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To Participate in Public Comment, please email to [comments@jaspercountysc.gov](mailto:comments@jaspercountysc.gov) or mail to Attn: Clerk to Council P.O. Box 1149 Ridgeland, SC 29936. To be called for public Comment, please email at the mentioned email address. **\*Public Comments must be submitted by Tuesday, September 7, 2021, at 3:00pm.\***

Instructions may also be found at the Jasper County website [www.jaspercountysc.gov](http://www.jaspercountysc.gov)

FOR MORE INFORMATION, PLEASE CALL (843) 717-3696



**JASPER COUNTY COUNCIL**  
**VIRTUAL MEETING**

Jasper County Clementa C. Pinckney Government Bldg  
358 3<sup>rd</sup> Avenue Ridgeland, SC 29936  
Tuesday, September 7, 2021  
AGENDA

**5:00 P.M.**

**I. Call to Order by Chairwoman Barbara B. Clark**

*Clerk's Report of Compliance with the Freedom of Information Act.*

**II. Executive Session**

**SECTION 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.**

**(a) A public body may hold a meeting closed to the public for one or more of the following reasons:**

**(2) Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim - Jasper Ocean Terminal (JOT); Carolina Metal Castings; Sgt. Jasper Park; Peninsula Tract Levy VFD**

**(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by a public body - Jasper Ocean Terminal (JOT); Prospect Update; Project Ocean**

**ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS**

**6:30 P.M.**

- III. **Return to Open Session**
- IV. **Pledge of Allegiance**
- V. **Invocation**
- VI. **Approval of Agenda**
- VII. **Approval of the Minutes of June 21, 2021; July 19, 2021; July 28, 2021, and August 9, 2021**
- VIII. **Presentation:**
  - A. **Danny Lucas – U.S Census 2020 Final Report**
- IX. **Open Floor to the Public per Ordinance 08-17 any citizen of the County may sign to speak before the Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes and total public input will be limited to 30 minutes.**  
*\*Please submit Public Comments via email at [comments@jaspercountysc.gov](mailto:comments@jaspercountysc.gov) or via US Mail at Attention: Clerk to Council P.O. Box 1149 Ridgeland, SC 29936. If you would like to be contacted by phone during Open Floor, please email your name, address and phone number to the email address listed above.*
- X. **Resolutions:**
  - A. **Chief Wells - Resolution # 2021-19 to declare certain property to be surplus and authorize its sale or disposition – Surplus Ambulance.**
- XI. **Ordinances:**
  - A. **Lisa Wagner – Public Hearing and 2<sup>nd</sup> Reading of Ordinance # 2021-25 to amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 063-38-01-013 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map – 76 Sweet William Road.**
  - B: **Andrew Fulghum – Public Hearing and 3<sup>rd</sup> reading of Ordinance # 2021-24 to adopt a new organizational chart.**
  - C: **David Tedder – 1<sup>st</sup> reading of an Ordinance to amend Chapter 8: Businesses and adopt the 2022 amendments to the business license ordinance**
- XII. **New Business: NONE**
- XIII. **Old Business:**
  - A: **Chief Russell Wells – COVID update**

**XIV. Council Members Comments**

**XV. Administrator's Report**

**XVI. Possible Return to Executive Session to Continue Discussion on Matters Regarding Agenda Item II.**

**XVII. Adjourn**

**\*Council may act on any item appearing on the agenda including items discussed in executive session.**

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the County Council Building at a publicly accessible place and on the county website at least 24 hours prior to the meeting. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the meeting.

