

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
TOWN OF MOUNT PLEASANT) AN ORDINANCE TO AMEND AND REPUBLISH
) CHAPTER 1 10: BUSINESS LICENSE CODE OF
) THE MOUNT PLEASANT CODE OF
) ORDINANCES WITH VARIOUS CHANGES

WHEREAS, the Mount Pleasant Town Council has the authority to establish and enforce ordinances as shall appear necessary and proper; and from time to time examine its financial rules and regulations to ensure they are necessary and proper; and

WHEREAS, the Mount Pleasant Town Council is empowered with the authority to make substantive amendments to the Mount Pleasant Code, including amending and republishing Chapters, and now wishes to do so; and


WHEREAS, the Mount Pleasant Town Council hereby specifically finds it necessary and proper to amend and republish the Business License Ordinance because subsequent changes by Council, including ordinances related to Short Term Rentals and the regulation of single-use plastic will have an impact; and

WHEREAS, the Mount Pleasant Town Council desires to streamline the business license appeals process and the Business License Ordinance references the North American Industrial Classification Code with incidental other changes throughout.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Mount Pleasant, in Council assembled, that the Mount Pleasant Code Chapter 110 be amended and republished as specifically detailed in "Exhibit A" hereto.

BE IT FURTHER ORDAINED that the Mount Pleasant Business License Code as amended shall be effective on July 1, 2019.

SIGNED, SEALED AND DELIVERED THIS 15 DAY OF May, 2019.



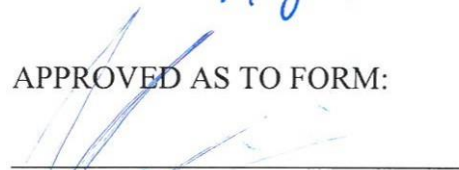
J.W. Haynie, Mayor
Town of Mount Pleasant

ATTEST

Christine Barrett
Clerk of Council

May 15, 2019
Mount Pleasant, SC

Introduced: April 9, 2019
Final Reading: May 14, 2019

APPROVED AS TO FORM:


David G. Pagliarini
Corporation Counsel

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“Exhibit A”

**TOWN OF MOUNT PLEASANT
BUSINESS LICENSE ORDINANCE**

Section 1. 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 Town of Mount Pleasant, South Carolina, is required to pay an annual license tax and obtain a business license as herein provided.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, 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 Purpose” means 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. A charitable organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to charitable purposes, and it has IRS exempt status. Compensation in any form to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

“Classification” means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by Town Council.

“Family” means a group of blood-relatives; all the relations who descend from a common ancestor, or who spring from a common root.

“Gross Income” means gross receipts which consist of the total revenue of a business, received or accrued for one calendar or fiscal year collected or to be collected from business done within the Town, excepting therefrom income from business done wholly outside of the Town on which a license tax is paid to some other city or a county and fully reported to the Town. 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

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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. Real estate companies which sell or manage property on behalf of others shall report gross commissions for all its brokers, property managers and agents. Gross receipts 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 agencies.

“License Official” means the person designated to administer this ordinance and is also known as the Business License Official.

“Municipality” or “Town” means the Town of Mount Pleasant, South Carolina.

“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 principals.

“Real Estate Activity” subject to a business license means the following:

<u>Business Activity</u>	<u>Basis of Business License Tax</u>
<i>Owner Leasing of Commercial Property</i>	Gross receipts – including rents plus any other charges which constitute income.
<i>Owner Leasing of Residential Dwelling Unit or Portion thereof for Less than Thirty (30) Consecutive Days</i>	Gross receipts – including rents plus any other charges which constitute income.
<i>Owner Leasing of Three (3) or more Residential Dwelling Units or Portion thereof for Thirty (30) or More Consecutive Days</i>	Gross receipts- including rents plus any other charges which constitute income.
<i>Selling and Managing Property on behalf of Others</i>	Gross Commissions.
<i>Owner Sale of Commercial Real Estate</i>	Gross Sales Price.
<i>Owner Sale of Residential Real Estate</i>	Gross Sales Price, if three (3) or more lots or units. Existing and subsequently created plats and related documents will be considered.

“Related Entity” means any person or family that owns and leases commercial property to any person or family having more than fifty (50%) percent of the same ownership.

Section 3. Purpose and Duration.

- A. The business license levied by this ordinance is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall expire on June 30. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by Council.
- B. It is not the purpose of a business license to give any person the privilege of conducting business on public streets or public property. Permits must be obtained for business use of public streets and public property, or parades, pursuant to applicable Town Code provisions.

