**STATE OF SOUTH CAROLINA )**

 **) ORDINANCE NO. 14-25**

**COUNTY OF SALUDA )**

**AN ORDINANCE REPEALING CHAPTER 24, TITLED “SOIL EROSION AND SEDIMENTATION CONTROL,” OF THE CODE OF ORDINANCES OF SALUDA COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, Section 4-9-25 of the Code of Laws of South Carolina 1976, as amended, gives Saluda County, South Carolina (the “***County***”), by and through the County Council of Saluda County (the “***County Council***”), the power to enact regulations, resolutions, and ordinances that are necessary and proper for the security, general welfare, and convenience of the County and for the preservation of health, peace, order, and good government within;

**WHEREAS**, consistent with these powers, on May 13, 1985, the County Council adopted Ordinance Number 01-85, titled “Erosion and Sediment Control” (the “***Erosion and Sediment Control Ordinance***” or the “***Ordinance***”), on third reading after public hearing;

**WHEREAS**, the Erosion and Sediment Control Ordinance is codified in the Code of Ordinances of Saluda County, South Carolina (the “***County Code***”) as Chapter 24, Soil Erosion and Sedimentation Control;

**WHEREAS**, the County adopted the Erosion and Sediment Control Ordinance per the authority of the Stormwater Management and Sediment Reduction Act, Sections 48-14-10, *et seq*., of the Code of Laws of South Carolina 1976, as amended (the “***Act***”), which regulates land disturbing activities through inspections and permits by the South Carolina Department of Environmental Services (“***DES***”) unless a local governmental entity, under the supervision of DES, has accepted those duties or delegated them to a conservation district;

**WHEREAS**, Chapter 72 of the South Carolina Code of State Regulations requires DES to approve all plans delegating the inspection and permitting requirements of the Act to a local governmental entity or conservation district, and without such approval, the obligation to perform those functions remains that of DES;

**WHEREAS**, the Erosion and Sediment Control Ordinance contemplates the acceptance of the inspection and permitting requirements of the Act by the County through delegation to the Saluda Soil and Water Conservation District (the “***District***”);

**WHEREAS**, a plan for the acceptance of the inspection and permitting requirements of the Act by the County through delegation to the District has never been approved by DES, so the inspections and permits required by the Act are, and have always been, handled by DES;

**WHEREAS**, the County desires for DES to continue conducting the inspections and issuing the permits required by the Act within the boundaries of the County, making the Erosion and Sediment Control Ordinance obsolete; and

**WHEREAS**, for these reasons, the County Council, by and through this ordinance, desires to and does repeal Chapter 24, Soil Erosion and Sedimentation Control, of the County Code, including the Erosion and Sediment Control Ordinance, in its entirety.

**NOW, THEREFORE, BE IT ORDAINED**, by the County Council of Saluda County, the governing body of Saluda County, as follows:

**Section 1.** Findings of Fact. The findings of fact set forth in the above “WHEREAS” clauses are incorporated by reference as if restated verbatim.

**Section 2**. Repeal. Chapter 24, Soil Erosion and Sedimentation Control, of the Code of Ordinances of Saluda County, South Carolina, including the Erosion and Sediment Control Ordinance codified within, is repealed in its entirety. The South Carolina Department of Environmental Services oversees all land disturbing activities conducted inside the boundaries of Saluda County and performs the inspections and issues the permits at issue in the Erosion and Sediment Control Ordinance, making it obsolete.

**Section 3.** Recodification and Reindexing. The County Council Chairman and County Administrator are hereby authorized and directed to take such action as may be necessary to codify this amendment to the Code and are further authorized to make such revisions to the lettering, numbering, formatting, or other non-substantive changes to the chapters, sections, subsections, or clauses comprising this amendment to the Code as may be necessary to provide for the codification thereof.

 **Section 4**. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of it.

**Section 5**. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the County Council following three readings and a public hearing.

DONE, RATIFIED, AND ADOPTED THIS \_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_, 2025.

 SALUDA COUNTY COUNCIL

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James L. Moore, Chairman

ATTEST:

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Regina H. Turner, Clerk to Council

First Reading: September 8, 2025

Second Reading:

Public Hearing:

Third Reading: