.75'	L26	N 09°00'29" W	20.03'
L4	N 63°37'14" W	8.82'	L27	N 47°01'45" E	43.13'
L5	N 42°24'40" W	8.92'	L28	N 61°52'40" E	26.07'
L6	N 41°55'29" W	16.36'	L29	N 62°43'01" E	26.27'
L7	N 38°29'55" W	19.51'	L30	N 63°36'57" E	20.50'
L8	N 53°16'39" W	10.49'	L31	N 63°31'12" E	24.54'
L9	N 02°44'24" E	4.70'	L32	S 24°13'42" E	10.14'
L10	N 53°31'53" W	28.19'	L33	N 57°50'06" E	24.69'
L11	N 46°20'32" W	28.87'	L34	S 87°40'22" E	50.00'
L12	N 42°29'52" W	23.17'	L35	N 85°59'50" E	34.65'
L13	N 38°12'28" W	35.31'	L36	N 31°58'57" E	15.73'
L14	N 30°46'25" W	17.69'	L37	N 57°53'44" W	50.69'
L15	N 31°03'13" W	25.95'	L38	N 66°27'13" W	33.66'
L16	N 28°14'46" W	37.12'	L39	N 88°44'54" E	34.54'
L17	N 32°02'01" W	43.17'	L40	N 89°35'05" W	40.00'
L18	N 20°15'11" W	29.07'	L41	S 00°03'35" E	40.00'
L19	N 24°39'42" W	38.60'	L42	S 89°35'05" E	40.00'
L20	N 20°47'36" W	35.03'	L43	N 00°03'35" W	40.00'
L21	N 15°02'50" W	59.04'			
L22	N 17°03'32" W	51.17'			
L23	N 41°45'32" W	13.51'			

CURVE	ARC	RADIUS	DELTA ANGLE	BEARING	CHORD
C1	140.96'	339.00'	23°49'26"	N 42°51'06" E	139.95'
C2	42.29'	410.44'	5°54'11"	N 62°12'38" W	42.27'
C3	22.11'	332.12'	3°48'53"	N 64°21'58" W	22.11'
C4	79.57'	336.34'	1°33'17"	N 55°17'52" W	79.38'
C5	34.16'	195.24'	10°01'27"	N 51°37'24" W	34.11'

**PARCEL A  
WHITEHALL PLANTATION  
PREPARED FOR  
BEAUFORT COUNTY  
LADY'S ISLAND  
BEAUFORT COUNTY, SOUTH CAROLINA**

DATE: OCTOBER 18, 2018 SCALE: 1"=50'  
0 50 75 100 150 200 250

**GASQUE & ASSOCIATES INC.**  
LAND SURVEYORS · PLANNERS  
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.  
P.O. BOX 1363, BEAUFORT, S.C.  
(843) 522-1798

I, David E. Gasque, a Registered Professional Land Surveyor in the State of South Carolina, certify to client(s) shown hereon that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a CLASS 1 survey as specified therein, and there are no encroachments or projections other than shown. This survey is not valid unless it bears the original signature and has an embossed seal.

*[Signature]*  
David E. Gasque, R.L.S.  
S.C. Registration Number: 10506

**DHEC-CORM CRITICAL LINE**  
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

*[Signature]* DATE: 10/18/18  
THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

THIS PLAT IS COPYRIGHTED AND IS ONLY INTENDED FOR THE USE OF THE ENTITY OR PERSON(S) SHOWN HERE ON.

**RESOLUTION 2022/ \_\_\_\_**

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND ACCEPT CONVEYANCE OF THE REAL PROPERTY IDENTIFIED AS TMS NO. R200 014 000 0139 0000**

**WHEREAS**, Beaufort Jasper Water Sewer Authority (“BJWSA”) is the owner of the real property with TMS No. R200 014 000 0139 0000 and consisting of approximately 0.04 acres, hereinafter collectively referred to as the “Property”; and

**WHEREAS**, BJWSA originally obtained ownership of the Property for the purpose of installing and maintaining a pump station; and

**WHEREAS**, BJWSA no longer desires to install a pump station on the Property and desires to convey the Property to Beaufort County (“County”); and

**WHEREAS**, the County is the owner of the real property surrounding the Property and desires to obtain ownership of the Property; and

**WHEREAS**, it is in the best interest of the County to accept the Property from BJWSA because of the County’s ownership of the surrounding real property.

**NOW, THEREFORE, BE IT RESOLVED**, that Beaufort County Council authorizes the County Administrator to execute any and all documents necessary and accept conveyance of the real property identified as TMS No. R200 014 000 0139 0000.

**ADOPTED** this \_\_\_\_\_ day of July, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
Solid Waste Management Plan Update [June 2022] – A. Goldsmith Resources, LLC
<b>MEETING NAME AND DATE:</b>
Public Facilities Committee – June 20, 2022
<b>PRESENTER INFORMATION:</b>
Jared Fralix, ACA-Engineering Cindy Carter, Solid Waste and Recycling Director (Alternate) (Time Needed for Item Discussion = 5 minutes)
<b>ITEM BACKGROUND:</b>
<p>The South Carolina Solid Waste Policy and Management Act of 1991 requires local governments to maintain a solid waste management plan that covers a 20-year planning period. The initial Beaufort County Solid Waste Management Plan was adopted in 2000, with the most recent update adopted in February 2013.</p> <p>As solid waste management needs in Beaufort County continue to evolve, the County has elected to update its Solid Waste Management Plan again, this time for the twenty-year period starting in 2022. The County’s Comprehensive Plan, Envision Beaufort County – 2040 County Comprehensive Plan, which anticipated an updated Solid Waste Management Plan by including a strategy to “create a comprehensive plan for sustainable waste removal and disposal” in its Section on Community Facilities.</p> <p>The initial DRAFT was submitted by the consultant, A. Goldsmith Resources, LLC, in December 2021. The Solid Waste and Recycling Board received a copy of the Plan in January 2022, and held a special meeting/workshop on March 3, 2022, for input and edits to the document.</p> <p>The DRAFT was presented to Public Facilities Committee on May 16, 2022, as information. No comments have been received. Final version dated June 2022 is attached.</p>
<b>PROJECT / ITEM NARRATIVE:</b>
Upon approval by Committee and Council, the June 2022 Solid Waste Management Plan Update will be filed officially with SC DHEC.
<b>FISCAL IMPACT:</b>
N/A
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends approval of the June 2022 Solid Waste Management Plan Update.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve /deny the recommendation of the June 2022 Solid Waste Management Plan Update <b>Next Step: County Council agenda June 27, 2022.</b>





# Solid Waste Management Plan 2022-2041

Beaufort County, South Carolina

June 2022

Prepared by: A. Goldsmith Resources, LLC

## Table of Contents

1	Introduction.....	1-1
1.1	Background.....	1-1
1.2	The 2022 Plan Update.....	1-1
2	Policies and Organizational Structure .....	2-1
2.1	Federal and State Policies.....	2-1
2.2	Beaufort County Policies.....	2-1
2.3	Municipal Policies.....	2-2
2.4	Organizational Structure .....	2-3
	Solid Waste and Recycling Districts.....	2-3
	Solid Waste and Recycling Board.....	2-4
3	About the Area.....	3-1
3.1	Geography.....	3-1
3.2	Population and Economy.....	3-2
4	Amount of Waste.....	4-1
4.1	Disposed and Generated.....	4-1
4.2	Per Capita Disposal and Generation Rates.....	4-2
4.3	Projections.....	4-3
5	Existing Solid Waste System .....	5-1
5.1	Collection.....	5-1
	Convenience Centers.....	5-1
	Curbside Collection.....	5-5
	Non-Residential Collection.....	5-6
	Litter and Illegal Dumping .....	5-6
5.2	Recycling.....	5-6
	Collection of Recyclables .....	5-6
	Processing and Marketing of Recyclables.....	5-8
5.3	Disposal Locations Used by Beaufort County .....	5-9
5.4	Processing and Disposal Facilities Located in Beaufort County.....	5-9
	Landfills.....	5-9
	Transfer Stations.....	5-10
	Incinerators.....	5-10

Other Permitted Solid Waste Processing Facilities .....5-11

5.5 Education and Public Involvement .....5-11

County Programs.....5-11

Keep Beaufort County Beautiful.....5-11

Municipal Programs.....5-12

5.6 Funding.....5-12

6 Goals and Strategies ..... 6-1

6.1 Overview of Goals..... 6-1

6.2 Goal 1: Progress Toward State Disposal and Recycling Goals ..... 6-1

Strategies ..... 6-1

6.3 Goal 2: Divert Items Banned from Landfill ..... 6-2

Strategies ..... 6-3

6.4 Goal 3: Secure Disposal Capacity ..... 6-3

Strategies ..... 6-4

6.5 Goal 4: Transition to Curbside Collection for Residents.....6-4

Strategies ..... 6-4

6.6 Goal 5: Ensure Sustainable Funding..... 6-5

Strategies ..... 6-5

7 Action Plan ..... 7-1

FIGURES

Figure 2-1 | Map of Solid Waste Districts ..... 2-4

Figure 3-1 | Location of Beaufort County..... 3-1

Figure 3-2 | Actual and Projected Population of Beaufort County, 1990 to 2035 ..... 3-2

Figure 4-1 | Type of Waste Disposed in Class 3 Landfills from Beaufort County, FY20 ..... 4-2

Figure 5-1 | Convenience Center Locations ..... 5-2

Figure 5-2 | Tons of Solid Waste, Bulky Waste, Yard Waste, and C&D Received at Convenience Centers, FY20 ..... 5-4

Figure 5-3 | Tons Received by Convenience Center, FY20 ..... 5-4

Figure 5-4 | Tons Collected Curbside from Residents FY20 ..... 5-6



TABLES

Table 2-1 | Beaufort County Solid Waste Districts ..... 2-3

Table 3-1 | Effects of Transient Populations ..... 3-2

Table 4-1 | Total Solid Waste Disposed and Generated from Beaufort County, FY20 ..... 4-1

Table 4-2 | TSW Per Capita Disposed and Generated from Beaufort County, FY20 ..... 4-2

Table 4-3 | Projected Tons of Class 2 and Class 3 Requiring Disposal..... 4-3

Table 5-1 | Convenience Centers Address and Operating Schedule..... 5-2

Table 5-2 | Items Accepted at Convenience Centers, June 2021 ..... 5-3

Table 5-3 | Curbside Collection Customers, 2021..... 5-5

Table 5-4 | Recyclables Collection in Municipal Curbside Contracts..... 5-7

Table 5-5 | Tons Recycled from MSW and Recycling Rate, FY20 ..... 5-8

Table 5-6 | Beaufort County Solid Waste Management Costs, FY20..... 5-13

Table 6-1 | Solid Waste Management Goals, 2022-2041..... 6-1

Table 7-1 | Action Plan 2022 - 2041..... 7-2

Table 7-2 | Alternatives to Key Strategies ..... 7-8

Appendix A Chapter 62 - Beaufort County Municipal Code

# 1 Introduction

## 1.1 Background

The South Carolina Solid Waste Policy and Management Act of 1991 requires local governments to maintain a solid waste management plan that covers a 20-year planning period. The initial Beaufort County Solid Waste Management Plan was adopted in 2000, with the most recent update adopted in February 2013.

As solid waste management needs in Beaufort County continue to evolve, the County has elected to update its Solid Waste Management Plan again, this time for the twenty-year period starting in 2022. The County's Comprehensive Plan, *Envision Beaufort County – 2040 County Comprehensive Plan*, which anticipated an updated Solid Waste Management Plan by including a strategy to “create a comprehensive plan for sustainable waste removal and disposal” in its Section on Community Facilities.

## 1.2 The 2022 Plan Update

This Solid Waste Management Plan covers the twenty-year period from 2022 to 2041 and addresses solid waste management in Beaufort County and its four municipalities - the City of Beaufort and the Towns of Bluffton, Hilton Head Island, and Port Royal. It describes the County's current and planned approach to managing existing, projected, and potential solid waste streams through a combination of reduction, recycling, disposal, and treatment and is organized into the following sections.

- Section 2 describes policies affecting solid waste management and those responsible for implementing them.
- Section 3 provides geographic, demographic, and economic information that may impact solid waste management.
- Section 4 describes the amount and type of solid waste generated in the County and projections for the future.
- Section 5 describes existing recycling, solid waste collection, disposal, and education programs and facilities.
- Section 6 identifies goals for solid waste management and strategies to achieve them.
- Section 7 presents an action plan for implementing the strategies in Section 6.

This Beaufort County Solid Waste Management Plan update was presented to the Beaufort County Council Public Facilities Committee on May 16, 2022.

## 2 Policies and Organizational Structure

### 2.1 Federal and State Policies

The primary federal law relating to solid waste management is the Resource Conservation and Recovery Act (RCRA) of 1976, administered by the U. S. Environmental Protection Agency. Subtitle D of RCRA establishes a framework for federal, state, and local government cooperation in solid waste management. The federal government provides minimum national standards for protecting human health and the environment and technical assistance to states for planning and implementing their own solid waste management policies.

The principal law that governs solid waste management in the State of South Carolina, the Solid Waste Policy and Management Act of 1991 (Act), authorizes the South Carolina Department of Health and Environmental Control (DHEC) to enforce the appropriate federal and state standards. DHEC enforces regulations for the management of construction and demolition debris (C&D), land-clearing debris, industrial solid waste, municipal solid waste (MSW), waste processing, waste tires, waste oil, transfer stations, landfills, and other solid waste facilities.

Section 44-96-80(J) of the Act gives the governing body of each county the responsibility and authority to provide for the management of solid waste within its borders. Section 44-96-80(K) authorizes each county to enact ordinances necessary to carry out its responsibilities under the Act as long as such ordinances are consistent with the state solid waste management plan, provisions of the Act, other applicable provisions of state law, and regulations promulgated by DHEC providing for the protection of public health and safety or for protection of the environment.

### 2.2 Beaufort County Policies

The Beaufort County Code of Ordinances (Chapter 62, Solid Waste), included as Appendix A, establishes the County’s role in solid waste management and addresses littering; solid waste collection, transport, and disposal; and the role of the Solid Waste and Recycling Board. Section 62-2 states that Beaufort County shall provide for the management, collection, and disposal of solid waste in a manner consistent with state law and that all recycling and solid waste activities that are not part of the County system shall “coordinate with the county for the purpose of assisting the county with achievement of established state diversion and recycling goals”. Section 62-2 specifically highlights the following purposes of the law:

1. To promote the public health, safety, and welfare;
2. To ensure that solid waste is transported, stored, treated, processed, and disposed of in a manner adequate to protect human health, safety and welfare and the environment;
3. To promote the reduction, recycling, reuse and treatment of solid waste and the recycling of materials that would otherwise be disposed of as solid waste;
4. To provide for an efficient method for the collection, transportation, storage, handling, treatment, reduction, recycling, reuse and disposal of solid waste in the county through the establishment, construction and operation of solid waste collection sites and other

facilities for the use and benefit of residents of the county and other municipalities, entities or persons who contract for the use of county facilities for the collection of permitted solid waste in accordance with county ordinances and regulations; and

5. To protect and preserve the quality of the environment and to conserve and recycle natural resources.

## 2.3 Municipal Policies

The municipalities within the County also play a role in solid waste management, most notably in overseeing residential curbside collection programs, and working with the County on public outreach and education and litter abatement. The following provisions of each municipality’s code contain the primary policies regarding solid waste management within their borders.

- The City of Beaufort Code of Ordinances, Part 6, Chapter 1 addresses Garbage Collection and Disposal, including provisions for residential garbage collection, residential trash collection, commercial collection procedure, recycling procedures (including a requirement for all residents to recycle items designated by the city council), and the solid waste refuse fee. Part 6, Chapter 3 addresses litter and trash.
- In the Town of Bluffton, Chapter 20, Article II of the municipal code addresses Garbage and Refuse including provisions related to illegal dumping on lots, prohibiting accumulation of solid waste on property, composting and recycling, types of containers required, authority to charge for containers, illegal dumping, the cost of garbage collection, and a provision to provide recycling bins upon request.
- In the Town of Hilton Head Island, Title 9, Chapter 5 addresses garbage and trash, including provisions prohibiting unauthorized removal of material from trash, waste or recycling receptacles and post-disaster debris collection. Chapter 6 addresses collection of solid waste and recycling with provisions identifying requirements for private haulers operating in the Town, including recyclable materials that they must collect, restrictions on placing non-recyclable materials in recycling receptacles, and requirements for using and maintaining receptacles for garbage and recyclables. Chapter 7 prohibits outdoor burning with some exemptions.
- In the Town of Port Royal, Chapter 10, Article I, prohibits litter and illegal dumping. Chapter 21, Article IV addresses refuse collection and disposal requiring all residents to use and pay for refuse and trash collection and disposal services provided by the Town. It requires the use of roll carts and defines set-out, maintenance, and placement requirements; describes preparation requirements for collection of tree limbs and shrubbery; requires residents to request pick-up of bulky items; defines collection schedules and rates; requires that residents recycle; and establishes fees and billing method for recycling service.

In addition, all four municipalities and Beaufort County passed an ordinance that restricts businesses from providing single-use plastic bags to customers, with some exceptions.

## 2.4 Organizational Structure

Section 62-1 of the County Code creates the “solid waste and recycling enterprise system” as an administrative division of the County under the responsibility of the Beaufort County Solid Waste and Recycling, with contact information listed below.

Beaufort County Solid Waste and Recycling  
 9 Benton Field Road  
 Bluffton, South Carolina 29910  
 (843) 255-2745

The County Administrator and the Director or Manager of Solid Waste and Recycling have the authority to establish and organize the County's solid waste and recycling facilities as necessary for useful and efficient operation; establish necessary procedures, policies, and guidelines for the use of the county's solid waste and recycling facilities; and to recommend appropriate fee and rate schedules for consideration and approval by County Council.

### Solid Waste and Recycling Districts

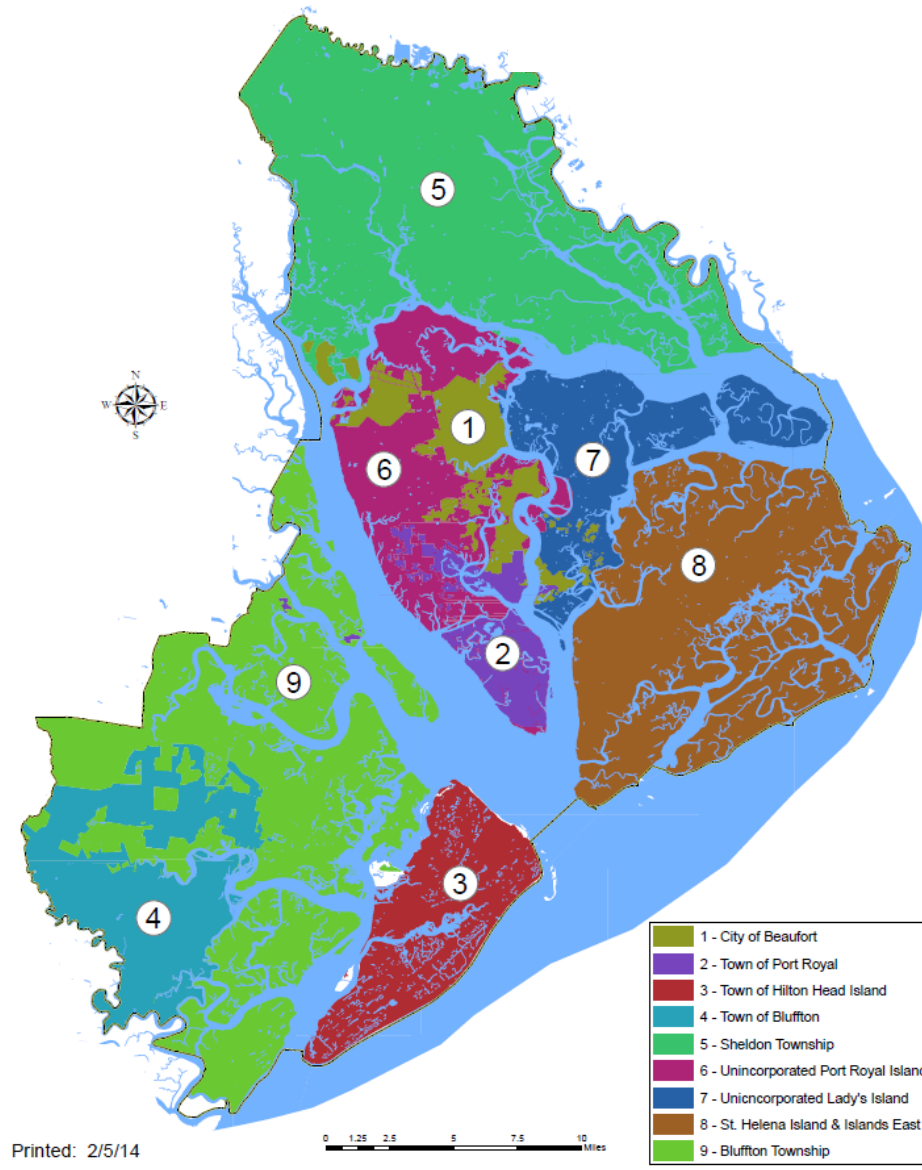
Section 62-21 of the County Code establishes nine solid waste districts in the County for reporting and tracking purposes. Districts 1 through 4 correspond to municipal boundaries while Districts 5 through 9 cover the unincorporated area of the County, as described in Table 2-1 and shown on Figure 2-1.

**Table 2-1 | Beaufort County Solid Waste Districts**

District	Area Covered	# Parcels <sup>1</sup>
1	City of Beaufort	6,622
2	Town of Port Royal	3,960
3	Town of Hilton Head Island including Jenkins Island and Pinckney Island	22,168
4	Town of Bluffton	15,726
5	Sheldon Township including all area on the north side of the Whale Branch River including the Beaufort County portion of the Town of Yemassee	3,890
6	Unincorporated Port Royal Island (Burton) including the area between the Whale Branch River, the Beaufort River, and the Broad River exclusive of incorporated areas	9,170
7	Lady's Island including area between the Beaufort River and Chowan Creek including Coosaw Island excluding the City of Beaufort	8,618
8	Saint Helena Island and Islands East including the area and islands east of Chowan Creek within Beaufort County	11,698
9	Bluffton Township including the area south of the Broad River and west of Pinckney Island excluding the Town of Bluffton and Daufuskie Island	26,071

<sup>1</sup> Based on data provided by Beaufort County IT in March 2022.

Figure 2-1 | Map of Solid Waste Districts



### Solid Waste and Recycling Board

The ordinance establishes a Solid Waste and Recycling Board, with one member from each of the County’s solid waste districts, to advise the County Council and staff in determining appropriate levels of public solid waste management services for residential, commercial, and industrial taxpayers and for governmental entities within the county. Section 62-54 of the County code identifies the following powers and duties of the solid waste and recycling board.

