

Ordinance # / Resolution
Proclamation

Title

2009- 0713	"Weed & Grass"
2009- 810(R)	<i>Resolution</i> "Seek Funds \$51,105 (And Co)"
2009- 1109	"Purchasing Procedure"
2009- 1012	"Payment of Legal Fees (W&G)"
2009- 1008(R)	<i>Resolution</i> "Public Hearing/Hosp. Tax"
2009- 1214(R)	"Loan Asst- Agreement"
2009- 0511	"Transfer Authority of Election"

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)
TOWN OF WEST PELZER)

ORDINANCE # : 2009-0511

AN ORDINANCE TO TRANSFER AUTHORITY TO CONDUCT THE TOWN OF WEST PELZER, S.C. MUNICIPAL ELECTIONS SCHEDULED FOR NOVEMBER OF ODD NUMBERED YEARS TO THE ANDERSON COUNTY REGISTRATION AND ELECTIONS COMMISSION.

WHEREAS, Section 5-15-45, South Carolina Code, 1976, as amended, authorizes municipalities to transfer authority for conducting municipal elections to the county elections commission, and authorizes county elections commissions to conduct municipal elections; and,

WHEREAS, the same section of state law requires, as a condition of the transfer of authority, that the governing bodies of the municipality and the county must agree to the terms, and must respectively state what authority is being transferred and must accept the authority being transferred; and,

WHEREAS, the Town of West Pelzer, S.C. desires to transfer authority to the Anderson County Registration and Elections Commission and the Anderson County Registration and Elections Staff to conduct the Town of West Pelzer, S.C. Municipal Elections scheduled for November of odd numbered years, and the Anderson County Registration and Elections Commission and the Municipal Election Commission (MEC) have recommended such transfer.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF WEST PELZER, SOUTH CAROLINA, THAT:

1. Pursuant to the Section 5-15-45, South Carolina Code, 1976, as amended, and contingent upon the successful enactment of a municipal ordinance by the Town of West Pelzer, S.C. transferring the following stated authority, Town of West Pelzer Town Council hereby transfers the authority to the Anderson County Registration and Elections Commission and the Anderson County Registration and Elections staff to conduct the Town of West Pelzer municipal elections scheduled for November of odd numbered years, on behalf of the Town of West Pelzer, and the Municipal Election Commission (MEC) pursuant to the following terms and conditions; and,

2. It is specifically agreed to by and between the Town of West Pelzer and Anderson County, their respective elections commissions and staffs, that this transfer and acceptance of authority to conduct the Town of West Pelzer municipal elections scheduled for November of odd numbered years will be at no cost to the County and at no responsibility to the Anderson County Registration and Elections Commission. All commission responsibilities, including but not limited to proofing of elections material and submission for the purchase of elections material will be the responsibility of the Town of West Pelzer Municipal Election Commission (MEC). The Anderson County Registration and Elections staff will serve as staff, only, to the Town of West Pelzer Municipal Election Commission (MEC). All responsibility for public relations, media notice, and media contact will be that of the Municipal Election Commission. The Anderson County Registration and Elections staff will answer to and report to the Town of West Pelzer Municipal Election Commission (MEC) for purposes of conducting the Town of West Pelzer Municipal Elections scheduled for November of odd numbered years pursuant to this transfer and acceptance of authority.

3. The specific terms, conditions, and provisions of the municipal elections to be conducted by the Anderson County Registration and Elections staff are contained in Attachment "A" attached hereto and made a part hereof this ordinance. That Attachment "A" is hereby fully

incorporated herein by reference thereto, as fully and completely as if that were specifically spelled out in this ordinance. All terms, conditions, and provisions of that Attachment "A" are specifically adopted as parts of this ordinance and the agreement between the Town of West Pelzer and the County of Anderson for transfer of such authority and the actual terms for conducting said elections.

4. The Town of West Pelzer Municipal Election Commission (MEC) has traditionally used paper ballots for Town of West Pelzer Municipal Elections. Anderson County traditionally uses the South Carolina State adopted electronic voting system known as iVotronics for conducting Anderson County elections. The agreed upon method for conducting the municipal elections shall be the electronic voting machines known as iVotronics. As with all other aspects of this transfer and acceptance of authority, all costs for the method of balloting will be the sole responsibility of the Town of West Pelzer.

