AN ORDINANCE AMENDING AND RESTATING THE BUSINESS LICENSE ORDINANCE OF THE CITY OF WEST COLUMBIA, SOUTH CAROLINA; TO MAKE CERTAIN OTHER MODIFICATIONS TO THE CITY'S BUSINESS LICENSE PROCEDURES; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of West Columbia, South Carolina (the "***City***") is a municipal corporation of the State of South Carolina, located in Lexington County, South Carolina and as such possesses all general powers granted by the Constitution and statutes of the State to municipal corporations;

WHEREAS, the City is duly empowered by Section 5-7-30 of the Code of Laws of South Carolina 1976, as amended, to require businesses located within the City to pay an excise tax for the privilege of doing business within the City;

WHEREAS, City Council of the City of West Columbia, the governing body of the City (the "***Council***") has previously enacted and implemented a comprehensive business license program (the "***Business License Program***"); and

WHEREAS, the Council has reviewed the Business License Program and determined to amend and restate the Business License Program in its entirety.

NOW, THEREFORE, BEING DULY ASSEMBLED, be it ordained by the city council of the City of West Columbia as follows:

Section 1. There is hereby enacted by the Council, for the purposes discussed above, the "Business License Program" of the City. Amendments, modifications and clarifications to the Business License Program or succeeding amendments, modifications or clarifications to Business License Program shall become effective if approved and enacted by the Council. Prior to such effective date, the version of the Business License Program enacted by the terms hereof shall remain in full force and effect.

Section 2. Through the amendment and restatement of the Business License Program, the Council has determined to classify businesses using the North American Industrial Classification System ("***NAICS***"). NAICS is intended to completely replace the Standard Industrial Classification ("***SIC***") system, the business classification manual previously utilized by the City. Subsequent to the enactment of this Ordinance, all references to the SIC system shall be null and void. To the extent any provision, rule, law, ordinance, resolution, code or regulation implemented by the City requires the use of or otherwise makes reference to the SIC system, upon the due enactment of this Ordinance, all such references shall be replaced, *mutatis mutandis*, with NAICS.

Section 3. The Business License Program has previously been codified into the City's Code of Ordinances (the "***Code***"). By and through the enactment of this Ordinance, Title 7, Chapter 1 of the Code, entitled "LICENSING AND REGULATION – Business Licenses," shall be amended and restated, in its entirety, as follows:

Sec. 7-1-1 Title.

This Chapter shall be titled "Business License Program."

Sec. 7-1-2 License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of West Columbia South Carolina, is required to pay an annual license tax for the privilege of doing business in the Municipality (as defined in Section 7-1-3 below) and obtain a business license as herein provided.

Sec. 7-1-3 Definitions.

The following words, terms and phrases, when used in this Business License Program, shall have the meaning ascribed herein:

"Business" means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

"Charitable Organization" means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10), (12) or (19).

"Charitable Purpose" means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

"Classification" means the division of businesses by major groups subject to the same license rate as determined with reference to NAICS, or other basis deemed appropriate by the Council.

"Gross Income" means the gross revenues or gross receipts of a business, received or accrued, for one calendar or fiscal year (as applicable) collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid to some other municipal corporation or a county and fully reported to the Municipality. Further, "Gross Income" for agents means gross commissions received or retained, unless otherwise specified. "Gross Income" for insurance companies means gross premiums written. Gross Income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in Gross Income. Gross Income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service,

the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

"License Official" means a person designated to administer this Business License Program.

"Licensee" means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

"Municipality" means the City of West Columbia South Carolina.

"NAICS" means the North American Industry Classification System for the United States published by the Federal Office of Management and Budget.

"Person" means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Sec. 7-1-4 Purpose and Duration.

The business license levied herein is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for the twelve-month period beginning on May 1 and ending on April 30 of the following year, unless otherwise revoked as provided herein. The provisions of this Business License Program and the rates herein shall remain in effect from year to year as may be amended from time to time.

Sec. 7-1-5 License Tax.