Section 4. License Tax.

- A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the 31st day of July in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Delinquent renewal penalties will accrue after August 31 as detailed in Section 12.
- 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 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 on the gross income 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. No refund shall be made for a business which is discontinued.
- C. Taxi operators must furnish proof of liability insurance and purchase a \$5.00 decal for each vehicle.

Section 5. Registration Required.

- A. The owner, agent or legal representative of every business subject to this ordinance, shall register the business and make application for a business license on or before the due date of each year, except that a new business shall be required to have a business license prior to operation within the Municipality.

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- 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 business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of complete state and federal income tax returns reflecting gross income (gross receipts) figures.
- 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 and personal property taxes on business property due and payable to the Municipality have been paid.

Section 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income from business done wholly outside of the Municipality on which a license tax is paid to some other municipality or a county, taxes collected for a governmental entity, or income which cannot be taxed pursuant to State or federal law. The applicant shall have the burden to establish the right to deduction by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance 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 North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget, available one year prior to start of the license year. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this ordinance.
- C. Charitable organizations which have exemptions from state and federal income taxes shall be exempt from a business license tax only in cases where the sponsors, organizers, directors, trustees, or persons who exercise ultimate control of the organization receive no part of the proceeds of operation, and all proceeds are devoted to charitable purposes as defined by this ordinance. Payment of necessary costs of operation and wages to non-management employees will not disqualify a charitable organization from exemption.
- D. Garage sales of personal items at the owner's place of residence are not classified as businesses and shall be exempt from business license taxes.

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- E. Real estate rental of less than three (3) residential dwelling units or portion thereof for thirty (30) or more consecutive days and subdivision or development for sale of less than three (3) residential lots are not deemed to constitute doing business and shall be exempt from business license taxes. Existing and subsequently created plats and related documents will be considered.
- F. Related entities leasing commercial property to any person or family having more than fifty (50%) percent of the same ownership shall be exempt from business license taxes. However, if the related entity also leases commercial property to other businesses, then the entity is required to obtain a license based on the gross receipts received from these other businesses.
- G. Sale of products of a farm or orchard actually produced by the seller shall be exempt from business license taxes.
- H. Export manufacturers declaring income to other states by filing state income tax returns and making appropriate tax payments, shall list such out of state receipts as deductions on the business license application and thereby pay business license taxes on only South Carolina gross receipts. International export manufacturers shall declare only South Carolina gross receipts for business license purposes.
- I. Any existing business on a newly annexed property into the Town of Mount Pleasant shall be exempt from license taxes hereunder for the license year in which the property is annexed, in addition to the subsequent full license year.

Section 7. False Application Unlawful.

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

Section 8. 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 peddler, 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 of the License Official and compliance with zoning and building codes. Failure to 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.

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- C. A business license may be transferable. In the event of a sale or transfer of a business, the purchaser or new owner(s) may apply to the License Official for a credit for taxes previously paid toward the new license taxes. Upon determination by the License Official that the new business is the same as the previously licensed business, and the seller and the purchaser agree to the transfer, the License Official shall deduct from the taxes due a prorated credit for license taxes paid. The applicant (purchaser) for such credit shall pay an administrative tax of \$50.00, notwithstanding such credits, such application shall be made within the same license year of the transfer or sale.
- D. The transfer of any partial ownership shall be reported to the License Official within the same license year. The administrative tax shall not be applicable to a partial ownership transfer.
- E. No refund shall be made to a business discontinued during a license year.

Section 9. Administration of Ordinance.

- A. The License Official shall administer the provisions of this ordinance, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the municipal attorney and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.
- B. The License Official may require evidence of compliance with applicable fire, safety, building, zoning, health and other applicable State and local laws and regulations prior to issuing a business license.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records, and 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 false information has been filed by the Licensee, 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.

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- B. The License Official shall make systematic inspections and random audits of all businesses within the Municipality to insure compliance with the ordinance. Records of inspection 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, provided that statistics compiled by classifications may be made public.

Section 11. Assessments, Payment under Protest, Appeal.

- A. When a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall proceed to examine such records of the business or any other available records as may be appropriate and to 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. An application for adjustment of the assessment may be made to the License Official within five (5) business days after the notice is mailed or the assessment will become final. The License Official shall establish by regulation the 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 Town Administrator only by payment in full of the assessment under protest within five (5) business days and the filing of written notice of appeal within ten (10) business days after payment pursuant to the provisions of this ordinance relating to the appeal process.