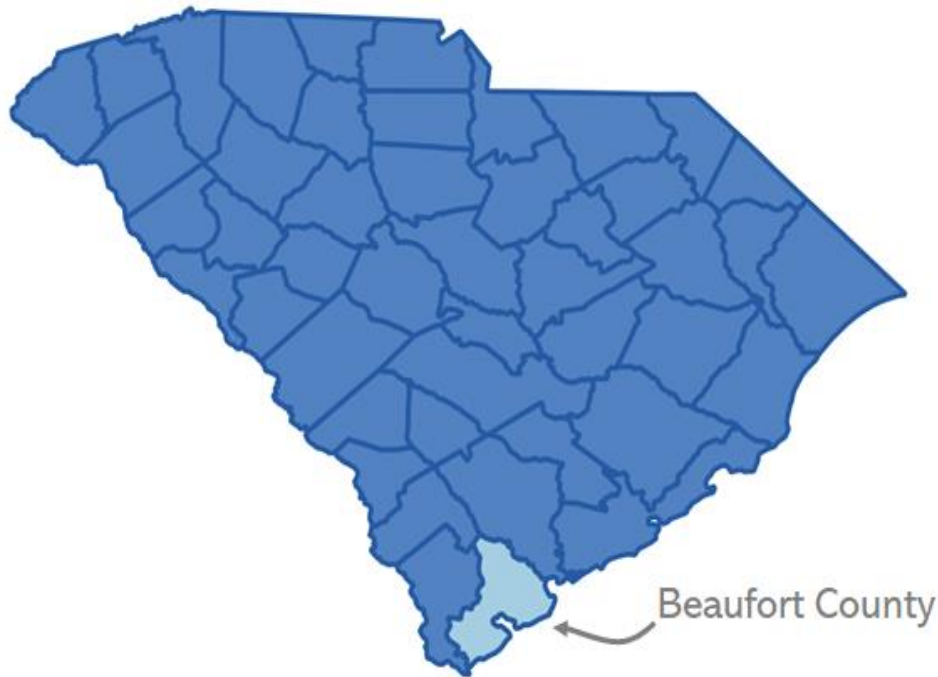
- Review and recommend to the county council for approval, a comprehensive county solid waste management plan which is in accordance with the state Solid Waste Management and Policy Act of 1991.
- Develop and submit to the county council for approval service level plans for each of the five unincorporated area solid waste districts.
- Review and approve the annual solid waste and recycling budgets prepared for each of the nine solid waste districts before submission to the county administrator; and present to the county council comments on the budget recommended by the county administrator.
- Seek development of public/private partnership and facilitate intergovernmental contracting for provision of services where appropriate.
- Cooperate with the state department of health and environmental control, office of waste reduction and recycling, as well as other public and private agencies having programs directed toward solid waste management programs.
- Review and make recommendations concerning development of any new public or private solid waste management facilities, programs or changes in existing solid waste management facilities or programs to ensure such programs or changes are consistent with the comprehensive solid waste management plan of the county.

### 3 About the Area

#### 3.1 Geography

Beaufort County encompasses 923 square miles on the Atlantic coast on the southeastern tip of South Carolina (Figure 3-1). Fifty-eight percent of the 468,000 acres in the County consists of freshwater wetlands, open waters, sounds, marshes, and estuaries. The County is bordered by Jasper County to the west, Colleton County to the north, and a small corner of Hampton County to the northwest. There are four municipalities in the County - the City of Beaufort and the Towns of Bluffton, Hilton Head Island, and Port Royal. The Town of Yemassee sits on Beaufort County’s border with Hampton County and the Town of Hardeeville sits on the border with Jasper County.

Figure 3-1 | Location of Beaufort County



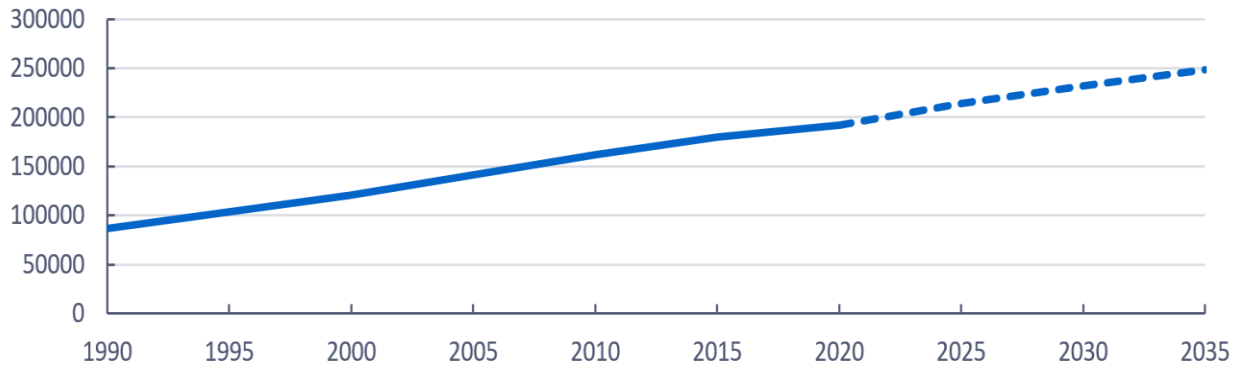
Beaufort County, in cooperation with the City of Beaufort and the Towns of Bluffton and Port Royal, have instituted a form-based zoning code that encourages infill and density in the areas that are already considered urban and suburban. The rural areas are designated to remain sparsely populated and undeveloped. This development pattern would affect the future of solid waste management included in the Plan, encouraging curbside collection in the more densely populated areas and convenience center access in more rural areas of the County.



### 3.2 Population and Economy

According to the 2020 U.S. Census, Beaufort County had 192,122 permanent residents. This continues the trend of the last thirty years of approximately 20 percent increase each decade. Recent population growth has been concentrated in the Hilton Head and Bluffton areas. Figure 3-2 illustrates the growth in population since 1990 and projected population growth through 2035. The South Carolina Revenue and Fiscal Affairs Office projects Beaufort County's population will increase 29.5 percent over the next ten years and reach 248,860 in 2035.

Figure 3-2 | Actual and Projected Population of Beaufort County, 1990 to 2035



The permanent resident population does not tell the complete story of solid waste management needs in Beaufort County. According to the 2019 Beaufort County Development Impact Fee Study by TischlerBise, the peak daily population can be more than 50 percent higher than the permanent resident population when seasonal residents, tourists and daily visitors are considered. The same study predicted the significant impact of these transient populations would continue, as shown in Table 3-1.

Table 3-1 | Effects of Transient Populations

Population Types	2019	2024	2029
Permanent Residents	183,712	204,342	224,970
Tourists and Visitors	54,612	57,291	59,543
Seasonal Residents	39,122	41,042	42,656
Peak Daily Population	277,448	302,675	327,169

Source: Table 6.12: Data from the Beaufort County Development Impact Fee Study of 2019.

## 4 Amount of Waste

### 4.1 Disposed and Generated

The South Carolina Solid Waste Management Annual Report for Fiscal Year 2020, which is based on annual reports submitted to DHEC by counties and solid waste management facilities around the State, reports that a total of 265,355 tons of total solid waste (TSW) were disposed, incinerated, or exported from Beaufort County from July 1, 2019, to June 30, 2020, as shown in Table 4-1.<sup>1</sup> Over 56 percent of the TSW disposed from the County went to a Class 3 landfill. Over 40 percent of the TSW disposed from Beaufort County was disposed in a Class 2 landfill while a small amount was incinerated. When the TSW Recycled in FY20 is added to that disposed, 302,292 tons of TSW were generated in FY20. As shown in Figure 4-1, most of the TSW disposed from Beaufort County in a Class 3 landfill (87.6 percent) was characterized as MSW.

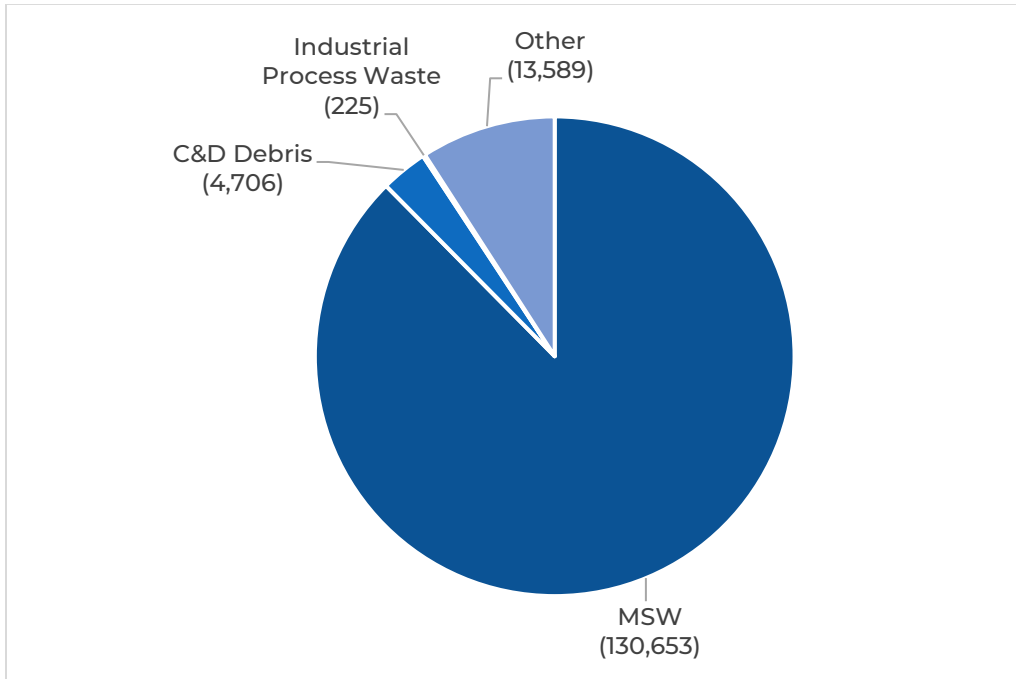
**Table 4-1 | Total Solid Waste Disposed and Generated from Beaufort County, FY20**

Facility/Management Type	Tons	Percent of Total Disposed
TSW Disposed in Class 1 Landfills	0	0%
TSW Disposed in Class 2 Landfills and Exported	110,170	41.5%
TSW Disposed in Class 3 Landfills and Exported	149,173	56.2%
TSW Incinerated	6,012	2.3%
<b>Total Disposed in Landfills, Incinerated, Or Exported</b>	<b>265,355</b>	<b>100%</b>
TSW Recycled	36,936	
<b>Total Generated</b>	<b>302,292</b>	

Source: Table 6.12: State & County TSW Recycling, Disposal, and Generation in Tons, South Carolina Solid Waste Management Annual Report for FY2020

<sup>1</sup> Total Solid Waste (or TSW) is collected from the same sources as municipal solid waste (MSW) but also includes automobile bodies, combustion ash, construction and demolition debris, industrial process waste, land-clearing debris, and municipal sludge. The State considers TSW, in addition to MSW, for a more complete picture of solid waste generated, disposed of, and recycled.

Figure 4-1 | Type of Waste Disposed in Class 3 Landfills from Beaufort County, FY20



## 4.2 Per Capita Disposal and Generation Rates

Table 4-2 shows that the amount of TSW disposed and generated per person, based on permanent residents only, is 7.57 and 8.62 pounds per day, respectively. However, when the same tonnage is divided among the peak daily population, shown in Table 3-1, which takes into account those temporary residents and visitors that contribute to waste generated in Beaufort County, then the disposal rate falls to 5.01 pounds per person per day and the generation rate to 5.71 pounds per person per day.

Table 4-2 | TSW Per Capita Disposed and Generated from Beaufort County, FY20

	Tons	Pounds per Capita per Day	
		Based on Permanent Residents <sup>1</sup>	Based on Peak Daily Population
<b>Total Disposed in Landfills, Incinerated, or Exported</b>	265,355	7.57	5.01
<b>Total Generated</b>	302,292	8.62	5.71

<sup>1</sup> Based on a permanent resident population of 192,122.  
Source: Table 6.12: State & County TSW Recycling, Disposal, and Generation in Tons, South Carolina Solid Waste Management Annual Report for FY2020

### 4.3 Projections

Table 4-3 shows the projected amount of total solid waste (TSW) requiring disposal in Class 2 and Class 3 landfills, based on per capita disposal rates in FY20 and projected population for the next twenty years.<sup>2</sup> Based on these projections, a total of 2,768,423 tons of TSW will require disposal in Class 2 landfills and 3,748,516 tons in Class 3 landfills over the next twenty years. As the County continues to make progress on reducing the amount of waste generated and disposed, the total solid waste requiring disposal could be less.

**Table 4-3 | Projected Tons of Class 2 and Class 3 Requiring Disposal**

Year	TSW Disposed in Class 2 Landfills	TSW Disposed in Class 3 Landfill
<i>Pounds/Person/Day<sup>1</sup></i>	<i>3.14</i>	<i>4.25</i>
<i>Tons/Person/Year</i>	<i>.57</i>	<i>.78</i>
2022	112,445	152,254
2023	114,811	155,458
2024	117,177	158,661
2025	119,543	161,865
2026	121,909	165,068
2027	124,275	168,272
2028	126,641	171,476
2029	129,006	174,678
2030	132,292	179,127
2031	135,175	183,031
2032	138,159	187,071
2033	141,248	191,254
2034	144,448	195,587
2035	147,765	200,077
2036	151,203	204,733
2037	154,770	209,562
2038	158,472	214,575
2039	162,315	219,779
2040	166,308	225,185
2041	170,458	230,805
<b>TOTAL</b>	<b>2,768,423</b>	<b>3,748,516</b>

<sup>2</sup> In FY20, no solid waste from Beaufort County was reportedly disposed in Class 1 landfills but was sent to South Coast Resources for recycling or disposed in Class 2 landfills.

## 5 Existing Solid Waste System

### 5.1 Collection

The County operates convenience centers that accept residential waste and recyclables. Three municipalities have contracts with private haulers to collect residential solid waste and recyclables curbside. All other residents in the County make arrangements for residential collection with a private hauler and/or use the convenience centers. Non-residential generators make their own arrangements for collection with a private hauler.

#### Convenience Centers

Beaufort County operates nine staffed convenience centers, shown on the map in Figure 5-1.<sup>3</sup> The addresses and operating hours of these convenience centers are shown in Table 5-1. All the County’s convenience centers accept residential solid waste (MSW, Class 3), bulky items (Class 2), and small amounts of residentially generated yard waste (Class 1) and construction and demolition debris. All also accept tires, cooking oil, used motor oil, oil filters, and certain types of household hazardous waste. The four largest convenience centers (Hilton Head, Bluffton, Shanklin, and St. Helena) also accept cardboard, paper, plastic (#1 and #2), glass and metal containers, appliances, and scrap metal for recycling. Table 5-2 shows what each convenience centers accepted as of 2021. In addition, the County collects electronics (e-waste) at special events several times each year in both the north and south of the County.



The convenience centers are available to County residents only, whether they reside within a municipality or in an unincorporated area. The use of the convenience centers for the disposal of commercially generated solid waste is prohibited by Beaufort County ordinance. In the past, it has been difficult to ensure that only Beaufort County residents use the convenience centers. However, in 2020, to cut down on unauthorized use of the convenience centers, the County began issuing decals to residents for display upon entry. The decal allows each resident to use convenience centers up to three times per week. This system ensures that only County residents are using the convenience centers, while promoting environmental compliance and saving taxpayers

**CONVENIENCE CENTERS ARE TRASH AND RECYCLING DROP-OFF STATIONS**  
OPEN TO BEAUFORT COUNTY RESIDENTS.

VISIT [WWW.BEAUFORTCOUNTYSC.GOV/SWRDECAL](http://WWW.BEAUFORTCOUNTYSC.GOV/SWRDECAL)  
TO APPLY FOR A DECAL

BLUFFTON: 104 SIMMONSVILLE RD., BLUFFTON HILTON HEAD: 26 SUMMIT DR., HILTON HEAD SHANKLIN: 80 SHANKLIN RD., BEAUFORT ST. HELENA: 639 SEA ISLAND PARKWAY, ST. HELENA	Open: MONDAY, TUESDAY, THURSDAY, FRIDAY, SATURDAY, SUNDAY
BIG ESTATE: 63 BIG ESTATE RD., YEMASSEE COFFIN POINT: 10 CEE CEE RD., ST. HELENA LOBECK: 6 KEANS NECK RD., SEABROOK	Open: MONDAY, THURSDAY, SATURDAY
SHELDON: 208 JOHNSON RD., SEABROOK CUFFY: 152 CUFFY RD., ST. HELENA	Open: SUNDAY, TUESDAY, FRIDAY

ALL CENTERS OPEN 7:30 AM - 6:00 PM  
CLOSED WEDNESDAY + COUNTY HOLIDAYS

<sup>3</sup> The County closed two of eleven convenience centers in 2020.

money. In the first six months of the program, the County saw a 30 percent drop in volume received at the convenience centers resulting in a savings of \$290,000 compared to the previous year.

Figure 5-1 | Convenience Center Locations

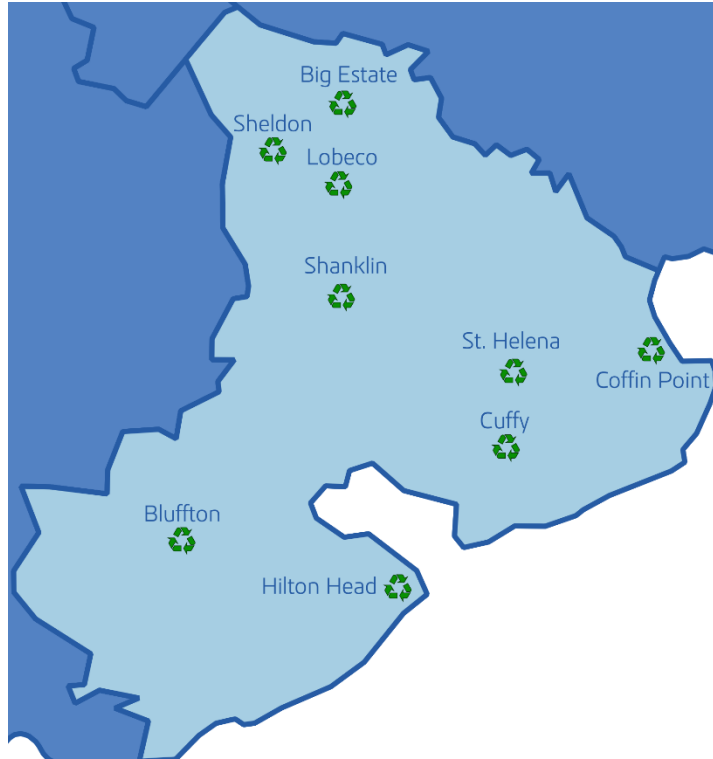


Table 5-1 | Convenience Centers Address and Operating Schedule

Convenience Center	Location	Days Open from 7:30am - 6:00pm
Hilton Head	District 3 26 Summit Dr., Hilton Head	Monday Tuesday Thursday Friday Saturday Sunday
Bluffton	District 4 104 Simmonsville Rd., Bluffton	
Shanklin	District 6 80 Shanklin Rd., Beaufort	
St. Helena	District 8 639 Sea Island Pkwy., St. Helena	
Big Estate	District 5 63 Big Estate Rd., Yemassee	
Lobeco	District 5 6 Keans Neck Rd., Seabrook	Monday Thursday Saturday
Coffin Point	District 8 10 Cee Rd., St. Helena	
Sheldon	District 5 208 Johnson Rd., Seabrook	Sunday Tuesday Friday
Cuffy	District 8 152 Cuffy Rd., St. Helena	

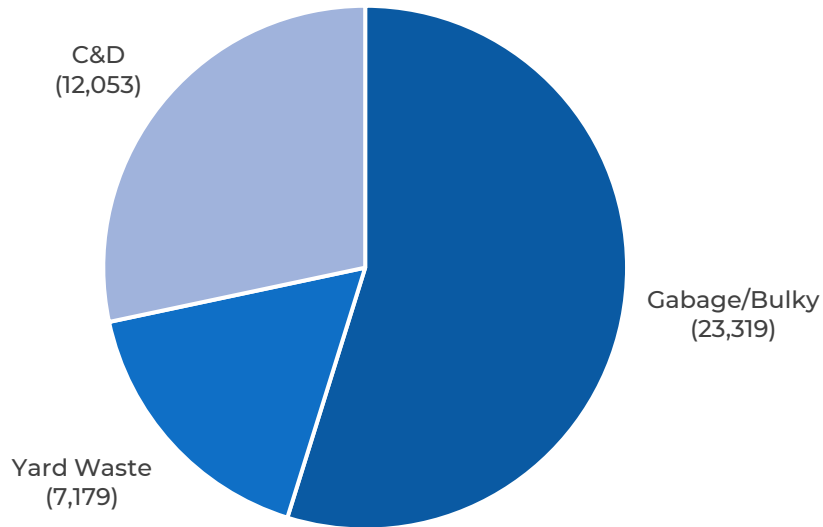
Source: Resident's Recycling & Waste Disposal Guide, 2021

Table 5-2 | Items Accepted at Convenience Centers, June 2021

	Hilton Head	Bluffton	Shanklin	St. Helena	Big Estate	Lobeco	Coffin Point	Sheldon	Cuffy
Residential solid waste	X	X	X	X	X	X	X	X	X
Yard waste	X	X	X	X	X	X	X	X	X
Bulky items	X	X	X	X	X	X	X	X	X
C&D Debris	X	X	X	X	X	X	X	X	X
Tires	X	X	X	X	X	X	X	X	X
Cooking Oil	X	X	X	X	X	X	X	X	X
Motor Oil and Filters	X	X	X	X	X	X	X	X	X
HHW <sup>1</sup>	X	X	X	X	X	X	X	X	X
Cardboard	X	X	X	X					
Mixed paper	X	X	X	X					
Containers <sup>2</sup>	X	X	X	X					
Film plastic	X	X	X	X					
Oil/gasoline mixture	X	X	X	X					
Appliances and scrap metal	X	X	X	X					
Farmer oil						X			
<sup>1</sup> Antifreeze, batteries, fluorescent bulbs, herbicides and pesticides, paints, stains, varnishes <sup>2</sup> Plastics #1 and #2, aluminum and steel, and glass containers.									

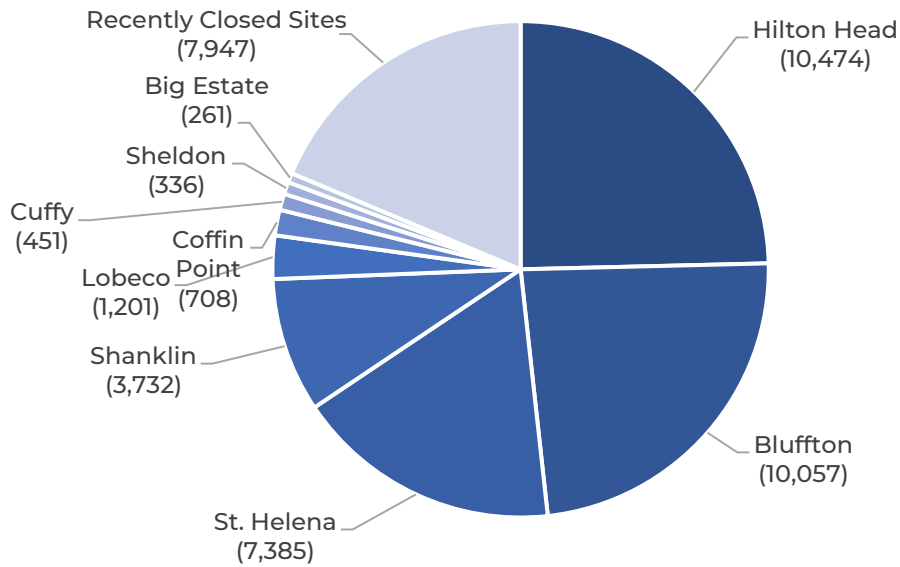
In FY20, nearly two million visits to the convenience centers were recorded. These visitors delivered 42,552 tons of waste for disposal. Most of this was residential solid waste and bulky items, as shown in Figure 5-2.

Figure 5-2 | Tons of Solid Waste, Bulky Waste, Yard Waste, and C&D Received at Convenience Centers, FY20



The number of visitors and the amount of material accepted varies tremendously by convenience center. Three convenience centers, Hilton Head, St. Helena, and Bluffton all received more than 1,200 visits per operating day, on average. Figure 5-3 shows that two of these convenience centers, Bluffton, and Hilton Head, accounted for nearly half of the tonnage received at the convenience centers in FY20.

Figure 5-3 | Tons Received by Convenience Center, FY20





## Curbside Collection

Curbside collection is provided to residents in the City of Beaufort and the Towns of Port Royal and Bluffton through municipal contracts with private waste haulers. The City of Beaufort has a curbside contract servicing 4,990 residential customers.<sup>4</sup> Residential solid waste, yard waste, and bulk items are picked up weekly. Commingled recyclables are collected every other week. Bulk items, furniture, and appliances (white goods) which cannot fit into the cart provided are picked up on an on-call basis by the Contractor.

