

Ordinance # / Resolution
Proclamation

Title

2010- 0208	"Change General Election Date"
2010- 0223	"Hospitality Tax"
2010- 0510	"Occupying Vacant Bldg. /Vehicle: Begging"
2010- 0913.9	"Amend Weed & Grass"
2010- 0913.8	"Operating a Drug House"
2010- 0913.7	"Loitering For Drug-related Purposes"
2010- 0913.2	"Mean & Vicious Animals"
2010- 0913.1	"Howling or Barking Dogs"
2010- 0913	"Cruelty to Animals"
2010- 1213.1	"Amend Sect 5.406, P.5 (Mobile Home)"
2010- 1213	"Amend Sect 5.404 (Mobile Home)"

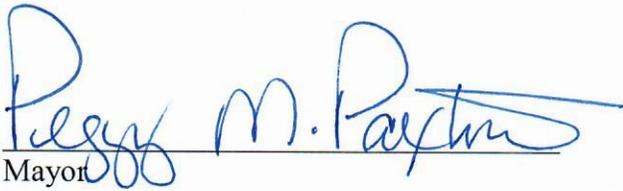
Ordinance #2010-1213

ORDINANCE TO AMEND SECTION 5.404 OF

Article IV. Mobile Homes of the West Pelzer Town Code

5.404. Mobile Home Courts Prohibited

No mobile home court shall be authorized to operate in the town except those in operation prior to the adoption of this section.



Mayor



Clerk

1st Reading: 12-13-10
2nd Reading: 1-18-11

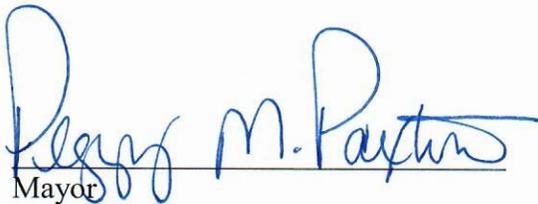
Ordinance #2010-1213.1

ORDINANCE TO AMEND SECTION 5.406 PARAGRAPH 5 OF

Article IV. Mobile Homes of West Pelzer Town Code

5.406. Mobile Home Requirements

5. Incoming mobile homes can be no older than five (5) years except mobile homes in mobile home parks where the mobile home and park are owned by the same person. Mobile homes that are replaced in those parks must be less than ten (10) years old from the date of manufacture.



Mayor



Clerk

1st Reading: 12-13-10
2nd Reading: 1-18-11

Town of West Pelzer

Ordinance#2010-0913

"Cruelty to Animals"

2010-0913-10. **Ill-treatment and torment of animals generally.**

A. A person may not knowingly or intentionally overload, overdrive, overwork or ill-treat any animal, deprive any animal of necessary sustenance or shelter, inflict unnecessary pain or suffering upon any animal or by omission or commission knowingly or intentionally cause these things to be done.

(B) A person may not torture, torment, needlessly mutilate, cruelly kill, or inflict excessive or repeated unnecessary pain or suffering upon any animal or by omission or commission causes the acts to be done.

A person who violates this ordinance is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment not exceeding thirty (30) days or by a fine of not more than five hundred dollars, or both. Any offense under this ordinance shall be tried in municipal court.

2010-0912-20. **Abandonment of animals; penalty.**

(A) A person may not abandon an animal. As used in this section "abandonment" is defined as deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing the permanent necessities of life. "Necessities of life" includes:

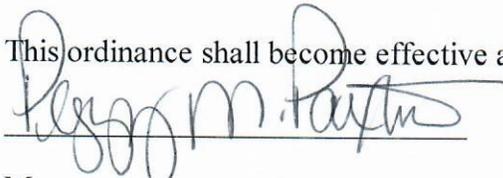
(1) Adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species;

(2) Adequate food which means provision at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight;

(3) Adequate shelter which means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

A person who violates this ordinance is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment not exceeding thirty (30) days or by a fine of not more than five hundred dollars, or both. Any offense under this ordinance shall be tried in municipal court.