Section 12. 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. The maximum penalty is 30% per year. Penalties shall not be waived.
- 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.

Section 13. Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due, but 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.

Section 14. Denial of License.

The License Official may deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, or when the activity for which a license is sought is unlawful or constitutes a public nuisance *per se*. Further, a license shall also be denied to an applicant if there are delinquent penalties owed pursuant to Chapter 138 (Smoking and Tobacco Products), Chapter 53 (Pertaining to Environmentally Acceptable Packaging and Products) or any subsequently adopted Ordinance regulating Short Term Rentals of the Mount Pleasant Code of Ordinances. The fact that the license has been suspended or revoked the previous year may be grounds for denial. A decision of the License Official shall be subject to the appeal process as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License.

The License Official may suspend or revoke a 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 provision of this ordinance; 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 of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- E. A Licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A Licensee or his employee who owns, manages, operates or otherwise control a workplace or work space who has repeated violations of Chapter 53 (Pertaining to Environmentally Acceptable Packaging and Products) or Chapter 138 (Smoking and Tobacco Products) of the Mount Pleasant Code of Ordinances, or any subsequently adopted Ordinance regulating Short Term Rentals; or
- G. A Licensee or his employee who owns, manages, operates or otherwise controls a workplace or work space who fails to timely pay the penalty for an infraction of

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Chapter 53 (Pertaining to Environmentally Acceptable Packaging and Products); or Chapter 138 (Smoking and Tobacco Products); or any subsequently adopted Ordinance regulating Short Term Rentals of the Mount Pleasant Code of Ordinances.

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 or revoked pending a hearing before the Town Administrator for the purpose of determining whether the license should be suspended or revoked.

The notice shall state the appellant rights of the Licensee or person in control of the business as specified in Section 16, Appeal Process. The notice shall also contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeal Process.

- A. Any person may file an administrative appeal with the Town Administrator regarding the decisions on issues including, but not limited to, the following: classification, denial, or revocation of a business license, taxes and penalties assessed, and any other issues contained within the Business Licenses Ordinance by filing a written notice of appeal. All notices of appeal shall include a full explanation of the reasons for the appeal, specifying the grounds thereof, and contain any documentation that the appellant desires to be considered. Payment under protest shall be a condition precedent to file an administrative appeal.
- B. Within thirty (30) business days following the receipt of the written notice of appeal, the Town Administrator will review the appellant's written report, supporting documentation and departmental staff reports. The 30-day review period may be extended by the Town Administrator if additional information is needed from the appellant in order to render a decision. Upon completion of the administrative review, the Town Administrator will provide a written response to the appellant constituting a final administrative determination.
- C. Any person desiring to appeal the final administrative determination of the Town Administrator shall file a written notice of appeal to the Finance Committee of Town Council. Said notice of appeal to the Finance Committee shall be filed with the Office of the Town Administrator within fifteen (15) business days following receipt of the final administrative determination. Receipt shall be deemed to have occurred when the final administrative decision is deposited in the United States mail postage prepaid to the person whose name and address is identified in the original notice of appeal.

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- D. The Office of the Town Administrator will schedule all business license appeals for the first Finance Committee of Town Council following ten (10) business days from actual receipt of the written notice of appeal to the Finance Committee. Postponements of the Finance Committee appeal date may be granted by, and in the sole discretion of the Town Administrator if the request is received by the Administrator in writing at least ten (10) business days in advance of the scheduled Committee meeting date.
- E. When an appeal is scheduled for oral presentation before the Finance Committee of Town Council, the appellant and town staff shall each be given ten (10) minutes of oral argument within which to present the appeal and to discuss the submitted written record with members of the Committee. The Finance Committee shall, by majority vote of members present, render a decision based on written findings of fact and application of the standards therein within twenty (20) business days following the conclusion date of the hearing. The written decision shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) business days of service. Service shall be deemed to have occurred when the Finance Committee decision is deposited in the United States mail postage prepaid to the person whose name and address is identified in the original notice of appeal.
- F. No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) business days after notice of denial or revocation is deemed received and no appeal is taken to a circuit court which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

Section 17. 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 consent agreement or franchise agreement issued by the municipal council by ordinance which prescribes the term, fees and conditions for use. Small Wireless Facilities are exempt from this provision and all restrictions or requirements shall be dictated by Town Ordinance 156.123, et seq.
- 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.

Section 18. 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 ordinance. 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. License Data may be shared with other public officials or employees in the performance of their duties, as deemed appropriate by the Business License Official.

