

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2023-1884

AN ORDINANCE OF LANCASTER COUNTY, SOUTH CAROLINA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN LANCASTER COUNTY, SOUTH CAROLINA AND THE TOWN OF KERSHAW, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Kershaw has requested Lancaster County consider allowing the Lancaster County Planning Commission to perform certain planning functions in the area of jurisdiction of the Town; and

WHEREAS, a municipality is authorized by S.C. Code Ann. § 6-29-330 to designate, by ordinance the county planning commission as the official planning commission of the municipality; and

WHEREAS, both Lancaster County and the Town of Kershaw need to pass lawful ordinances approving the terms and execution and delivery of this Intergovernmental Agreement; and

WHEREAS, the parties are determined to enter into an Intergovernmental Agreement, a copy of which is attached hereto as Exhibit A (the “*Intergovernmental Agreement*”), to establish the provisions, requirements and conditions for the County to provide to Planning functions in the area of jurisdiction of the Town of Kershaw, South Carolina, including, but not limited to, activities related to the comprehensive plan, the Town’s unified development ordinance, and official zoning map in conformance with the comprehensive Planning Enabling Act of 1994 and the Town of Kershaw unified development ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Authorization.

1. Subject to the conditions in the Intergovernmental Agreement, a copy of which is attached hereto as Exhibit A, Lancaster County will provide Planning functions in the area of jurisdiction of the Town of Kershaw.

2. There is hereby approved and directed to be executed and delivered to the Town of Kershaw the Intergovernmental Agreement pertaining to the provision of Planning services by Lancaster County. Such Intergovernmental Agreement shall be in substantially the form attached to this Ordinance as Exhibit A, or with such changes or revisions thereto as are consistent with this Ordinance.

3. The County Administrator for Lancaster County (the “*County Administrator*”) is authorized, empowered and directed to execute, acknowledge and deliver the Intergovernmental

Agreement in the name of and on behalf of the County, in substantially the form presented hereto with such changes or revisions as he may determine in his sole discretion.

4. The County Administrator and the Council Clerk are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate and to carry out the intentions of this Ordinance.

Section 2. Severability.

The provisions of this Ordinance are severable, and if any one or more of the provisions, sentences, clauses, sections, or parts hereof shall be held or deemed to be or shall in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflict with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever. It is hereby declared that this Ordinance would have been enacted if such inoperative or unenforceable or invalid provisions, sentences, clauses or sections or parts (i) shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance, and (ii) shall in no way affect the validity of the other provisions of this Ordinance.

Section 3. Conflicting Provisions.

Any ordinance, resolution or other order of the Lancaster County Council, the terms of which are in conflict with this ordinance, is, only to the extent of that conflict, repealed.

Section 4. Effective Date.

This Ordinance shall take effect only after the County Council has approved it after three readings and a public hearing has been duly and timely held and after the Town Council of the Town of Kershaw has also approved the Intergovernmental Agreement as required by law.

LANCASTER COUNTY, SOUTH CAROLINA

By: _____
Steve Harper, Chairman
Lancaster County Council

By: _____
Billy Mosteller, Secretary
Lancaster County Council

ATTEST:

Sherrie Simpson, Clerk to Council
Lancaster County Council

First reading: November 13, 2023
Second reading: November 27, 2023
Public Hearing: December 11, 2023
Third reading: December 11, 2023

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

EXHIBIT A

Form of Intergovernmental Agreement