WHEREAS, the Town of Mount Pleasant has the authority to levy a business license tax in accordance with S.C. Code Ann. § 5-7-30; and

WHEREAS, the State of South Carolina adopted the South Carolina Business License Tax Standardization Act as codified in S.C. Code Ann. § 6-1-400 (for purposes of this Chapter 110, the “Act”), which is effective January 1, 2022; and

WHEREAS, the Act requires all counties and municipalities within the State of South Carolina to comply with provisions of the Act by January 1, 2022; and

WHEREAS, the Town of Mount Pleasant hereby intends to comply with the provisions of the Act by January 1, 2022; and

WHEREAS, the Mount Pleasant Town Council is empowered with the authority to amend, repeal, and replace provisions of the Mount Pleasant Code of Ordinances, and now wishes to do so; and

WHEREAS, the Mount Pleasant Town Council hereby specifically finds it necessary and proper to repeal and replace Chapter 110, entitled GENERAL LICENSES, of the Mount Pleasant Code of Ordinances in order to comply with the Act prior to January 1, 2022; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Mount Pleasant, in Council assembled, that the Mount Pleasant Code of Ordinances, Chapter 110 GENERAL LICENSES, be entirely repealed and replaced as set forth in Exhibit A, effective January 1, 2022.
SIGNED, SEALED AND DELIVERED THIS 15 DAY OF September, 2021.

J.W. Haynie, Mayor
Town of Mount Pleasant

Attest:
Christine Barrett
Clerk of Council

September 15, 2021
Mount Pleasant, SC

Introduced: August 10, 2021
Final Reading: September 14, 2021

APPROVED AS TO FORM:

David G. Pagliarini
Corporation Counsel
CHAPTER 110: BUSINESS LICENSES

§ 110.01 LICENSE REQUIRED.

Every person engaged or intending to engage in any business, occupation, calling, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part, within the limits of the Town of Mount Pleasant, South Carolina ("Town"), is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

§ 110.02 DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

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

"Business license" means a license issued to a business by the Town for the privilege of doing business in the Town of Mount Pleasant, South Carolina.

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

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

"Classification" means that division of businesses by the North American Industry Classification System (NAICS) 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.

"Domicile" means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a business may be deemed to have more than one domicile.

"Gross Income" means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Town of Mount Pleasant. If the business has a domicile within the Town, business done within the Town shall include all gross receipts or revenue received or accrued by such business. If the business does not have a domicile within the Town, business done within the Town shall include only gross receipts or revenue received or accrued within the Town. In all cases, if the business pays a business license tax to another county or municipality, then the business' gross income for the purpose of computing the tax within the Town may be reduced by the amount of revenues or
receipts taxed in the other county or municipality and fully reported to the Town. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service (IRS), the South Carolina Department of Revenue (SCDOR), the South Carolina Department of Insurance (SCDOI), or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.

B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.

C. Gross income for manufacturers of goods or materials with a location in the Town shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business’s state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Businesses reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those businesses reporting a manufacturing principal business activity code on their federal income tax returns.

“License Official” means the officer, employee, or agent designated by the Town as having primary responsibility for business licensing within the Town. Notwithstanding the designation of a primary license official, the Town may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

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

“NAICS” means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

“Person” means any individual, firm, partnership, limited liability partnership (LLP), limited liability company (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.
“Real Estate Activity” subject to a business license means the following:

A. Owner leasing of commercial property with the business license tax based on gross receipts, including rents plus any other charges which constitute income.

B. Owner leasing of residential dwelling unit or portion thereof for less than thirty (30) consecutive days with the business license tax based on gross receipts, including rents plus any other charges which constitute income.

C. Owner leasing of three (3) or more residential dwelling unit or portion thereof for thirty (30) or more consecutive days with the business license tax based on gross receipts, including rents plus any other charges which constitute income.

D. Selling and managing property on behalf of others with the business license tax based on gross commissions.

E. Owner sale of commercial real estate with the business license tax based on gross sales price.

F. Owner sale of residential real estate with the business license tax based on gross sales price if three (3) or more lots or units; existing and subsequently created plats and related documents will be considered.

§ 110.03 PURPOSE AND DURATION.

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. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the business, be stated to expire at the completion of the construction project; provided, any such business license may require that the business file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by Town Council.