Section 19 Violations.

- A. Any person violating any provision of this ordinance shall be deemed guilty of an offense 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.
- B. The License Official or any law enforcement officer may issue an ordinance summons for violation of this ordinance pursuant to the Town Code.

Section 20. Separability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Section 21. Classification and Rates.

- A. The sectors of businesses included in each Rate Class are listed with the United States North American Industry Classification System (NAICS) codes. The License Official shall determine the proper class for a business according to the applicable NAICS manual. The NAICS Code may be accessed at <https://www.census.gov/eos/www/naics/>.
- B. The license tax for each Class of businesses subject to this ordinance shall be computed in accordance with the following rates.

RATES

RATE CLASS	<u>INCOME: 0 - \$2,000</u> MINIMUM TAX	<u>ALL OVER \$2,000</u> Rate per Thousand or fraction thereof
1	\$40.00	\$1.61
2	\$45.00	\$1.86
3	\$50.00	\$2.11
4	\$55.00	\$2.36
5	\$60.00	\$2.61
6	\$65.00	\$2.86
7	\$70.00	\$3.11
8	See individual business	in Class 8.

NON-RESIDENT RATES

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for non-residents 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 \$3,000,000	
Gross Income in \$ Millions	Percent of Class Rate for each additional \$1,000
0 - 3	100%
Over 3	70%

CLASS 8 RATES

Each NAICS Number designates a separate subclassification. 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.

NAICS 23 - Contractors, Construction, All Types

- A. Having permanent place of business within the municipality
Minimum on first \$2,000..... \$50.00 PLUS
Per \$1,000, or fraction over \$2,000 from all work\$2.11

- B. Itinerant (no permanent place of business in the municipality)
Minimum on first \$2,000..... \$100.00 PLUS
Per \$1,000, or fraction, over \$2,000)\$4.22
(Additional non-resident double rates do not apply.)

A trailer at the construction site, or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance. However, if it is determined there is no other place of business, then a home office or structure in which the contractor resides will be considered a permanent place of business.

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 tax 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. This provision does not exempt a resident contractor from renewing a license each 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.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job, and no deductions shall be made by a general or prime contractor for value of work performed by a subcontractor.

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 subcontractors furnishing labor or materials for each project prior to performance of work by a subcontractor.

NAICS 482 - Railroad Companies – (See Code § 12-23-210)

NAICS 5173 - Telephone Companies:

- A. Notwithstanding any other provisions of the Business License Ordinance, 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 ordinance 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 Ordinance 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 or which might otherwise be authorized by this Ordinance.
- 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.

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NAICS 517311 - Television, Cable or Pay,
Services using public streets Consent or Franchise
Cable television services not using public streets:
Minimum on first \$2,000 \$100.00 PLUS
Per \$1,000, or fraction, over \$2,000\$5.00

NAICS 22112 - Electric Power Distribution Consent or Franchise

NAICS 22121 - Natural Gas Distribution Consent or Franchise

NAICS 423930 - Junk or Scrap Dealers [Non-resident rates apply]
Minimum on first \$2,000 \$55.00 PLUS
Per \$1,000, or fraction, over \$2,000\$3.03

NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery, Retail -
(except auto supply stores - see 4413)
Minimum on first \$2,000 \$20.00 PLUS
Per \$1,000, or fraction, over \$2,000\$0.98

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 full sales price without deduction for trade-ins. Dealer transfers shall not be included in gross receipts.

NAICS 72241 - Drinking Places, bars, lounges
(Alcoholic beverages consumed on premises)
Minimum on first \$2,000 \$200.00 PLUS
Per \$1,000, or fraction, over \$2,000\$3.03

NAICS 522298 - Pawn Brokers - All Types
Minimum on first \$2,000 \$100.00 PLUS
Per \$1,000, or fraction, over \$2,000\$3.03

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales, Direct Retail Sales of Merchandise.

A criminal background check will be required for all door-to-door sales persons. [Non-resident rates apply]. The business license tax for unlicensed Mount Pleasant Farmers Market businesses is due prior to commencement of the April to October market season and shall entitle operation until the end of the season, without regard to the normal license expiration date.

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- A. 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..... \$10.00 PLUS
 - Per \$1,000, or fraction, over \$2,000.....\$1.28
- B. Regular activities [more than two sale periods of more than three days each per year]
 - Minimum on first \$2,000..... \$25.00 PLUS
 - Per \$1,000, or fraction, over \$2,000.....\$1.53

NAICS 5241 – Insurance Companies:

Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or risks 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 municipality 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 doing business within the municipality regardless of whether or not an office is maintained in the municipality.