The Town of Port Royal has a curbside contract servicing 2,832 customers.<sup>5</sup> Residential solid waste is collected weekly, while recyclables are collected every other week. The Town uses its own trucks and employees to collect yard waste and bulk items by request. Collected items are staged at the Public Works yard before being taken to the landfill.

The Town of Bluffton has a curbside contract servicing approximately 10,523 customers.<sup>6</sup> Residential solid waste is picked up once per week from 96-gallon carts. Recyclables are picked up every other week. Bulk items are picked upon request for \$25 per item. Residents are directed to take yard waste to convenience centers.

Elsewhere in the County, including in the Town of Hilton Head Island, individual residents or neighborhood associations contract with private waste haulers independent of the County or a municipality. Table 5-3 shows the number of households with curbside collection in each Solid Waste District as of June 2021 according to reports from haulers submitted to the County.

**Table 5-3 | Curbside Collection Customers, 2021**

Municipality	Number of Customers
District 1	4,985
District 2	2,839
District 3	25,094
District 4	10,476
District 5	0
District 6	3,748
District 7	4,408
District 8	2,041
District 9	8,086
<b>TOTAL</b>	<b>61,677</b>

Source: Monthly hauler reports submitted to County.

The County contracts for disposal of all residential waste collected in Beaufort County and pays the disposal facility the tipping fee for the tons reportedly received from residential sources each month. In FY20 a total of 45,924 tons of residential solid waste and bulky waste, yard waste, and C&D debris

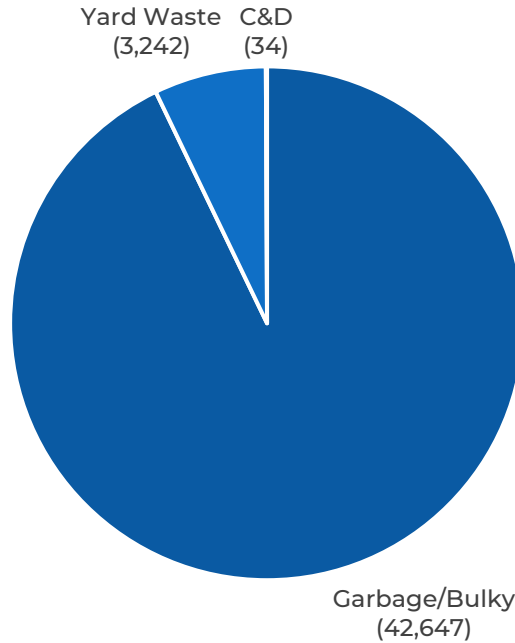
<sup>4</sup> Based on monthly reports submitted to County by haulers, March 2021. It should be noted that the haulers self-report these customer counts to the County, as required by ordinance, and that the numbers are likely to fluctuate monthly.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

was reportedly collected from residents in Beaufort County and delivered to a disposal facility. The breakdown is shown in Figure 5-4.

Figure 5-4 | Tons Collected Curbside from Residents FY20



### Non-Residential Collection

Commercial, industrial, and institutional waste is collected by private companies under separate agreements with the business or institution. The County does not pay for the disposal of non-residential waste.

### Litter and Illegal Dumping

The County employs Solid Waste Litter Enforcement officers and has authorized several other staff in the Solid Waste and Recycling Department to issue citations for violations of the County’s litter ordinance. In 2020, the Beaufort County Litter Crew responded to 220 litter complaints, cleaned 109 illegal dumpsites, and collected 160,000 pounds of litter. Beaufort County also has an active Adopt-a-Highway/Boat Landing program. In 2020, 3,267 volunteers collected 6,168 bags of litter totaling 92,790 pounds.

## 5.2 Recycling

### Collection of Recyclables

As described in Section 5.1, Beaufort County collects recyclables at convenience centers and the municipalities that contract for residential solid waste collection also contract for every other week curbside collection of recyclables. The City of Beaufort and the Town of Port Royal have provisions in their ordinances requiring residents to recycle while the Town of Hilton Head Island requires all

haulers offering curbside collection of residential solid waste to provide curbside collection of recyclables as well. Table 5-4 lists the materials collected for recycling at curbside according to each municipal contract.

**Table 5-4 | Recyclables Collection in Municipal Curbside Contracts**

Municipality	Accepted Recyclables for Curbside Collection
City of Beaufort	Aluminum cans Glass (brown, green, clear) Paper (newspaper and inserts) Plastic bottles and jugs (#1 and clear #2) Steel cans
Town of Bluffton	Aluminum cans Cardboard Glass bottles and jars (brown, green, clear) Paper (magazines, newspaper and inserts and catalogs) Paperboard (cereal boxes, shoe boxes) Plastic bottles, jars, and jugs (#1 - #7) Steel cans
Town of Port Royal	Aluminum (cans, foil, pie pans) Cardboard Glass bottles and jars (brown, green, clear, blue) Mixed paper (magazines, newspaper and inserts and catalogs, brown bags, unwanted mail, office/notebook paper) Paperboard (cereal boxes, shoe boxes) Plastic bottles, jars, and jugs (#1 - #7) Steel cans Telephone books

Other examples of reduction and recycling programs throughout the County include the following.

- The Town of Hilton Head offers Christmas tree grinding stations, which offers mulch to any resident or business.
- The City of Beaufort provides two cardboard collection sites for commercial businesses.
- Oyster shells are collected for recycling (into new reefs) at seven drop-off sites throughout the County: Beaufort County Public Works, Coastal Discovery Museum, H. E. Trask Sr. Boat Landing, Sands Beach Boat Landing, Edgar Glenn Boat Landing, Huntington Island, and St. Helena Island.
- In the Town of Hilton Head, Second Helpings redistributes grocery store food to food pantries and other food justice organizations.



In FY20, a total of 30,102 tons of material were reportedly diverted from MSW through these residential recycling programs and through commercial, institutional, and industrial programs. This is equivalent to an MSW recycling rate of 18.73 percent, as shown in Table 5-5.

**Table 5-5 | Tons Recycled from MSW and Recycling Rate, FY20**

	Residential	Commercial/ Institutional	Industrial (Office/Packaging)	Total
Glass	921.35	3.29	0	924.64
Metal	124.05	732.07	141.81	997.93
Paper	3,016.12	6,207.74	169.79	9,393.65
Plastic	449.30	120.82	0	570.12
Commingled	4,598.19	38.59	0	4,636.78
Organics	6,898.5	257.57	0	7,156.07
Banned Items	2,776.16	503.69	8.20	3,288.05
Miscellaneous	422.57	2,702.16	10.06	3,134.79
<b>TOTAL</b>	<b>19,206.24</b>	<b>10,565.93</b>	<b>329.86</b>	<b>30,102.03</b>
<b>MSW Disposed</b>				<b>130,652.70</b>
<b>MSW RECYCLING RATE</b>				<b>18.73%</b>
Source: SC Solid Waste Management Annual Report of FY20. Tables 4.2, 4.4, 4.6, 4.8, 4.10, 4.11, 4.12, 4.13, and 5.5.				

### Processing and Marketing of Recyclables

In 2021, the County signed a two-year contract for transportation, processing, and marketing of recyclables collected at its convenience centers with three one-year extension options. Under this agreement, most of the paper and containers collected at the County’s convenience centers are delivered to a facility adjacent to Hickory Hill landfill in Jasper County for minimal processing and transfer to other recycling facilities. However, glass is delivered to Glass WRX SC, a local end user that incorporates glass into countertops, shower walls and other items for the construction industry.



The County bales some cardboard, including that collected from several commercial sites and the Shanklin and St. Helena convenience centers, and office paper collected from County offices at a facility located at Shanklin Road. From there, the County sends material directly to market.

Nearly all the yard waste collected at the convenience centers is delivered to South Coast Resources (formerly Evergreen) where it is processed and marketed as a component for fuels blending. South Coast Resources, located in Jasper County, is permitted as a C&D recycler.

Tires collected at the convenience centers are transported to Beaufort County’s Waste Tire Collection site which has a permitted storage limit of 2,900 tires. Tires collected at the Beaufort County Waste Tire Collection site are exported from the County to waste tire processing facilities. Most scrap tires generated in South Carolina are burned by permitted facilities to replace traditional fuel sources.



### 5.3 Disposal Locations Used by Beaufort County

Most of the solid waste generated in Beaufort County is disposed at the Hickory Hill Landfill, owned and operated by Waste Management. This landfill, located in Jasper County, reportedly received 148,030 tons from Beaufort County in FY20. Three other landfills, Anderson Regional Landfill in Anderson County, Oakridge Landfill in Dorchester County, and Richland Landfill in Richland County reportedly received a combined total of 342 tons from Beaufort County in FY20.

In FY20, the Hickory Hill landfill received a total of 201,972 tons from all sources for disposal, 73 percent of it from Beaufort County. With an estimated remaining capacity of two million tons at the end of FY20, Hickory Hill was projected to be full in 10.4 years at the current disposal rate and in 6.9 years at the permitted annual disposal rate at that time.<sup>7</sup> If these projections remain consistent, the permitted capacity at Hickory Hill Landfill could be filled as early as 2027. In 2021, Waste Management submitted an application to the State Department of Health and Environmental Control for an expansion which would extend the life of the Hickory Hill landfill. At the time this Plan was prepared, a permit for this landfill expansion had not been granted yet.

Beaufort County’s C&D Debris and some land clearing debris (that is not diverted to South Coast Resources for use as a fuel blend as described above) is disposed at Oakwood Landfill, a privately owned and operated landfill in Jasper County. Oakwood landfill had 20 years of remaining capacity at the end of FY20.<sup>8</sup>

### 5.4 Processing and Disposal Facilities Located in Beaufort County

#### Landfills

<sup>7</sup> Table 6.9: Class 3 Landfills Remaining Capacity & Disposal in Tons, South Carolina Solid Waste Management Annual Report Fiscal Year 2020

<sup>8</sup> Table 6.13: Class 2 Landfill Disposal and Estimated Remaining Life in FY20, South Carolina Solid Waste Management Annual Report for Fiscal Year 2020.

The only operating landfill located in Beaufort County is Barnwell Resources Inc., a privately owned and operated Class 2 landfill located at 490 Brickyard Point Road. This facility is permitted to accept 156,000 tons per year and reportedly received 70,521 tons in FY20. In FY20, DHEC reported this landfill had 40 years of remaining capacity. In addition, DHEC identifies three closed landfills in the County landfills and one Bluffton landfill on its site list. There are no operating Class 1 or Class 3 landfills located within the County.

### Transfer Stations

Solid waste transfer stations are where solid waste is taken from collection vehicles and placed in transfer trailers for shipment to a solid waste disposal facility. At the time of writing, the following transfer stations were permitted in Beaufort County according to the South Carolina Solid Waste Management Annual Report for Fiscal Year 2020.

1. Haig Point Transfer Station, located on Daufuskie Island, is permitted to accept up to 15 tons per day of Class 3 waste and received 251 tons in FY20.<sup>9</sup>
2. The Melrose Transfer Station, also located on Daufuskie Island, is permitted to accept up to 15 tons per day of Class 3 waste and received 336 tons in FY20.<sup>10</sup>
3. ArborNature Transfer Station, located on Hilton Head Island, received a permit in March 2020 to accept 240 tons per day of Class 2 waste.<sup>11</sup>



### Incinerators

There are three permitted air curtain incinerators located in Beaufort County according to the South Carolina Solid Waste Management Annual Report for Fiscal Year 2020.

1. Ulmer Brothers Air Curtain Incinerator, located in the Town of Bluffton, has a maximum storage limit of 500 tons per day and received 10,727 tons in FY20.<sup>12</sup>
2. Haig Point Club Air Curtain Incinerator, located at the Haig Point Transfer Station on Daufuskie Island, has a maximum storage limit of 700 cubic yards and received a total of 343 tons in FY20.<sup>13</sup>

<sup>9</sup> Table 7.2: Permitted Solid Waste Transfer Stations in FY20, South Carolina Solid Waste Management Annual Report for FY20.

<sup>10</sup> Ibid.

<sup>11</sup> Approved Permit No. TRAN-00036, DHEC Bureau of Land and Waste Management 2021.

<sup>12</sup> Table 7.5: Permitted Incinerators in FY20, South Carolina Solid Waste Management Annual Report for Fiscal Year 2020.

<sup>13</sup> Ibid.



- Oliver's Clean Burn Air Curtain Incinerator, located in the City of Beaufort, is permitted for a maximum storage capacity of 1,620 cubic yards and received 215 tons in FY20.<sup>14</sup>

### Other Permitted Solid Waste Processing Facilities

In addition to the facilities listed above, Pro Disposal Bay Pines, a C&D processing facility located in Beaufort County, is permitted to accept 127,750 tons each year. In FY20, it received 10,890 tons.

## 5.5 Education and Public Involvement

### County Programs

Beaufort County's solid waste and recycling website ([www.beaufortcountysc.gov/solid-waste-and-recycle](http://www.beaufortcountysc.gov/solid-waste-and-recycle)) features comprehensive information about recycling and waste management programs throughout the County, including:

- details about convenience center locations, hours, and accepted materials;
- link to an application for a convenience center decal;
- information regarding special collection events;
- description and contact information for recycling and solid waste collection in each municipality;
- contact information for private haulers serving residents in the unincorporated County; and
- a link to Chapter 62 of the municipal code.



Much of this information is compiled in a user-friendly “Resident's Recycling & Waste Disposal Guide,” which also is posted to the County's social media sites. Updated posts about solid waste and recycling programs and events are also readily available on the County's social media, including Facebook, Twitter, Instagram, etc.

Beaufort County Solid Waste and Recycling offers solid waste and recycling environmental education programs to schools and civic groups at no cost. In addition to offering a variety of educational workshops, they aid with grant writing and event design.

### Keep Beaufort County Beautiful

Keep Beaufort County Beautiful (KBCB), a local Keep America Beautiful affiliate, leads education and outreach efforts for Beaufort County's waste reduction, litter abatement, and beautification programs. Originally founded in 1986 as a non-profit, the KBCB Board was established as a board of the County Council in 2018. The KBCB Board is comprised of one member from each County Council District.

<sup>14</sup> Ibid.

Much of the organization’s funding is included in the County budget and approved by County Council. KBCB activities include the following.

- Conducting and promoting continuing education programs.
- Running beautification projects, such as the recent Fall Clean-up.
- Applying for grants from other organizations to promote their mission.
- Maintaining contact and coordination with Palmetto Pride and Adopt-A-Highway.
- Taking advantage of Keep America Beautiful affiliation by attending the KAB Conference and applying for grants.

### Municipal Programs

Each of the municipalities also provides information about their solid waste management and recycling programs, as well as the County’s programs and events, through printed materials, on their websites, and through social media. Those with municipal contracts for collection require contractors to distribute information about their curbside collection programs as well. Some specific examples of the municipalities’ education and involvement programs are listed below.

- The City of Beaufort’s website links to the Contactor-provided information about garbage, recyclable, yard waste, and bulk items collection for residents and the businesses that choose to use the cart service.
- The Town of Bluffton’s curbside collection contract requires the contractor to provide educational materials to residential accounts each quarter. These materials are incorporated on the Town’s social media sites and in press releases. New accounts are provided information upon receipt of their waste and recycling carts.
- The Town of Port Royal distributes a newsletter of happenings and notices every Monday. It advertises collection days and publicizes updates regarding the Town’s solid waste system.
- The Town of Hilton Head Island maintains waste reduction, waste collection, and recycling advice for residents on their website. The website also features extensive information on the benefits and details of sustainable living.

## 5.6 Funding

Beaufort County’s FY20 Full Cost Disclosure Report submitted to DHEC shows a net annual cost of \$8,521,369 for solid waste management, as shown in Table 5-6. The most significant solid waste management costs to the County are operation of the convenience centers and the disposal of residential solid waste generated within the County.



**Table 5-6 | Beaufort County Solid Waste Management Costs, FY20**

	Net Annual Cost	Cost Per Capita
<b>Solid Waste Collection</b>	\$3,951,433	\$20.57
<b>Solid Waste Disposal</b>	\$3,548,582	\$18.47
<b>Recycling/Composting</b>	\$1,021,355	\$5.32
<b>Other Solid Waste Activities</b>	\$0	\$0.00
<b>TOTAL</b>	<b>\$8,521,369</b>	<b>\$44.35</b>
Source: Solid Waste Management Services Full Cost Disclosure Report Fiscal Year 2020 from Beaufort County Government		

The County's solid waste management costs are covered through a millage rate on the property tax bill, set each year based on the solid waste and recycling budget approved by the County Council. In 2020, the County established an Enterprise Fund to support this budget whereby the funds collected from the approved millage rate is deposited into the Enterprise Fund and operating expenses are paid from the Enterprise Fund.

Municipalities providing their citizens curbside collection through a contract with a private hauler charge residents for collection service and pay the contractor directly. The City of Beaufort and the Town of Port Royal bill residents for this service via the water bill. The Town of Bluffton incorporates the cost of collection into its property tax.

## 6 Goals and Strategies

### 6.1 Overview of Goals

Beaufort County has established five overarching goals for solid waste reduction and management over the next twenty years, shown in Table 6-1.

**Table 6-1 | Solid Waste Management Goals, 2022-2041**

Goal 1: Progress towards State MSW disposal and recycling goals
Goal 2: Divert items banned from landfill
Goal 3: Secure disposal capacity
Goal 4: Transition to curbside collection for residents
Goal 5: Consider user fees for funding certain activities

This Section describes each goal and the County’s strategies to achieve them.

### 6.2 Goal 1: Progress Toward State Disposal and Recycling Goals

The State of South Carolina has established long-term goals to:

- Recycle at least 40 percent of its MSW; and
- Reduce MSW disposed to 3.25 pounds per person per day.

Beaufort County shares these goals locally in support of a long-term zero waste initiative. In FY20, the County reported 18.73 percent of MSW was recycled and an average of 3.73 pounds per person per day of MSW was disposed. Beaufort County will continue progress towards recycling and reduction goals through existing programs and facilities described in Section 5 and through additional programs and facilities described below.

#### Strategies

Beaufort County and its municipalities will continue to expand opportunities for residents to recycle. The County will continue to collect recyclables at convenience centers, other drop-off locations (e.g., for oyster shells), and at special events. The City of Beaufort and the Towns of Bluffton and Port Royal will continue to offer recycling to their residents through a contractor. The Town of Hilton Head Island will continue to require haulers offering residential solid waste collection to offer recycling to their customers. If residents in the Town of Hilton Head are provided town-wide residential solid waste collection in the future, recycling will be included as well.

***Related Strategies from Envision Beaufort County-2040 Comprehensive Plan***

- Continue effort to form alliances with neighboring counties to develop alternative methods for waste disposal and recycling.
- Initiate the placement of a transfer station and a Material Recovery Facility (MRF) in Beaufort County to provide an alternative to disposal and recycling at the Hickory Hill Landfill and MRF.

Beaufort County will expand the number of cardboard collection sites available to commercial and institutional generators. The County will continue to offer technical assistance to businesses in the County that want to begin or expand recycling programs.

In the short-term, Beaufort County will continue to rely on private processors and end users to handle recyclables collected at convenience centers and elsewhere under the auspices of the County.<sup>15</sup> In the first several years of the planning period, Beaufort County plans to develop a materials recycling facility that will process source separated and single-stream materials collected from residents at convenience centers and possibly from local businesses, haulers, and neighboring communities. If a County recyclable materials recycling facility is not operating by the time the current processing contract expires, the County will continue to contract for processing and marketing of recyclable materials collected at convenience centers.

The materials recycling facility may be sited on existing County property or at a comprehensive Sustainability Campus designed to achieve reduction, recycling, and solid waste management goals more broadly. Other recycling and waste reduction facilities being considered for a Sustainability Campus include an organics diversion facility and a permanent collection and aggregation location for electronic waste, tires, household hazardous waste, and other materials that are banned from or difficult to handle at disposal facilities. In 2021, the County's consultant recommended several sites for the Sustainability Campus which could accommodate these facilities. The development of the Sustainability Campus would be funded, in part, through a \$1.9 million General Obligation Bond. Additional funds have been requested in the preliminary capital budget for FY23 through FY25.

Throughout the planning period, the County will continue to encourage waste reduction and recycling through school programs, presentations to civic groups, social media, the County's web site and social media accounts, newsletters, events, and other activities. Educational efforts will continue to be overseen by the Beaufort County recycling coordinator, whose duties are to plan, implement, and coordinate comprehensive management systems to maximize waste prevention, reuse, and recycling opportunities.

The Solid Waste and Recycling Board will continue to advise County Council on appropriate levels of public solid waste management services for residents, businesses, and governmental entities within Beaufort County; to recommend appropriate funding levels for provision of these services; and to support and promote source reduction, recycling and composting and other means of diverting and managing the solid waste stream within Beaufort County.

### 6.3 Goal 2: Divert Items Banned from Landfill

The State of South Carolina bans yard trimmings, whole tires, white goods, lead acid batteries, used motor oil, and electronic waste from disposal in municipal solid waste landfills. Beaufort County diverts these and other items that may cause environmental or operational challenges when disposed in a landfill (e.g., cooking oil/grease, fluorescent bulbs, paint, rechargeable batteries, etc.). Beaufort County will continue these diversion programs and work to increase the type and amount of banned

<sup>15</sup> The County's current contract for collection, processing, and marketing of recyclables collected at convenience centers has an initial term through July 31, 2023, with three one-year extension options.

and difficult-to-handle items from disposal in the most environmentally and economically sustainable way

### Strategies

In the short term, the County will continue to collect yard trimmings (or Class 1 waste) at convenience centers and divert these materials from disposal in MSW landfills. The County is considering a mulching, composting, or other type of organics diversion facility, possibly at the Sustainability Campus under consideration. As the technology, potential partners, and markets for materials from organics processing evolve, the County will evaluate materials that could be handled at such a facility.

***Related Strategies from Envision Beaufort County 2040 Comprehensive Plan***

- Pursue recycling options for yard waste as an alternative to placement in a construction and demolition landfill or incineration.
- Expand options to help the public discard toxic items such as household hazardous waste that degrade water quality.

In addition to yard trimmings, the County will continue to collect banned and difficult-to-handle materials, such as tires, white goods, and household hazardous waste. at convenience centers and send to processors, markets, or appropriate disposal facilities depending on the material. Beaufort County is planning to add a second tire aggregation site to collect tires from external generators in addition to the convenience centers. The County will continue to collect appliances and scrap metal at the four busiest convenience centers and electronic waste at special events several times each year. The County’s Recycling Coordinator will continue to educate the public on why and how to properly recycle or dispose of these items.

Beaufort County is also planning to incorporate a permanent collection and aggregation site for these materials, including electronic waste, to collect, process, and divert from disposal as many of these materials as possible, and contract for proper disposal of the rest.

## 6.4 Goal 3: Secure Disposal Capacity

One of the County’s key solid waste management goals is to ensure disposal capacity exists for the solid waste requiring disposal from Beaufort County over next 20 years. As described in Section 5, the current permitted capacity at Hickory Hill Landfill, where most of Beaufort County’s Class 3 solid waste is disposed, could be full as early as 2027, although the operator has applied for an expansion which would extend the projected life. Given the distance to other Class 3 landfills, a transfer station is required to cost-effectively access any landfill other than Hickory Hill. Even if Hickory Hill expanded and had sufficient capacity to handle Beaufort County’s Class 3 waste, the County plans to ensure that more than one disposal option is available for disposal of the County’s solid waste in the long-term to ensure competitiveness.

## Strategies

In the short term, Beaufort County will continue to send Class 1 waste to South Coast Resources for use as a fuel blend. When an organics diversion facility becomes available, the County will divert as much Class 1 material as possible to this facility. Beaufort County will continue to dispose of Class 2 waste at Oakwood Landfill which is projected to have enough capacity to last through the end of the planning period.