***Special Accommodations Available Upon Request to Individuals with Disabilities*  
***(843) 717-3696*****

# AGENDA ITEM:

X

Resolution: Item A

**STATE OF SOUTH CAROLINA  
JASPER COUNTY**

**RESOLUTION # 2021-19**

**RESOLUTION OF JASPER COUNTY COUNCIL**

To declare certain property to be surplus and  
authorize its sale or disposition – Emergency  
Services Division - Ambulance

**WHEREAS**, the Jasper County Emergency Services Director has advised the County Chief Procurement Officer that it has obtained a donee for a 2009 Chevrolet Type-I Ambulance with VIN# 1GBE4V1919F401625, which was provided to the Jasper County Emergency Services Division for its use by Jasper County, and titled in the ownership name of Jasper County; and

**WHEREAS**, the County Administrator and County Chief Procurement Officer have identified the property as no longer necessary or useful to the County for the accomplishment of its mission, and recommends that it be declared surplus and sold or otherwise disposed; and

**WHEREAS**, the Emergency Services Division requests the County declare the property surplus, and allow the Emergency Services Division to donate the vehicle to the Beaufort/Jasper Academy for Career Excellence school for the purposes of empowering educational opportunities for the Automotive Technology and Health Sciences students.

**NOW THEREFORE, BE IT RESOLVED** that the property identified above is declared surplus pursuant to the Jasper County Purchasing and Procurement Ordinance, Ordinance #05-04 (as codified in Chapter 2, Article V of the Jasper County Code of Ordinances, Sections 2-401 et seq.), and the Chief Procurement

Officer of the County is authorized and directed to coordinate with the Emergency Services Division Director in the donation of the property in accordance with that Ordinance upon the terms negotiated by the Emergency Services Division, and the County Administrator is authorized to execute a bill of sale or transfer of title documents as may be needed to accomplish the donation.

This Resolution # 2021-19 made this \_\_\_\_\_ day of September, 2021.

\_\_\_\_\_  
Barbara B. Clark, Chairwoman

ATTEST:

\_\_\_\_\_  
Wanda Simmons, Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

\_\_\_\_\_  
David L. Tedder

\_\_\_\_\_  
Date

# AGENDA ITEM:

## XI-A

Ordinance item A



**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE: 2021-25**

**AN ORDINANCE  
OF JASPER COUNTY COUNCIL**

To amend the Official Zoning Map of Jasper County so as to transfer a property bearing Jasper County Tax Map Number 063-38-01-013 from the Residential Zone to the Community Commercial Zone on the Jasper County Official Zoning Map.

**WHEREAS**, the owner of the parcel consisting of approximately .55 acres bearing Jasper County Tax Map Number 063-38-01-013 located at 76 Sweet William Road, has requested rezoning of the parcel on the Official Zoning Map of Jasper County from the Residential Zone to the Community Commercial Zone and the property owner submitted that request to the Jasper County Planning Commission and County Council; and

**WHEREAS**, the Jasper County Planning Commission has concurred with the recommendations of the staff report as reflected in this Ordinance and recommends approval by Council; and

**WHEREAS**, this matter is now before the Jasper County Council for determination;

**NOW THEREFORE BE IT ORDAINED**, by the Jasper County Council in council duly convened and by the authority of the same:

1. Jasper County Council finds that in accordance with the staff report and the recommendation of the Planning Commission, the proposed zoning is consistent with the continued pattern of growth in the vicinity and is in harmony with the Jasper County Comprehensive Plan. Good cause having been shown, approximately .55 acres bearing Jasper County Tax Map

Number 063-38-01-013, located at 76 Sweet William Road, depicted on the Jasper County Official Zoning Map in the Residential Zone shall be transferred to the Community Commercial Zone.

2. This ordinance shall take effect upon approval by Council.

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**Ms. Barbara B. Clark**  
**Chairwoman**

**ATTEST:**

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**Wanda Simmons**  
**Clerk to Council**

**ORDINANCE: # 2021-25**

**First Reading:** August 16, 2021  
**Second Reading:** September 7, 2021  
**Public Hearing:** September 7, 2021  
**Adopted:** \_\_\_\_\_

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Considered by the Jasper County Planning Commission at it's meeting on  
July 13, 2021 and recommended for approval.

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Reviewed for form and draftsmanship by the Jasper County Attorney.