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



Raymond M. Rayburn

Mayor

1st Reading: 11-8-2010

2nd Reading: 12-13-2010

Paula Poyt

Attest: Town Clerk

Town of West Pelzer
Ordinance#2010-0913.1
“Howling or Barking Dogs”

AN ORDINANCE PROHIBITING BARKING, HOWLING AND OTHER UNREASONABLE ANIMAL NOISES; PROHIBITING HARRAGGING OF DOGS AND OTHER DOMESTIC ANIMALS; SETTING PENALTIES FOR THE VIOLATIONS THEREOF

WHEREAS, the City Council of the City of West Pelzer recognizes that within its community a large number of citizens are pet owners; and

WHEREAS, the City Council wishes to encourage and not discourage the responsible and legal ownership of domestic pets; and

WHEREAS, the City Council also recognizes that within a community where neighbors live within close proximity to each other as they do in the City of West Pelzer, one element of responsible pet ownership includes preventing said pets from disturbing the peace by excessive barking, howling or other excessive animal noises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF West Pelzer South Carolina. THAT:

SECTION 1: It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog or domestic animal which is loud, continued, or frequent barking, howling, or yelping, or other loud or excessive noise common to its species, shall annoy or disturb any neighbor, person or person; provided, however, this section shall not apply to any animal shelter, humane society, pet store, or veterinary clinic. It shall furthermore be unlawful for any person, firm or corporation to take any direct or intentional act which shall cause, or have the intent to cause, any dog or domestic animal to bark, howl, yelp or make loud or excessive noise, or to otherwise cause unreasonable physical distress to such dog or domestic animal by harassing said dog or domestic animal or by trespassing upon the premises where such dog or domestic animal is located.

SECTION 2: To constitute a violation under Section 1 herein, the phrase “excessive noise” shall be defined as any noise which lasts for a period of more than thirty minutes continuously. It shall not be a violation of Section 1 of this Ordinance if the dog or other domestic animal making noise is doing so due to harassment or injury to the dog or domestic animal or due to a trespass upon the premises where the dog or domestic animal is located weather the trespasser be human or animal.

SECTION 3: For the purposes of the Ordinance, the term “neighbor” shall mean an individual residing in a residence structure which is within two hundred feet (200’) of the residence or location of the offending dog or domestic animal, and who states upon forms provided by the personnel of the Sherwood Animal Shelter that he or she will

testify in Court under oath to said dog or domestic animal making excessive noise, as defined in Section 2 herein. Any complainant under this Ordinance shall be required to identify himself or herself by name, address, and telephone number, and provide any other additional information requested by the animal control officer reasonably necessary to establish a violation hereunder.

SECTION 4: No person shall be convicted at trial of violating this Ordinance unless two or more witnesses who do not reside at the same address testify under oath to the offending behavior of which the person on trial has been accused, or unless there is other evidence corroborating the testimony of a single witness.

SECTION 5: The West Pelzer Chief of Police may, at his or her sole discretion, recommend mediation or other reasonable corrective measures to resolve a dispute between a person accused of violating this Ordinance and the complainant. Any such recommendation or recommendations shall be in addition to and shall not preclude any other remedy provided by this Ordinance.

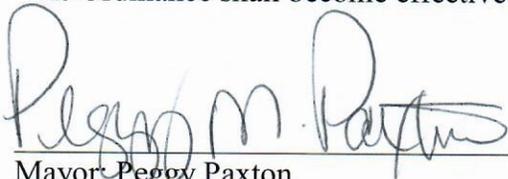
SECTION 6: If any person, firm, or corporation is found guilty in a Court of law of violating the Ordinance, then it shall be deemed a misdemeanor violation with a fine of not more than \$100 plus all applicable Court costs.

SECTION 7: All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8: If any part of this Ordinance is declared void, unconstitutional, or otherwise unenforceable, it shall not affect the remaining provisions of the Ordinance.

SECTION 9: The West Pelzer Police Department is each hereby authorized to issue citations for violations of this Ordinance.

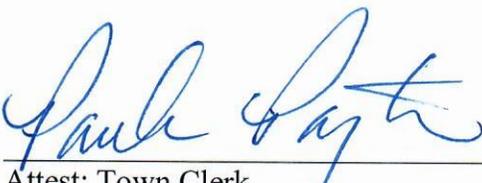
This Ordinance shall become effective as of the date of second reading.