5. The Anderson County Administrator, the Anderson County Registration and Elections staff, and the Anderson County Registration and Elections Commission are directed to undertake all procedures necessary to effect the purposes and directives of this ordinance, including undertaking whatever provisions are necessary to ensure adequate accounting and transfer of funds necessary to conduct said elections by and between the Town of West Pelzer and County staffs.

6. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict. All State laws and City ordinances not inconsistent herewith shall remain in full force and effect, and shall be applicable to all future elections.

7. This transfer and acceptance of authority will remain in effect indefinitely and will affect all Town of West Pelzer elections in November of odd numbered years until cancelled or revoked by ordinance by either Town of West Pelzer or Anderson County.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon the successful completion of the following necessary actions prerequisite under federal and state laws to effect the changes called for hereunder:

- (a) Adoption of an appropriate ordinance by the Governing Body of Anderson County accepting the authority being transferred hereunder; and
- (b) Submission to the United States Justice Department and subsequent receipt of pre-clearance and positive response to the transfer of authority for conducting municipal elections which would be effected hereunder.

RATIFIED in Council assembled on the 1st day of February 2010.

FIRST READING 5-11-09

SECOND READING 2-1-10

ATTEST:

Paula Payton
TOWN CLERK:

(Attachment "A" follows...)

Reese M. Patton
MAYOR

James L. Jensen
COUNCILMEMBER:

Ann Adom
COUNCILMEMBER:

Randall Redford
COUNCILMEMBER:

Council Member:

ATTACHMENT "A"
REQUIREMENTS FOR CONDUCTING MUNICIPAL ELECTIONS

- I. NOTICE OF ELECTION
 - A. CALENDAR OF DATES
 - B. DESIGNATION OF RESPONSIBILITY
- II. PETITIONS
 - A. PETITION HEADING
 - B. NUMBER OF SIGNATURES REQUIRED
 - C. CANDIDATES' INFORMATION
 - D. DISTRIBUTION/RETURN OF PETITIONS & ETHICS FORMS
 - E. VALIDATION OF SIGNATURES
 - F. CERTIFICATION OF PETITIONS
- III. CANDIDACY FORM
 - A. CANDIDATES' INFORMATION
 - B. DISTRIBUTION/RETURN OF CANDIDACY FORM & ETHICS FORMS
 - C. VALIDATION OF RESIDENCY WITHIN THE DISTRICT
 - D. CERTIFICATION OF CANDIDACY
- IV. ETHICS COMMISSION
 - A. NOTICE OF ELECTION
 - B. CANDIDATES QUALIFIED/ECONOMIC INTEREST
 - C. ELECTION CONFIRMATION
- V. LEGAL NOTICE
 - A. PREPARATION OF LEGAL NOTICE
 - B. PROOF
 - C. SUBMISSION TO NEWS MEDIA
- VI. BALLOTS
 - A. TYPE
 - 1. PAPER
 - 2. iVOTRONIC DRE
 - B. PREPARATION
 - C. BALLOT RETURNS
 - D. TABULATION OF RESULTS
- VII. POLL MANAGERS
 - A. APPOINTMENT
 - 1. REG/ELECT OR MEC
 - 2. LIST OF CERTIFIED IN CITY
 - 3. NOTIFICATION OF MANAGERS
 - 4. AMOUNT OF COMPENSATION
 - 5. SUBMISSION OF PAYROLL
- VIII. MATERIALS
 - A. PACKAGING
 - B. DISTRIBUTION
 - C. RETURN

All certification of petitions, candidacy forms, and elections will be the responsibility of the MEC. All media contact will be through MEC... announcing of filings, certifications, election results, etc. NO INFORMATION WILL BE GIVEN FROM THIS OFFICE. All expenses will be born by the MEC.

ATTACHMENT "A" (continued)

MUNICIPAL ELECTION COMMISSION RESPONSIBILITIES TOWN OF WEST PELZER, S.C.

