

STATE OF SOUTH CAROLINA
TOWN OF PELZER
ORDINANCE NO. 23-001

AN ORDINANCE TO AMEND ORDINANCE NUMBER 98-005 TO INCREASE THE PAYMENTS FROM THE DUKE ENERGY CAROLINAS, LLC, a North Carolina limited liability company ("THE COMPANY") TO THE TOWN OF PELZER MORE FULLY SET FORTH IN SECTION 9(A) OF SUCH ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF PELZER, IN COUNCIL ASSEMBLED:

SECTION I. Ordinance Number 98-005 is hereby amended by deleting Section 9(A) in its entirety and substituting in its place instead the following Section 9(A), which shall read as follows:

"A. As payment for the right to provide electric services, and any other services as may be permitted under this Franchise Ordinance, in the succeeding calendar year, the Company shall pre-pay into the Treasury of the Town, on the first business day of July each year, beginning with the year 2022, a franchise fee equal to five (5%) percent from gross sales revenue accruing to the Company during the preceding calendar year from all residential and commercial sales of electricity and natural gas in the municipality and all wheeling or transportation service to such customers within the corporate limits of the Town, not including sales made under legally authorized special sales programs which allow the Company to reduce prices to meet customers' competitive energy prices. To change the percentage of the revenue on which the franchise fee is calculated, the Town must both (1) amend this Franchise Ordinance by means of an Amendatory Ordinance solely addressed to that purpose, and (2) provide the Company written notice including an attested copy of the Amendatory Ordinance at least ninety (90) days prior to the next franchise fee payment due date. So long as both conditions are met, the increase will apply to the next franchise fee payment due from the Company and the recovery of the higher fee will begin during the calendar year for which the franchise fee applies. During the term of this Franchise Ordinance, the percentage of the revenue on which the franchise fee is based shall not exceed the highest percentage paid by the Company to any other town or city under a franchise agreement. Any other revenue accruing to the Company in the municipality may be subject to other fees and/or business license taxes as appropriate."

SECTION II. In all other respects, Ordinance 98-005 shall remain unchanged and in full force and effect.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall become effective immediately upon second reading.

SECTION VI. DULY ADOPTED THIS 14 ^{Feb} day of ~~January~~ 2023 under the corporate seal of the Town of Pelzer

First Reading: 1-10-23
Final Reading: 2-14-23
Introduced by: Mayor Will Ragland
Ordinance No.: 23-001

W. Ragland
Will Ragland
Mayor

Attest:

Cheryl C. Bates
Cheryl Bates
Town Clerk