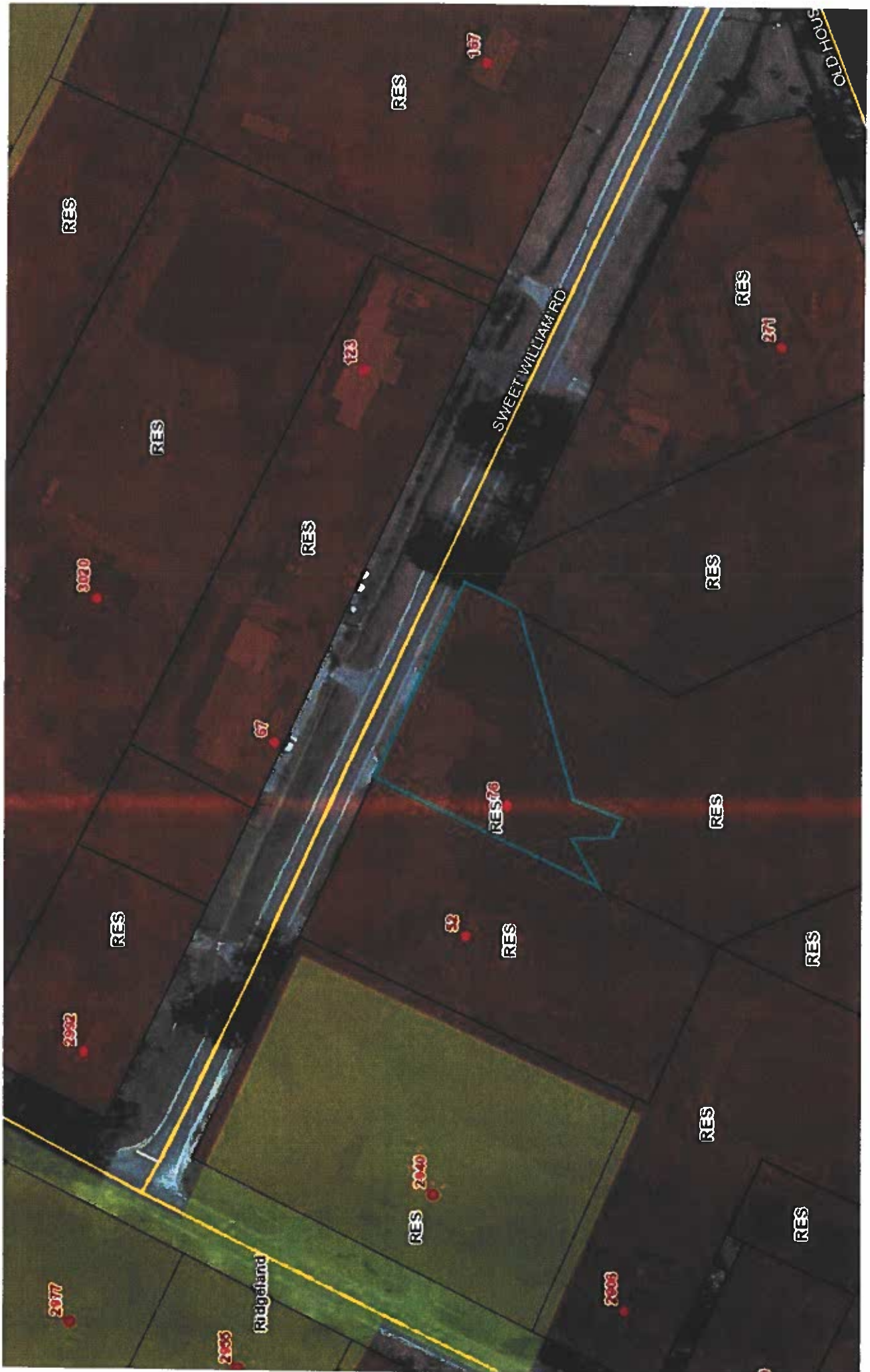
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**David Tedder**

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**Date**







# AGENDA ITEM:

## XI-B

Ordinance item B

STATE OF SOUTH CAROLINA  
COUNTY OF JASPER

**ORDINANCE NO: 2021-24**

AN ORDINANCE  
OF JASPER COUNTY COUNCIL

To amend the Jasper County, South Carolina  
Organizational Chart.