§ 110.04 BUSINESS LICENSE TAX; REFUND.

A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April 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 May 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 business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the business’s gross income for the calendar year preceding the due date, for the business’s twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the business. No refund shall be made for a business that is discontinued.

C. A business that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Town before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Town shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty (30) days after receipt of the request.

§ 110.05 REGISTRATION REQUIRED.

A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index 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 Town.

B. Application shall be on a form provided by the License Official or the standard business license application as established and provided by the Director of the Revenue and Fiscal Affairs Office may be accepted. The form shall include all information about the applicant, the licensee, 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 portions of state and federal income tax returns reflecting gross receipts and gross revenue 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, personal property taxes on business property, and other monies due and payable to the Town have been paid.

D. The Town shall allow application, reporting, calculation, and payment of business license taxes through the business license page of the Town’s website, or through the tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.
§ 110.06 DEDUCTIONS; EXEMPTIONS; AND CHARITABLE ORGANIZATIONS.

A. No deductions from gross income shall be made except income earned outside of the Town on which a license tax is paid by the business to some other municipality or county and fully reported to the Town, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. 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 ordinance by reason of the lack of an established place of business within the Town, 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. No person shall be exempt from this ordinance by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this ordinance.

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 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. A 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 ordinance, 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 ordinance. 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. 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. Businesses leasing commercial property to the same business entity may exempt only those lease gross receipts from business license taxes. However, if the business also leases commercial property to another business, then the business 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. 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.

I. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Town. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.

§ 110.07 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.

§ 110.08 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 Town.

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 business to prosecution for doing business without a license.

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.
§ 110.09 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 ensure compliance, initiate denial or suspension and revocation procedures, report violations to the Town Attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures 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.

§ 110.10 INSPECTION AND AUDITS.

A. For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Town is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to 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 business has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.

B. The License Official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Audits are limited to the current and prior two periods. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the business, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

§ 110.11 ASSESSMENTS; PAYMENT UNDER PROTEST; APPEAL.

A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Town pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the License Official may 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 business license tax and penalties as provided herein.

B. The Town shall establish uniform local regulations consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment.

§ 110.12 DELINQUENT LICENSE TAXES; PARTIAL PAYMENT.
A. For nonpayment of all or any part of the correct license tax, the License Official may 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 thirty percent (30%) per year.

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.

§ 110.13 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 Town 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.

§ 110.14 DENIAL OF LICENSE.

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

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

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

C. The business is delinquent in the payment to the Town of any tax, fee or penalty.

D. 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 as herein provided. Denial shall be written with reasons stated.

§ 110.15 SUSPENSION OR REVOCATION OF LICENSE.

The License Official may suspend or revoke a license when the License Official determines:

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

B. A business has breached any condition upon which the license was issued or has failed to comply with the provision of this ordinance; or

C. A business 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 business 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

The License Official shall give written notice to the Licensee or the person in control of the business within the Town 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.

§ 110.16  ADMINISTRATIVE APPEAL PROCESS.

A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, 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, 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. 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.

§ 110.17  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 Town 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 Town Council by ordinance which prescribes the term, fees and conditions for use. Small Wireless Facilities are exempt from
EXHIBIT A

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.

§ 110.18 CONFIDENTIALITY.

Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Town may divulge or make known in any manner the amount of income or any financial 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. 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 ordinance.

§ 110.19 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 in this ordinance.

B. The License Official or any law enforcement officer may issue an ordinance summons for violation of this ordinance pursuant to the Town Code.

§ 110.20 SEPARABILITY.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 et seq., the standardization act shall control.

§ 110.21 CLASSIFICATION AND RATES.

A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by Town Council.

B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Town shall adopt, by ordinance, the latest
standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Town, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.

C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>INCOME:</th>
<th>INCOME OVER $2,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0 - $2,000 Base Rate</td>
<td>Rate Per $1,000 or fraction thereof</td>
</tr>
<tr>
<td>1</td>
<td>$40.00</td>
<td>$1.54</td>
</tr>
<tr>
<td>2</td>
<td>$45.00</td>
<td>$1.79</td>
</tr>
<tr>
<td>3</td>
<td>$50.00</td>
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<tr>
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<tr>
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<td>$2.79</td>
</tr>
<tr>
<td>7</td>
<td>$70.00</td>
<td>$3.04</td>
</tr>
<tr>
<td>8</td>
<td>See individual businesses in Class 8</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>See individual businesses in Class 9</td>
<td></td>
</tr>
</tbody>
</table>

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 ordinance.