As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

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

Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident 2% 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 ordinance, 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 ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Ann. §§ 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 Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRRA"), ratified an act (Rat#283) on June 28, 2012, amending S.C. Code §§ 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 tax or tax based upon a percentage of premiums.]

NAICS 541511 – 541519 - Computer Program or Software Development, Custom

NAICS 511210, 334611 - Computer Software Publishers, Computer Software Reproducing

These classifications are not subject to the Declining Rates Table under Section 21 herein, but are subject to the following rate calculation schedule:

Amount of Income:	Tax Calculator:
0 - \$2,000	\$10.00
\$2,000 to 1 million	at .50 per thousand
1 million to 2 million	at .10 per thousand
2 million to 10 million	at .05 per thousand
over 10 million	at .025 per thousand

NAICS 713120 - Amusement Machines, coin operated (except gambling)

Music machines, kiddie rides, and amusement machines licensed pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2)

1. Operator of machine..... \$12.50 per machine
[§12-21-2746] PLUS \$12.50 business license for operation of all machines
(not on gross income).

2. Distributor selling or leasing machines (not licensed by the State as an operator
pursuant to §12-21-2728) - [Nonresident rates apply.]
Minimum on first \$2,000 \$35.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$2.03

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

Amusement machines licensed pursuant to S.C. Code §12-21-2720(A)(3)

1. Operator of machine (owner of business) \$180.00 per machine
[§12-21-2720(B)] PLUS \$12.50 business license for operation of all machines
(not on gross income).

2. Distributor selling or leasing machines (not licensed by the State as an operator
pursuant to §12-21-2728) - [Nonresident rates apply.]
Minimum on first \$2,000 \$35.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$2.03

NAICS 71399 - Billiard or Pool Rooms, all types -

Stamp per table \$5.00 PLUS
Minimum on first \$2,000 \$35.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$2.03

NAICS 71119 - Carnivals and Circuses -

Minimum on first \$2,000 \$100.00 PLUS
Per \$1,000, or fraction, over \$2,000 \$3.03

FREQUENTLY USED NAICS CODES BY RATE CLASS

CLASS 1

NAICS Code	Industry Sector
22	Utilities
313	Textile and textile product mills
321	Wood products
331	Primary metal industries
42	Wholesale trade
441	Motor vehicle and parts dealers
443	Electronics and appliance stores
445	Food and beverage stores
447	Gasoline stations
451	Sporting goods, hobby, book, and music stores
452	General merchandise stores
454	Non-store retailers
623	Nursing and residential care facility
721	Accommodation (hotels, inns, residential short-term rentals)

RATE CLASS 2

11	Agriculture, forestry, hunting and fishing
311	Food manufacturing
315	Apparel
316	Leather and allied products
322	Paper products
323	Printing and related support activities
324	Petroleum and coal products
327	Nonmetallic mineral products
332	Fabricated metal products
333	Machinery
335	Electrical equipment, appliances, and components
336	Transportation equipment
337	Furniture and related products
442	Furniture and home furnishing stores
444	Building material and garden equipment and supplies dealers
446	Health and personal care stores
448	Clothing and accessories stores

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453	Miscellaneous store retailers
48	Transportation, except rail
493	Warehousing and storage facilities
524	Insurance agents, brokers, and related activities
532	Rental and leasing services
562	Waste management and remediation services
722	Food services
811	Repair and maintenance
8111	Auto repair and maintenance

RATE CLASS 3

325	Chemical manufacturing
339	Other miscellaneous manufacturing
51	Information
512	Motion picture and sound recording
515	Broadcasting (except internet) and telecommunications
517	Telecommunications
56	Administrative and support and waste management and remediation services
561	Administrative and support services
71	Arts, entertainment, and recreation
712	Museums, historical sites and similar institutions

RATE CLASS 4

334	Computer and electronic products
511	Publishing industries (except 511210)
518	Internet service providers, web search portals, and data processing
62	Health care and social assistance

RATE CLASS 5

519	Other information services
522	Credit intermediation and related activities
53	Real estate and rental and leasing
54	Professional, scientific, and technical services
55	Management of companies
61	Educational services
812	Personal and laundry services
813	Religious, grantmaking, civic, professional, and similar organizations