A. The required license tax shall be paid for each business subject hereto according to the applicable Classification on or before the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

B. A separate license shall be required for each place of business and for each Classification or business conducted at one place. If Gross Income cannot be separated for multiple Classifications at one location, the license tax shall be computed on the combined Gross Income for the Classification requiring the highest rate. A license tax based on Gross Income shall be computed for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax

for a new business shall be computed on the estimated probable Gross Income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Sec. 7-1-6 Registration Required.

A. The owner, agent or legal representative of every business subject to this Business License Program, whether listed in the NAICS or not, shall register the business and make application for a business license on or before the due date of each year; provided, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a drinking place (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this Business License Program by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures as necessary to determine Gross Income.

C. The applicant shall certify under oath that the information given in the application is true, that the Gross Income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the Municipality have been paid.

Sec. 7-1-7 Deductions, Exemptions, and Charitable Organizations.

A. No deductions from Gross Income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipal corporation or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the license tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the Business License Program by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate Classification for each business in accordance with the

latest issue of the NAICS, as published by the Office of Management and Budget. No person shall be exempt from this Business License Program by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this Business License Program.

C. A Charitable Organization shall be exempt from the business license tax on its Gross Income unless it is deemed a business subject to a business license tax on all or part of its Gross Income as provided in this section. A Charitable Organization, or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its Gross Income from such for-profit activities or unrelated business income.

D. Charitable Organization shall be deemed a business subject to a business license tax on its total Gross Income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this Business License Program, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this Business License Program. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

E. For-profit vendors at community sponsored events or festivals may be exempt from normal license taxes, provided, and as shall be approved by Council, that a per-event or per-festival fee is paid in lieu of a license tax prior to each such event or festival.

Sec. 7-1-8 False Application Unlawful.

It shall be unlawful for any Person subject to the provisions of this Chapter to make a false application for a License, or to give or file, or direct the giving or filing of, any false information with respect to the License or license tax required by this Chapter.

Sec. 7-1-9 Display and Transfer.

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with applicable zoning and building codes. Failure to timely obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business, thus requiring a new business license based on old business income.

Sec. 7-1-10 Administration of Chapter.

The License Official shall administer the provisions of this Chapter, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the City Administrator or his/her designee, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this Business License Program, and perform such other duties as may be duly assigned.

Sec. 7-1-11 Inspection and Audits.

A. For the purpose of enforcing the provisions of this Business License Program, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this Business License Program to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

B. The License Official shall have the authority to make inspections and conduct audits of businesses within the Municipality to ensure compliance with the Business License Program. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported Gross Income of any person by name without written permission of the licensee, except as authorized by this Business License Program, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Sec. 7-1-12 Assessments, Payment Under Protest, Appeal.

A. If a person fails to obtain a business license or to furnish the information required by this Business License Program or the License Official, the License Official shall examine such records of the business or any other available records

as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this Business License Program relating to appeals to Council.

Sec. 7-1-13 Delinquent License Taxes, Partial Payment.

A. For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for sixty (60) days after its due date, the License Official shall report it to the City Administrator and/or his designee for appropriate legal action.

B. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Sec. 7-1-14 Notices.

The License Official may, but shall not be required to, mail or email written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Sec. 7-1-15 Denial of License.

The License Official shall deny a license to an applicant when the License Official determines:

A. The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*; or

C. The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

D. The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

E. The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

F. The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Each denial shall be made in writing with the reasons for a denial clearly stated.

Sec. 7-1-16 Suspension or Revocation of License.

When the License Official determines:

A. A license has been mistakenly or improperly issued or issued contrary to law; or

B. A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this Business License Program; or

C. A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

D. A Licensee has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or

E. A Licensee has allowed, has knowledge or notice or, based on the circumstances, reasonably should have knowledge or notice that any person

or employee has committed a crime of moral turpitude on the business premises, or permitted any person or employee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or

F. Licensee has engaged in an unlawful activity or nuisance related to the business; or

G. A Licensee is delinquent in the payment to the Municipality of any tax or fee,

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this Business License Program.