Beaufort County will continue to send Class 3 waste to Hickory Hill, at least until July 1, 2025, under an agreement with the facility operator. Beaufort County will continue to follow the

status of the application to expand the capacity of Hickory Hill. In the meantime, the County will continue to pursue the development of a transfer station, possibly connected to a materials recycling facility. The County will continue discussions with surrounding counties regarding opportunities to share a transfer station and materials recycling facility.

Before the end of the current term of the contract with Hickory Hill, the County will secure disposal capacity beyond July 1, 2025, for Class 3 waste. If Beaufort County's planned transfer station is operating at that time, the County will contract for disposal of solid waste received there, possibly as part of a transfer station operating contract or as a separate hauling and disposal contract. If the transfer station is not yet operating and sufficient capacity remains at Hickory Hill at a competitive tipping fee, the County may continue to contract for direct haul of Class 3 waste from the convenience centers to this landfill.

## 6.5 Goal 4: Transition to Curbside Collection for Residents

As the County's population rapidly increases, the County will work to ensure that all residents in the more densely populated areas of the County have curbside collection of residential solid waste rather than rely on convenience centers (or illegal disposal) as their primary disposal option. To this end, the County Council passed a resolution to implement curbside collection of waste and recyclables in the unincorporated areas of the County, which encompasses solid waste districts 5, 6, 7, 8 and 9 in 2016 and issued a Request for Proposals for these services in 2018. However, in 2019, the Solid Waste and Recycling Board recommended that the Public Facilities Committee not pursue a contract at that time. The County will continue to evaluate the need to expand curbside collection to all residents in the more densely populated areas of the County and implement, as feasible, using the following strategies.

## Strategies

### **Related Strategies from Envision Beaufort County 2040 Comprehensive Plan**

- Design and implement a plan for provision of multiple disposal alternatives for the County.
- Continue effort to form alliances with neighboring counties to develop alternative methods for waste disposal and recycling.
- Initiate the placement of a transfer station and a Material Recovery Facility (MRF) in Beaufort County to provide an alternative to disposal and recycling at the Hickory Hill Landfill and MRF.

The County will work with the Town of Hilton Head Island to evaluate the need for a contract for residential curbside collection and the best approach to provide. In addition, Beaufort County will continue to explore the option of contracting for residential collection of solid waste and recyclables in the unincorporated areas of the County, most likely starting with Solid Waste Districts 6, 7, and 9. In the absence of contracting for collection directly, the County will continue to encourage residents to use existing haulers for curbside collection of solid waste and recyclables, either independently or through their neighborhood associations.

**Related Strategies from Envision Beaufort County 2040 Comprehensive Plan**

- Explore means of initiating mandated curbside pick-up for solid waste and recycling in Districts 6, 7, and 9, and encourage the Town of Hilton Head to provide or require curbside pick-up.
- Explore an exclusive franchise system, allowing haulers to bid on servicing an entire Solid Waste District or a designated area within the Solid Waste District if not feasible for one hauler to service the entire district. This will help to reduce costs for citizens and decrease truck traffic in residential neighborhoods.

The County will upgrade selected convenience centers to improve infrastructure (for example, paving and stormwater control) and to enhance safety and accessibility. In addition, the County may explore the use of automated entry systems using the recently implemented decal system.

As more residents transition to curbside collection, Beaufort County will modify the number, hours, purpose, and design of convenience centers accordingly. Some convenience centers may be repurposed to only accept recyclables and materials that are not easily collected at the curb, such as electronics, household hazardous materials, carpet, and other textiles. As the County makes these changes to residential solid waste collection, it will engage residents and inform residents of the reasons and schedule for changes.

## 6.6 Goal 5: Ensure Sustainable Funding

Beaufort County has historically funded its solid waste operations, including the cost to dispose of residential solid waste collected by municipalities and private haulers, through a millage on the property tax. In 2021, the Beaufort County Council voted to create a Solid Waste and Recycling Enterprise Fund to support these activities. In FY21, the Enterprise Fund is fully supported by a millage on property taxes.

### Strategies

Currently, the Solid Waste and Recycling Enterprise Fund covers projected operational costs but not capital costs. The County will budget for one-time capital costs as part of its capital improvement plan, including the cost to develop planned recycling and solid waste management facilities. In addition, the County will incorporate costs to maintain and replace capital facilities and equipment into the budget for its Solid Waste and Recycling Enterprise Fund.

Beaufort County will explore the possibility of generating at least some of the revenue for solid waste management from user fees, rather than solely from property tax millage so that citizens that benefit from a particular facility or service pay for it, rather than all taxpayers. For example, like residents with curbside collection pay a fee for this service, the County will evaluate the potential to charge residents

delivering solid waste to the convenience centers a fee to cover the cost of operating the convenience centers and disposing of solid waste collected there. The County will continue to fund solid waste and recycling costs that benefit all citizens of the County through property taxes. This may include public education and outreach, code enforcement, litter abatement, solid waste administration, planning and reporting, household hazardous waste collection, and recycling and waste reduction programs.

## 7 Action Plan

Table 7-1 identifies the actions that the County will take to achieve the five goals and implement the strategies described in Section 6. The action plan focuses on the first ten years of the planning period.

Beaufort County's action plan assumes the development of a materials recycling facility, transfer station, organics diversion facility, and aggregation site for materials that are banned or difficult to manage. In addition, the plan anticipates that most, if not all, residents in the County transition to curbside collection of solid waste by the end of the planning period. Finally, the action plan assumes the County will begin to charge user fees for some solid waste management costs rather than supporting them all with a millage on the property tax. These strategies are a significant change from current solid waste management system. Some require significant capital investment. Thus, Table 7-2 identifies actions that Beaufort County will take if these facilities are not developed, or activities are not implemented on the schedule anticipated as well as likely consequences.



Table 7-1 | Action Plan 2022 - 2041

	Responsible entity(ies)	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31-FY41
<b>Goal 1: Progress toward state reduction and recycling goals</b>											
<b><i>Strategy 1.1: Ensure convenient collection of recyclables from all residents.</i></b>											
Collect residential recyclables at convenience centers and other drop-off locations.	Beaufort County										
Provide curbside collection of recyclables from residents.	City of Beaufort, Bluffton, Port Royal										
Require residential haulers to offer recycling to their customers.	Town of Hilton Head Island										
Incorporate collection of recyclables in future residential solid waste collection contracts.	Beaufort County, municipalities										
Collect residential recyclables at newly developed recycling facility. <sup>1</sup>	Beaufort County										
<b><i>Strategy 1.2: Expand collection of recyclables from non-residential generators.</i></b>											
Add commercial cardboard collection sites.	Beaufort County										
Encourage businesses, institutions, and other non-residential generators to recycle and provide support needed.	Beaufort County, municipalities										
Collect commercial recyclables at newly developed recycling facility. <sup>1</sup>	Beaufort County										
<b><i>Strategy 1.3: Contract for processing and marketing of recyclables collected through County programs.</i></b>											
Contract for hauling, processing, and marketing of recyclables collected at convenience centers.	Beaufort County										
Bale cardboard and office paper at Shanklin Road baling facility.	Beaufort County										
<b><i>Strategy 1.4: Process and market recyclables at new materials recycling facility.</i></b>											
Identify site for recycling facility and acquire if not County-owned. <sup>2</sup>	Beaufort County										

	Responsible entity(ies)	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31-FY41
Develop conceptual plan for materials recycling facility. <sup>3</sup>	Beaufort County										
Design and construct materials recycling facility. <sup>1</sup>	Beaufort County										
Process recyclables collected at convenience center at new materials recycling facility. <sup>4,5</sup>	Beaufort County										
Process recyclables collected curbside at new materials recycling facility. <sup>4,5</sup>	Beaufort County										
Encourage other local governments and private haulers to deliver recyclables to materials recycling facility as capacity allows.	Beaufort County										
Periodically evaluate the potential to expand materials diverted at materials recycling facility, add materials and upgrade technology as feasible.	Beaufort County										
<b>Strategy 1.5: Educate residents, businesses, institutions, and visitors about opportunities to reduce waste and recycle.</b>											
Maintain and update information on websites and social media, newsletters, and other printed materials.	Beaufort County, municipalities, KBCB										
Make presentations to students, civic groups, and at events about the reasons and opportunities to reduce, reuse and recycling.	Beaufort County, municipalities, KBCB										
Work with collection contractors to update customers on recycling and solid waste services provided.	Municipalities										
Offer tours (online and in person) of recycling and solid waste facilities as they are developed and operated.	Beaufort County										
<b>Goal 2: Divert items banned from landfill.</b>											
<b>Strategy 2.1: Divert organics.</b>											
Continue to deliver Class 1 waste to recycling or appropriate disposal facilities.	Beaufort County										
Develop conceptual plan for organics diversion facility. <sup>3</sup>	Beaufort County										

	Responsible entity(ies)	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31-FY41
Design, and develop organics diversion facility, possibly in conjunction with other diversion facilities at a proposed Sustainability Campus. <sup>1</sup>	Beaufort County										
Operate organics diversion facility. <sup>5</sup>	Beaufort County										
Periodically evaluate the potential to expand organics diverted, add materials and upgrade technology as feasible.	Beaufort County										
<b>Strategy 2.2: Divert household hazardous waste, e-waste, and other banned and hard-to-recycle materials from disposal.</b>											
Continue to collect tires, household hazardous waste and other banned items at convenience centers.	Beaufort County										
Collect electronic waste at special events.	Beaufort County										
Add another tire aggregation site. <sup>1</sup>	Beaufort County										
Upgrade white goods aggregation site and relocate, possibly at proposed Sustainability Campus. <sup>1</sup>	Beaufort County										
Collect/aggregate banned items at designated location, possibly at proposed Sustainability Campus and process/market. <sup>1</sup>	Beaufort County										
<b>Goal 3: Secure disposal capacity.</b>											
<b>Strategy 3.1: Continue to dispose of collected Class 3 solid waste at Hickory Hill.</b>											
Send Class 3 waste from convenience centers to Hickory Hill under current contract terms.	Beaufort County										
Track progress of Hickory Hill's proposed expansion.	Beaufort County										
<b>Strategy 3.2: Develop and operate transfer station.</b>											
Meet with surrounding counties to discuss opportunities to collaborate on transfer station(s) and other facilities.	Beaufort County										
Develop conceptual plan for transfer station. <sup>3</sup>	Beaufort County										

	Responsible entity(ies)	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31-FY41
Identify site at for transfer station, possibly in conjunction with diversion facilities at a Sustainability Campus. <sup>2</sup>	Beaufort County										
Design transfer station. <sup>1</sup>	Beaufort County										
Permit transfer station.	Beaufort County										
Construct transfer station. <sup>1</sup>	Beaufort County										
Procure disposal capacity at landfill for solid waste from transfer station.	Beaufort County										
Operate transfer station. <sup>5,6</sup>	Beaufort County										
<b>Goal 4: Transition to curbside collection for residents.</b>											
<b>Strategy 4.1: Shift to curbside collection in more densely populated areas.</b>											
Evaluate the potential to contract for residential curbside collection in the Town of Hilton Head Island and implement if feasible.	Beaufort County, Town of Hilton Head Island										
Evaluate contracting for residential curbside collection in more densely populated solid waste districts and implement when feasible.	Beaufort County										
In solid waste districts with no contract for collection, encourage residents to retain hauler for curbside collection.	Beaufort County										
<b>Strategy 4.2: Optimize the number and operation of convenience centers.</b>											
Reduce the hours and materials accepted at convenience centers as residents shift to curbside collection.	Beaufort County										
Upgrade remaining convenience centers to comply with stormwater requirements, improve safety and accessibility, etc. <sup>1</sup>	Beaufort County										
Install automated gates at remaining convenience centers. <sup>1</sup>	Beaufort County										
<b>Strategy 4.3: Engage and inform residents of their collection options.</b>											

	Responsible entity(ies)	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31-FY41
Provide residents with advance notice and clear information when shifting to curbside collection.	Beaufort County										
Provide residents with notice of changes in the location, hours, or materials accepted at convenience centers.	Beaufort County										
Continue to require decals for those using convenience centers, educating generators that are not eligible for decals on proper ways to dispose of solid waste.	Beaufort County										
Continuously educate residents, businesses, and visitors about littering and illegal disposal laws and enforce consistently.	Beaufort County										
<b>Goal 5: Ensure sustainable funding.</b>											
<b>Strategy 5.1: Ensure funds are available to cover capital costs.</b>											
Apply approved GO Bond to develop site for recycling and solid waste facilities, possibly at proposed Sustainability Campus.	Beaufort County										
Allocate capital funds to acquire and develop site and facilities for recycling and solid waste facilities, possibly at proposed Sustainability Campus.	Beaufort County										
Incorporate funds for equipment replacement in Solid Waste Enterprise Fund budget.	Beaufort County										
<b>Strategy 5.2: Consider user fees to cover some solid waste management services and facilities.</b>											
Support solid waste management costs through Enterprise Fund.	Beaufort County										
Periodically analyze the full cost of each solid waste service and facility provided by County.	Beaufort County										
Determine which facilities and services should be funded through user fees rather than property taxes. <sup>7</sup>	Beaufort County										
Charge facility or service users fee to cover the costs identified as appropriate for user fees.	Beaufort County										

	Responsible entity(ies)	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31-FY41
Inform and educate residents about costs associated with solid waste management, associated fees, and the reasons for changes.	Beaufort County										
<p>1 Assuming capital budget for FY23 through FY25 is approved (as requested December 2021).                  2 \$1.9 million General Obligation Bond allocated for this purpose.                  3 Includes identifying tons, type, and source of materials, technology to be used, cost estimates and funding sources, respective roles of public and private sector, etc.                  4 If a County Materials Recycling Facility is not operating as scheduled, the County will continue to contract with a private company to accept, process and market recyclables.                  5 Either county-operated or operated by a contractor hired by the County                  6 If County Transfer Station is not operating as scheduled, the County will enter into new contract for disposal of solid waste collected at convenience centers.                  7 For example, tipping for use of the transfer station, recycling facility, etc.; charge for decals to use the convenience centers, etc.</p>											

Table 7-2 | Alternatives to Key Strategies

Planned Strategy	Alternatives	Consequences
<p>County develops materials recycling facility, possibly at Sustainability Campus.</p>	<p>County continues to contract with private firm to haul, process, and market recyclables from convenience centers.</p> <p>County develops a small-scale processing facility (mini-MRF) on County-owned property (Public Works South) to accept, sort and bale recyclables collected at the Beaufort County convenience centers located in the southern portion of the County.</p> <p>County contracts with a private company to develop and operate a materials recycling facility to accept Beaufort County recyclables. Contractor sites, permits, constructs, and operates. County commits to deliver tons collected.</p>	<p>County has limited control over what and how materials are recycled and associated costs.</p> <p>The cost per ton is likely to continue to increase.</p> <p>The County may have difficulty achieving recycling and waste reduction goals.</p>
<p>County develops organics diversion facility, possibly at Sustainability Campus.</p>	<p>County will continue to contract with private firm to accept and process Class 1 waste from convenience centers.</p>	<p>County has limited control over what and how organics are diverted and associated costs.</p> <p>The County may have difficulty achieving recycling and waste reduction goals and diverting yard trimmings from landfill.</p>
<p>County develops location for aggregating banned and difficult to handle materials, possibly at Sustainability Campus.</p>	<p>County will collect tires and household hazardous waste at convenience centers and contract for pick-up, processing, recycling, or disposal.</p> <p>County will limit collection to periodic events.</p>	<p>County has limited control over which banned items are accepted, how they are managed, and at what costs.</p>
<p>County develops transfer station.</p>	<p>County contracts with private company to accept solid waste at independently developed landfill or transfer station.</p> <p>County contracts with a private company to develop and operate a transfer station to accept Beaufort County waste. County commits to deliver tons collected.</p>	<p>County will have limited control over where municipal solid waste is disposed and the associated cost.</p> <p>It may be difficult to secure capacity for Class 3 waste once Hickory Hill reaches capacity without a transfer station.</p> <p>The cost per ton is likely to continue to increase.</p>

Planned Strategy	Alternatives	Consequences
<p>County transitions all residents to curbside collection.</p>	<p>Some residents in the unincorporated County and in the Town of Hilton Head Island will continue to use the convenience centers as their primary disposal option.</p> <p>Residents or neighborhood associations will choose from multiple haulers if they want curbside collection.</p>	<p>Traffic at the convenience centers is likely to increase as the population increases.</p> <p>Operating costs at convenience centers are likely to increase.</p> <p>The level and fees for curbside services across the County will vary.</p>
<p>County implements user fees for some solid waste services and facilities.</p>	<p>All services and facilities continue to be funded through millage on property taxes.</p>	<p>Taxpayers will continue to pay for services or facilities only some use.</p> <p>Millage assigned to solid waste will increase to cover the cost of new facilities and services.</p>



APPENDIX A

CHAPTER 62

BEAUFORT COUNTY MUNICIPAL CODE

## Chapter 62 - SOLID WASTE<sup>[1]</sup>

### Footnotes:

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**Editor's note**— [Ord. No. 2007/37](#), adopted Oct. 22, 2007, amended Ch. 62 in its entirety to read as herein set out. Former Ch. 62 consisted of §§ 62-1—62-68, pertained to similar subject matter and derived from the 1982 Code; Ord. No. 064-94, adopted Sept. 6, 1994; an ordinance adopted Nov. 9, 1998; and Ord. No. 006-02HR, adopted Mar. 19, 2002.

**Cross reference**— Environment, ch. 38; trash and litter control, § 38-26 et seq.; littering or dumping of refuse in rivers, creeks, canals and ditches, § 38-35; health and sanitation, ch. 46; buildings and building regulations, ch. 74; manufactured homes and trailers, ch. 86; littering at Bluffton dock, § 102-66; waste disposal facilities, § 106-1367.

## ARTICLE I. - IN GENERAL

### Sec. 62-1. - Establish and administration of solid waste and recycling enterprise system.

(a) There is hereby created the "solid waste and recycling enterprise system" of the county. The solid waste and recycling enterprise system shall be operated as an administrative division of the county under the responsibility of the Beaufort County Director of Solid Waste and Recycling. The county administrator and the director of solid waste and recycling are authorized to (i) establish and organize the county's solid waste and recycling facilities as necessary for their useful and efficient operation, (ii) to establish necessary procedures, policies and guidelines for the use of the county's solid waste and recycling facilities, and (iii) to recommend appropriate millage or fee and rate schedules for consideration and approval by county council, including any appropriate exemptions. Any millage, fee, charge or rate recommendations shall be based upon considerations that the county's solid waste and recycling enterprise system will be self-supporting, and adequately funded by all users and classes of users. Fees, charges, and rates shall not be charged to commercial or industrial users as they do not presently and directly benefit from the solid waste and recycling disposal services provided by the county; provided, however, fees, rates, and charges may be charged to all or a portion of such classes of users should such users directly benefit from county solid waste and recycling services in future periods. The county administrator and the director of solid waste and recycling are further directed to keep county council advised as to the progress in accomplishing these requirements.

(b) These provisions shall be applicable within the county and all county-owned solid waste and recycling facilities.

In addition to solid waste and recycling disposal services, other solid waste and recycling services may be provided within the county. Such other solid waste and recycling services may be provided within the corporate limits of a municipality in the county by contract with an individual, corporation or municipal governing body in the event (1) the municipality is not providing such services and has not budgeted or applied for funds for such services, or (2)

permission of the municipal governing body has been obtained in connection with the provision of such services; otherwise, the county shall not render such services within such municipality.

The county finds, after due investigation, that the solid waste and recycling enterprise system programs, presently consisting of solid waste and recycling disposal, do not conflict, or compete in any way, with the solid waste and recycling services of the municipalities within the county and are entirely complementary thereof and separate therefrom. To the extent that a municipality engages in solid waste disposal, the county shall not engage in such service within such municipality, and appropriate fee exemptions, if necessary, shall be implemented.

The director of solid waste and recycling may request assistance from the various departments and other officials of the county or municipalities, as may be necessary for the orderly implementation of this chapter. Agreements, including any intergovernmental agreements with municipalities within the county, necessary or desirable and regulations promulgated to carry out this chapter are authorized and shall be subject to prior review and approval of county council.

( [Ord. No. 2007/37, 10-22-2007](#) ; [Ord. No. 2020/19, § 2.A, 6-8-2020](#) ; [Ord. No. 2021/24, § 2.A, 5-24-2021](#) )

## **Sec. 62-2. - Authority.**

- (a) *Authority and purpose.* Beaufort County ("the county") shall provide for the management, collection and disposal of solid waste. The landfills are established pursuant to the authority conferred by S.C. Code 1976, §§ 44-55-1010 through 44-55-1060, as amended, S.C. Code 1976, §44-1-140(11), as amended, and Section [9](#), Part II, Act No. 410 of 1971 also South Carolina Regulation PC-SW-2, and for the public health, welfare and safety of the citizens of the county. The rules and regulations herein are adopted along with all other South Carolina department of health and environmental control rules and regulations. All recycling and solid waste activities not in the county system shall coordinate with the county for the purpose of assisting the county with achievement of established state diversion and recycling goals.
- (b) *General.* [Section 9](#) of the General Appropriations Act (Act No. 410) South Carolina Solid Waste Management and Policy Act of 1991, assigns the South Carolina State Board of Health as "the agency over these matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse . . ." Improper storage, collection and transportation systems create health hazards, odors, impair the aesthetic appearance of the State, encourage wild and domestic animal feeding and exposes residents to undue risks. Section 44-96-20 of the South Carolina Solid Waste Management and Policy Act of 1991, establishes goals for solid waste diversion from municipal solid waste (MSW) landfills and recycling on a statewide basis, and confer upon counties the responsibility for establishing solid waste management plans, including ordinances, policies

and regulations, which support the achievement of the established waste reduction goal to reduce the amount of MSW disposed of to three and one-half pounds per/person/day and the 35-percent statewide recycling goal by 2005.

(c) In addition to the foregoing authority, purposes, and general matters, the county finds the solid waste and recycling enterprise system shall subserve the following additional purposes:

(1) To promote the public health, safety and welfare;

(2) To ensure that solid waste is transported, stored, treated, processed and disposed of in a manner adequate to protect human health, safety and welfare and the environment;

(3) To promote the reduction, recycling, reuse and treatment of solid waste and the recycling of materials which would otherwise be disposed of as solid waste;

(4) To provide an efficient method for the collection, transportation, storage, handling, treatment, reduction, recycling, reuse and disposal of solid waste in the county through the establishment, construction and operation of solid waste collection sites and other facilities for the use and benefit of residents of the county and other municipalities, entities or persons who contract for the use of county facilities for the collection of permitted solid waste in accordance with county ordinances and regulations; and

(5) To protect and preserve the quality of the environment and to conserve and recycle natural resources.

( [Ord. No. 2007/37, 10-22-2007](#) ; [Ord. No. 2020/19, § 2.B, 6-8-2020](#) ; [Ord. No. 2021/24, § 2.B, 5-24-2021](#) )

### **Sec. 62-3. - Definitions.**

For the purpose of this chapter, any definitions contained herein shall apply unless specifically stated. In addition to the definitions contained in this chapter, the articles of this chapter adopt by reference the definition of terms (to the extent they are not inconsistent with definitions specifically contained herein) defined in the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code § 44-96-10, et seq. and in any regulations promulgated pursuant thereto. Any term not specifically defined shall be construed pursuant to its plain and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" is always mandatory and not merely discretionary.

*Agricultural operation:* Raising, harvesting, or storing crops or feed, breeding or managing livestock, including the preparation of the products raised thereon for human use and disposed of by marketing or other means. It includes, but is not limited to, agriculture, grazing, horticulture, forestry, and dairy farming.

*Apartment:* Any building containing more than four contiguous dwelling units or any group of buildings or mobile homes located on a single lot that contains a total of six or more dwelling units owned by the same person.

*Backyard composting:* The on-site composting of yard waste by the owner or tenant for nonrevenue generating use when all materials are generated and composted on-site.

*Bulk container:* A manufactured container suitable for emptying by mechanical equipment that has been approved by the director.

