

State of South Carolina }  
County of Pickens }  
City of Liberty }

Ordinance 2019-01  
Administrative & Collection Fees  
for the Setoff Debt Program

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

**The Mayor and City Council state the following findings and reasons for the ordinance:**

**WHEREAS**, the City Of Liberty 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 City of Liberty; 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 City of Liberty 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 an administrative fee for the services it provides pursuant to the Act; and,

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

**WHEREAS**, the City of Liberty 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 City of Liberty; and,

**WHEREAS**, the City of Liberty may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

**THEREFORE**, be it enacted by the Mayor and Council of the City of Liberty as follows:

**Section 1**--The City of Liberty may impose a collection cost of up to \$25.00 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. § 12-5610 et. seq. This cost 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.

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

**Section 3**-- 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.

**Section 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.


**Section 5**—**Name of the person requesting introduction of the ordinance:**

This ordinance is requested by Mayor Brian Petersen.

**APPROVED**, this 14th day of January, 2019.

1st reading: December 10, 2018

2nd reading January 14, 2019

  
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Brian Petersen, Mayor

I attest the following signature is valid and the above ordinance was adopted by City Council:

  
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Bruce Evilsizor, City Administrator