Sec. 7-1-17 Appeals to Council.

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days after service by mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on proposed revocation shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall, by majority vote of members present, render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

C. A timely appeal of Council's decision does not effectuate a stay of that decision. The decision of council shall be binding and enforceable unless overturned by an appellate court after a timely appeal.

Sec. 7-1-18 Consent, franchise or license required for use of streets.

A. It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a proper written consent agreement or franchise agreement that prescribes the term, fees and conditions for use.

B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Sec. 7-1-19 Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this Chapter. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any License data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this Chapter.

Sec. 7-1-20 Violations.

Any Person violating any provision of this Business License Program shall be deemed guilty of a misdemeanor and shall be subject to a fine of up to $500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

Sec. 7-1-21 – Classification and Rates.

A. The "Class Structure Model" by the NAICS code and by rate class, the forms of which have been included as an appendix to the ordinance approving this Business License Program and the terms of which are expressly included herein in their entirety by reference, shall be adopted in their initial form by the Council and shall be updated as needed by the License Official based upon the latest available Internal Revenue Service statistics and information provided by the Municipal Association of South Carolina. The Class Structure Models are tools for Classification and not a limitation on Businesses subject to a License Tax. Class

Structure Models and the latest issue of the NAICS shall be kept on file with the City's municipal clerk and shall be made available by the License Official.

B. The License Tax for each class of Businesses subject to this Chapter shall be computed in accordance with the Business License Rate Schedule which shall be adopted and amended by Council from time to time. A current copy of the Business License Rate Schedule shall be filed in the office of the City's municipal clerk and shall be made available by the Business License Official.

Section 4. The Business License Rate Schedule, a copy of which is attached hereto as **Appendix A** and included herein by reference, is hereby approved. The rates set forth therein may be amended from time to time by the Council as necessary. The initial form of the Class Structure Model by NAICS code, a copy of which is attached hereto as **Appendix B** and included herein by reference, is hereby approved and shall be updated by the License Official as set forth in Section 7-1-21 of the Code, subject to the ability of Council to make any adjustments as may be necessary from time to time.

Section 5. If any section, subsection, sentence, clause or phrase of the Business License Program or this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of the Business License Program or this Ordinance.

Section 6. Nothing in this Ordinance or in the Business License Program hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed in their entirety. This Ordinance and the provisions of the Business License Program shall take effect immediately upon its enactment by the Council.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this 18th day of December, 2019.

CITY OF WEST COLUMBIA SOUTH CAROLINA (SEAL)

ATTEST:

Crystal Bouknight Parker, City Clerk

Temus C. "Tem" Miles, Jr., Mayor

First Reading: December 3, 2019
Second Reading: December 18, 2019

APPENDIX A

BUSINESS LICENSE
RATE SCHEDULE

RATE CLASS	INCOME: $0 - $2,000 BASE RATE	INCOME OVER $2,000 Rate per Thousand or fraction thereof
1	$ 25.00	$0.85
2	$ 30.00	$1.05
3	$ 35.00	$1.25
4	$ 40.00	$1.45
5	$ 45.00	$1.65
6	$ 50.00	$1.85
7	$ 55.00	$2.05
8.1	$ 75.00	$1.00
8.2	$ set by State statute	
8.21	$ 25.00	$1.25
8.3	MASC Telecommunications	
8.42	$ 50.00	$2.00
8.5	$ 25.00	$0.85
8.61	$ 50.00	$1.05
8.62	$ 50.00	$1.05
8.7	MASC Insurance	
8.81	$12.50 + $12.50 per machine	$1.50
8.83	$12.50 + $12.50 per machine	$1.50
8.91	$ 100.00	$2.00
8.93	$ 100.00	$5.00
8.11	$ 5.00 + $12.00 per table	$2.00

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the Municipality.

DECLINING RATES

Declining rates apply in all classes for Gross Income in excess of $1,000,000, unless otherwise specifically provided for in this Business License Program.