<table>
<thead>
<tr>
<th>Gross Income</th>
<th>Percent of Class Rate for each additional $1,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $3 million</td>
<td>100%</td>
</tr>
<tr>
<td>Over $3 million</td>
<td>70%</td>
</tr>
</tbody>
</table>

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, and other factors that are deemed 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].

Resident rates, for contractors having a permanent place of business within the Municipality:
- Minimum on first $2,000: $50.00
- Each additional 1,000: $2.11

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

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.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the 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. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

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

8.3 **NAICS 517311, 517312 – Telephone Companies.**

With respect to "retail telecommunications services" as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the "Telecommunications Collections Ordinance"). The rates, terms,
conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 – Insurance Companies:

Independent agents, brokers, their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 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].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

- Per Machine .................................................................$12.50  Plus
- Business license ..........................................................$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 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].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

- Per Machine .................................................................$180.00  Plus
- Business license ..........................................................$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types.

A. Pursuant to SC Code § 12-21-2746, license tax of $5.00 per table measuring less than 3½ feet wide and 7 feet long, and $12.50 per table longer than that;  

Plus
B. with respect to gross income from the entire business in addition to the tax authorized by state law for each table:
Minimum on first $2,000 ................................................................. $35.00  Plus
Per $1,000, or fraction, over $2,000 ................................................... $2.03

CLASS 9 RATES

In accordance with state law, Section 6-1-400(G)(2) of the Standardization Act, the Town also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure. Non-resident rates do not apply except where indicated.

9.1 NAICS 4411, 4412 – Automotive, Motor Vehicles, Boats, Farm Machinery or Retail.

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.
Minimum on first $2,000 ................................................................. $20.00  Plus
Per $1,000, or fraction, over $2,000 ................................................... $0.98

NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-To-Door Sales.

Direct retail sales of merchandise. [Non-resident rates apply]

9.21 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

9.22 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

9.3 NAICS 711190 – Carnivals and Circuses.

Minimum on first $2,000 ................................................................. $100.00  Plus
Per $1,000, or fraction, over $2,000 ................................................... $3.03
9.4 **NAICS 722410 – Drinking Places, bars, lounges, cabarets**

Alcoholic beverages consumed on premises.
- Minimum on first $2,000 .................................................$200.00 Plus
- Per $1,000, or fraction, over $2,000 .................................$3.03.

* Subsections 9.5 – 9.8 considered for disproportionate demands on Town services

9.5 **NAICS 623311 – Assisted Living Facilities** [Non-resident rates apply]

- Minimum on first $2,000 .................................................$55.00 Plus
- Per $1,000, or fraction, over $2,000 .................................$2.36

9.6 **NAICS 621492 – Dialysis Clinics** [Non-resident rates apply]

- Minimum on first $2,000 .................................................$55.00 Plus
- Per $1,000, or fraction, over $2,000 .................................$2.36

9.7 **NAICS 621111 – Doctor’s Offices** [Non-resident rates apply]

- Minimum on first $2,000 .................................................$55.00 Plus
- Per $1,000, or fraction, over $2,000 .................................$2.36

9.8 **NAICS 621493, 621991, 622110 – Medical Offices, Hospitals** [Non-resident rates apply]

- Minimum on first $2,000 .................................................$55.00 Plus
- Per $1,000, or fraction, over $2,000 .................................$2.36

* Subsections 9.91 – 9.92 considered for economic stimulus

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

- Minimum on first $2,000 .................................................$10.00 Plus

<table>
<thead>
<tr>
<th>Amount of Income</th>
<th>Tax Calculator</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000 to $1 million</td>
<td>$0.50 per thousand</td>
</tr>
<tr>
<td>$1 million to $2 million</td>
<td>$0.10 per thousand</td>
</tr>
<tr>
<td>$2 million to $10 million</td>
<td>$0.05 per thousand</td>
</tr>
<tr>
<td>over $10 million</td>
<td>$0.025 per thousand</td>
</tr>
</tbody>
</table>