1. Responsible for all election costs.
2. Will distribute petitions, and/or candidacy forms, State Ethics forms, maps, instructions, or any other information helpful to the candidates.
3. Will verify that candidate is an active, registered voter of the geographical area and district in which they propose to run.
4. Will advise candidate of eligibility after Anderson County Elections Office verifies signatures and MEC certifies petition.
5. Will be responsible for notifying and/or communicating with the Media all aspects of the election including but not limited to filing dates, candidate qualifications, certifications, election issues, election results, etc.
6. Will advise Elections Office, in writing, the names of candidates qualifying, the office and/or position running for, and the way the names should appear on ballot.
7. Will advise Elections Office the title of offices, the # to vote for, and the terms of office.
8. Is the final authority on all decisions regarding elections. All certifications will be done by MEC and any challenges or hearings will be responsibility of MEC.

ANDERSON COUNTY ELECTION COMMISSION RESPONSIBILITIES

1. Will accept petitions and verify signatures and/or candidacy forms from MEC. THIS OFFICE WILL NOT NOTIFY OR DISCUSS WITH CANDIDATE OR MEDIA. Media interaction will be limited to the scope of the responsibilities and authorities of the County Election Commission and Staff.
2. Will order Voter Registration Books from Columbia.
3. Will assist with preparation of legal notice.
4. Will set up and man absentee precinct.
5. Will define and layout the election ballots for absentee, emergency, failsafe, and Election day.
6. Will name, notify, and train Poll Managers.
7. Will prepare, package, and distribute all Election materials to Poll Managers.
8. Will answer routine questions on Election Day.
9. Will assist MEC with Election Day duties.
10. Will assist with Election night return of materials and tabulating election results.
11. Will assist with official certification on Thursday by providing election returns, any and all evidence for challenge ballot hearings, forms to be used for certification, and final tabulation.
12. Will prepare Poll Manager Payroll and Election Expense Invoice to submit to MEC.
13. Will assist MEC in any other capacity desired pertaining to the scope of that election.
14. ALL MATERIALS MUST BE PROOFED AND AUTHORIZED BY MEC.

RESOLUTION NO. 2009-1214

AUTHORIZING AND APPROVING THE ACCEPTANCE OF CERTAIN LOAN ASSISTANCE MONIES FROM THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AUTHORIZING THE MAYOR TO EXECUTE THAT CERTAIN LOAN ASSISTANCE AGREEMENT BETWEEN THE TOWN OF WEST PELZER AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of West Pelzer (the "**Project Sponsor**") is a municipal corporation duly created and existing under the laws of the State of South Carolina;

WHEREAS, the Project Sponsor is authorized and empowered by the provisions of Title 48, Chapter 5 of the Code of Laws of South Carolina, 1976, as amended, to receive financial assistance from the South Carolina Water Quality Revolving Fund Authority (the "**Authority**");

WHEREAS, the American Recovery and Reinvestment Act of 2009 (the "**ARRA**") has made additional resources available to the South Carolina Water Pollution Control Revolving Fund (the "**Fund**") for use with respect to loans and additional subsidization (including subsidization which will not accrue interest and the principal of which will be forgiven) to rapidly create and preserve jobs through investment in wastewater infrastructure facilities;

WHEREAS, the Project Sponsor previously applied to the South Carolina Department of Health and Environmental Control ("**DHEC**") for certain loan assistance monies (the "**Loan Assistance**") to be made available to the Project Sponsor by the Authority in the form of a subsidization which will not accrue interest and the principal of which will be forgiven;

WHEREAS, the Project Sponsor was selected by DHEC to receive the Loan Assistance contingent upon compliance by the Project Sponsor with all terms, conditions and requirements set forth in the Loan Assistance Agreement, the form of which is attached hereto as Exhibit A (the "**Loan Assistance Agreement**"), including but not limited to, such terms, conditions and requirements mandated by the ARRA; and

WHEREAS, based on approvals issued by DHEC, the proceeds of the Loan Assistance are to be used by the Project Sponsor for the Elimination of Pelzer and West Pelzer Wastewater Treatment Plants Project described in Appendix A to the Loan Assistance Agreement (the "**Project**").

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of West Pelzer, South Carolina (the "**Council**"), in a meeting duly assembled:

Section 1. Acceptance of the Loan Assistance; Acknowledgment of Terms of Loan Assistance Agreement.