*Bulky items:* Household furniture, electronic appliances such as televisions, stereos, lawn mowers, door and window screens, swing sets, over-sized children's toys, metal tables and chairs, grills, yard furniture, wading pools, or other items generated by a household as part of its solid waste.

*Code:* The Code of Ordinances of Beaufort County, South Carolina.

*Collector/hauler:* Any individual, business, or municipal organization which collects solid waste or recyclable material commercially or as a public service and transports it to a permitted solid waste facility, landfill or recycling center.

*Combined waste stream:* The aggregate waste stream of all tenants or occupants of a business property or complex.

*Commercial establishment:* Any hotel, motel, apartment, rooming house, business, industrial, public or semipublic establishment of any nature.

*Commercial waste:* solid waste (including unrecovered recyclable materials) generated by industrial, commercial or business activities. This includes solid waste generated within multifamily residences and all solid waste placed in public receptacles on public streets, parks and playgrounds, beaches and other public places (excluding industrial waste as defined herein).

*Compost:* Humus-like end product of the process of composting waste.

*Composting:* The process of making compost.

*Composting facility:* Any facility used in the composting of yard waste and land-clearing debris and/or chipped untreated wood waste, thereby providing aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

*Construction:* Any physical modification to the site at which a potential or proposed solid waste management facility is to be located including, but not limited to, site preparation, clearing, grading, excavation, construction of buildings, installation of liners, etc.

*Construction and demolition debris:* Any discarded solid wastes resulting from construction, remodeling, repair, and demolition of structures, and road construction. The wastes include, but are not limited to, bricks, concrete, other masonry materials, lumber, road spoils, and paving materials, but do not include solid waste from agricultural operations.

*Contractor:* The person that has entered into a contract with the county to perform solid waste collection. See also "Franchise collector."

*County:* Beaufort County, South Carolina.

*County administrator:* The Beaufort County Administrator or his/her designated agent.

*County council:* The governing body of Beaufort County, South Carolina.

*Convenience center:* Any county authorized site designated for collection of residential solid waste, yard waste, bulky items, waste oil and other designated solid waste or recyclable materials. Convenience centers are intended as MSW collection sites for residential generated MSW generated within the solid waste district in which the convenience center is located.

*Debris:* Includes, but not limited to, equipment, yard toys, furniture, packaging items, shipping containers, construction and demolition waste, bricks, blocks, concrete, asphalt, metals, lumber, trees, tree limbs, tree stumps, brush or parts thereof, or brush stumps, and/or building materials that are determined to be potentially deleterious to good health, public sanitation and/or public safety.

*DHEC:* The South Carolina Department of Health and Environmental Control.

*Director:* Beaufort County Director of Public Works or his/her designated agent.

*Disposal:* The discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

*Dwelling unit:* One or more habitable rooms that are intended to be occupied by one family with facilities for living, sleeping, cooking and eating and from which the county would collect refuse (excludes commercial establishments).

*Expand or expansion:* Any change to a solid waste management facility including a composting facility or change in the status of that facility that:

- (1) Allows or results in an increase in the solid waste disposal capacity for the facility (including either lateral or vertical expansion capacity); or
- (2) Allows or results in an increase (or potential increase) in the annual disposal rate, tonnage limit and/or capacity limit for the facility; or

(3) Includes or otherwise involves the purchase of additional property that may be utilized for solid waste management of any kind at the facility.

*Fiscal year:* A twelve-month period from July 1 of the current year to June 30 of the following year.

*Franchise collector:* The person that has entered into a franchise agreement with the county to perform solid waste collection and/or recycled materials.

*Garbage:* All accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies and/or germ-carrying insects or vermin; items which due to their ability to retain water can serve as a breeding place for mosquitoes and other water-breeding insects.

*Groundwater:* Water beneath the land surface in the saturated zone.

*Hazardous wastes:* Wastes that are defined as hazardous in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

*Household:* A person or group of people who occupy a dwelling unit as their usual place of residence.

*Household hazardous waste:* Any commonly used household hazardous material that is not regulated as hazardous waste when disposed of. This includes, but is not limited to, insecticides, pesticides, paints, lubricants, fertilizers, cleaning agents and polishing compounds. For purposes of this definition, household hazardous waste does not include gasoline or motor oil.

*Household quantities:* Quantities of solid waste reasonably generated in the course of typical domestic activities from single-family residential dwelling units or from small residential building projects that consist of minor renovations to a dwelling unit. Solid wastes from construction projects that require a building permit or evictions of tenants are not considered household quantities. The fact that waste is generated from a single-family primary residence does not necessarily establish household quantities.

*Industrial waste:* Any and all solid waste generated from industrial processes including, but not limited to, factories and treatment plants.

*Land-clearing debris:* Organic waste such as trees, limbs, brush, and stumps mingled with small amounts of dirt that is produced as a result of clearing and grubbing operations.

*Landfill:* A disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

*Litter:* Any and all solid waste including, but not limited to, debris, disposable packages or containers, cigarette butts, garbage, ashes, rubbish, paper, junk, building materials, glass or plastic bottles, glass, cans or any other discarded or abandoned material. Any material or product that escapes control of the person operating a vehicle and is henceforth abandoned shall be considered litter. Litter is typically considered to be relatively small quantities of solid waste.

*Modify or modification:* Any change to a solid waste management facility or change in the status of that facility that:

- (1) Is considered a modification (major or minor) by DHEC; or
- (2) Requires a modification of any kind to the facility's operating permit issued by DHEC; or
- (3) Involves construction, renovation and/or other changes to existing buildings, structures or units, other than normal daily operating changes; or
- (4) Results in a different classification, designation and/or use for a solid waste management facility or composting facility; or
- (5) Results in a change of ownership and/or operation of a solid waste management facility or composting facility; or
- (6) Results in any addition and/or deletion of a waste stream for a significant user of a solid waste management facility or composting facility.

*Multiresidential units:* residential properties that consist of dwelling units classified by the county assessor as having more than one dwelling unit per property or parcel. This definition includes, but is not limited to, apartments and mobile home parks with multiple units where aggregate collection of municipal solid waste (MSW) is provided as part of a rental agreement.

*Owner/operator:* The person who owns the land on which a solid waste management facility or composting facility is located or the person who is responsible for the overall operation of the facility, or both.

*Person:* An individual, partnership, copartnership, cooperative, association, firm, company, public or private corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company or any other legal entity or its legal representative, agent or assigns.

*Pickup truck:* A motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed less than nine feet in length. Pickup truck does not include a motor vehicle, otherwise



meeting the above definition that is equipped with a bed-mounted storage compartment commonly called a utility body.

*Primary residence:* Residential dwelling unit that is occupied by the owner or renter of such unit. For purposes of this chapter, owners and renters shall designate only one primary residence.

*Recyclable material:* Those materials which would otherwise become municipal solid waste, and which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

*Refuse:* Any solid waste, as defined herein, originating from typical household activities.

*Residential property:* Property that contains one or more residential dwelling units other than those defined as apartments.

*Residential solid waste:* Any and all accumulations of solid waste (including unrecovered recyclable materials) generated by single-family residential units or multifamily residential facilities where aggregate garbage collection is not provided to the tenant as part of a rental agreement.

*Roll cart:* Refuse containers, mounted on wheels, which are used to store refuse between collections by franchise collectors.

*Single-family residential unit:* Residential properties classified by the county assessor as having only one dwelling unit per property or parcel.

*Solid waste management plan:* The local solid waste management plan that must be developed and implemented by each county pursuant to S.C. Code § 44-96-80.

*Solid waste:* Garbage, debris, commercial waste, industrial waste, yard waste, white goods, ashes, rubbish, paper, junk, building materials, glass or plastic bottles, other glass, cans and any other discarded or abandoned material, including solid, liquid, semisolid or contained gaseous material. For purposes of the chapter, any waste specifically regulated under any state or federal law shall be excluded from the definition of solid waste.

*Solid waste management facility:* Any solid waste disposal area (including public and private landfills), volume reduction plant; transfer station, convenience center, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. For purposes of this chapter, this term does not include composting facilities, or noncommercial industrial facilities managing solid waste generated in the course of normal operations on property under the same ownership or control as the waste management facility.

*Special waste:* Bulky refuse that cannot be stored in roll carts and cannot be picked up by a normally used refuse collection vehicle.

*Transfer station:* Any permitted temporary holding site for the collection and transfer of solid waste from private citizens and by collector/haulers and commercial collector/haulers to another disposal facility.

*Vector:* A carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds and vermin.

*Vehicle:* Every device capable of being moved upon a public highway or road and in, upon or by which any person or property is or shall be transported or drawn upon a public highway or road.

*Yard waste:* Any and all accumulations of grass, leaves, pine straw, small trees and branches, shrubs, vines and other similar items of less than six inches in diameter, four feet in length generated by the typical maintenance of lawns, shrubs, gardens and trees from residential properties. Yard waste shall not be commingled with garbage or solid waste.

*Weeds and rank vegetation:* Dense, uncultivated, herbaceous overgrowth over two feet in height, or briars and trailing vines exceeding ten feet in length.

*White goods:* Includes refrigerators, ranges, water heaters, freezers, dishwashers, residential trash compactors, dryers, air conditioners, and other large appliances.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-4. - Enforcement.**

- (1) The solid waste management division of the department of public works and other law enforcement agencies shall be charged with the enforcement of this section and shall be authorized to obtain for their personnel such law enforcement commissions as may be necessary. Litter control officers, any commissioned law enforcement officer and appointed code enforcement officers shall have the authority to enforce the provisions of this section and may issue a summons to any violator to appear in the magistrate's court of the county to answer the charge of violation of this section.
- (2) If any solid waste improperly or unlawfully disposed of in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person prior to its being disposed of as prohibited herein, such identification shall be presumed to be prima facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this chapter.
- (3) Proof of means used for proper disposal of solid wastes at businesses and commercial enterprises shall be presented to the code enforcement officers when requested by the officer.

( [Ord. No. 2007/37, 10-22-2007](#) )

## Sec. 62-5. - Penalties.

- (a) A person, from a vehicle or otherwise, shall not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by S.C. § 44-96-40(46), upon public or private property or waters in the state including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:
- (1) On property designated by the state for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or
  - (2) Into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.
- (b) Responsibility for the removal of litter from property or receptacles is upon the person convicted pursuant to this section of littering the property or receptacles. If there is no conviction for littering, the responsibility is upon the owner of the property.
- (c) (1) A person who violates the provisions of this section in an amount less than 15 pounds in weight or 27 cubic feet in volume is guilty of a misdemeanor and, upon conviction, shall be fined \$200.00 or imprisoned for not more than 30 days for a first or second conviction, or fined \$500.00 or imprisoned for not more than 30 days for a third or subsequent conviction. In addition to the fine or term of imprisonment, the court also must impose eight hours of litter-gathering labor for a first conviction, 16 hours of litter-gathering labor for a second conviction, and 24 hours of litter-gathering labor for a third or subsequent conviction, or other form of public service, under the supervision of the court, as the court may order because of physical or other incapacities.
- (2) The fine for a deposit of a collection of litter or garbage in an area or facility not intended for public deposit of litter or solid waste is \$1,000.00. The provisions of this item apply to a deposit of litter or garbage, as defined in S.C. § 44-67-30 (4), in an area or facility not intended for public deposit of litter or solid waste. This item does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this item, the court also shall impose a minimum of five hours of litter-gathering labor or other form of public service, under the supervision of the court, as the court may order because of physical or other incapacities.
- (3) The court, instead of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of public service, under the supervision of the court, as it may order because of physical or other incapacities not to exceed one hour for each \$5.00 of fine imposed.
- (4) In addition to other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by the judge to pick up and

remove from any public place or any private property, with prior permission of the legal owner of the property upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by any person before the date of execution of sentence.

(d) A person who violates the provisions of this section in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds or 100 cubic feet, is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$200.00 nor more than \$500.00 or imprisoned for not more than 90 days. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed, up to 100 hours.

(e) (1) A person who violates the provisions of this section in an amount exceeding 50 pounds in weight or 100 cubic feet in volume is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500.00 or more than \$1,000.00, or imprisoned not more than one year, or both. In addition, the court may order the violator to:

- a. Remove or render harmless the litter that he dumped in violation of this subsection;
- b. Repair or restore property damaged by, or pay damages for damage arising out of, his dumping of litter in violation of this subsection; or
- c. Perform community public service relating to the removal of litter dumped in violation of this subsection or relating to the restoration of an area polluted by litter dumped in violation of this subsection.

(2) A court may enjoin a violation of this subsection.

(3) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than 500 pounds in weight or more than 100 cubic feet in volume of litter in violation of this subsection is declared contraband and is subject to seizure and summary forfeiture to the state.

(4) If a person sustains damages in connection with a violation of this subsection that gives rise to a felony against the person or his property, a court, in a civil action for those damages, shall order the wrongdoer to pay the injured party threefold the actual damages or \$200.00, whichever amount is greater. In addition, the court shall order the wrongdoer to pay the injured party's court costs and attorney's fees.

(5) A fine imposed pursuant to this subsection shall not be suspended, in whole or in part.

(f) (1) When the penalty for a violation of this section includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the penalty is mandatory and shall not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the

litter-gathering portion of the penalty that must be equal to the amount of \$5.00 an hour of litter-gathering labor. Probation shall not be granted instead of the litter-gathering requirement, except for a person's physical or other incapacities.

- (2) Funds collected pursuant to this subsection instead of the mandatory litter-gathering labor shall be remitted to the county or municipality where the littering violation took place. The money collected may be used for the litter-gathering supervision.
- (g) For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters.
- (h) A prior violation within the meaning of this section means only a violation of this section which occurred within a period of five years including and immediately preceding the date of the last violation.
- (i) Magistrates and municipal courts have jurisdiction to try violations of subsections (a), (b), (c), and (d) of this section.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-6. - Uniform service charges.**

- (a) The county council shall impose millage as part of its annual budget process to fund the solid waste and recycling enterprise system. At any point in the future, county council may, by ordinance imposed uniform service charges, and rates fees, and charges. The proceeds from the millage, uniform service charges, and rates, fees and charges established by county council shall be used to pay in whole or in part the costs of acquiring, equipping, operating, and maintaining facilities and sites for the collection, transportation, storage, handling, separation, treatment, reduction, recycling, reuse, and disposal of household solid waste generated within the county.
- (b) If imposed, there shall be a uniform residential solid waste fee annually imposed upon the owner of record of each residence in the county, including all single and multi-family homes, mobile homes, and all lease and rental properties, in accordance with the then prevailing fee schedule, subject to the rules and regulations governing the solid waste and recycling enterprise system, and further subject to any applicable exemptions, which exemptions shall include, but not be limited to, a complete or partial exemption for users in any municipality within the county to the extent the respective municipality provides a service in lieu of the county. In addition to fees, charges, and rates with respect to solid waste and recycling disposal services, fees, charges, and rates in connection with other solid waste and recycling services may be imposed within the corporate limits of a municipality in the county by contract with an individual, corporation, or municipal governing body to the extent the county is providing solid waste and recycling services in a municipality pursuant to subsection [62-1\(b\)](#).

Residential solid waste fees, if imposed, shall be levied as a uniform assessment by the county auditor and placed upon the annual real estate tax notice and collected by the county treasurer, pursuant to state law. The fiscal officers of the county shall have the authority to nulla bona or abate these fees to the same extent and under the same conditions as they do for a comparable tax.

- (c) Further, if residential solid waste charges are imposed, there shall be imposed a late fee and supplemental processing charge, for all solid waste fees not timely remitted to the county treasurer by March 16 of the year when due. For all past due accounts in excess of one year, the county shall impose an additional annual penalty. The county shall pursue all legal remedies available to it to recover past due amounts, and shall hold the property owner or record responsible for all costs of collection, including reasonable attorney fees, as a part of such collection efforts and as a part of the fees imposed by county council pursuant to state law, in order that lawful tax-paying citizens not be forced to subsidize those taxpayers who do not pay this lawful fee in a timely manner.

( [Ord. No. 2020/19, § 2.C, 6-8-2020](#) ; [Ord. No. 2021/24, § 2.C, 5-24-2021](#) )

### **Sec. 62-7. - Special fund.**

All taxes, charges, rates, fees, or other revenues collected pursuant to this chapter shall be deposited to a special fund to be known as the solid waste and recycling enterprise fund, and all funds deposited in the solid waste and recycling enterprise fund shall be expended for the administration, operation, and maintenance of the county solid waste and recycling programs and the acquiring, constructing, renovating, and equipping of apparatus and facilities necessary or convenient therefor. Should the county issue bonds or enter into other obligations the proceeds of which benefit the solid waste and recycling enterprise system, it may secure such bonds and other obligations with a pledge of all or a portion of the revenues deposited to or derived from the solid waste and recycling enterprise fund. Nothing shall prohibit the creation of sub-funds or accounts as may be necessary or appropriate.

( [Ord. No. 2020/19, § 2.D, 6-8-2020](#) ; [Ord. No. 2021/24, § 2.D, 5-24-2021](#) )

### **Secs. 62-8, 62-9. - Reserved.**

## **ARTICLE II. - LITTERING, SCAVENGING, AND SOLID WASTE**

### **Sec. 62-10. - Littering on or along public rights-of-way prohibited.**

- (1) It shall be unlawful for any person to throw, drop, leave, or in any way to intentionally or unintentionally deposit or dispose of litter on any property or on or along any street, road, highway, curb, sidewalk, or public right-of-way, except as required by the authorized and

franchised refuse collector for that district; nor shall any person throw or deposit any litter in any stream or other body of water within the boundaries of the county.

- (2) Furthermore, when litter is thrown, blown or allowed to escape from a vehicle, if the identity of the driver cannot be determined, the operator and/or the owner of the vehicle shall be held responsible even when the operator or owner did not throw the litter out or allow the litter to escape.
- (3) Responsibility for the immediate removal and proper disposal of litter from property is upon the person convicted under this chapter of littering. However, if there is no conviction, the responsibility for removal and proper disposal shall be upon the owner and/or occupant of the property where the litter was deposited.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-11. - Scavenging at county solid waste management facilities.**

It shall be unlawful for any person to rummage through, remove, salvage items or otherwise scavenge from county-operated or private solid waste management facilities to include solid waste collection and storage containers. A summons may be issued to any violator to appear in the magistrate's court of the county to answer the charge of violation of this section.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-12. - Solid waste on lots.**

- (1) *[Unlawful disposal or accumulation.]* It shall be unlawful for any person to dispose of or cause to be disposed of or allow to accumulate, or for any property owner to allow any person to dispose of or cause to be disposed of or cause to accumulate any type of solid waste anywhere in the county except at a solid waste management facility that has been approved by county council and/or the South Carolina Department of Health and Environmental Control or as otherwise provided for under article III of this chapter.
- (2) *Declaration of nuisance.* Solid waste allowed to accumulate and remain on any lot or parcel of land in the county may be deemed and declared a nuisance in the judgment of the director.
- (3) *Duties of owner, etc.* It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in the county to remove and properly dispose of such solid waste as often as may be necessary to prevent the accumulation of such waste. Furthermore, it shall be the responsibility of the owner, lessee, occupant, agent, or representative of the owner to limit access to said property such that indiscriminate disposal of solid waste is minimized.



- (4) *Notice to owner, etc., to remove.* Whenever the director shall find that solid waste has been allowed to accumulate and remain upon any lot or parcel of land in the county in such a manner as to constitute a nuisance, the director may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this chapter. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.
- (5) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such solid waste to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (6) *Removal by county.* In the event any property is determined to be a nuisance, and 20 days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the director or his/her designated contractor may enter upon any such property and abate such nuisance by removing and disposing of the solid waste, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.
- (7) *Work may be done by county upon request.* Upon the written request to the director by the owner or the person in control of any lot or parcel of land subject to the provisions of this section and payment to the county for the services consistent with the overgrowth cleanup fee structure, the director or his/her designated contractor may enter onto such land and perform such cleanup activities as necessary to remove and properly dispose of the solid waste thereon.
- (8) *Solid waste on lots cleanup fee structure.* A fee schedule and any amendments thereto for disposal of solid waste resulting from cleanup of such waste on lots shall be developed and approved by the county administrator.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-13. - Unlawful acts.**

- (1) It shall be unlawful to dispose of broken or whole bricks, broken or whole blocks, or cured/uncured concrete, land-clearing debris or another other type of solid waste anywhere in the unincorporated area of the county except at landfills permitted by the state under regulations R.61-107.11, Part IV, R.61-107.16 or R.61-107.258 and permitted consistent with the provisions of Sec. 62-46 of this chapter. Responsibility for the immediate removal and



proper disposal of such waste from property is upon the person convicted under this chapter. However, if there is no conviction, the responsibility for removal and proper disposal shall be upon the owner and/or occupant of the property where the waste was deposited.

- (2) Organized collection, e.g., green-boxes, etc., of garbage or mixtures of waste containing garbage shall be at a frequency which ensures the prevention of hazards and nuisances to human health and the environment. It shall be unlawful for the owner(s) of such container(s) to fail to pick up and properly dispose of the waste therein at a frequency that exceeds seven calendar days.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-14. - Weeds and rank vegetation.**

- (1) *Declaration of nuisance.* Any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county that becomes substantially overgrown with weeds and rank vegetation such that it poses potential safety risks to humans and/or becomes a harborage for vectors may be deemed and declared a nuisance in the judgment of the director.
- (2) *Duties of owner, etc.* It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county to cut, trim and remove for proper disposal such weeds and rank vegetation as often as may be necessary to prevent the growth of such weeds and rank vegetation that shall constitute a nuisance. However, lots of three acres or more shall only be required to cut 100 feet from contiguous road(s) and each side property line.
- (3) *Notice to owner, etc., to remove.* Whenever the director shall find that overgrowth of weeds and rank vegetation on a residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county constitutes a nuisance, the director may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.
- (4) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such overgrowth of weeds and rank vegetation to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.

- (5) *Removal by county.* In the event any overgrowth of weeds and rank vegetation is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the director or his/her designated contractor may enter upon any such property and abate such nuisance by cutting, trimming, removing and disposing of the vegetative waste, and the cost of doing so, pursuant to the cleanup fee structure noted below, may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.
- (6) *Work may be done by county upon request.* Upon the written request to the director by the owner or the person in control of any lot or parcel of land subject to the provisions of this section and payment to the county for the services consistent with the overgrowth cleanup fee structure, the director or his/her designated contractor may enter onto such land and perform such cleanup activities as necessary to remove and properly dispose of the weeds and rank vegetation thereon.
- (7) *Overgrowth cleanup fee structure.* A fee schedule and any amendments thereto for necessary or requested cleanup and disposal of waste resulting from cleanup of nuisance overgrowth of weeds and rank vegetation on lots shall be developed and approved by the county administrator.

( [Ord. No. 2007/37, 10-22-2007](#) )

**Secs. 62-15—62-19. - Reserved.**

**ARTICLE III. - COLLECTION, TRANSPORTATION, AND DISPOSAL OF REFUSE**

**Sec. 62-20. - Applicability.**

This article shall apply to the preparation, storage, collection, transportation and disposal of all refuse in the area under jurisdiction of the county council as presently or hereafter established. It shall prescribe rules and regulations relating to collection and disposal of refuse; prescribing rules and regulations for hauling refuse and other solid waste within and through the county; providing for the proper disposal of refuse; and prohibiting the spilling of loads within the county.