These classifications are not subject to the Declining Rates Table, but are subject to the above rate calculation schedule:
9.92 **NAICS 511210, 334611 - Computer Software Publishers, Computer Software Reproducing**

Minimum on first $2,000 ............................................................ $10.00 PLUS

<table>
<thead>
<tr>
<th>Amount of Income</th>
<th>Tax Calculator</th>
</tr>
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<tbody>
<tr>
<td>$2,000 to $1 million</td>
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</tr>
</tbody>
</table>

These classifications are not subject to the Declining Rates Table, but are subject to the above rate calculation schedule:
## Appendix B: Business License Class Schedule by NAICS Code

<table>
<thead>
<tr>
<th>NAICS Sector/Subsector</th>
<th>Industry Sector</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Agriculture, forestry, hunting and fishing</td>
<td>2.00</td>
</tr>
<tr>
<td>21</td>
<td>Mining</td>
<td>4.00</td>
</tr>
<tr>
<td>31, 32, 33</td>
<td>Manufacturing</td>
<td>2.00</td>
</tr>
<tr>
<td>42</td>
<td>Wholesale trade</td>
<td>1.00</td>
</tr>
<tr>
<td>44, 45</td>
<td>Retail trade</td>
<td>1.00</td>
</tr>
<tr>
<td>48, 49</td>
<td>Transportation and warehousing</td>
<td>2.00</td>
</tr>
<tr>
<td>51</td>
<td>Information</td>
<td>4.00</td>
</tr>
<tr>
<td>52</td>
<td>Finance and insurance</td>
<td>7.00</td>
</tr>
<tr>
<td>53</td>
<td>Real estate and rental and leasing</td>
<td>7.00</td>
</tr>
<tr>
<td>54</td>
<td>Professional, scientific, and technical services</td>
<td>5.00</td>
</tr>
<tr>
<td>55</td>
<td>Management of companies</td>
<td>7.00</td>
</tr>
<tr>
<td>56</td>
<td>Administrative and support and waste management and remediation</td>
<td>4.00</td>
</tr>
<tr>
<td>61</td>
<td>Educational services</td>
<td>4.00</td>
</tr>
<tr>
<td>62</td>
<td>Health care and social assistance</td>
<td>4.00</td>
</tr>
<tr>
<td>71</td>
<td>Arts, entertainment, and recreation</td>
<td>3.00</td>
</tr>
<tr>
<td>721</td>
<td>Accommodation</td>
<td>3.00</td>
</tr>
<tr>
<td>722</td>
<td>Food services and drinking places</td>
<td>1.00</td>
</tr>
<tr>
<td>81</td>
<td>Other services</td>
<td>5.00</td>
</tr>
</tbody>
</table>

**Class 8**

| 23                     | Construction                                         | 8.10  |
| 482                    | Rail Transportation                                  | 8.20  |
| 517311                 | Wired Telecommunications Carriers                    | 8.30  |
| 517312                 | Wireless Telecommunications Carriers (except Satellite)| 8.30  |
| 5241                   | Insurance Carriers                                   | 8.40  |
| 5242                   | Insurance Brokers for non-admitted Insurance Carriers| 8.40  |
| 713120                 | Amusement Parks and Arcades                         | 8.50  |
| 713290                 | Non-payout Amusement Machines                        | 8.52  |
| 713990                 | All Other Amusement and Recreational Industries (pool tables) | 8.60  |

**Class 9**

| 4411, 4412             | Auto/boat/Motorcycle Sales                          | 9.10  |
| 454390                 | Regular Direct Sellers                               | 9.20  |
| 454390                 | Seasonal Direct Sellers (6 days a year)              | 9.30  |
| 711190                 | Carnivals and Circus                                | 9.30  |
| 722410                 | Bars (Drinking Places)                              | 9.41  |
| 623311, 623312         | Assisted living facilities                          | 9.50  |
| 621492                 | Dialysis clinics                                    | 9.60  |
| 621111                 | Doctor offices                                       | 9.70  |
| 621493, 621991, 622110 | Medical offices, hospitals                          | 9.80  |
| 541511-541519          | Computer                                            | 9.91  |
| 511210, 334614         | Computer                                            | 9.92  |

*Note: Class Schedule is based on 2017 IRS data.*