AN ORDINANCE FOR INSTALLMENT PAYMENT OF REAL PROPERTY TAXES.

WHEREAS the South Carolina General Assembly, through the passage of Section 12-45-75 of the Code of Laws of South Carolina, as amended, permits a county by ordinance to allow each taxpayer owning a parcel of taxable real property within the county the option to pay property taxes in installments.

WHEREAS it is the will of County Council to adopt, authorize and approve, the statutory scheme for installment payment of real property tax as set forth in Section 12-45-75 of the Code of Laws of South Carolina, as amended.

NOW, THEREFORE, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that Section 12-45-75 of the Code of Laws of South Carolina, as amended by 2005 Act No. 136, § 1; 2006 Act No. 388, Pt V, § 3.A, and the statutory scheme for installment payment of property tax set forth therein, is adopted. The provisions of said statute provide as follows:

(1) The governing body of a county may by ordinance allow each taxpayer owning a parcel of taxable real property within the county the option to pay property taxes in installments as provided in this section. An installment election is not allowed for taxes paid through an escrow account.

(2) A taxpayer electing to pay ad valorem taxes in installments or electing to opt out of paying in installments, must notify the county treasurer in writing no later than January fifteenth of the tax year for which the installment payments are applicable, and no earlier than December first of the preceding tax year. If the treasurer does not receive written notification from December first to January fifteenth, the taxpayer must pay ad valorem taxes in the same manner as the previous taxable year.

(3) The treasurer must notify the county auditor and county assessor of each taxpayer electing the installment payment option or electing to opt out of paying in installments. If the county assessor determines the property has diminished in value, an estimated property tax obligation must be adjusted to reflect the reduced value. Upon being notified of an adjustment for reduced value from the assessor, the county treasurer must notify the property owner of the adjusted estimated property tax obligation.

(4) An installment payment is based on the total property tax due for the previous property tax year, after applying all applicable credits and adjustments reflecting reduced value as determined by the county assessor. An amount equal to sixteen and two-thirds
percent of the estimated property tax obligation must be paid to the county treasurer in each of five installments according to the following schedule:

In the case of the following estimates, the due date is on or before:

<table>
<thead>
<tr>
<th>First</th>
<th>February 15</th>
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<tbody>
<tr>
<td>Second</td>
<td>April 15</td>
</tr>
<tr>
<td>Third</td>
<td>June 15</td>
</tr>
<tr>
<td>Fourth</td>
<td>August 15</td>
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<tr>
<td>Fifth</td>
<td>October 15</td>
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</tbody>
</table>

The remaining balance is due on or before January fifteenth of the following taxable year in accordance with Section 12-45-70. The treasurer must notify the county auditor of the amount of a property owner's payments received no earlier than October fifteenth and no later than November fifteenth. A notice of the remaining tax due and other authorized charges and information must then be prepared and mailed to the property owner.

(5) If a taxpayer electing to pay in installments does not timely make each payment pursuant to the schedule in subsection (4), the county may refuse to accept all other installment payments. If the county refuses to accept other installment payments, the remaining balance is due in accordance with Section 12-45-70.

(6) Estimated property taxes paid in installments during a property tax year are a credit against the total property tax due on the real property for the property tax year. The estimated property taxes paid in installments during a property tax year must be deposited by the county treasurer in an interest bearing account. The interest is to be retained by the treasurer to offset the administrative expenses of installment payments. Once final payment is made, and no later than January fifteenth of the following taxable year, the installment payments must be credited to the accounts of property taxing entities in the county in the same proportion that millage was imposed by such entities in the previous tax year with the necessary adjustments made to reflect current tax year millage impositions when property taxes for the current year are paid.

(7) If the credit allowed for estimated property tax paid during the property tax year results in an overpayment of property tax, the overpayment must be refunded to the taxpayer together with the actual interest earned by the county treasurer, running from the later of the due date of the installment resulting in the overpayment, without regard to additional amounts paid, or the actual date the overpayment was received by the county treasurer, to the date the refund is issued. Except that if the overpayment is issued to the taxpayer within forty-five days of the installment payment that resulted in the overpayment, the treasurer may retain the interest earned.

(8) Every tax notice for real property, for which the installment payment option has been elected, must contain a calculation of any estimated property tax due and a payment schedule and return envelopes for these payments.
(9) The payment of estimated property tax as provided in this section and the credit allowed arising from these payments in no way alters the due date, penalty schedule, and enforced collection of property taxes as provided by law.

SEVERABILITY. If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect. Should a court of competent jurisdiction declare any word, phrase, clause or provision of this Ordinance invalid or unconstitutional, such declaration shall not affect this Ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional.

CONFLICT WITH PRECEDING ORDINANCES. If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

EFFECTIVE DATE. This Ordinance shall become effective on Third Reading, and be effective for the 2008 property tax year.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this ______ day of _______________, 2007.

HORRY COUNTY COUNCIL

___________________________________
Liz Gilland, Chairman

____________________________   ____________________________
Harold G. Worley, District 1    Brent J. Schulz, District 2

____________________________   ____________________________
Marion D. Foxworth, III, District 3   Michael L. Ryan, District 4

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Howard D. Barnard, III, District 5   Robert P. Grabowski, District 6
James R. Frazier, District 7

Carl H. Schwartzkopf, District 8

W. Paul Prince, District 9

Kevin J. Hardee, District 10

Al Allen, District 11

Attest:

Patricia S. Hartley, Clerk to Council

Date of First Reading: April 3, 2007
Date of Second Reading: April 17, 2007
Date of Third Reading: May 1, 2007