( [Ord. No. 2007/37, 10-22-2007](#) )

**Sec. 62-21. - Establishment of solid waste districts.**

- (1) Beaufort County shall be divided into nine solid waste districts. They shall be designated numerically as follows:

- (a) District 1, City of Beaufort. All of the area within the boundaries of that incorporated city. Includes Tax District 120.
- (b) District 2, Town of Port Royal. All of the area within the boundaries of that incorporated town. Includes Tax District 110.
- (c) District 3, Town of Hilton Head Island. All of the area within the boundaries of that incorporated town and Jenkins Island and Pinckney Island. Includes Tax Districts 500, 501, 510, 520, 530, 540, 541 and 550.
- (d) District 4, Town of Bluffton. All of the area within the boundaries of that incorporated town. Includes Tax District 610.
- (e) District 5, Sheldon Township. All of the area within Beaufort County which is on the north side of the Whale Branch River. This includes the Beaufort County portion of the Town of Yemassee. Includes Tax Districts 700 and 710.
- (f) District 6, Unincorporated Port Royal Island (Burton). All of the area between the Whale Branch River, the Beaufort River, and the Broad River exclusive of previously listed incorporated areas. Includes Tax District 100.
- (g) District [7](#), Lady's Island. All of the area between the Beaufort River and Chowan Creek including Coosaw Island exclusive of the City of Beaufort. Includes Tax District 200.
- (h) District 8, Saint Helena Island and Islands East. All of the area and islands east of Chowan Creek within Beaufort County. Includes Tax Districts 300 and 400.
- (i) District [9](#), Bluffton Township. All of the area south of the Broad River and west of Pinckney Island exclusive of the Town of Bluffton and Daufuskie Island. Includes Tax District 600.
- (j) Because of the remote nature of Daufuskie Island, the minimum level of solid waste services differs from that in other solid waste districts in the county. Recyclable materials are not collected by the county on Daufuskie Island.

**Note—** Solid waste collection, transportation and disposal from Daufuskie Island generated outside of the planned unit developments (PUDs) shall be paid for from the county general fund.

- (2) Solid waste districts are established in order to track expenditures for all publicly provided solid waste and recycling services within that district. Solid waste and recycling services include the collection, transportation, processing or disposal of solid waste or recyclable material. Collection methods may vary between districts depending upon demographics, population or other factors.
- (3) Solid waste districts 1, 2, 3 and 4 shall be administered through intergovernmental agreements between the Beaufort County Council and the City Council of Beaufort, the Town

Council of Port Royal, the Town Council of Hilton Head Island and the Town Council of Bluffton respectively. Solid waste districts 5, 6, 7, 8 and 9 shall be collectively administered by the director.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-22. - Residential solid waste collection; refuse and recyclables.**

- (1) Refuse and recyclables shall be collected from single-family county residences by roll-cart service and/or bin service only by:
  - (a) Collectors who are licensed by the county. Any contractor providing services for curbside collection of solid waste must provide curbside recycling services to their customers.
  - (b) Licensed collectors who are franchised by the county for collection in specific areas of the county.
  - (c) Licensed collectors under contract with a municipality to provide curbside service.
  - (d) Municipal collectors in an incorporated solid waste district.
  - (e) County collectors in an unincorporated solid waste district.
- (2) Collectors providing solid waste curbside collection shall provide recycling services. Failure to provide recycling service shall be cause for suspension of the collector's license.
- (3) Collectors shall deliver collected recyclables to a material recovery facility for processing. Disposal of collected material in any other manner is deemed as illegal dumping and shall be prosecuted subject to the penalties in [section 62-5](#).
- (4) Collection and disposal of solid waste and/or discarded materials resulting from evictions shall be the responsibility of the property owner or his/her designated agent. Solid waste and/or discarded materials resulting from evictions shall not be placed within 25 feet of any curbside.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-23. - Preparation and storage of residential solid waste for collection.**

- (1) It shall be the duty of the occupant or owner of any residence to store all refuse properly, pending collection and disposal.
- (2) All refuse receptacles shall be kept clean and free of accumulated waste.

- (3) Each property owner shall prevent the continued, excessive, and unsightly accumulations of solid waste upon the property he and/or she owns.
- (4) No person shall place or cause to be placed in any refuse can or bulk container for collection any acid, explosive material, flammable liquid, or dangerous or corrosive material of any kind, or any other hazardous waste beyond household quantities of household hazardous wastes.
- (5) No person other than the owner thereof, his or her agents or employees, or employees of contractors of the county for the collection of refuse shall tamper or meddle with any refuse container or the contents thereof, or remove the contents of the container from the location where the same shall have been placed by the owner thereof or his agents.
- (6) Property owners shall be prohibited from receiving for deposit in their refuse containers any type refuse that originates outside of their designated collection area.
- (7) Property owners shall be responsible for policing any litter resulting from refuse not properly prepared for collection or from any other cause other than contractor mishandling.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-24. - Transporting loads of solid waste or materials.**

- (1) No person shall operate on any public highway/road in the county any vehicle with any load of solid waste or a material unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.
- (2) No vehicle may be driven or moved on any public highway/road in the county unless the vehicle is so constructed or loaded with solid waste or material as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle, except that sand, salt, or other chemicals may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a highway in the cleaning or maintaining of the highway by the public authority having jurisdiction.
- (3) Trucks, trailers, or other vehicles when loaded with rock, gravel, stone, metals, or other similar substances which could blow, leak, sift, or drop shall not be driven or moved on any public highway/road in the county unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; or, if the load is not level, unless the height of the sides of the load against all four walls does not extend above a horizontal line six inches below their tops, and the highest point of the load does not extend above their tops, when loaded at the loading point; or, if not so loaded, unless the load is securely covered by tarpaulin or some other suitable covering; or unless it is otherwise constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from the vehicle.

- (4) Proof of litter, as defined herein, escaping from a vehicle shall not be necessary to be in violation of the requirements of this section.
- (5) Violations of this section shall be prosecuted subject to penalties prescribed by South Carolina law.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-25. - Items not covered in refuse collection service.**

- (1) *Dead animals.* Disposal of dead animals or household pets shall be the responsibility of the animal owner.
- (2) *Construction and demolition (C&D) debris.* The county shall not be responsible for collecting or disposal discarded construction and demolition debris, including: dirt, rock, carpet, shingles, lumber, drywall, insulation, and etc. when quantities exceed household quantities.
- (3) *Industrial and hazardous waste.* The county shall not be responsible for collecting or hauling discarded industrial and/or hazardous waste, including, but not limited to: electronics, car parts, tires, automobile batteries, and liquid wastes except when such wastes are household quantities of household hazardous waste.
- (4) *Waste generated by commercial tree or yard contractor activities.* Waste from commercial tree cutters and surgeons shall be properly disposed of by the person performing the work or by the owner who engaged that person at their expense.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-26. - Collected refuse is county property.**

All refuse collected by county forces or collectors under contract with the county shall be disposed of and/or delivered to such places and used for such purposes as may be ordered by the director.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-27. - Revenue for solid waste and recycling services.**

- (a) All required Beaufort County solid waste and recycling revenue shall be generated through a combination of property tax millage, other fees as may be approved by the county council, reimbursement by federal government organizations and the sale of recyclable material.
- (b) Municipal governments which choose to provide collection or recycling services may fund their programs through appropriate municipal fees or taxes or a combination thereof.

- (c) A fee schedule, and any amendments thereto, for disposal of waste or handling of waste at any county-operated solid waste management facility, to include but not be limited to county convenience centers or transfer stations shall be developed and approved by the county administrator.
- (d) Residents may with no additional direct charge, deliver to convenience centers household quantities of construction, demolition and land-clearing debris and other solid wastes as allowed in the receiving facility's operating permit, which are generated from his/her primary residence.
- (e) Rental and investment properties are considered commercial. Therefore, owners of such property will pay the disposal fee for solid waste originating from such properties.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-28. - County facility acceptance of solid waste generated outside county.**

- (1) All solid wastes generated from outside the boundaries of the county are banned from being disposed of in any county-operated facility.
- (2) The term "generated," as used in this section, shall relate to the point of origin of the solid waste.
- (3) The director is hereby authorized to implement such programs and procedures as deemed necessary to further implement this ban; to inspect all loads designated for any county facility for any violations thereof; and to issue warrants according to law for any violations of this section.
- (4) Any person bringing waste to any county facility shall, on request, sign a statement authenticating that said solid waste was generated within the county.
- (5) Any residential solid waste collector found in violation of this section by the county shall forfeit their permit to collect/haul solid waste within Beaufort County.
- (6) Any dispute as to the point of origin of the solid waste shall be resolved by the director.
- (7) Any and each false statement signed by a person disposing of solid waste referred to in subsection (4) of this section shall constitute a violation of this chapter.
- (8) The director may seek an injunction to enforce the provisions of this section.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-29. - Use of county-operated solid waste facilities.**

- (1) It shall be a violation of this chapter for any person to:
  - (a) Fail to comply with directions for proper disposal that are given by county personnel charged with the operation of county solid waste management facilities.
  - (b) Exhibit disruptive or abusive conduct towards county personnel or other patrons at county-operated solid waste management facilities.
  - (c) Dispose of unauthorized solid waste at county-operated solid waste management facilities. Out-of-county generated solid waste shall be included as an unauthorized solid waste.
- (2) In addition to the penalty provisions of this chapter, the director may ban any person who violates any requirement of this section from the use of county-operated solid waste management facilities for indefinite periods of time.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-30. - Convenience centers.**

- (a) The Beaufort County Public Works Director is empowered and directed to establish procedures and guidelines for the efficient and safe operation of county convenience centers.
- (b) No waste from commercial sources shall be accepted at the convenience sites. Any waste from commercial sources dumped at convenience centers shall be treated as illegal dumping and subject to enforcement actions as specified by South Carolina Law.
- (c) Allowable truck/trailer loads for disposal at convenience sites are defined as follows:
  - (1) No trucks larger than a pickup or utility trailer (eight feet long, five feet wide, 28 inches or less in side height) are allowed at the convenience sites.
  - (2) No loaded pickups with loaded trailers are allowed at the convenience sites.
  - (3) A truck load is a load at or below the 28 inches side height of the pickup/trailer; no over-the-bed loads are allowed at the convenience sites.
  - (4) No commercial trucks may use the convenience sites for trash disposal except as described in subsection (g) of this section.
- (d) A ten-gallon per visit limit for oil disposal is established for the convenience sites.



- (e) A four-tire per visit disposal limit for residents is established for the convenience sites and the landfill.
- (f) No tires on rims shall be accepted at convenience sites.
- (g) Residents driving commercial vehicles may bring one fifty-gallon trash bag or two thirty-gallon tall kitchen bags or less at a time into a convenience site. Larger loads must be taken to the landfill and shall be treated as commercial waste.
- (h) Hours and days of operation at convenience sites shall be posted at the sites and all changes to such hours or days (except in emergency situations) shall be posted/advertised prior to the effective date of the change.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-31. - Collector/hauler licenses.**

- (a) Collectors/haulers of solid waste shall dispose of all such waste at a DHEC approved landfill, with the exception of items specifically prohibited from such facilities.
- (b) All solid waste and recyclable material commercial hauling businesses operating within Beaufort County shall be required to possess solid waste disposal vehicle permits for each of the vehicles in their fleet traveling within the county. This permit and accompanying vehicle decal shall be issued by the public works director. Permits shall remain in effect from issuance to a period ending on June 30 annually for up to 12 months. Operating in Beaufort County without a solid waste permit is a misdemeanor and violators shall be fined not less than \$500.00 and not more than \$1,000.00.
- (c) All permitted solid waste collectors/haulers are required to report on a monthly basis by solid waste district, the number of residential customers served/contracted and provide by solid waste type, the weight, in tons, of MSW collected from their residential subscribers to the county public works director. Reports of previous month activity are due by the close of business on the tenth business day of each month. Under no circumstance shall solid waste collectors/haulers mix loads of residential and commercial waste. Any residential solid waste collector found in violation of this section by the county shall forfeit their permit to collect/haul solid waste within Beaufort County.
- (d) Permitted solid waste haulers shall advertise and offer, at a minimum, a residential curbside recycling program to all of their residential customers, where not otherwise offered by the county or a municipal government.
- (e) Upon approval of a solid waste disposal vehicle permit application, collectors/haulers shall be furnished a copy of the following information pertaining to solid waste in Beaufort County and the State of South Carolina:

- (1) This ordinance [Ord. No. 2007/37];
- (2) Section 16-11-700 of the Code of Laws of South Carolina, 1976, as amended, regarding dumping trash or refuse on property of another or on highways, oceans or riverfronts, etc.
- (f) Collectors shall sign a written statement that they have received and read this ordinance [Ord. No. 2007/37], rules and regulations and information in paragraph (c) and agree to abide by them.
- (g) The following fees shall accompany all solid waste disposal vehicle permit applications:
- (1) Annual license fee for collectors of residential, business, commercial or industrial MSW and recyclable material:
- Initial vehicle charge: \$100.00
- Additional vehicle charge: \$50.00
- (h) All collectors/haulers shall be required, also, as a condition of their permit, to provide recycling services for their business, commercial and industrial customers.
- ( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-32. - Collectors'/haulers' vehicles.**

- (a) All vehicles used to collect and haul solid waste or recyclable materials in the county must meet the standard for solid waste hauling established by SCDOT.
- (b) All vehicles used to transport solid waste or recyclable materials for a fee shall be owned and operated under the supervision of the collector/hauler holding a valid solid waste disposal vehicle permit issued by the county. Every permitted vehicle shall display a current permit decal in the vehicle windshield.
- (c) Solid waste and recycling collection vehicles shall be kept in a clean and sanitary condition. No wastes shall be permitted to remain overnight anywhere in the vehicle body. The county public works director or his representative may inspect any collector/hauler vehicle at any time. If the vehicle is found to be unsanitary, the operator shall be required to steam-clean and deodorize the equipment at their expense.
- (d) All vehicles used for the collection and transportation of solid waste or recyclable materials are to be so constructed, maintained, and operated to prevent liquid leakage and loss of materials in transit. The body of all vehicles that transport loose materials shall be wholly enclosed or shall be covered with a canvas cover or net with eyelets and rope tie-downs or any other approved method which will prevent blowing or spillage of the vehicle's contents.

- (e) All collectors/haulers shall furnish the county public works director a list identifying, by unique number or designator, all equipment to be used in the collection and transportation of solid waste or recyclable materials.

( [Ord. No. 2007/37, 10-22-2007](#) )

**Secs. 62-33—62-41. - Reserved.**

**ARTICLE IV. - CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES AND COMPOSTING FACILITIES**

**Sec. 62-42. - Applicability.**

- (1) This article applies to solid waste management facilities and composting facilities.
- (2) The following uses are exempt from the requirements of this article:
- (a) Landfills used solely for disposal of industrial solid waste generated in the course of normal operations on property under the same ownership or control as the landfill.
  - (b) Land-clearing debris generated and disposed of on the same property.
  - (c) Backyard composting where the compost is produced from materials generated on-site.
  - (d) Agricultural operations where the compost is produced from materials generated on the owner's land.
  - (e) Mobile chipping/shredding equipment which chips/shreds wood waste, e.g., the type used by utilities to clear rights-of-way or manage storm debris, and which may spread the wood waste on rights-of-way after it has been chipped or shredded. Chipped and unchipped material related to this exemption shall not be stockpiled more than 90 days.
  - (f) Temporary chipping/shredding and storage of wood waste for distribution to the public, e.g., grinding of the greens and other similar programs, as approved by the county council.
  - (g) Shredding or chipping of untreated wooden pallets or other wooden packaging utilized by industry in its own operations that have not been in direct contact with hazardous constituents, e.g., petroleum products, pesticides, lead-based paint, etc.
  - (h) Composting at industrial sites where the compost is produced from materials generated on properties under the same ownership or control within one-fourth mile of each other,

unless otherwise approved by the county council and where the compost product is used for noncommercial purposes.

- (i) Land application sites permitted by DHEC under Regulation R.61-107.15 (Solid Waste Management: Land Application of Solid Waste).
- (j) Construction sites where an engineered foundation requires the use of clean sand, clean soil, and/or clean rocks. Such sites shall possess a valid county building permit.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-43. - Federal, state and local law.**

All solid waste management facilities and composting facilities shall adhere to all federal and state rules and regulations, and all local zoning, land use and other applicable local ordinances.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Secs. 62-44—62-46. - Reserved.**

### **Sec. 62-47. - Remedies.**

In case any solid waste management facility or composting facility is operated, constructed, modified, or expanded in violation of this article, the county council, county attorney, or any person aggrieved, may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful construction, modification, or expansion.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **ARTICLE V. - FRANCHISED COLLECTORS**

### **Sec. 62-48. - General conditions for granting contracts for residential solid waste collection; franchise areas.**

The unincorporated areas of the county are divided into solid waste districts which shall be designated as service areas. Franchises may be awarded for the unincorporated areas of the county incrementally, when approved by county council. These areas shall be plainly outlined on a map of the county as approved by county council. Such maps shall be made a part of the contract with the collectors and shall be available for public inspection.

( [Ord. No. 2007/37, 10-22-2007](#) )

**Sec. 62-49. - Franchise agreement.**

Upon award by the county council, a franchise shall not become effective until the collector has executed a written franchise contract consistent with the terms of the bid specifications.

( [Ord. No. 2007/37, 10-22-2007](#) )

**Secs. 62-50, 62-51. - Reserved.**

**ARTICLE VI. - SOLID WASTE AND RECYCLING BOARD<sup>[2]</sup>**

*Footnotes:*

--- (2) ---

*Cross reference— Boards and commissions, § 2-191 et seq.*

**Sec. 62-52. - Purpose.**

In compliance with and under authority of [section 62-21](#) et seq., the county council establishes the solid waste and recycling board (referred to in this article as the board) to advise the council and county staff in determining appropriate levels of public solid waste management services for residential, commercial and industrial taxpayers and governmental entities within the county; to recommend appropriate funding levels for provision of services in the aforementioned sectors; and to support and promote source reduction, recycling and composting and means of diverting and managing the solid waste stream within the county.

( [Ord. No. 2007/37, 10-22-2007](#) )

**Sec. 62-53. - Membership.**

(a) The solid waste and recycling board shall consist of one nonvoting representative from the following districts as defined in [section 62-29](#):

EXPAND

Solid Waste District	Municipality
1	City of Beaufort
2	Town of Port Royal
3	Town of Hilton Head Island
4	Town of Bluffton

- (b) The board shall consist of one voting representative from each of the following districts as defined in [section 62-29](#):

EXPAND

Solid Waste District	Area
5	Sheldon Township
6	Unincorporated Port Royal Island
<a href="#">7</a>	Lady's Island
8	Saint Helena Island and Islands East
<a href="#">9</a>	Bluffton Township

- (c) Terms of office shall be staggered. Of the first five members appointed, three shall be appointed for four-year terms, and two shall be appointed for two-year terms. A chairman and vice-chairman shall be elected by the voting members of the board. The chairman and vice-chairman must be voting members of the board.
- (d) The board may consult, from time to time, with representatives of public and private solid waste management organizations.
- (e) While no other eligibility criteria is established, it is requested that members possess experience in one or more of the following areas:
- (1) Solid waste management.
  - (2) Solid waste facilities planning.
  - (3) Environmental education.
  - (4) Budget and finance issues.
- (f) The board may invite military installations in Beaufort County to appoint a liaison person to serve as a nonvoting member of the board. The board may appoint representatives from other government organizations to serve as nonvoting members of the board.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **Sec. 62-54. - Powers and duties.**

The powers and duties of the solid waste and recycling board shall be as follows:

- (1) Review and recommend to the county council for approval, a comprehensive county solid waste management plan which is in accordance with the state Solid Waste Management and Policy Act of 1991;

- (2) Develop and submit to the county council for approval service level plans for each of the five unincorporated area solid waste districts;
- (3) Review and approve the annual solid waste and recycling budgets prepared for each of the nine solid waste districts before submission to the county administrator; and present to the county council comments on the budget recommended by the county administrator;
- (4) Seek development of public/private partnership and facilitate intergovernmental contracting for provision of services where appropriate;
- (5) Cooperate with the state department of health and environmental control, office of waste reduction and recycling, as well as other public and private agencies having programs directed toward solid waste management programs; and
- (6) Review and make recommendations concerning development of any new public or private solid waste management facilities, programs or changes in existing solid waste management facilities or programs to ensure such programs or changes are consistent with the comprehensive solid waste management plan of the county.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-55. - Severability.**

If any section, subsection, or clause of this chapter shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

( [Ord. No. 2007/37, 10-22-2007](#) )

### **Sec. 62-56. - Conflicting ordinances.**

All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

( [Ord. No. 2007/37, 10-22-2007](#) )

This ordinance [Ord. No. 2007/37] shall be effective from and after July 1, 2008.

( [Ord. No. 2007/37, 10-22-2007](#) )

## **ARTICLE VII. - LITTER CONTROL AND BEAUTIFICATION BOARD**

**Sec. 62-58. - Title.**

The name of the organization shall be known as the Keep Beaufort County Beautiful Board (KBCBB).

( [Ord. No. 2018/4, 1-22-2018](#) )

**Sec. 62-59. - Composition.**

The board shall be comprised of the following membership:

- (a) One member from county council district 1.
- (b) One member from county council district 2.
- (c) One member from county council district 3.
- (d) One member from county council district 4.
- (e) One member from county council district 5.
- (f) One member from county council district 6.
- (g) One member from county council district [7](#).
- (h) One member from county council district 8.
- (i) One member from county council district [9](#).
- (j) One member from county council district 10.
- (l) One member from county council district 11.

( [Ord. No. 2018/4, 1-22-2018](#) )

**Sec. 62-60. - Filling of vacancies; removal of board members; terms.**

- (1) A vacancy on the board is filled in the same manner as provided for under sections [2-191](#) through [2-198](#) of the Beaufort County Code of Ordinances, upon nomination of the respective member of county council.
- (2) Board members are subject to removal procedures provided in [section 2-193](#) of the Beaufort County Code of Ordinances.



- (3) Board members shall serve at the pleasure of county council. Board members shall be appointed to one term. A term of appointment shall be for four years. No board member shall serve for more than four consecutive terms except that county council may approve a fifth term by unanimous vote.
- a. Upon passage of this article, all 11 board members shall be appointed by county council.
  - b. For districts 1, 2, 3, 4, 5, and 6 the board members shall be re-appointed after the initial two years for a full four-year term, thereby staggering appointments of board members. The initial two-year term shall not count toward the four-term limit.
  - c. For districts [7](#), [8](#), [9](#), 10, and 11, the board members' term shall expire after the full four-year term and vacancies be filled by re-appointment, or filled by new appointment.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-61. - Officers, officers' duties, and elections of officers.**

The members shall elect three officers from its membership, a chairperson, a co-chairperson and a secretary. A majority of board members present and voting, when a quorum is established, shall elect the officers.

- (1) *Chairperson.* The chairperson shall be responsible for leading the board in program development and policy consistent with the Keep America Beautiful objectives. The chairperson shall be spokesperson for the board at functions, prepare and work with the county staff in preparation of reports including but not limited to the annual Keep America Beautiful report and perform such other duties as the board shall elect.
- (2) *Co-chairperson.* The co-chairperson shall serve as the chairperson in his or her absence, and shall discharge such other duties as the board shall direct.
- (3) *Secretary.* The secretary shall keep minutes of all board meetings and shall forward the approved minutes to the appropriate county staff person for record keeping and storage. The secretary shall also perform such other duties as the board shall direct.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-62. - Meetings.**

The board shall meet at the call of the chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the minutes shall be stored in the Department of Solid Waste and Recycle or the Records Management Department of the county. A majority of the number of members on the board

shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-63. - Purpose.**

The purpose of the board will be to educate and empower the Beaufort County Community (including governments, businesses, schools, and citizens) to participate directly in improving the environment through an all-out effort in beautification, litter control, and waste reduction.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-64. - Objectives.**

The objectives of the board include, but are not limited to:

- (a) Conduct and promote continuing education programs; and
- (b) Develop new programs which will result in the sustained reduction of litter, graffiti and increase recycling in Beaufort County; and
- (c) Encourage stricter code enforcement regarding litter and dumping; and
- (d) Review and recommend appropriate legislative changes regarding environmental ordinances in Beaufort County; and
- (e) Encourage placing, planting and preservation of trees, flowers, shrubs and objects of ornamentation in Beaufort County; and
- (f) Maintain affiliate certification with Keep America Beautiful; and
- (g) File the required annual report to Keep America Beautiful; and
- (h) Pursue and secure funding from available sources.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-65. - Keep America Beautiful affiliation.**

The board shall maintain the Keep America Beautiful affiliation status and utilize the KAB resources whenever possible. The board's activities are limited to the boundaries of Beaufort County but should not be construed to exclude activities within the municipal boundaries located in Beaufort County.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-66. - Annual budget.**

The board shall submit a recommended annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years. Additionally, the board shall advise and make recommendations to county council on the expenditure of any and all county funds that may be appropriate to it as well as the design and implementation of any improvement projects that will occur on land owned, maintained, or subject to the control of Beaufort County Council.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-67. - Appointment of other committees.**

The board may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include board members, as well as individuals representing specialized interests in areas that would be beneficial to the board carrying out its purpose.