Mayor: Peggy Paxton

1st Reading: 11-8-10

2nd Reading: 12-13-10



Attest: Town Clerk

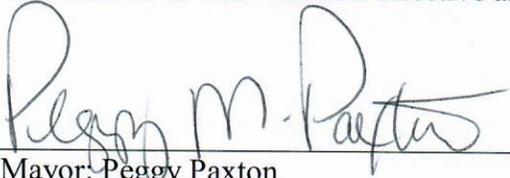
Town of West Pelzer
Ordinance#2010-0913.2
“Mean and Vicious Animals”

(a) It shall be unlawful for the owner of any vicious, unruly or bad-tempered dog willfully or negligently to permit such dog to run at large beyond the limits of his own lands or the lands leased, occupied or controlled by him.

(b) The owner of any such vicious, unruly or bad-tempered dog shall keep the dog confined on his own land or the lands leased, occupied or controlled by such person in such a manner that such dog shall not be able to reach any person or animal not then on the lands owned, leased, occupied or controlled by the owner or such dog. Any vicious, unruly or bad-tempered dog not so confined or restrained shall be and is hereby declared to be a public nuisance and may be impounded and disposed of, and its owner or keeper shall be punished under the applicable sections of this article.

A person who violates this ordinance is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment not exceeding thirty (30) days or by a fine of not more than five hundred dollars, or both. Any offense under this ordinance shall be tried in municipal court.

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



Mayor: Peggy Paxton

1st Reading: 11-8-10

2nd Reading: 12-13-10



Attest: Town Clerk

Town Of West Pelzer
Ordinance# 2010-0913.7
“Loitering for Drug-related Purposes”

(a) It is unlawful for any person to loiter in or near any thoroughfare, place open to the public or near any public or private place, in a manner and under circumstances, manifesting the purpose to engage in drug-related activity contrary to any of the provisions of SC Code 1976, 44-53-110 et seq. Among the circumstances which may be considered in determining whether such purpose is manifested are:

(1) Such person is a known unlawful drug user, possessor or seller. For the purpose of this section, a known unlawful drug user, possessor or seller is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in SC Code 1976, 44-53-110, as amended, or such person has been convicted of any violations of any of the provisions of that law or substantially similar laws of the city; or a person who displays physical characteristics of drug intoxication or usage, including but not limited to dilated pupils, glassy eyes, slurred speech, loss of coordination or motor skills, or a person who possesses drug paraphernalia as defined in SC Code 1976, 44-53-110.

(2) Such person has been given due notice, either verbal or written, on any occasion prior to any arrest, within one block of the area where the arrest occurred, or such person is currently subject to an order or term of probation prohibiting his presence in a high drug activity geographic area.

(3) Such person behaves in such a manner as to raise a reasonable suspicion that such person is engaging or is about to engage in any unlawful drug-related activity, either sale, possession or purchase, including by way of example only, such person acting as a lookout or flagging down vehicles or pedestrians.

(4) Such person is physically identified by the officer as a member of a gang or association which has as its principal purpose illegal drug activity.

(5) Such person transfers small objects or packages for currency or any other thing of value in a furtive fashion which would lead the officer to believe or ascertain that a drug sale has or is about to occur.

(6) Such person takes flight upon the appearance of a law enforcement officer or public safety officer.

(7) Such person endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.

(8) The area involved is by public repute know to be an area of unlawful drug use and trafficking.

(9) Any vehicle involved is registered to a known unlawful drug user, possessor, seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(b) All persons violating this section shall be prosecuted in municipal court and punishable by \$500 fine, up to thirty (30) day imprisonment or both.

1st Reading: 9-13-2010

2nd Reading: 10-11-2010

Town of West Pelzer
Ordinance# 2010-0913.8
“Establishment of Locations for Controlled Substance Operations
Prohibited. (Operating a Drug House)”

(a) Except as authorized by Title 44 of the SC Code of Laws, 1976 (as amended), it shall be unlawful for any person, persons, business entity or entities to:

- (1) Knowingly open or maintain any place in the city for the purpose of manufacturing distributing, or using any controlled substance as defined under the SC Law;
- (2) Manage or control any building, room or enclosure, either as an owner, lessee, agent, employee, or mortgagee, and knowingly and intentionally rent, lease or make available for use with or without compensation, the building, room or enclosure for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance as defined under SC Law.