Gross Income	Percent of Class Rate for each additional $1,000
$ 2,000 – $ 1,000,000	100%
$ 1,000,001 – $ 3,000,000	90%
$ 3,000,001 – $ 5,000,000	80%
$ 5,000,001 – $ 7,000,000	70%
OVER $ 7,000,001	60%

CLASS 8 RATES

Each NAICS number designates a separate sub-Classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply, except where indicated.

8.1 **NAICS 230000 - Contractors, Construction, All Types** [Non-resident rates apply]
Having permanent place of business within the municipality

Minimum on first $2,000	-	$ 75.00 PLUS,
Each additional 1,000	-	$1.00

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this Business License Program.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per $1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

8.2 **NAICS 482 - Railroad Companies** – (See S.C. Code § 12-23-210)

8.21 **NAICS 485310 - Taxis Companies**

Minimum on first $2,000	-	$25.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$1.25

8.3 **NAICS 517311, 517312 - Telephone Companies:**

A. Notwithstanding any other provisions of the Business License Program, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the Gross Income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the Business License Program for income from business in interstate commerce are hereby repealed. Properly apportioned Gross Income from interstate commerce shall be included in the Gross Income for every business subject to a business license tax.

F. Nothing in this Business License Program shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Business License Program.

H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

8.42 **NAICS 522298** - **Pawn Brokers** - All Types

Minimum on first $2,000	-	$50.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$2.00

8.5 **NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail**
(except auto supply stores - see 4413)

Minimum on first $2,000	-	$25.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$0.85

One sales lot (not more than 400 feet from the main showroom) may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this Classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in Gross Income.

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales
Direct retail sales of merchandise. [Non-resident rates apply]

8.61 Regular activities [more than two sale periods of more than three days each per year]

Minimum on first $2,000	-	$50.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$1.05

8.62 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first $2,000	-	$50.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$1.05

Applicant for a license to sell on private property must provide written authorization from the property owner to use the intended location.

8.7 **NAICS 5241 - Insurance Companies:**
Except as to fire insurance, "Gross Premiums" means total premiums written for policies for property or a risk located within the Municipality. In addition, "Gross Premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the Municipality, (2) the insurance company's employee conducting business within the Municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the Municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipal corporation or county in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the Municipality, regardless of whether or not an office is maintained in the Municipality.

As to fire insurance, "Gross Premiums" means total premiums (1) collected in the Municipality, and/or (2) realized from risks located within the limits of the Municipality.

Gross Premiums shall include all business conducted in the prior calendar or fiscal year.

Gross Premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident	-	0.75% of Gross Premiums
NAICS 524126 - Fire and Casualty	-	2% of Gross Premiums
NAICS 524127 - Title Insurance	-	2% of Gross Premiums

Notwithstanding any other provisions of this Business License Program, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the Business License Program for income from business in interstate commerce are hereby repealed. Gross income or receipts from interstate commerce shall be included in the Gross Income for every business subject to a business license tax.

Pursuant to S.C. Code Ann. Sections 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Municipal Association of South Carolina for administration and collection of current and delinquent license taxes from insurance companies is authorized by S.C. Code Section 5-7-300.

The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code Sections 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.

NAICS 713120 - Amusement Machines, coin operated (except gambling) -
Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) – **[Type I and Type II]**

8.81	Operator of machine	-	$12.50/machine PLUS, $12.50 business license for operation of all machines (not on Gross Income).[§12-21-2746] PLUS,
	Per $1,000, or fraction over $2,000	-	$1.50

NAICS 713290 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) **[Type III]**

8.83	Operator of machine	-	$12.50/machine PLUS, $12.50 business license for operation of all machines (not on Gross Income). [§12-21-2720(B)] PLUS,
	Per $1,000, or fraction over $2,000	-	$1.50

8.91 **NAICS 713290 - Bingo halls, parlors –**

Minimum on first $2,000	-	$100.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$2.00

8.93 **NAICS 722410 - Drinking Places, bars, lounges, cabarets** (Alcoholic beverages consumed on premises)