WHEREAS, by Ordinance No. 09-25 adopted October 5, 2009, the Jasper County Council did adopt an Official Organizational Chart for the County; and

WHEREAS, due to the passage of time, changes in departmental responsibilities, and a comprehensive examination and re-defining of certain of job descriptions and reporting responsibilities, it has become desirable to make certain amendments to the organization of the County administration; and

WHEREAS, the Administration recommends the attached Jasper County, South Carolina Organizational Chart to be the official organizational chart for the County;

NOW, THEREFORE BE IT ORDAINED by the Jasper County Council in council duly convened and by the authority of the same:

1. The Jasper County, South Carolina Organizational Chart dated \_\_\_\_\_, 2021, a copy of which is attached hereto, is hereby adopted as the official Organizational Chart for Jasper County Government, and all previous versions of the Organizational Chart are hereby repealed.
2. This ordinance shall take effect upon approval by Council.

\_\_\_\_\_  
Barbara B. Clark, Chairwoman

ATTEST:

\_\_\_\_\_  
Wanda Simmons, Clerk to Council

**Ordinance #: 2021-24**

First Reading: 07.19.2021  
Second Reading: 08.16.2021  
Public Hearing: 09.07.2021  
Adopted: 09.07.2021

\_\_\_\_\_

The following document is required to be attached prior to 3<sup>rd</sup> Reading:

Jasper County, South Carolina Organizational Chart dated \_\_\_\_\_, 2021.

\_\_\_\_\_

Reviewed for form and draftsmanship by the Jasper County Attorney.

\_\_\_\_\_  
David L. Tedder

\_\_\_\_\_  
Date

County Administrator

Administrative Services

Administrative Services

Assessor

Inspector

Register of Deeds

Tax Collector

Revenue Officer

Development Services

Planning & Building

Parks & Recreation

Development

Airport

Airport Maintenance Technician

Human Resources

Information Technology

Detention

Engineering Services

Building Maintenance

Central Garage

Light Control

Noise Control

Roads and Bridges

Solid Waste

Emergency Services

Administration & Emergency Management

Fire-Rescue

Dispatch/911 Communications

Code Enforcement

Code Enforcement Officer



# AGENDA ITEM:

## XI-C

Ordinance item C

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE #2021-\_\_**

**AN ORDINANCE  
OF JASPER COUNTY COUNCIL**

An ordinance to amend Chapter 8, Businesses, to adopt a new business licensing ordinance incorporating, as made applicable to counties and specifically Jasper County, the provisions of the 2022 Model Business License Ordinance in accordance with Act 176, the SC Business License Tax Standardization Act, including its classification system, and establishing rates for such classification, and matters related thereto.

**WHEREAS**, The South Carolina Legislature passed Act 179, the SC Business License Tax Standardization Act (“Act 179”), which was signed into law in September of 2020, and requires every local government with a business license tax to administer the tax in the same way across the State beginning in January of 2022; and

**WHEREAS**, the Act seeks to prevent local governments from receiving a windfall in the first year of implementation as a result of the required changes; and

**WHEREAS**, Jasper County Administration has created the attached 2022 Business License Ordinance in compliance with Act 179, incorporating the required North American Industrial Classification Code, assigned the correct, state mandated rate class using the 2021 Class Schedule, and performed a rebalancing of the rates to avoid a windfall in the first year of implementation; and

**WHEREAS**, County Council, upon review and recommendation of its administrative staff has determined that the 2022 Business license Ordinance, as attached, should be adopted in compliance with Act 179;