(b) All persons violating this section shall be prosecuted in municipal court and punishable by \$500 fine, up to thirty (30) day imprisonment or both.

1st Reading: 9-13-2010
2nd Reading: 10-11-2010

Town of West Pelzer
Ordinance# 2010-0913.9

Ordinance to Amend Weed and Grass Ordinance #2009-0713, Section 1-6

Any owner, occupant or agency violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding thirty (30) days, or both.

1st Reading	12-13-10
2nd Reading	1-18-11

Raymond M. Payton
Paul C. Payton

Town of West Pelzer

Ordinance #2010-0510
"Occupying Vacant Building or Vehicle; Begging"

The term "prohibited conduct", as used in this section, shall mean a person who is engaged in any of the following activities within the city:

A. Occupying or sleeping in any vacant or unoccupied garage, barn, shed, shop, warehouse or other building or structure, or in any automobile, truck, railroad car or other vehicle; excluding motor homes in use for temporary purposes, not to exceed thirty (30) days.

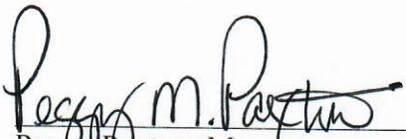
or

B. Stopping, halting or interfering with other persons, or preventing the free and uninterrupted passage of vehicles, traffic or pedestrians in order to in any way to beg for money.

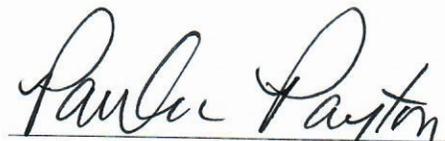
It shall be unlawful for any person to commit prohibited conduct as defined in this section. This section shall not be construed so as to prohibit lawful use of the public right-of-way. Any person who violates any of the provisions of this section shall, upon conviction, be punished with up to a \$500.00 fine or thirty (30) days in jail or both.

First Reading: 5-10-10
Second Reading: 7-6-10

Attest:



Peggy Paxton, Mayor



Paula Payton, Town Clerk

First Reading 2-16-10
Second Reading 2-23-10

MASC – SO 97-005

ORDINANCE NO. 2010-0223
PROVIDING FOR A LOCAL HOSPITALITY TAX ON THE SALES OF PREPARED MEALS AND BEVERAGES IN ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES, BEER OR WINE

WHEREAS, the General Assembly of the State of South Carolina amended Title 6, Chapter 1, of the 1976 Code to provide for a Local Hospitality Tax, effective July 1, 1997:

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of West Pelzer in Council duly assembled, pursuant to Section 6-1-700, et. seq. of the Code, as follows:

Section 1. There is hereby imposed a Local Hospitality Tax of two (2%) percent on the gross proceeds of the sale of prepared meals and beverages in establishments within the Town of West Pelzer (hereinafter “vendor”). Payment of the hospitality tax established hereby shall be the liability of the customer.

Section 2. The tax imposed by this ordinance shall be collected from the customer when payment for meals or beverages is tendered and shall be held in trust for the benefit of the Town until remitted as provided in Section 3 below.

Section 3. Payment of the hospitality tax established herein shall be remitted by the vendor to the Town of West Pelzer on a monthly basis, along with such return or form as may be established by the Town for such purposes, not later than the twentieth day of the month and shall cover the tax due for the previous month. Any tax not timely remitted shall be subject to a penalty of five (5%) percent of the sum owed for each month or portion thereof until paid. The failure to collect from the customer the tax imposed by this ordinance shall not relieve the vendor from making the required remittance.

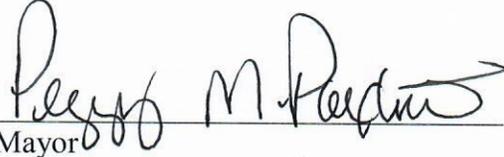
Section 4. The failure of any vendor subject to this ordinance to remit to the Town the tax imposed by the provisions of this ordinance shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to thirty (30) days, or both.