The Loan Assistance, under the terms, conditions and requirements set forth in the Loan Assistance Agreement, is hereby accepted. The Project Sponsor acknowledges that the receipt of

proceeds of the Loan Assistance pursuant to the Loan Assistance Agreement requires the Project Sponsor to comply with all of the terms of the Loan Assistance Agreement, including requiring strict compliance with all state and federal mandates set forth therein by any contractors performing work on the Project who are subject to those mandates. The Project Sponsor further acknowledges that the forgiveness of the principal amount of the Loan Assistance by the Authority is conditional upon the Project Sponsor's complete and satisfactory compliance with the terms of the Loan Assistance Agreement, and that any failure to comply strictly with such terms could result in a requirement that the Project Sponsor repay to the Authority all or a portion of the Loan Assistance. The Project Sponsor has fully reviewed each and every term of the Loan Assistance Agreement.

Section 2. Approvals, Appropriations and Expenditures.

The Project Sponsor certifies that it has taken, or will take, all actions necessary under South Carolina law to approve, appropriate and expend the proceeds of the Loan Assistance.

Section 3. Authorization of the Loan Assistance Agreement.

The Loan Assistance Agreement is hereby approved, and the execution and delivery of the Loan Assistance Agreement on behalf of the Project Sponsor is hereby authorized and directed. The Loan Assistance Agreement shall be executed on behalf of the Project Sponsor by the Mayor and shall be attested to by the Town Clerk.

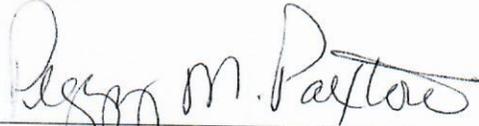
Section 4. Miscellaneous.

This Resolution shall be a contract between the Project Sponsor and the Authority, and shall be enforceable as such against the Project Sponsor.

ADOPTED, this 14th day of December, 2009.

SEAL

TOWN OF WEST PELZER,
SOUTH CAROLINA

By: 
Peggy M. Paxton, Mayor

Attest:

By: 
Paula Payton, Town Clerk

TOWN OF WEST PELZER

ORDINANCE #2009-1109

ORDINANCE TO AMEND SECTION 8.401 OF THE MUNICIPAL CODE OF ORDINANCES

BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF WEST PELZER, SOUTH CAROLINA:

That Sections 8.401 and 8.402 of the Municipal Code of Ordinances for the Town of West Pelzer be amended to eliminate both sections and substitute the following new Section 8.401 for a purchasing procedure for the Town of West Pelzer:

8.401 PURCHASING PROCEDURE AND POLICY

A. The Police Chief, the Director of the Water and Sewer Department and the Town Clerk (the department heads) of the Town of West Pelzer shall have the authority to make purchases of items for their respective departments which do not exceed the amount of \$ 500.00 for any single item or in the aggregate for any number of related items without prior written approval from the Mayor. This authority shall not be delegated to any other department member.

B. Receipts for any such purchases shall be obtained and provided to the Town Clerk within seven (7) days of the date of such purchase, who shall be responsible for accounting for said expenditure within the budget of the department making the purchase.

C. No department head shall have the authority to make any purchase which is not within the monetary limits set by the Town Council in the yearly budget for that department without the approval of the Town Council.

D. The Mayor shall have the sole authority to approve any purchase for any department which exceeds the amount set forth in Paragraph A except where such purchase exceeds the monetary limits set by the Town Council in the yearly budget for that department which would require the approval of the Town Council.

ALL ORDINANCES WHICH CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

THIS ORDINANCE SHALL BECOME EFFECTIVE AS OF THE DATE OF THE SECOND READING AND FINAL ADOPTION HEREOF.