Minimum on first $2,000	-	$100.00 PLUS,
Per $1,000, or fraction, over $2,000	-	$5.00

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

8.11 **NAICS 713990 - Billiard or Pool Rooms, all types**

		$5.00 or $12 per table PLUS,
Per $1,000, or fraction over $2,000	-	$2.00

NAICS 22112 - Electric Power Distribution	-	See Consent or Franchise
NAICS 22121 – Natural Gas Distribution	-	See Consent or Franchise
NAICS 517110 – Television: Cable or Pay	-	See Franchise

APPENDIX B

CLASS STRUCTURE MODEL BY NAICS CODE

APPENDIX B
2019 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	3
113	Forestry and logging (including forest nurseries, timber tracts)	2
115	Support activities for agriculture and forestry	1
21	Mining	4
2211	Electric Power Generation, Transmission and Distribution	Franchise
2212	Natural Gas Distribution	Franchise
22	Utilities	1
23	Construction	8.1
31-33	Manufacturing	2
42	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.41
44-45	Retail trade	1
441	Motor vehicle and parts dealers	1
4411	Automobile Dealers	8.5
4412	Other Motor Vehicle Dealers	8.5
442	Furniture and home furnishing stores	1
443	Electronic and appliance stores	1
444	Building material and garden equipment and supplies dealers	1
445	Food and beverage stores	1
446	Health and personal care stores	2
447	Gasoline stations	1
448	Clothing and accessories stores	2
451	Sporting goods, hobby, book, and music stores	1
452	General merchandise stores	1
453	Miscellaneous store retailers	2
454	Nonstore retailers	2
45439	Other Direct Selling Establishments (Peddlers)	8.6
48-49	Transportation and warehousing	2
482	Rail Transportation	8.2
484	Truck Transportation	2
486	Pipeline transportation	1
493	Warehousing and storage facilities	2
51	Information	3
511	Publishing industries (except internet)	2
512	Motion picture and sound recording	1
515	Broadcasting (except internet) and telecommunications	3
517	Telecommunications	3
5171	Wired Telecommunications Carriers	8.3
5172	Wireless Telecommunications Carriers (except Satellite)	8.3
518	Internet service providers, web search portals, and data processing	3
519	Other Information Services	5
52	Finance and insurance	6
522	Credit intermediation and related activities	4

APPENDIX B
2019 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
522298	Pawnshops	8.42
523	Securities, commodity contracts, and other financial investments	7
524	Insurance agents, brokers, and related activities	6
5241	Insurance Carriers	8.7
52421	Insurance Brokers for non-admitted Insurance Carriers	8.7
525	Funds, trusts and other financial vehicles	7
53	Real estate and rental and leasing	7
531	Real estate	7
5311	Lessors of real estate (including miniwarehouses and self storage)	7
532	Rental and leasing services	1
533	Lessors of nonfinancial assets	7
54	Professional, scientific, and technical services	3
5411	Legal Services	7
5413	Architectural, engineering and related services	2
5416-9	Other professional, scientific, and technical services	4
55	Management of companies	6
56	Administrative and support and waste management and remediation services	3
561	Administrative and support services	3
562	Waste management and remediation services	1
61	Educational services	3
62	Health care and social assistance	3
623	Nursing and Residential Care Facility	1
71	Arts, entertainment, and recreation	3
71119	Other Performing Arts Companies (Carnivals and Circuses)	8.92
712	Museums, Historical Sites and similar institutions	1
7131	Amusement Parks and Arcades	8.8
7132	Nonpayout Amusement Machines	8.8
713290	Bingo Halls	8.91
713990	All Other Amusement and Recreational Industries (pool tables)	8.11
721	Accommodation	2
722	Food services and drinking places	2
72241	Drinking Places (Alcoholic Beverages)	8.93
81	Other services	3
811	Repair and maintenance	1
8111	Auto repair and maintenance	2
812	Personal and laundry services	6
813	Religious, grantmaking, civic, professional, and similar organizations	4

Note: Class Schedule is based on 2014 IRS data.