**NOW THEREFORE BE IT ORDAINED** by the Jasper County Council in council duly assembled and by the authority of the same:

**Section 1.** The Jasper County Code of Ordinances, Chapter 8, Article II, LICENSES, is amended by:

- a) deleting the current Article II in its entirety (being Sections 8-31 through 8-49) and inserting new Sections 8-31 through 8-51 as set forth in the attached Exhibit "A";
- b) Reserving current Sections 8-52 through 8-100;
- c) Adopting the Appendices A and B attached to this Ordinance, incorporating such by reference in Section 8-51 of the Ordinance;

**Section 2. Severability.**

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

**Section 3.** This Ordinance shall take effect upon approval by Council.

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**Barbara B. Clark,  
Chairwoman**

**ATTEST:**

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**Wanda Simmons  
Clerk to Council**

**ORDINANCE: 2019-\_\_**

**First Reading:** September 7, 2021

**Second Reading:** \_\_\_\_\_

**Public Hearing:** \_\_\_\_\_

**Adopted:** \_\_\_\_\_

Reviewed for form and draftsmanship by the Jasper County Attorney.

\_\_\_\_\_  
**David Tedder**

\_\_\_\_\_  
**Date**

## 2022 MODEL BUSINESS LICENSE ORDINANCE

**Section 8-31. License Required.** Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the unincorporated areas of Jasper County, South Carolina (hereinafter "County" in the context of applying this Business License Ordinance) is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

**Section 8-32. 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, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

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

*"Council"* means the County Council of Jasper County.

*"County"* means Jasper County, South Carolina.

*"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 licensee 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 County. If the licensee has a domicile within the County, business done within the County shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the County, business done within the County shall include only gross receipts or revenue received or accrued within the County. In all cases, if the licensee pays a business license tax to another county or County, then the licensee's gross income for the purpose of computing the tax within the County must be reduced by the amount of revenues or receipts taxed in the other county or County and fully reported to the County. 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, the South Carolina Department of Revenue, the South Carolina Department of Insurance, 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 County 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. Licensees 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 taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

*"License Official"* means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the County 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.

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

*"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, limited liability company, 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.

**Section 8-33. Purpose and Duration.** The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2022, shall commence on August 1, 2021 and shall run for a nine (9) month period. Thereafter, the license periods shall be established as follows. 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 licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee 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 the Council.

**Section 8-34. 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. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- 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 licensee's gross income for the calendar year preceding the due date, for the licensee'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 taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee 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 County 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 County shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

**Section 8-35. 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 County. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by 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 County have been paid.
- D. The County shall allow application, reporting, calculation, and payment of business license taxes through the business license 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.

**Section 8-36. Deductions, Exemptions, and Charitable Organizations.**

- A. No deductions from gross income shall be made except income earned outside of the County on which a license tax is paid by the business to some other County or municipality and fully reported to the County, 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 County, 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 NAICS. 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 liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the County. 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.
- D. 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.



- E. 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.

**Section 8-37. 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 8.38. Display and Transfer.**

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the County.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with 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. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

**Section 8-39. Administration of Ordinance.** The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal 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. Nothing herein shall be deemed to prohibit the County from entering into such contractual arrangements, as may be allowed by law, with outside entities for any or all of the administrative functions of the license official, who, in such instances, will supervise the activities of the contracting entity(ies).

**Section 8-40. Inspection and Audits.**

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the County 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 licensee 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. 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 licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

**Section 18-41. Assessments, Payment under Protest, Appeal.**

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the County 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 license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for 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, the County, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

**Section 8-42. Delinquent License Taxes, Partial Payment.**

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

**Section 8-43. Notices.** The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the County 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 8-44. 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 accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the County or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the County of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the County or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

**Section 8.45. Suspension or Revocation of License.** When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude

related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the County of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the County by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

**Section 8-46. Appeals to Council or its Designee.**

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the County.
- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

- D. 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, the County may establish a different procedure by ordinance.

