

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

ORDINANCE NUMBER 09-01

AN ORDINANCE TO PROVIDE FOR THE INSTALLMENT PAYMENTS OF TAXABLE REAL PROPERTY WITHIN DORCHESTER COUNTY PURSUANT TO SECTION 12-45-75, CODE OF LAWS OF SOUTH CAROLINA, (1976), AS AMENDED.

WHEREAS, Section 12-45-75, Code of Laws of South Carolina (1976), as amended, provides that 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; and

WHEREAS, Dorchester County Council believes that such option should be made available to its taxpayers.

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

Section 1. Each taxpayer owning a parcel of taxable real property in Dorchester County shall have the option to pay property taxes in installments as hereinafter provided. This installment election is not allowed for taxes which are being paid through an escrow account.

Section 2. The taxpayer electing to pay *ad valorem* taxes in installments, or electing to opt out of paying *ad valorem* taxes in installments, must notify the Dorchester County Treasurer in writing no later than January fifteenth of the year for which the installment payments are applicable, and no earlier than December first of the preceding tax year. Should the Treasurer 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.

Section 3. The Treasurer shall notify the Dorchester County Auditor and Dorchester County Assessor of each taxpayer electing the installment payment option or electing to opt out paying in installments. If the Assessor determines the real property has diminished in value, an estimated property tax obligation shall be adjusted to reflect the reduced value. Upon being notified of an adjustment of reduced value from the Assessor, the County Treasurer shall notify the property owner of the adjusted estimated property tax obligation.

Section 4. The estimated payment shall be based upon the total property tax due for the previous property tax year, after applying all applicable credits and adjustments reflecting a reduced value as determined by the County Assessor. An amount equal to sixteen and two-thirds percent of the estimated property tax obligation shall 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:

- First February 15
- Second April 15

Third	June 15
Fourth	August 15
Fifth	October 15

The remaining balance is due on or before January fifteenth of the following taxable year in accordance with Section 12-45-70, Code of Laws of South Carolina (1976), as amended. The Treasurer shall notify the County Auditor of the amount of the 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 shall then be prepared and mailed to the property owner.

Section 5. If a taxpayer electing to pay in installments does not timely make each payment pursuant to the schedule set forth in Section 4 above, Dorchester County may refuse to accept all other installment payments. If Dorchester County refuses to accept other installment payments, the remaining balance is due in accordance with Section 12-45-70, Code of Laws of South Carolina (1976), as amended.

Section 6. The 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 shall be deposited by the County Treasurer in an interest bearing account. The interest is to be retained by the County Treasurer to offset the administrative expenses of installment payments. Once a final payment is made, and no later than January fifteenth of the following taxable year, the installment payments shall be credited to the accounts of the property taxing entities in the County in the same proportion that millage was imposed by such entities in the previous year with the necessary adjustments made to reflect current tax year millage impositions when property taxes for the current year are paid.

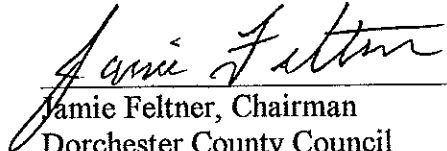
Section 7. If the credit allowed for estimated property tax paid during the property tax year results in an overpayment of property tax, the overpayment shall be refunded to the taxpayer together with the actual interest earned by the County Treasurer, running from the later of the due date of the installment 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. If, however, the overpayment is issued to the taxpayer within forty-five days of the installment payment that resulted in the overpayment, the county treasurer may retain the interest earned.

Section 8. Every tax notice for real property for which the installment payment option has been elected, shall contain a calculation of any estimated property tax due and a payment schedule and return envelopes for the payments.

Section 9. The payment of estimated property tax as provided in this Ordinance 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.

This Ordinance shall be effective upon third and final reading.


Approved and adopted at third reading this 5th day of January 2009.



Jamie Feltner, Chairman
Dorchester County Council

First Reading: 9-15-08
Second Reading: 12-8-08
Third Reading: 1-5-09

ATTEST:



Sandy Lawley, Clerk of Council

08 Ordinance Providing Installment Payments for Real Property Taxes