First Reading Date:

11-9-09

Second Reading Date:

12-14-09

Attest:

Peggy M. Paxton
Peggy Paxton, Mayor

Paula Payton
Paula Payton, Town Clerk

TOWN OF WEST PELZER

ORDINANCE #2009-1012

**ORDINANCE TO AMEND ORDINANCE 2009-0713 OF THE MUNICIPAL CODE TO
ADD A SECTION REQUIRING PAYMENT OF LEGAL FEES AND COSTS FOR
ENFORCEMENT**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF
WEST PELZER, SOUTH CAROLINA:**

That the following be added to Ordinance 2009-0713 as Section 1-8 entitled Payment of Legal Fees and Costs:

In the event that the Town of West Pelzer, or any of its authorized agents, servants or employees, incurs any legal fees and costs as a result of, or in any way connected with the enforcement of any and all provisions of Ordinance 2009-0713 of the West Pelzer Code of Ordinances, said legal fees and costs shall be the responsibility of and paid for by the property owner or property owners, if living, or if deceased, by their estates. These costs shall be recovered by the Town of West Pelzer in the same manner as cutting and removal costs are collected as set forth in Section 1-6 of Ordinance 2009-0713.

ALL ORDINANCES WHICH CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

THIS ORDINANCE SHALL BECOME EFFECTIVE AS OF THE DATE OF THE SECOND READING AND FINAL ADOPTION HEREOF.

First Reading Date:

10-12-09

Second Reading Date:

11-9-09

Attest:

Peggy M. Payton
Peggy Paxton, Mayor

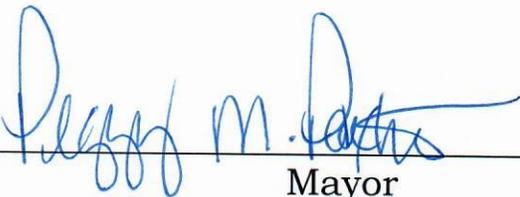
Paula Payton
Paula Payton, Town Clerk

Town of West Pelzer
Resolution #2009-1008

Public Hearing for 2% Hospitality Tax

By reference of the above Resolution, The Mayor and Town Council for the city of West Pelzer, South Carolina are committed to holding two public hearings to allow public input to establish a 2% Hospitality Tax in establishments or on the sales of prepared meals and beverages in establishments licensed for on-premises consumption of alcoholic beverages, beer or wine by ordinance adopted by a positive majority of the entire governing body. The cumulative rate of the tax shall not exceed 2%. Proceeds of this tax must be used in Tourism-related projects and programs as listed in Section 6-1-730 of the SC State Law.

This resolution was adopted during a meeting of Town Council on Nov. 9, 2009, 2009.



Mayor

Attest:


Town Clerk

Ordinance #2009-0713

Weed and Grass Ordinance

Chapter 1: Weeds and Grass

1-0. Title

This chapter shall be known and may be cited as the “Weed and Grass Ordinance of the Town of West Pelzer.”

1-1. Purpose

To preserve the visual and aesthetic qualities of the Town of West Pelzer; to encourage techniques that preserve the environment, enhance the quality of life, and reduce risk associated with the health, safety, and for the good order of the town.

1-2 Applicability

The requirements of the forthcoming sections shall apply to all lands within the corporate limits of the Town of West Pelzer, whether developed or undeveloped and include all land uses.

1-3. Weeds Defined

Weeds as used in this Chapter shall mean not only such noxious weeds as are enumerated by the South Carolina Department of Natural Resources (SCDNR) and the South Carolina Department of Transportation (SCDOT), but also such useless and troublesome plants that are commonly known as weeds to the general public. Trees, shrubs, cultivated areas, including, but not limited to beds of ornamental grasses, ferns, fruits, vegetables, herbs, spices, flowers, or wildflowers are specifically excluded from this definition.

1-4. Nuisance

Any weeds or grass growing upon any lands as defined in Section 1-2, including the lands between the curb line of the street and the property line of a private properties to a height great than one (1) foot, or any weeds which are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the Town; excluding storm sewer holding ponds, storm sewer

drainage areas, surface water drainage area, wet lands, shoreline vegetation, nature preserve and other unplanted property.

1-5. Report of Violation and Notice to Remove

Any citizen of West Pelzer aggrieved by the presence of a grass, lawn, or weed area in violation of the "Weed and Grass Ordinance of the Town of West Pelzer" may report such growth to the Town Clerk, who will prepare a written order to the Police Department for inspection and to gather evidence with pictures, measurements, etc., and prepare a report concerning same for the Town Clerk. If the report indicates a violation of this ordinance, the Town Clerk will prepare a written notice to be sent to the owner and/or occupant. When these conditions exist, it shall be the duty of the Police Department to serve that notice on the owner or occupant of the lot or parcel of land, ordering the owner, occupant or agent to have the weeds or grass cut and removed within ten (10) business days after the date of service of that notice, and also stating that in case of non compliance, the cutting and removal will be administered under the direction of the Town of West Pelzer at the owner's expense.