**Section 8-47. 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 County 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 Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

**Section 8-48. Confidentiality.** Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the County 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.

**Section 8-49. Violations.** 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.

**Section 8-50. Severability.** 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.

**Section 8-51. 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 the 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 County 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 County, 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.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the County Clerk to Council.

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**APPENDIX A: BUSINESS LICENSE RATE SCHEDULE**

<b>RATE CLASS</b>	<b>INCOME: \$0 - \$2,000</b>	<b>INCOME OVER \$2,000</b>
	<b>BASE RATE</b>	<b>RATE PER \$1,000 OR FRACTION THEREOF</b>
1	\$20.00	\$0.55
2	\$25.00	\$0.65
3	\$30.00	\$0.75
4	\$35.00	\$0.85
5	\$40.00	\$0.95
6	\$45.00	\$1.05
7	\$50.00	\$1.15
8.1	\$50.00	\$0.55
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$50.00	\$0.55
	plus \$5.00 -OR- \$12.50 per table based on size	
9.1	\$50.00	\$0.55
9.2	\$50.00	\$0.55
9.3	\$50.00	\$0.55
9.41	\$50.00	\$0.55
9.42	\$50.00	\$0.55
9.5	\$50.00	\$0.55
9.6	\$50.00	\$0.55
9.7	\$50.00	\$0.55
9.8	\$50.00	\$0.55

**[Add optional subclasses, if any, that the County selects from the *Business License Standardization Class Nine Supplement* available from the Municipal Association.]**

**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 County.

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**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.

<b><u>Gross Income in \$ Millions</u></b>	<b><u>Percent of Class Rate for each additional \$1,000</u></b>
0 - 7	100%
7 - 10	50% for this increment
10 – 20	35% for this increment
20 – 50	15% for this increment
OVER 50	10% for this increment

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**CLASS 8 and CLASS 9 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. In accordance with state law, the County 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.

**8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].**

Resident rates, for contractors having a permanent place of business within the County:

Minimum on first \$2,000 ..... \$ \_\_\_\_\_ PLUS  
Each additional 1,000.....\$ \_\_\_\_\_

Non-resident rates apply to contractors that do not have a permanent place of business within the County. 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 County participates in a collections program administered by the Municipal Association of South Carolina. The County 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 [Class 8.7 in the Prior Model Ordinance] NAICS 5241 – Insurance Companies:**

See SC Code § 4-9-30(12) – None

**8.51 [Class 8.8 in the Prior Ordinance] 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 [Class 8.8C in the Prior Ordinance] 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(C):

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 [Class 8.9D in the Prior Model Ordinance] 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 ..... \$50.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$0.75

**[DRAFTING NOTE: Local Governments may create additional subclasses as permitted under Section 6-1-400(G)(2) of the Standardization Act based on “particularized considerations as needed for economic stimulus or the enhanced or disproportionate demands by specific business subclassifications on taxing jurisdiction services or infrastructure.”]**

**9.1 [Class 8.4A in the Prior Ordinance] NAICS 423930 – Junk or Scrap Dealers** [Non-resident rates apply].

Minimum on first \$2,000 ..... \$50.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$0.75

**9.2 [Class 8.4B in the Prior Model Ordinance] NAICS 522298 – Pawn Brokers** [All Types].

Minimum on first \$2,000 ..... \$50.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$0.75

**9.3 [Class 8.52 in the Prior Model Ordinance] NAICS 4411, 4412 – Automotive, Motor Vehicles, Boats, Farm Machinery or Retail.**

(except auto supply stores - see 4413)

Minimum on first \$2,000 ..... \$50.00 PLUS  
Per \$1,000, or fraction, over \$2,000..... \$0.75

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

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

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

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

**9.41 [Class 8.6 in the Prior Ordinance]** Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000 ..... \$100.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$1.00

