



Documents required to establish utility service outside city limits

On May 11, 2021 Westminster City Council passed an annexation covenant ordinance. This requires anyone with new utility service/name changes on utility accounts/upgrades to existing utility accounts, outside of the city limits, to sign an annexation covenant/agreement. This document and all other documents must be provided/signed BEFORE utilities can be established.

The ordinance is attached at the end of this document.

Homeowners will need the following documentation to establish service outside Westminster city limits:

- **Driver's license**
 - **Social security card**
 - **Proof of ownership (deed)**
 - **Tax map # from Oconee County for the property**
 - **Property 911 address**
 - **Westminster Utility Department Customer Service Application**
 - **Westminster Utility Department Declaration of Covenant Regarding Utilities and Annexation signed by ALL listed owners. This document must also be notarized, so all owners must be present to sign this document in front of a notary. We do have notaries at City Hall.**
 - **Westminster Utility Department Annexation Agreement**
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Renters will need the following documentation to establish service outside Westminster city limits:

- **Driver's license**
- **Social security card**
- **Westminster Utility Department Customer Service Application**
- **Executed rental agreement between the actual renter and the landlord**

The landlord will need to fill out the following before the renter can have services:

- **Proof of ownership (deed)**
- **Tax map # from Oconee County for the property**
- **Property 911 address**
- **Westminster Utility Department Declaration of Covenant Regarding Utilities and Annexation signed by ALL listed owners. This document must also be notarized, so all owners must be present to sign this document in front of a notary. We do have notaries at City Hall.**
- **Westminster Utility Department Annexation Agreement**

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)
)
CITY OF WESTMINSTER)

ORDINANCE #2021-05-11-01

AN ORDINANCE AMENDING PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF WESTMINSTER REQUIRING THE EXECUTION OF AN ANNEXATION COVENANT IN ORDER FOR PROPERTIES LOCATED OUTSIDE OF THE CITY TO CONNECT TO THE CITY’S UTILITY SERVICES, AND OTHER MATTERS RELATED THERETO.

The City Council of the City of Westminster (the “*Council*”), the governing body of the City of Westminster, South Carolina (the “*City*”), has made the following findings of fact:

(A) The City is authorized by the general powers given to municipalities and Section 5-7-60 of the Code of Laws of South Carolina 1976, as amended, to provide water, sewer and electric service (“*Utility Service*”) to individuals and properties located outside of the corporate boundaries of the City by contract.

(B) The Council finds that it is in the best interest of the citizens of the City that those properties located outside of the corporate boundaries of the City (the “*Outside Properties*”) that request and contract for Utility Service ultimately be annexed into the City in order to promote the City’s control of growth in its surrounding areas and in order to expand the tax base of the City.

(C) In order to ensure that the Outside Properties are ultimately annexed into the City, the Council wishes to require the owners of the Outside Properties to execute an agreement to annex into the City at such time as the property becomes eligible for annexation into the City under South Carolina law (the “*Annexation Covenant*”).

(D) The South Carolina Supreme Court has affirmed and upheld the use of annexation covenants by municipalities as a prerequisite for properties outside of municipal limits to receive Utility Service in *Sloan v. the City of Conway*, 347 S.C. 324 (2001).

(E) In order to accomplish these purposes, the Council now desires, through the enactment of this Ordinance, to revise the City’s Code of Ordinances (the “*Code*”) as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WESTMINSTER AS FOLLOWS:

Section 1. By and through the enactment of this Ordinance, Chapter 50, Section 50.01 of the Code, “FURNISHING ELECTRICITY, WATER AND SEWER SERVICE,” shall be amended to add a subsection (E) thereto, which shall read, in its entirety, as follows:

Sec. 50.01 - FURNISHING ELECTRICITY, WATER AND SEWER SERVICE.

(E) It shall be the policy of the City to require that the owner of any property located outside of the City’s corporate boundaries (a “Subject Property”) that requests a new or upgraded connection to any component of the City’s water, sewer and electric utility system (the “Utility System”) be required to annex the Subject Property into the City at such time as the Subject Property is contiguous to the corporate boundaries of the City.

- (1) If the Subject Property is contiguous to the City at the time such request is made, the owner thereof shall be required to submit an annexation petition to the City prior to the connection to the Utility System being made.
- (2) If the Subject Property is not contiguous to the corporate boundaries of the City at the time such request is made, the owner of the Subject Property shall be required to execute a covenant to annex the Subject Property into the City (an “Annexation Covenant”) prior to any connection to the Utility System being made, requiring the owner of the Subject Property, or any subsequent owner, to take such action necessary to annex the Subject Property, any portion thereof, or any larger property to which the Subject Property was added, into the City at such time as the Subject Property, any portion thereof, or any larger property to which the Subject Property was added becomes contiguous to the corporate boundaries of the City. The Annexation Covenant shall be in a form to be approved by the Council.
- (3) The Council may waive this requirement with respect to any property through the adoption of a resolution that includes specific findings in connection with the justifications of such waiver and a finding that such waiver is in the best interest of the City and its citizens.

Section 2. The form of the Annexation Covenant is set forth in **Exhibit A** hereto. The City Administrator is hereby authorized modify or amend the Annexation Covenant in a manner that is not adverse to the City and that does not alleviate the requirements of Section 50.01(E) of the

Code. The City Administrator, or authorized designee, is hereby authorized to accept any such Annexation Covenant, and to take all action necessary to record such Annexation Covenant in the property records of Oconee County. The City Administrator, or authorized designee, is further authorized to take such action, in accordance with Paragraph 8 of the Annexation Covenant, to act as Attorney in Fact for the owner of such property in order to execute an annexation petition with respect to such property.

Section 3. 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 this Ordinance.

Section 4. Nothing in this Ordinance hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

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 Council.