( [Ord. No. 2018/4, 1-22-2018](#) )

### **Sec. 62-68. - Conflict of interest.**

The board shall adhere to all conflict of interest prohibitions and disclosure requirements provided in S.C. § 8-13-700 et seq., as well as any applicable provisions of the Beaufort County Code of Ordinances.

( [Ord. No. 2018/4, 1-22-2018](#) )



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
Beaufort High School Access Realignment Alternatives
<b>MEETING NAME AND DATE:</b>
Public Facilities Committee – June 20, 2022
<b>PRESENTER INFORMATION:</b>
Jared Fralix, Assistant County Administrator – Engineering Jennifer Bragg, 2018 One Cent Sales Tax Program Manager (15 mins)
<b>ITEM BACKGROUND:</b>
The realignment of the Beaufort High School access was identified as a project from the 2017 Lady’s Island Corridor Study and is currently funded through the 2018 One Cent Sales Tax Referendum. In February 2021, Beaufort County contracted with Stantec for design and engineering services for the US 21, US 21 Business and SC 802 mainline corridor improvements and the Beaufort High School Access Realignment. Design plans are currently at approximately 30%.
<b>PROJECT / ITEM NARRATIVE:</b>
Beaufort High School Access Realignment project includes a new roadway from the Carolyn Drive/Youmans Road intersection to US 21 (Lady’s Island Drive), connecting to the existing Hazel Farm Road intersection. This option was selected based on public comments and coordination with a variety of organizations. The roadway will include pedestrian and bicycle facilities on both sides, one side of Youmans Drive from Carolyn Drive to Meridian Road. Roundabouts are proposed at the Meridian Road/Youmans Drive intersection and Carolyn Drive/Youmans Drive intersection. The existing entrance on Sea Island Parkway will be converted to right-in, right-out and the signal will be removed. The project has been coordinated with the City of Beaufort, SCDOT, Northern Regional Plan Implementation Committee, Lady’s Island Plan Implementation Committee, Lady’s Island Village Center Task Force, Beaufort County School District and Beaufort County internal staff and Council.
<b>FISCAL IMPACT:</b>
The proposed plan is currently estimated at \$7,085,000 which is funded from the 2018 One Cent Sales Tax Referendum Lady’s Island Traffic Corridor Improvements account number 47050011-54505.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Staff recommends moving forward with design of Alternative 4.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve/deny moving forward with design Alternative 4. <i>Next Step: Move forward to County Council to approve/deny moving forward with the design of the current proposed project.</i>



ONE CENT SALES TAX PROGRAM

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# Beaufort High School Access Realignment Alternatives and Status Update



Item 14.

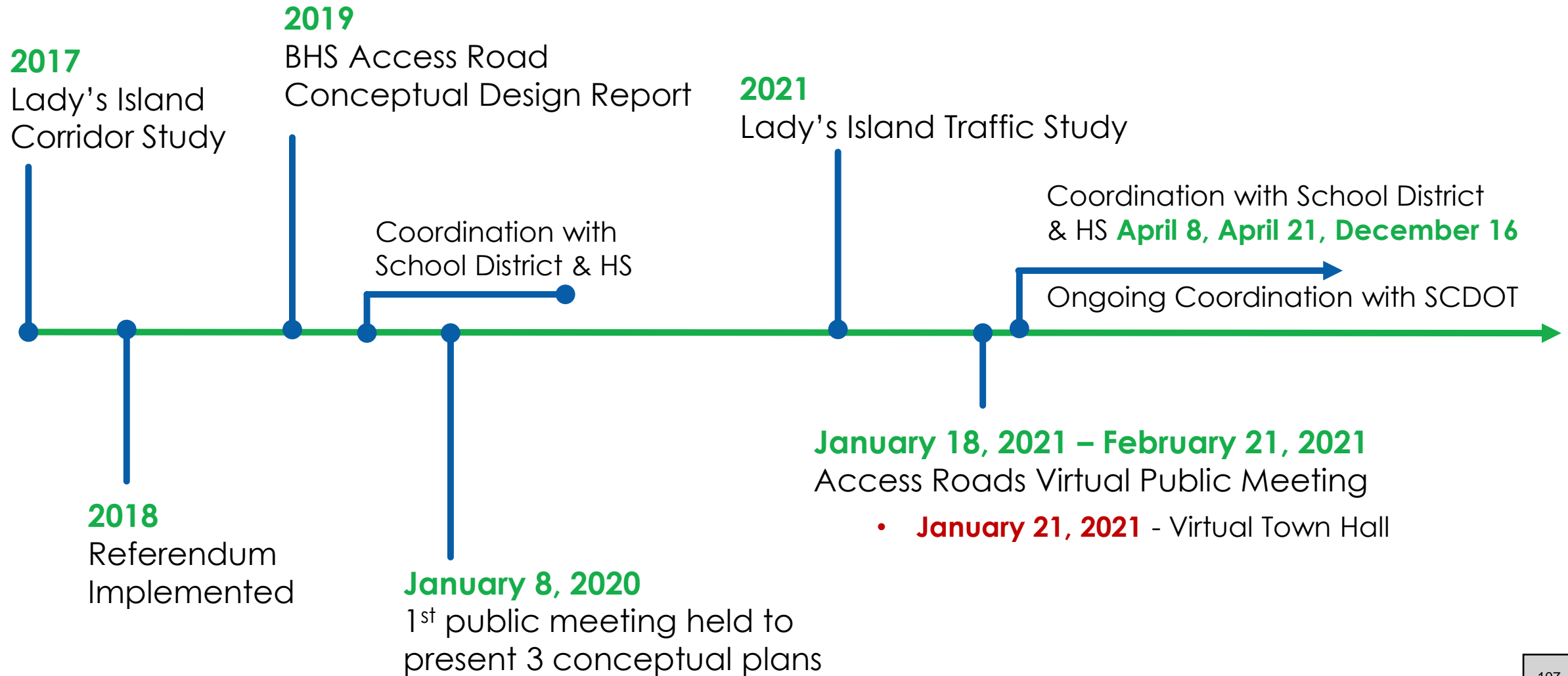
# Background Information



# Beaufort High School Access Realignment



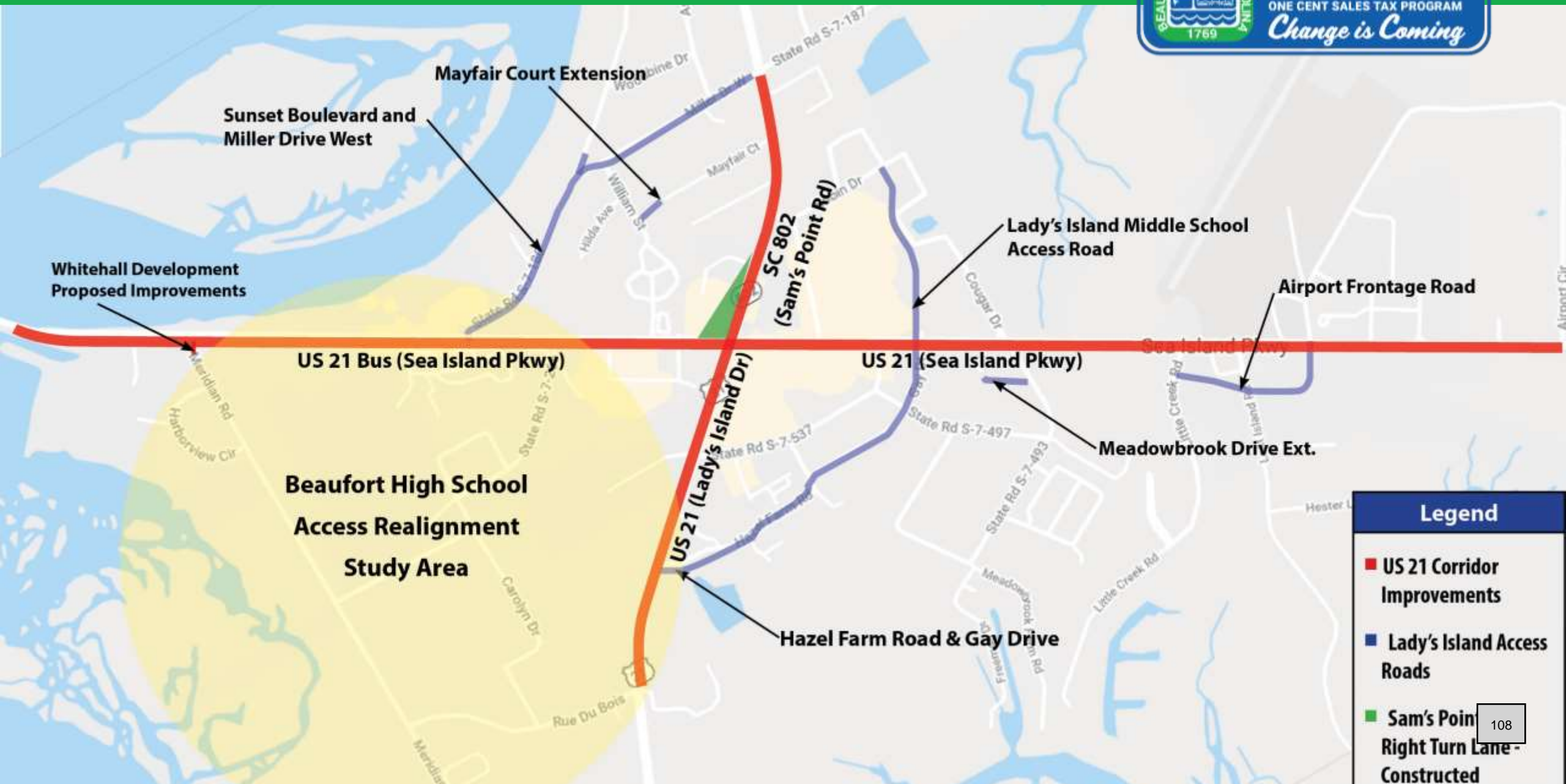
Item 14.



# Beaufort High School Study Area



Item 14.



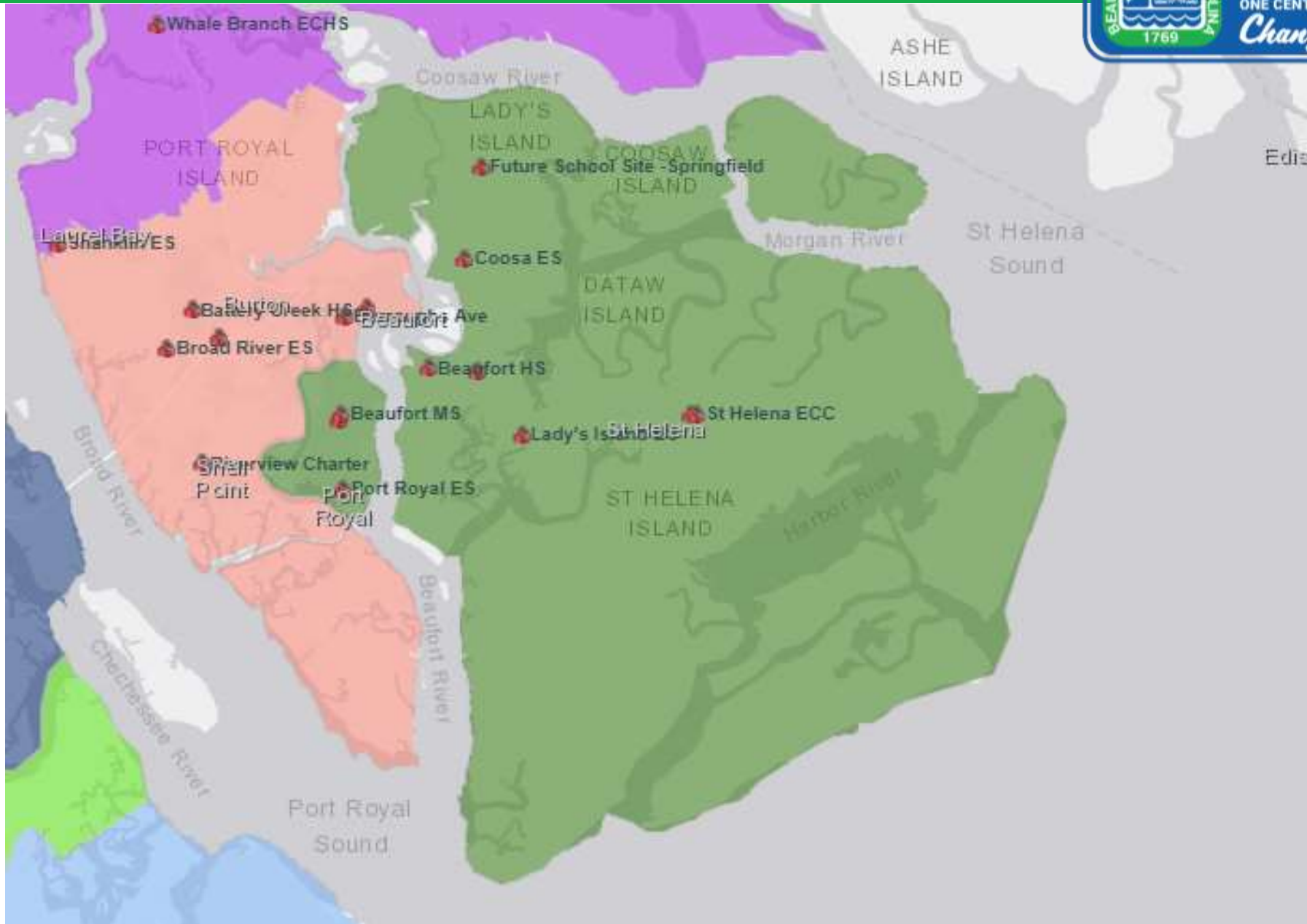
Legend	
<span style="color: red;">■</span>	US 21 Corridor Improvements
<span style="color: blue;">■</span>	Lady's Island Access Roads
<span style="color: green;">■</span>	Sam's Point Right Turn Lane - Constructed



# Beaufort High School Attendance Area



Item 14.





Item 14.

# Proposed Alternatives

# BHS Access Realignment Alternatives Master Map

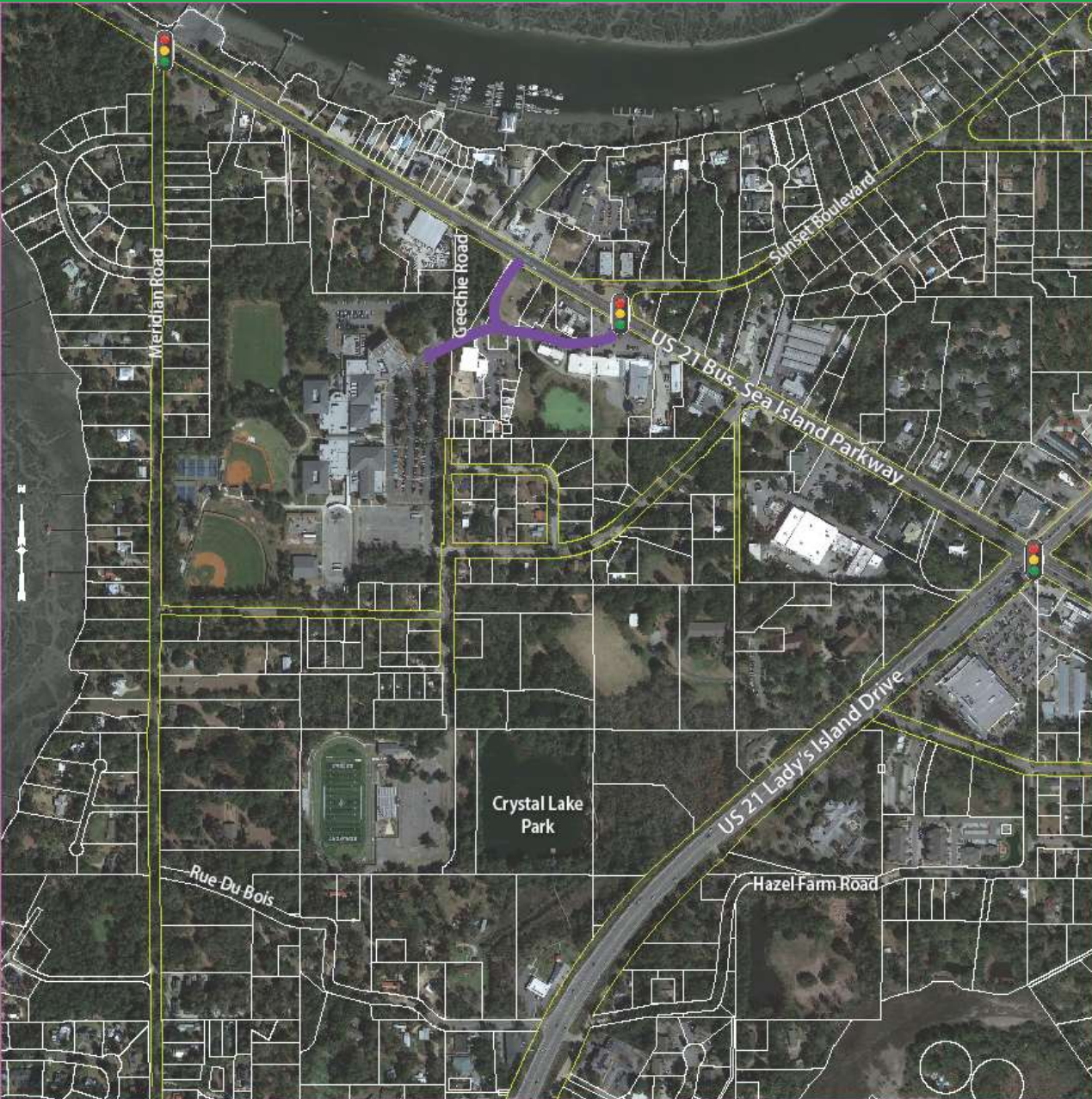




# 2017 Lady's Island Corridor Study Concept



Item 14.



## Pros

- HS entrance converted to RIRO
- 1 intersection with Sunset Blvd

## Cons

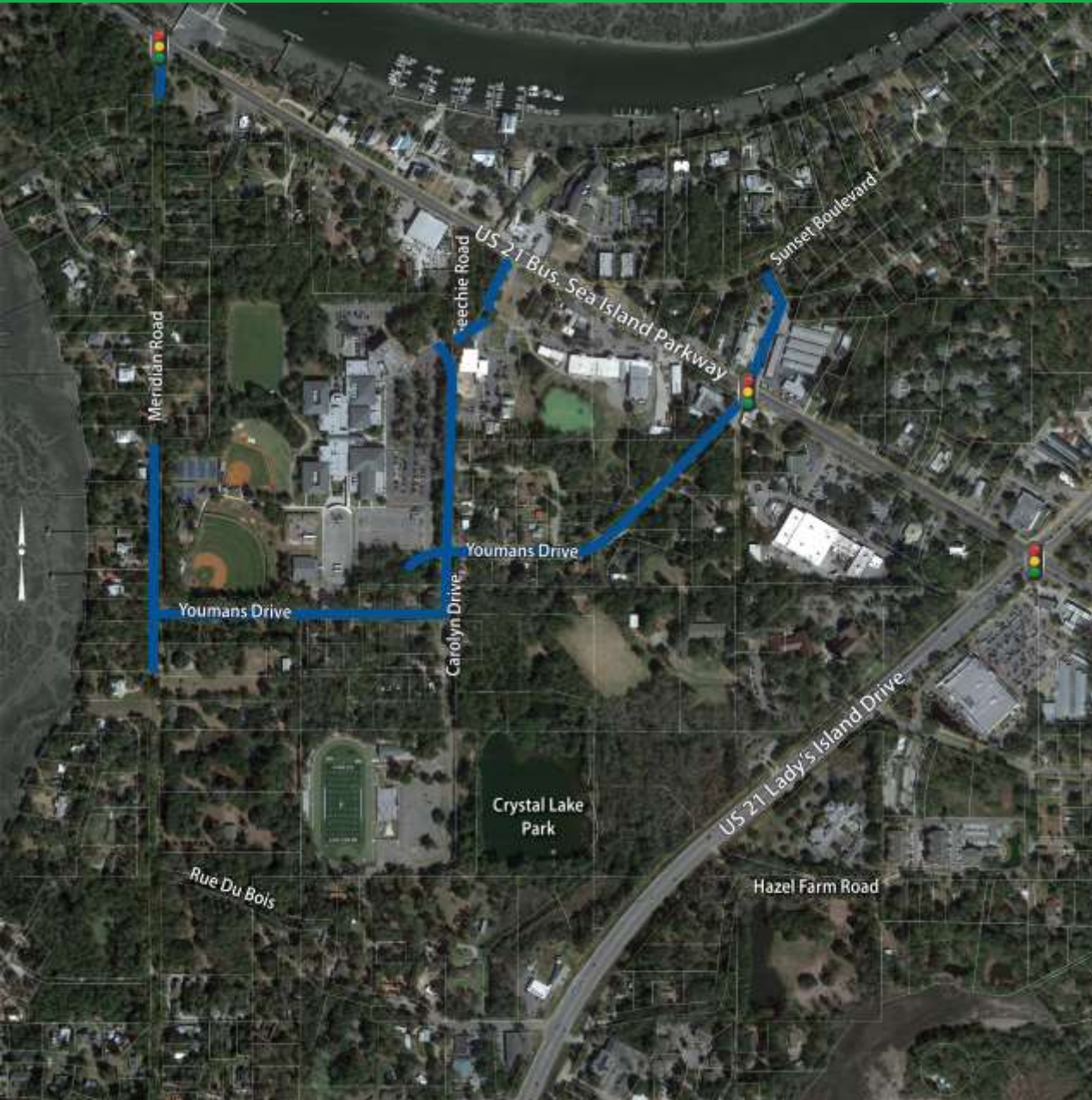
- R/W acquisition of shopping center
- School traffic on US 21 Bus.
- No connectivity to other access roads



# Alternative 1



Item 14.