**9.42 [Class 8.6A in the Prior Ordinance]** 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 ..... \$100.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$1.00

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

**9.5 [Class 8.9A in the Prior Ordinance] NAICS 713290 – Bingo halls, parlors.**

Minimum on first \$2,000 ..... \$50.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$0.75

**9.6 [Class 8.9B in the Prior Ordinance] NAICS 711190 – Carnivals and Circuses.**

Minimum on first \$2,000 ..... \$50.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$0.75

**9.7 [Class 8.9C in the Prior Ordinance] 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..... \$2.00

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

**9.8 [Class 8.9D in the Prior Ordinance] NAICS 7115 – Adult Exotic Dancers, other Sexually Oriented Businesses.**

Minimum on first \$2,000 ..... \$500.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$2.00

## Business License Class Schedule by NAICS Code

### Appendix B

#### 2021 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
<b>11</b>	Agriculture, forestry, hunting and fishing	2.00
<b>21</b>	Mining	4.00
<b>31</b>	Manufacturing	2.00
<b>32</b>	Manufacturing	2.00
<b>33</b>	Manufacturing	2.00
<b>42</b>	Wholesale trade	1.00
<b>44</b>	Retail trade	1.00
<b>45</b>	Retail trade	1.00
<b>48</b>	Transportation and warehousing	2.00
<b>49</b>	Transportation and warehousing	2.00
<b>51</b>	Information	4.00
<b>52</b>	Finance and insurance	7.00
<b>53</b>	Real estate and rental and leasing	7.00
<b>54</b>	Professional, scientific, and technical services	5.00
<b>55</b>	Management of companies	7.00
<b>56</b>	Administrative and support and waste management and remediation services	4.00
<b>61</b>	Educational services	4.00
<b>62</b>	Health care and social assistance	4.00
<b>71</b>	Arts, entertainment, and recreation	3.00
<b>721</b>	Accommodation	3.00
<b>722</b>	Food services and drinking places	1.00
<b>81</b>	Other services	5.00
<b>Class 8</b>	<b>Mandatory or Recommended Subclasses</b>	
<b>23</b>	Construction	8.10
<b>482</b>	Rail Transportation	8.20
<b>517311</b>	Wired Telecommunications Carriers	8.30
<b>517312</b>	Wireless Telecommunications Carriers (except Satellite)	8.30
<b>5241</b>	Insurance Carriers	8.40
<b>5242</b>	Insurance Brokers for non-admitted Insurance Carriers	8.40

<b>713120</b>	Amusement Parks and Arcades	<b>8.51</b>
<b>713290</b>	Nonpayout Amusement Machines	<b>8.52</b>
<b>713990</b>	All Other Amusement and Recreational Industries ( pool tables)	<b>8.60</b>
<b>Class 9</b>	<b>Optional Subclasses</b>	
<b>423930</b>	Recyclable Material Merchant Wholesalers (Junk)	<b>9.10</b>
<b>522298</b>	Pawnshops	<b>9.20</b>
<b>4411</b>	Automobile Dealers	<b>9.30</b>
<b>4412</b>	Other Motor Vehicle Dealers	<b>9.30</b>
<b>454390</b>	Other Direct Selling Establishments ( Regular Peddlers)	<b>9.41</b>
<b>454390</b>	Other Direct Selling Establishments (Seasonal Peddlers)	<b>9.42</b>
<b>713290</b>	Bingo Halls	<b>9.50</b>
<b>711190</b>	Other Performing Arts Companies (Carnivals and Circuses)	<b>9.60</b>
<b>722410</b>	Drinking Places (Alcoholic Beverages)	<b>9.70</b>
<b>7115</b>	Adult Adult Exotic Dancers, other Sexually Oriented Businesses	<b>9.80</b>

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

This appendix will be updated every odd year based on the latest available IRS statistics.  
The 2021 Business License Class Schedule may be accessed at: