

Ordinance # / Resolution  
Proclamation

Title

2013- 0909

"Setoff Debt Collection"

2013- 18.202

"Manner of Driving"

Town of West Pelzer

Ordinance #2013-0909

RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF  
DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT  
COLLECTION ACT

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

WHEREAS, the Town of West Pelzer is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the Town of West Pelzer;

AND WHEREAS, "delinquent debt" is defined in the Act to include "collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;"

AND WHEREAS, the Town of West Pelzer has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act;

AND WHEREAS, the Municipal Association of South Carolina charges a fee for the services it provides pursuant to the Act;

AND WHEREAS, the fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the Town of West Pelzer that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the Town of West Pelzer as that term is defined in the Act;

AND WHEREAS, the Town of West Pelzer also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the Town of West Pelzer;

AND WHEREAS, the Town of West Pelzer desires to recover its internal costs of collection by charging a fee that will be added to the delinquent debt;

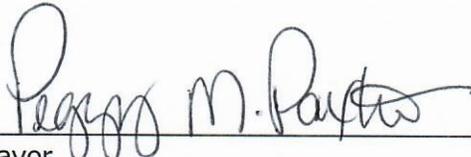
NOW THEREFORE, be it enacted by the Mayor and Council of the Town of West Pelzer as follows:

1. The Town of West Pelzer hereby imposes an administrative fee in the amount of \$10.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10 et. seq. This fee is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The Town of West Pelzer hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the Town, which shall also be added to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
Clerk

First Reading: 9/9/13

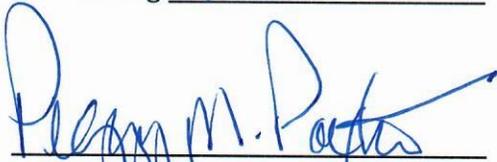
Final Reading: 10/15/13

**18.202 Manner of Driving a Motor Vehicle. Points**

- a. It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.
- b. Any person failing to do so shall be guilty of the offense of manner of driving a motor vehicle.
- c. A manner of driving offense shall be unlawful and shall be considered a lesser offense than reckless driving.
- d. The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facia evidence of a violation of this section.
- e. The provisions of this article may be used in lieu of tickets requiring points.
- f. Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days.

1<sup>st</sup> Reading 5-13-13

2<sup>nd</sup> Reading 6-10-13

  
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Peggy Paxton, Mayor

  
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Paula Payton, Town Clerk