STATE OF SOUTH CAROLINA)
) **ORDINANCE NO.: 2026-27**
COUNTY OF CHEROKEE)

AN ORDINANCE AMENDING ORDINANCE NO.: 2026-11, RELATING TO "OPT OUT" PROVISIONS, PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; AND OTHER MATTERS RELATED THERETO

WHEREAS, Cherokee County (the "County") is a body politic and political subdivision of the State of South Carolina and, acting through Cherokee County Council, as the governing body of the County (the "Council"), previously enacted Cherokee County Ordinance Number 2026-11 ("Ordinance 2026-11") establishing a service or user fee for collection and disposal of solid waste in the County (the "Solid Waste Fee"); and

WHEREAS, the Council has further reviewed, considered and incorporated herein the opinion issued by the South Carolina Attorney General on September 3, 2026 and desires to incorporate herein additional provisions for Residential Units (as defined in Ordinance 2026-11) to opt out of the Solid Waste Fee; and

WHEREAS, amending the provisions herein serves the public health, safety and general welfare of the citizens of Cherokee County;

NOW, THEREFORE, BE IT ORDAINED by Cherokee County Council that:

Section 1: Amendments To Ordinance 2026-11.

A. Section 5 of Ordinance 2026-11 is hereby amended and restated in its entirety to read as follows:

The solid waste fee shall be charged to each residential unit to which solid waste collection and disposal is rendered by the County. Except as provided herein, no residential unit shall be exempt from the solid waste fee set forth herein.

A residential unit may apply to opt out from solid waste services and the solid waste fees imposed by the County hereunder. Residential unit property owners who wish to opt out must submit an official election form along with proof of identity to the Cherokee County Auditor no later than January 15, 2027.

Property owners seeking to opt-out (as set forth herein) must explicitly acknowledge they are solely responsible for the lawful disposal of all residential solid waste generated on their property in accordance with the laws of this State. Upon the filing of the official opt-out form in the office of the Cherokee County Auditor, the solid waste fee will be removed from their property tax notice prior to payment. However, in the event the solid waste fee is not timely removed from the tax bill, paid by the property owner in advance of the opt-out deadline, or otherwise mistakenly applied, payment credits or refunds shall be timely remitted by the County, acting through the office of the County Treasurer.

A copy of the official opt-out form is included with this ordinance as Exhibit A and incorporated herein by reference. Further, any county-issued roll out cart must be returned to the County as an express precondition of any opt-out.

A residential unit may elect to subsequently repeal any opt-out by making necessary arrangements with the County. In the event of such repeal, the requester must remit a sum equal to the prorated annual amount of the solid waste fee due and payable for the remainder of the fiscal year for which new service is requested.

For new enrollees seeking solid waste collection services during a fiscal year, such persons shall remit a sum equal to the prorated annual amount of the solid waste fee due and payable for the remainder of the fiscal year for which new service is requested.

Section 2: Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3: Repeal provision.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Effective Date.

This Ordinance and Ordinance 2026-11 have been duly approved by a positive majority (as defined in Section 6-1-300 of the SC Code) of the County Council, and shall be effective upon third reading of the County Council.

ADOPTED BY CHEROKEE COUNTY COUNCIL THIS **19th** DAY OF **SEPTEMBER**, **2026**.

CHEROKEE COUNTY COUNCIL

Timothy E. Spencer – Chairman – District 4

David Smith – Vice-Chairman – District 6

Teresa Corry Bonner – District 1

Vacant – District 2

Donnie L. Hardin – District 3

Elliott Hughes – District 5

Peter M. Wilkins – District 7

First Reading: **09/21/26**
Second Reading: **10/05/26**
Public Hearing: **10/19/26**
Third Reading: **10/19/26**

ATTEST:

Master Clerk to County Council

Doris Pearson

Ordinance No. 2026-27

CHEROKEE COUNTY, SOUTH CAROLINA

VOLUNTARY SOLID WASTE COLLECTION OPT OUT FORM

2026-2027

IMPORTANT – PROCESSING REQUIREMENTS
- This form cannot be processed by the Cherokee County Auditor's Office until the property owner has received the annual property tax bill
- The fee cannot be removed after January 15, 2027.
- A property owner voluntarily opting out must have the fee removed before paying the property tax bill.
- The property owner must present this completed form to the Cherokee County Auditor's Office at 110 Railroad Ave., Gaffney, SC 29340.
- Auditor's Office Phone Number: (864)487-2543.

PART I - PROPERTY OWNER INFORMATION

Property Owner(s):

Mailing Address:

City / State / ZIP:

Telephone: **Email:**

PART II – PROOF OF IDENTITY

The undersigned has provided the Cherokee County Auditor proof of identity in the form of (check one and attach a copy):

☐ Valid Driver's License
☐ State-Issued Identification Card
☐ Passport
☐ Other Government-Issued Photo Identification (describe): _____

PART III - PROPERTY AND SERVICE INFORMATION

Service Address:

Tax Map / Parcel ID:

Does this parcel contain more than one residential dwelling? ☐ No ☐ Yes If yes, total:

PART IV - VOLUNTARY OPT OUT REQUEST

☐ I voluntarily request discontinuation of Cherokee County residential curbside solid waste collection at the service address above.

PART V - PROPERTY OWNER ACKNOWLEDGMENTS

County curbside collection will stop and any County-owned cart must be made available for removal or returned as directed.

I accept responsibility for arranging lawful collection and disposal of all solid waste generated at this property.

Use of County disposal, recycling, C&D, limb and brush, or other facilities after opting out will be governed by County policy and facility rules.

Deadlines, the opt-out period, re-enrollment, fees, and billing adjustments will be governed by County Ordinance 2026-27.

I will notify all occupants of the service change and certify that the information provided is true and subject to County verification.

PART VI - PROPERTY OWNER CERTIFICATION

I have read this application, acknowledge and voluntarily request removal from County curbside solid waste collection affected this date:

Printed Name: **Date:**

Signature: _____ *Property Owner / Authorized Agent*

FOR CHEROKEE COUNTY USE ONLY

Date Received: Received By: Ownership Verified: ☐ Yes

Cart Removal Completed: ☐ Yes