RATE CLASS 6

21 Mining
531 Real estate

RATE CLASS 7

52 Finance and insurance
523 Securities, commodity contracts, and other financial investments
525 Funds, trusts and other financial vehicles
5311 Lessors of real estate (including mini warehouses, self-storage, and long-term residential rentals)
5416-5419 Other professional, scientific, and technical services

RATE CLASS 8

2211 Electric power generation, transmission and distribution
2212 Natural gas distribution
23 Construction
42393 Recyclable material merchant wholesalers (junk)
4411 Automobile dealers
4412 Other motor vehicle dealers
45539 Other direct -selling establishments (peddlers)
482 Rail transportation
517 Cable, DSL, VoIP, etc.
522298 Pawnshops
5241 Insurance carriers
52421 Insurance brokers for non-admitted Insurance Carriers
7131 Amusement parks and arcades
7132 Non-payout amusement machines
71119 Other performing arts companies (carnivals and circuses)
71329 Bingo halls
71399 All other amusement and recreational Industries (pool tables)
72241 Drinking places (alcoholic beverages)

FREQUENTLY USED NAICS CODES ALPHABETICAL LISTING

NAICS Code	Industry Sector	Class
721	Accommodation (hotels, inns, residential short-term rentals)	1
56	Administrative and support and waste management and remediation services	3
561	Administrative and support services	3
11	Agriculture, forestry, hunting and fishing	2
71399	All other amusement and recreational industries (pool tables)	8
7131	Amusement parks and arcades	8
315	Apparel	2
71	Arts, entertainment, and recreation	3
8111	Auto repair and maintenance	2
4411	Automobile dealers	8
71329	Bingo halls	8
515	Broadcasting (except internet) and telecommunications	3
444	Building material and garden equipment and supplies dealers	2
517	Cable, DSL, VoIP, etc.	8
325	Chemical manufacturing	3
448	Clothing and accessories stores	2
334	Computer and electronic products	4
23	Construction	8
522	Credit intermediation and related activities	5
72241	Drinking places (alcoholic beverages)	8
61	Educational services	5
2211	Electric power generation, transmission and distribution	8
335	Electrical equipment, appliances, and components	2
443	Electronics and appliance stores	1
332	Fabricated metal products	2
52	Finance and insurance	7
445	Food and beverage stores	1
311	Food manufacturing	2
722	Food services	2
525	Funds, trusts and other financial vehicles	7
442	Furniture and home furnishing stores	2
337	Furniture and related products	2
447	Gasoline stations	1
452	General merchandise stores	1
446	Health and personal care stores	2

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62	Health care and social assistance	4
51	Information	3
524	Insurance agents, brokers, and related activities	2
52421	Insurance brokers for non-admitted insurance carriers	8
5241	Insurance carriers	8
518	Internet service providers, web search portals, and data processing	4
316	Leather and allied products	2
5311	Lessors of real estate (including mini warehouses, self-storage, and long-term residential rentals)	7
333	Machinery	2
55	Management of companies	5
21	Mining	6
453	Miscellaneous store retailers	2
512	Motion picture and sound recording	3
441	Motor vehicle and parts dealers	1
712	Museums, historical sites and similar institutions	3
2212	Natural gas distribution	8
327	Nonmetallic mineral products	2
7132	Non-payout amusement machines	8
454	Non-store retailers	1
623	Nursing and residential care facility	1
45439	Other direct selling establishments (peddlers)	8
519	Other information services	5
339	Other miscellaneous manufacturing	3
4412	Other motor vehicle dealers	8
71119	Other performing arts companies (carnivals and circuses)	8
5416-5419	Other professional, scientific, and technical services	7
322	Paper products	2
522298	Pawnshops	8
812	Personal and laundry services	5
324	Petroleum and coal products	2
486	Pipeline transportation	2
331	Primary metal industries	1
323	Printing and related support activities	2
54	Professional, scientific, and technical services	5
511	Publishing industries (except 511210)	4
482	Rail transportation	8
531	Real estate	6
42393	Recyclable material merchant wholesalers (junk)	8

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813	Religious, grant making, civic, professional, and similar organizations	5
532	Rental and leasing services	2
811	Repair and maintenance	2
44-45	Retail trade (see type)	
523	Securities, commodity contracts, and other financial investments	7
451	Sporting goods, hobby, book, and music stores	1
517	Telecommunications	3
313	Textile and textile product mills	1
48-49	Transportation and warehousing (see type)	
336	Transportation equipment	2
22	Utilities	1
493	Warehousing and storage facilities	2
562	Waste management and remediation services	2
42	Wholesale trade	1
321	Wood products	1