The notice shall be served by posting the notice of violation in a conspicuous place upon the land or premises and by service of the notice of violation in person or by certified mail, return receipt requested. If the Police are informed or have reason to believe that the owner of record does not reside on the subject property, or if the subject property is unoccupied, the notice of violation shall be posted in a conspicuous place upon the land or premises and sent by certified or registered mail to the owner of record's last known address as shown on the Anderson County Tax Records.

1-6. Removal by Town

Upon the failure of the owner, occupant or agency to comply with the provisions of the aforementioned notice, and after the expiration of ten (10) business days, with no appeal received, The Town of West Pelzer shall have the weeds and grass cut and removed. The cost of the cutting and removal shall be determined and reported to the Town Clerk, and the town Clerk shall cause that cost to be assessed, levied and collected in one payment from the owner/occupant. Failure to comply shall result in that cost being levied and collected on future property taxes collected for the Town of West Pelzer.

1-7. Appeals by Property Owner and/or Occupant

Any owner who is aggrieved by the decision of the Town Clerk that a property is in violation of the "Weed and Grass Ordinance" of the Town of West Pelzer may, within ten (10) business days of service of the notice of violation, appeal to the Town Council by submitting a written statement setting forth the grounds for the appeal. The Town Council shall make a finding based on the written statement

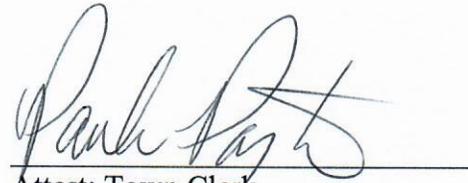
provided by the property owner/occupant and the inspection report. Until the decision is made by the Town Council on the appeal, no action shall be taken pursuant to Section 1-5. If Town Council denies the appeal, the owner/occupant of premises shall be given ten (10) business days from the date of the final decision from that appeal to have the work completed.

This ordinance shall become effective as of the date of second reading.



Mayor

1st Reading: 8-10-09



Attest: Town Clerk

2nd Reading: 8-20-09



Resolution #2009-810

Be it resolved that the Town Council of West Pelzer, South Carolina, hereby supports the request to seek funds in the amount of \$51,105.00 from the Anderson County Transportation Commission to complete the matching funds necessary for the SCDOT Transportation Enhancement Grant.

This resolution was read and approved by vote of
Council on August 10, 2009.



Mayor - Peggy Paxton



Town Council - Ann Odom

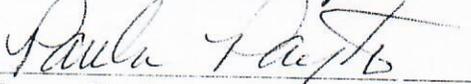
Town Council - Mike Moran



Town Council - Jimmy Jeanes



Town Council - Randall Ledford



Town Clerk - Paula Payton

Town Hall

Ordinance #2009-0713

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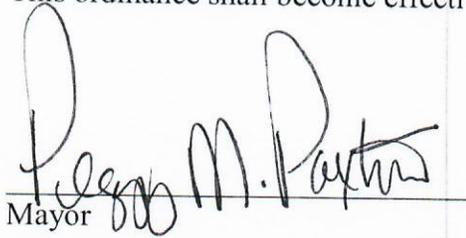
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1-7. Penalties for Violation

Any violation of this ordinance shall be a misdemeanor punishable, upon conviction, by a fine not exceeding Five Hundred Dollars or imprisonment not exceeding thirty (30) days, or both, per offense. Any violation of this ordinance shall be tried in municipal court.

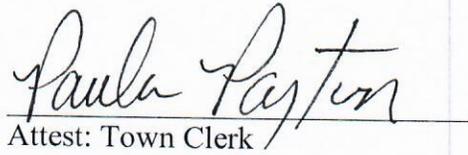
This ordinance shall become effective as of the date of second reading.



Mayor

1st Reading: 12-13-10

2nd Reading: 1-18-11



Attest: Town Clerk