## Pros

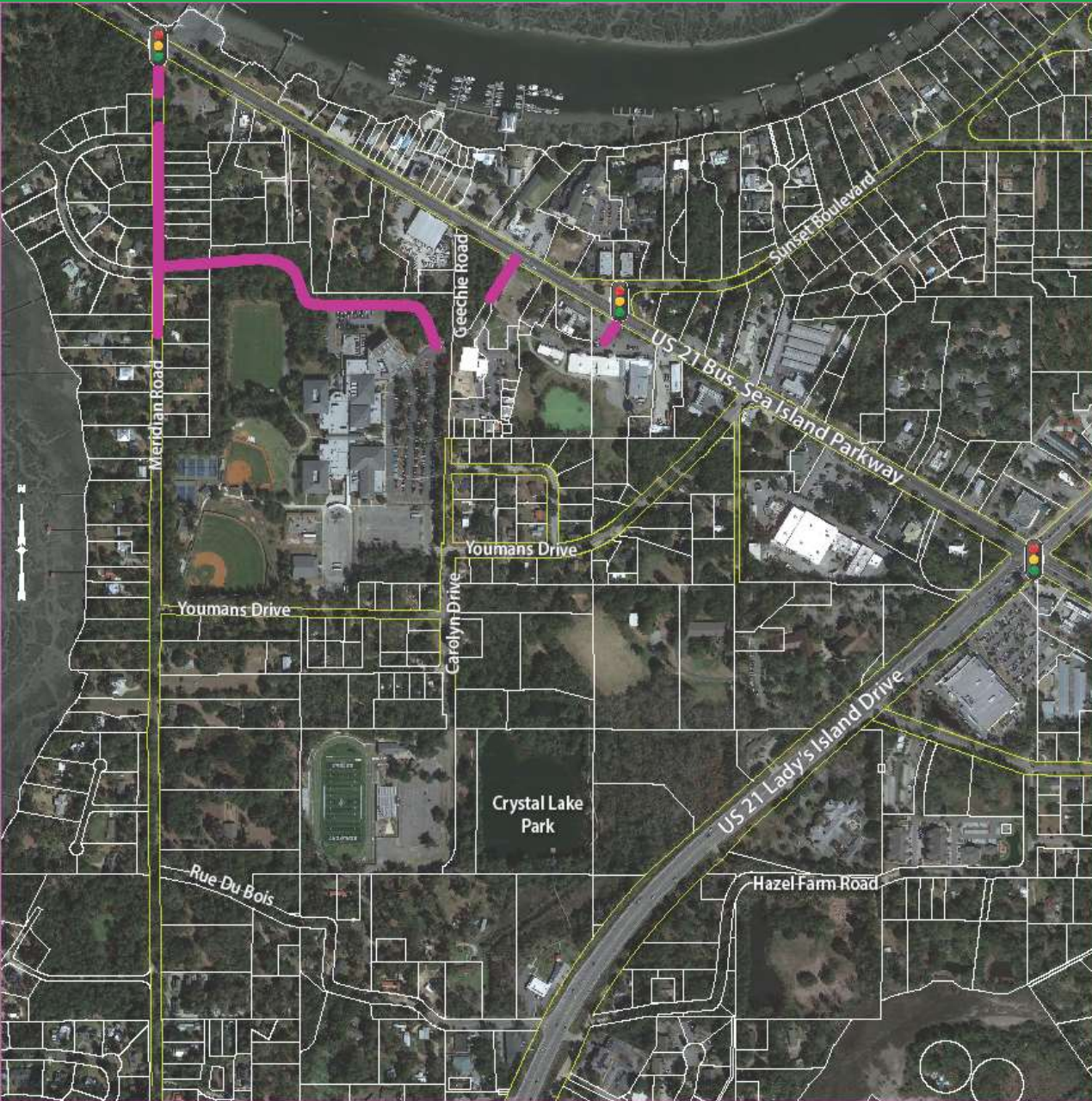
- HS entrance converted to RIRO
- 1 intersection with Beaufort Memorial Access
- Intersection improvement at Meridian Rd and Youmans Dr
- Geechie Rd extension increases connectivity
- Bike/ped facilities improved

## Cons

- Public access on private road
- School traffic on US 21 Bus.
- No connectivity to other access roads
- BMA & SB/US 21 Bus. 700+ ft apart



# Alternative 2



## Pros

- HS entrance converted to RIRO
- New signal at Sunset Blvd and commercial entrance
- Intersection improvement at Meridian Rd and new BHS entrance

## Cons

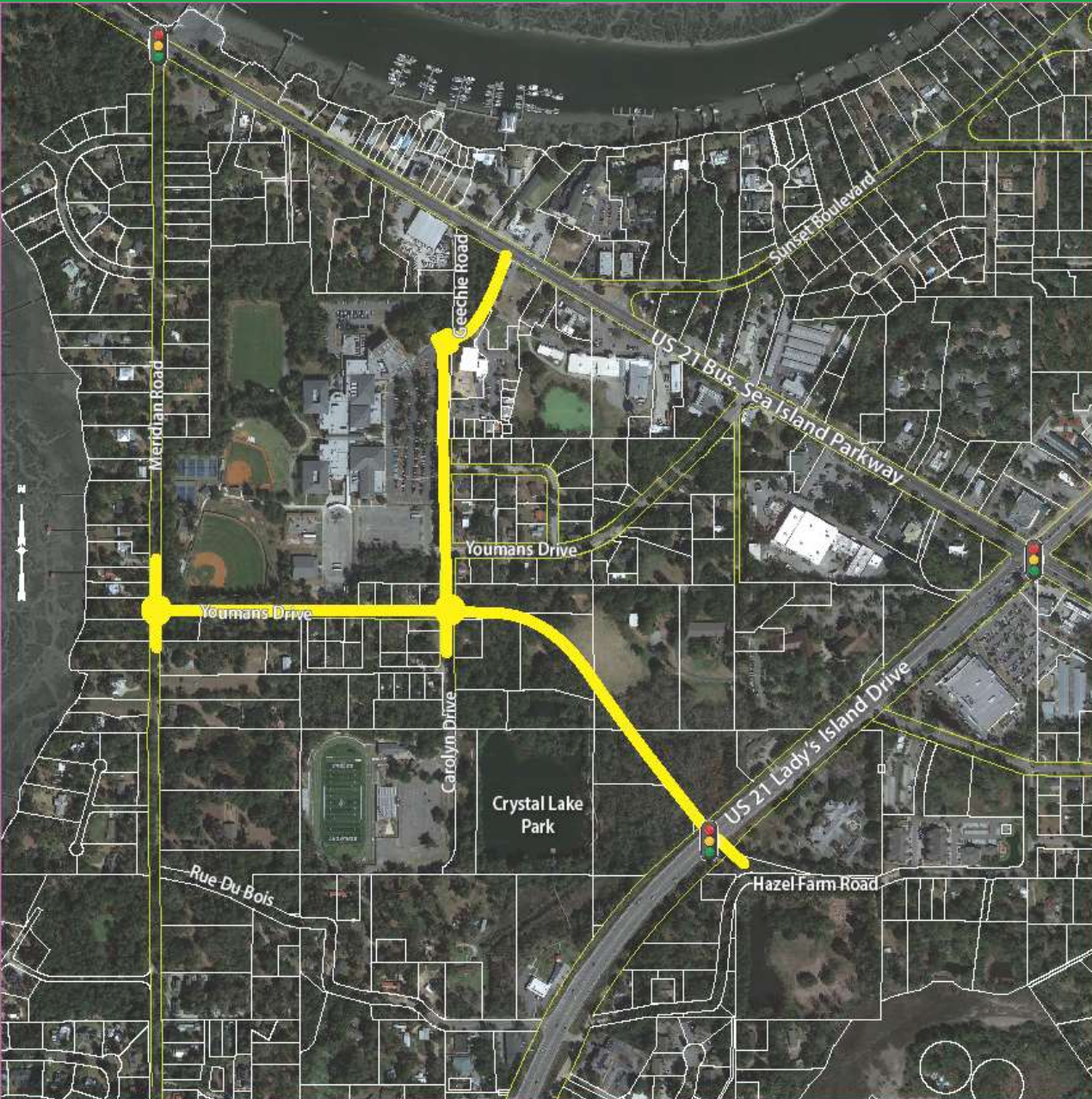
- School travel time increased
- School traffic on US 21 Bus.
- No connectivity to any access roads



# Alternative 3



Item 14.



## Pros

- HS entrance converted to RIRO
- Develops another quadrant roadway
- Creates 1 intersection with Hazel Farm Rd/Gay Dr
- School traffic shifted from US 21 Bus.
- Meridian Rd roundabout = traffic calming
- Bike/ped facilities improved

## Cons

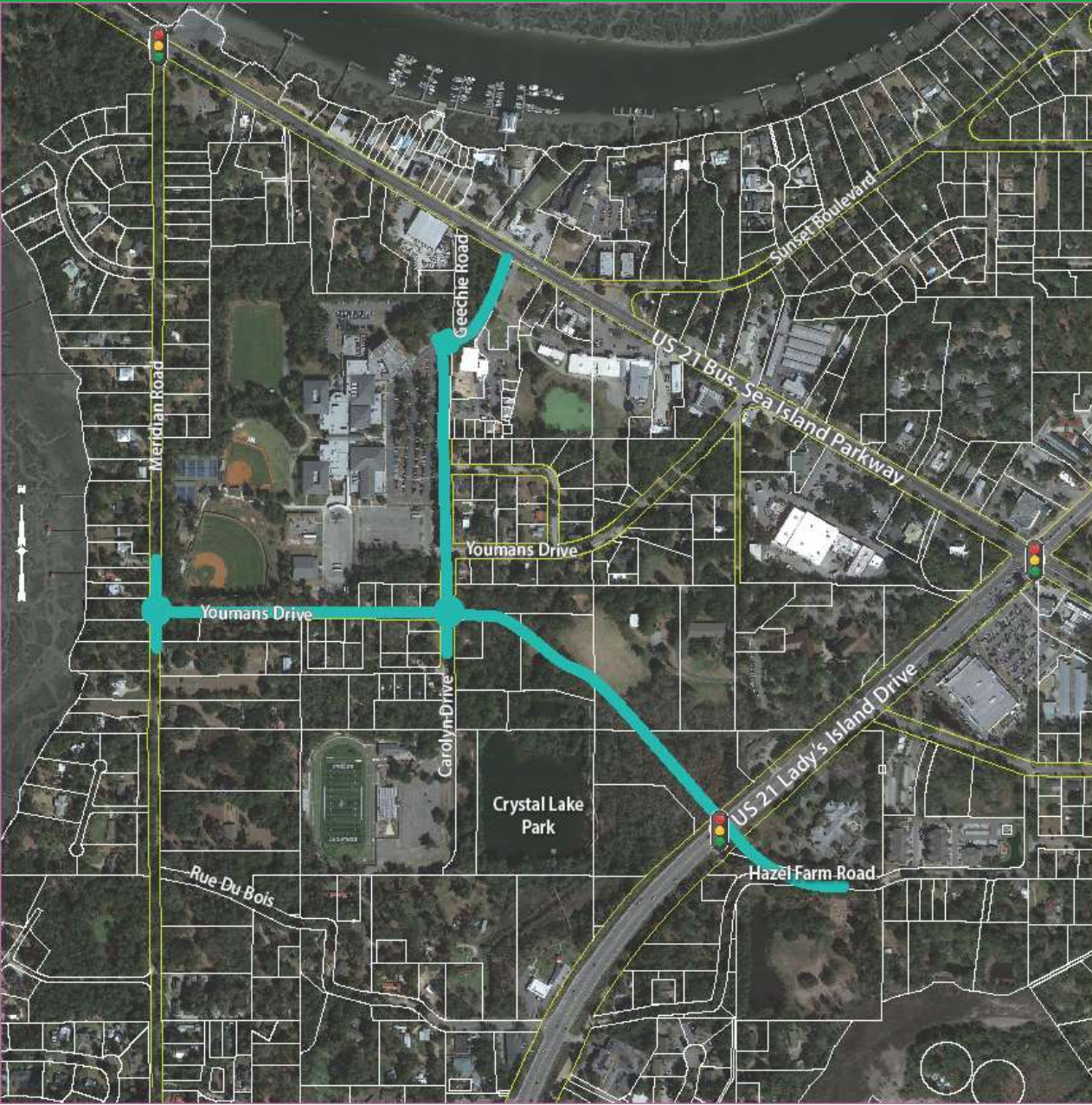
- New R/W from Beaufort County



# Alternative 4



Item 14.



## Pros

- HS entrance converted to RIRO
- Develops another quadrant roadway
- Creates 1 intersection with Hazel Farm Rd/Gay Dr
- School traffic shifted from US 21 Bus.
- Meridian Rd roundabout = traffic calming
- Bike/ped facilities improved

## Cons

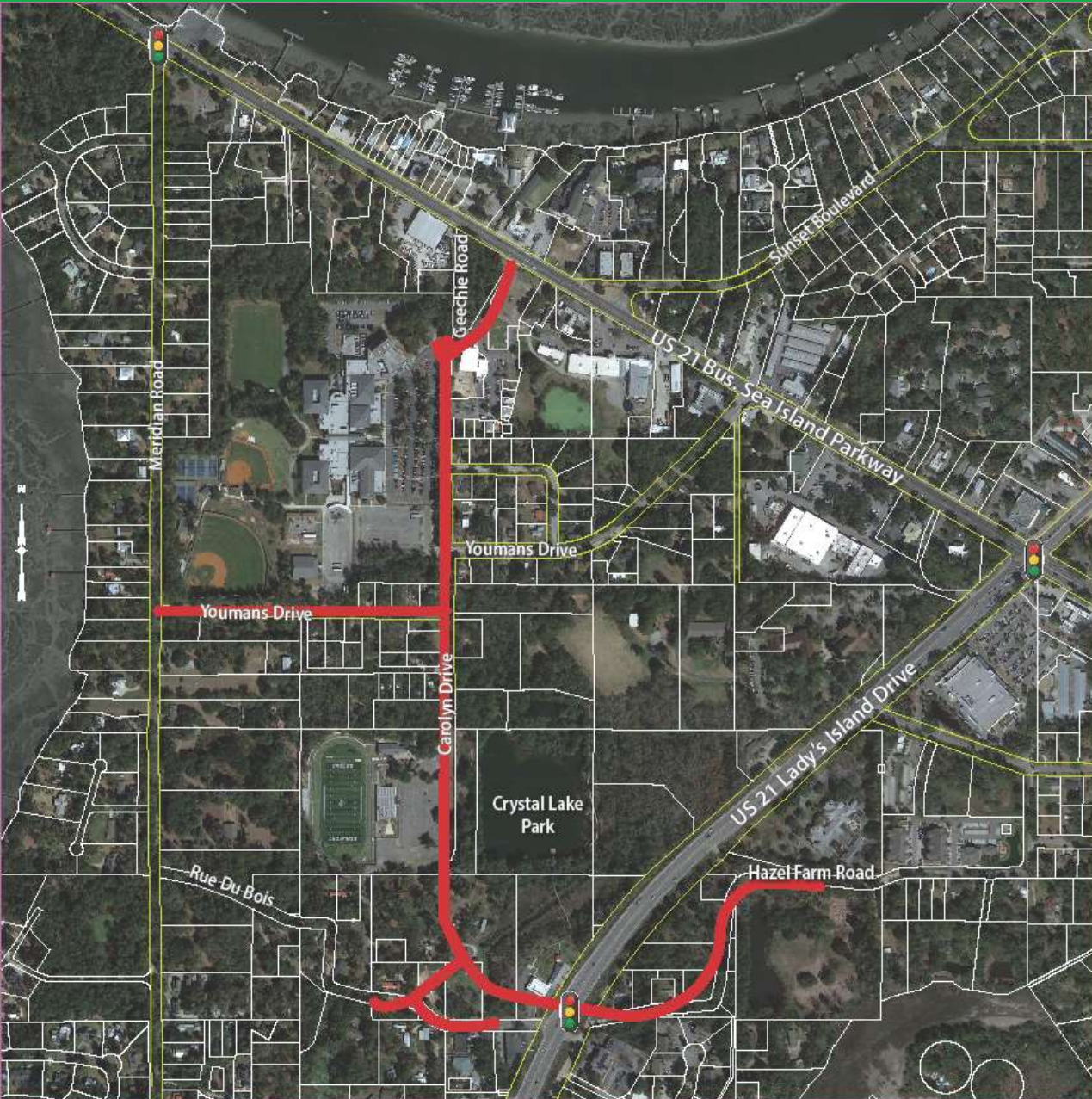
- New R/W from Beaufort County but minimizes/eliminates impacts to 3 parcels
- New R/W area is increased from adjacent parcels



# Alternative 5



Item 14.



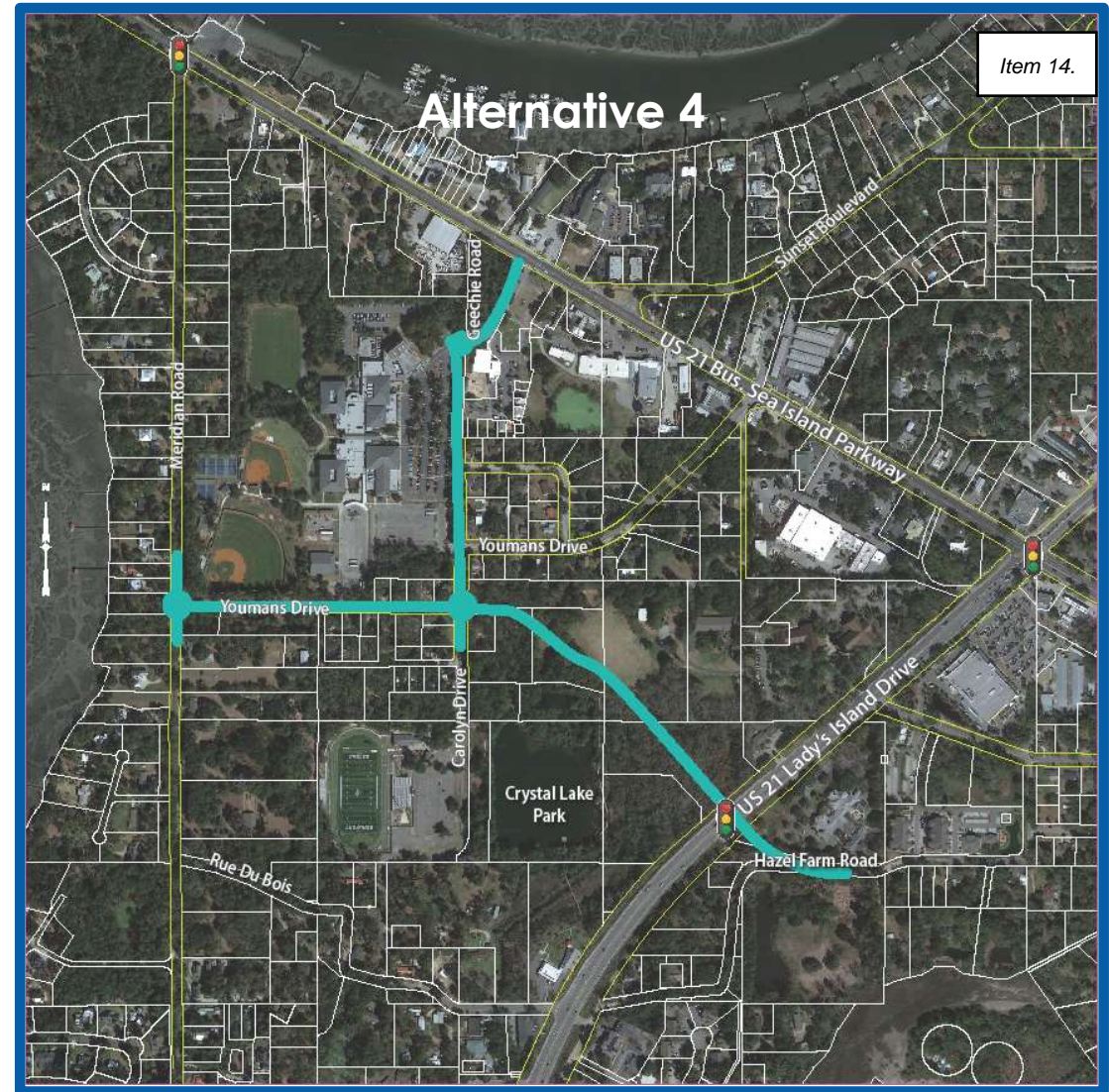
## Pros

- HS entrance converted to RIRO
- Rue Du Bois/Carolyn Drive connectivity improved
- Club Rd extension to Hazel Farm Rd
- School traffic shifted from US 21 Bus.
- Creates 1 intersection on Lady's Island Dr
- Bike/ped facilities improved

## Cons

- Relocation of Crystal Lake building and 2 residences
- Damages to 5 residential properties
- Additional R/W needed from BHS & other properties
- Reduced connectivity to access roads





# Engineering Recommendation



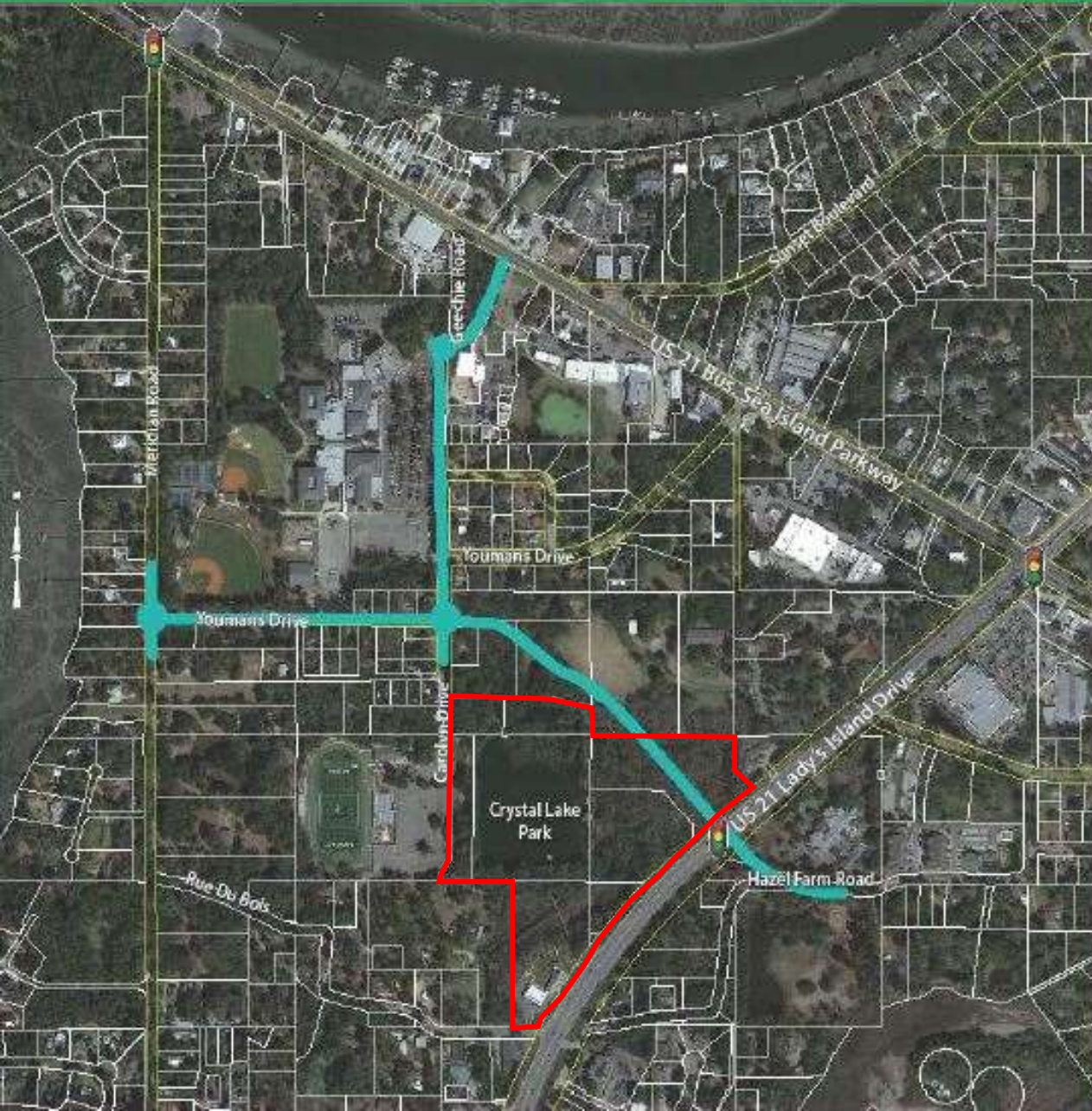
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Beaufort County One Cent Tax Program  
100 Ribaut Rd Beaufort, SC 29902  
(843) 255-2357  
[www.beaufortcountypenny.com](http://www.beaufortcountypenny.com)



# Alternative 4



## Pros

- HS entrance converted to RIRO
- Develops another quadrant roadway
- Creates 1 intersection with Hazel Farm Rd/Gay Dr
- School traffic shifted from US 21 Bus.
- Meridian Rd roundabout = traffic calming
- Bike/ped facilities improved

## Cons

- New R/W from Beaufort County but minimizes/eliminates impacts to 3 parcels
- New R/W area is increased from adjacent parcels