Section 5. There is hereby established a special account to be known as the Local Hospitality Tax Account into which the taxes remitted shall be deposited by the Town and used solely for the purposes provided by law.

Section 6. This ordinance is subject to the constitution and the laws of the State of South Carolina. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

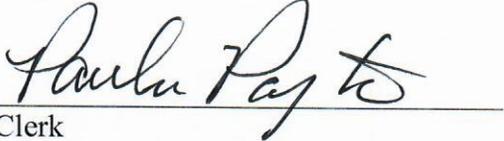
Section 7. This ordinance shall become effective on March 1, 2010.

DONE AND RATIFIED IN COUNCIL DULY ASSEMBLED, BY POSITIVE MAJORITY, THIS 23 DAY OF February, 2010.



Mayor

ATTEST:



Clerk

Town of West Pelzer

Ordinance #2010-0208

“To Change the General Election date to November and to Amend Ordinance #2.303 An Ordinance Establishing Nonpartisan Election Procedures for General Election for Mayor and Town Council and to allow the Mayor and Council Members to serve in their respective capacity until the newly adopted Election Date.”

SECTION 1. Election Method

Pursuant to SC Code Section 5-15-12 (1976) the Mayor and Council members shall be elected from the municipality at large.

SECTION 2. Terms of Office

The office of the mayor shall be for the term of four years.
The office of council shall be for the term of four years staggered with two council seats to be elected every two years.

SECTION 3. Nonpartisan Election Procedure

All regular and special elections for mayor and council members shall be conducted and results shall be determined in accordance with the nonpartisan election and run-off election method authorized by SC Code Section 5-15-62 (1976).

SECTION 4. Election Commission

All regular and special elections shall be conducted by a Municipal Election Commission composed of three electors who shall be residents of the Town appointed by the Town Council for terms of six years, staggered so that the terms of one member expires each odd numbered year at least 90 days prior to the regular election. The election commission shall have the powers and duties specified in SC Code Section 5-15-100 (1976), and applicable provisions of Title 7 of the SC Code.

SECTION 5. Regular Election Dates and Notice

Regular elections for the offices of mayor and members of council shall be held in odd numbered years on the first (1st) Tuesday in November. A run-off election, if necessary, shall be held two weeks following the election.

In the event of a tie vote for any office, a run-off election shall be held two weeks following the election pursuant to SC Code Section 5-15-125 (1976). Special elections to fill vacancies shall be held pursuant to SC Code Section 7-13-190 (1976). Two public notices of a regular or special election shall be given, which shall include the location of polling places set by resolution of Council. The first notice shall be given at least 60 days

prior to the election. The second notice shall be given no later than two weeks after the first notice.

SECTION 6. Filing Statement of Candidacy (or Petition)

Each person offering as a candidate for election to any town office shall do so by filing a notice of candidacy with the Election Commission on or before the date 60 days prior to the date of the election in substantially the following form:

I hereby file notice that I am a candidate for election to the office of Mayor/Councilmember in the regular municipal election to be held _____.
I certify that I am a resident of the Town of West Pelzer and am legally qualified to hold the office for which I seek election.

No political affiliation shall be placed on the ballot for any candidate.

SECTION 7. Filing Fees

The filing fee for the office of Mayor shall be \$50.00

The filing fee for the council shall be \$25.00

SECTION 8. Time of Taking Office

Newly elected officers shall be qualified to take office December 1 in the year elected. Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

SECTION 9. Extension of Term of Office

The Mayor and Council members of the Town of West Pelzer whose terms are set to expire in 2011 shall have their terms of office extended to November 30, 2011, due to the change of the election date.

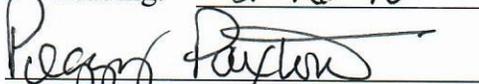
SECTION 10. Contrary Ordinances repealed.

This ordinance repeals any provision of any prior municipal ordinance which is contrary to the terms of this ordinance.

This ordinance shall become effective as of the date of the second reading and passage by the Town Council.

1st Reading: 2-1-10

2nd Reading: 2-16-10


Peggy Paxton, Mayor


Paula Payton, Clerk