

STATE OF SOUTH CAROLINA)
)
COUNTY OF MCCORMICK)

FILED
GWENDOLYN D. CHILES
ORDINANCE 22-11
2023 MAY 15 P 12: 32

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 32 OF THE MCCORMICK COUNTY CODE OF ORDINANCES, CONCERNING ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE.

BE IT ORDAINED by the County Council of McCormick County, South Carolina as follows:

Section 1: Article II of Chapter 32 of the McCormick County Code of Ordinances, is amended to read as follows:

ARTICLE II. - ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE

Sec. 32-31. - Eligibility requirements; owner responsibilities.

Subject to the provisions of Article IIA of this Ordinance, no road shall be accepted into the County maintenance system by the County Council unless and until the following conditions are met:

- (1) The Planning Commission reviews the requests for acceptance of the road and makes a recommendation to the County Council.
- (2) Roads subject to the McCormick County Subdivision Regulations (Ordinance 21-08 and Chapter 36 of the McCormick County Code of Ordinances) shall be accepted only in accordance with the provisions of such subdivision regulations.
- (3) No road shall be accepted into the County maintenance system unless such road meets current County road construction standards and/or the design standards for streets/roads as set out in Article III, Design Standards, of the McCormick County Subdivision Regulations (Ordinance 21-08 and Chapter 36 of the McCormick County Code of Ordinances) as determined by County Council. If the road does not meet such standards, the County shall bear no portion of the cost of bringing the road up to such standards and the road shall not be accepted until such road meets current County road construction standards and/or the design standards for streets/roads as set out in Article III, Design Standards, of the McCormick County Subdivision Regulations (Ordinance 21-08 and Chapter 36 of the McCormick County Code of Ordinances) This provision shall apply even if the road was formerly maintained by the County.
- (4) All roads accepted into the County maintenance system must serve a public purpose, connect to an existing public road, and must be open to use by the public at all times.

- (5) Nothing contained herein shall obligate or require the County to accept any road title or deed offered, and no road shall be added to the County maintenance system unless and until title to said road is accepted by resolution adopted by the County Council. The resolution adopted by County Council may include specific requirements for the acceptance of a road into the County maintenance system.
- (6) All roads accepted into the County maintenance system must serve a minimum of three tax parcels owned by different individuals and shall have a minimum of three dwellings present whose entrance fronts on the proposed road. Said dwellings shall have been present for a minimum of five years prior to the date of request for acceptance as evidenced by County property tax records.
- (7) All roads accepted into the County maintenance system must have a minimum 50-foot right-of-way conveyed to the county. The Council may consider a recommendation from the County engineer for acceptance of a lesser width. Property owners upon whose property the proposed road lies shall be notified by letter of such action by the county. All property owners along the proposed road must execute a statement agreeing to have the proposed road accepted into the County maintenance system as a public road and must execute any necessary easements as a condition for consideration and acceptance by County Council.

If the easement granted to the County is such that the County needs to operate on other property of the owner to perform necessary road maintenance, a license or permit to use the property of the owner, as well as a release from liability, must be executed by all property owners as a condition of acceptance prior to the work being performed.

All easements and related work will be completed by County employees at no expense to the property owners. The acceptance of any road into the County road maintenance system does not require that such road be paved.

- (8) Any roads, driveways, byways, or other passageways which are not part of the County maintenance system shall not be maintained by the county.

Sec. 32-32. - No extension provided onto private roads - provision by owner of right-of-way for turnaround.

Realizing that on a dead-end, at some point along the roadway, the public road ends and the individual's private drive begins, the County maintenance will not extend onto roads marked "private," "keep out," etc. It will be the responsibility of the property owner to provide right-of-way for sufficient turnaround at the end of the County maintenance portion of the roadway.

Sec. 32-33. - Barricades and signs prohibited - roads to be always open for use.

No county-maintained roadway may be barricaded in any manner and may not be posted with any sign, such as "private," "posted," "keep out," or any other similar sign. The roadway shall always remain open for use by the public in accordance with local, state, and federal laws.

Sec. 32-34. - Probationary period.

All roadways accepted by McCormick County for maintenance under this Article II will be conditionally accepted for a period of three years. If, during this three-year period, a conditionally accepted road no longer meets the requirements for acceptance or if a conditionally accepted road requires substantial maintenance or repair, the County may terminate acceptance and the road shall revert to the status it had prior to conditional acceptance and the County shall have no obligation to maintain said road.

Sec. 32-35. - Requirements for extensions.

An extension to any existing county-maintained roadway may be accepted into the County system for maintenance when the extension serves at least one permanently occupied home per 0.2 mile and meets or exceeds requirements of this article and/or other applicable ordinances.

ARTICLE IIA. – Alternate Method for Acceptance of Roads for County Maintenance.

Sec. 32-36. – Acceptance of roads that do not meet the requirements of Article II.

There are certain roads in the County which may not meet current County road construction standards and/or the design standards for streets/roads as set out in Article III, Design Standards, of the McCormick County Subdivision Regulations (Ordinance 21-08 and Chapter 36 of the McCormick County Code of Ordinances), but which provide necessary access to residents who live on and/or adjacent thereto. This Article IIA is adopted to provide a procedure whereby such roads may be accepted into the County maintenance system without complying with the provisions of Article II.

Sec 32-37. – Discretion of County Council.

Upon the affirmative vote of three (3) members of County Council, the provisions of Article II. - Acceptance of Roads for County Maintenance, may be waived and a road serving County residents may be accepted into the County road maintenance system.

Sec. 32-38. – Residential property.

Any road accepted into the County maintenance system pursuant to this Article IIA, must serve a minimum of one occupied residential property. Roads exclusively serving industries, businesses, and/or commercial properties cannot be accepted under this Article IIA; except when County Council determines that it is necessary to promote economic development in the county.

Sec. 32-39. – Recommendation of the McCormick County Director of Public Works, County Engineer, and/or County Administrator.

In reviewing a request or deciding to accept a road into the County maintenance system, County Council may request and consider the recommendations of the McCormick County Director of Public Works, County Engineer, and/or County Administrator.

Sec. 32-40 – Easements.

Before a road can be accepted into the County maintenance system pursuant to this Article IIA, the County must be granted easements by all property owners who own property adjacent to the road. The width and extent of such easements may be determined and/or recommended by the McCormick County Director of Public Works, County Engineer, and/or County Administrator.

Sec. 32-41 - Resolution accepting road into County maintenance system.

Nothing contained herein shall obligate or require the County to accept any road title or deed offered, and no road shall be added to the County maintenance system unless and until title to said road is accepted by resolution adopted by the County Council. The resolution adopted by County Council may include the recommendations of the McCormick County Director of Public Works, County Engineer, and/or County Administrator and specific requirements for the acceptance of a road into the County maintenance system.

Sec. 32-42. – No paving requirement.

The acceptance of any road into the County road maintenance system pursuant to this Article IIA, does not require that such road be paved.

Section 2: The remaining provisions of Chapter 32 of the McCormick Code of Ordinances (Article III, Article IV, and Article V) are not amended by this Ordinance 22-11.

Section 3: This Ordinance will become effective upon adoption after three (3) readings and any required public hearing.

APPROVED AND ADOPTED this 18th day of April 2023.

MCCORMICK COUNTY COUNCIL

By: Charles Jennings
Charles Jennings, Chairman

ATTEST: Crystal Barnes
Crystal B. Barnes, Clerk to Council

1st Reading: December 20, 2022
2nd Reading: January 17, 2023
Public Hearing 1: February 21, 2023
Public Hearing 2: April 18, 2023
3rd Reading: April 18, 2023