

ORDINANCE # 2012-20

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES CHAPTER 8
ARTICLE II. BUSINESS AND PROFESSIONAL LICENSES SO AS TO
CLARIFY AND STRENGTHEN PORTIONS THEREOF AND TO PROVIDE FOR
AN ANNUAL CLASSIFICATION UPDATE.**

WHEREAS, the Municipal Association of South Carolina (MASC) regularly updates the Model Business License Ordinance to incorporate improvements necessitated by changes in the legal and economic application of business license regulations; and,

WHEREAS, it is in the interest of the City and the operators of businesses within the City that the business license ordinance be revised and updated to be consistent with the statewide application of business license regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED,

SECTION I

That Chapter 8 Article II is hereby deleted in its entirety and replace with the following:

"Article II. Business and Professional Licenses

Sec. 8-19. License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of Walterboro South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 8-20. Definitions.

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

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

"*Charitable 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 which 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 major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

"*Gross Income*" means the total income of a business, received or accrued, for one calendar year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid to some other municipality or a county and fully reported to the Municipality. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency.

"*License Official*" means a person designated to administer this ordinance.

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

"*Municipality*" means the City Walterboro, South Carolina.

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

Sec. 8-21. Purpose and Duration.

The business license levied 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. Each license shall be issued for one calendar year ending December 31. The provisions of this ordinance and the

rates herein shall remain in effect from year to year as amended by the Council.

Sec. 8-22. License Tax.

(a) The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the 15th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

(b) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Sec. 8-23. 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 Municipality. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

(b) Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income 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 Municipality have been paid.

(d) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Sec. 8-24. Deductions, Exemptions, and Charitable Organizations.

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

(b) No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. 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) A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

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.

Sec. 8-25. 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.

Sec. 8-26. Display and Transfer.

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

(b) A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with 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.

Sec. 8-27. Administration of Article.

The License Official shall administer the provisions of this article, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Sec. 8-28. Inspection and Audits.

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

(b) The License Official shall make systematic inspections and random audits of all businesses within the Municipality to insure

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 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.

Sec. 8-29. Assessments, Payment under Protest, Appeal.

(a) If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

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

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

Sec. 8-30. Delinquent License Taxes, Partial Payment.

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

Sec. 8-31. Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due

date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Sec. 8-32. Denial of License.

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

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

(b) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens; or

(c) The applicant, Licensee or prior Licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

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

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

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

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Sec. 8-33. Suspension or Revocation of License.

When the License Official determines:

(a) A license has been mistakenly or improperly issued or issued contrary to law; or

(b) A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or

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

(d) A Licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

(e) A Licensee has engaged in an unlawful activity or nuisance related to the business; or

(f) A Licensee is delinquent in the payment to the Municipality of any tax or fee,

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

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

Sec. 8-34. Appeals to Council.

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

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

parties or their representatives and shall be the final decision of the Municipality.

Sec. 8-35. Consent, franchise or license required for use of streets.

(a) It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the 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 fees unless specifically provided by the franchise or consent agreement.

Sec. 8-36. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. 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 the license ordinance.

Sec. 8-37. 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 herein.

Sec. 8-38. Severability.

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

Sec. 8-39. Classification and Rates.

(a) The Class Structure Model by the North American Industry Classification System code, designated as Appendix B to this ordinance, and the Class Structure Model by rate class, designated as

Appendix C to this ordinance, may be amended by the Council from time to time, and current copies shall be filed in the office of the municipal clerk. Appendices B and C are tools for classification and not a limitation on businesses subject to a license tax. The License Official shall determine the proper class for a business according to the applicable NAICS code.

(b) The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the Rate Schedule, designated as Appendix A to this ordinance, which may be amended by the Council from time to time and a current copy filed in the office of the municipal clerk.

Secs. 8-40---8-70. Reserved"

Section II

That Appendix B. Comprehensive Fee Schedule, Finance Department Fees be deleted in its entirety and the following inserted at the end of the Comprehensive Fees schedule:

"FINANCE DEPARTMENT FEES

Accommodations TaxesMunicipal Code Chapter 30, Article II
 Hospitality Taxes.....Municipal Code Chapter 30, Article II
 Audit/Budget Preprinted Book Fee\$15.00
 Returned Check Fee.....\$25.00
 Setoff Debt Collection Fee.....\$25.00

BUSINESS LICENSE FEES

<u>RATE CLASS</u>	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	<u>MINIMUM TAX</u>	<u>Rate per Thousand or fraction thereof</u>
1	\$40.00	\$1.00
2	\$45.00	\$1.15
3	\$50.00	\$1.30
4	\$55.00	\$1.45
5	\$60.00	\$1.60
6	\$65.00	\$1.75
7	\$70.00	\$1.90
8	See Individual Business in Class 8	

NON-RESIDENT RATES

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

CLASS 8 RATES

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

NAICS 230000 - Contractors, Construction, All Types

8	Having permanent place of business within the municipality Minimum on first	
	\$2,000.....	\$50.00
	PLUS	
	Each additional \$1,000.....	\$1.10
9	Not having permanent place of business within the municipality Minimum on first	
	\$2,000.....	\$100.00
	PLUS	
	Each additional \$1,000.....	\$2.20
	(non-resident double rates do not apply)	

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

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

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

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

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

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

209 NAICS 5171, 5172 - Telephone Companies:

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

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

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

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

(e) Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

(f) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

(g) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

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

10 **NAICS 517110 - Television: Cable or Pay**
Services using public streets.....See Franchise

11 **NAICS 22112 - Electric Power/Natural Gas Distribution**... See Franchise

12 **NAICS 423930 - Junk or Scrap Dealers** [Non-resident rates apply - rate code 13]
Minimum on first \$2,000\$70.00
PLUS
Per \$1,000, or fraction, over \$2,000 \$1.60

14 **NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail**
(except auto supply stores - see 4413)
Minimum on first \$2,000\$100.00
PLUS
\$2,000 - \$300,000.....\$0.70
Over \$300,000.....\$0.38

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.

16 **NAICS 522298 - Pawn Brokers** - All Types
Minimum on first \$2,000..... \$70.00
PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.60

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales direct retail sales of merchandise.

20 Peddlers - Ordinance 2009-02.....\$150.00 per 7 day period or portion thereof the permit period

21 Transient Merchant - Ordinance 2009-02

Minimum on first \$2,000\$250
 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$3.10

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

NAICS 5241 - Insurance Companies:

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

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

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

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

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

Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident 0.75% of Gross Premiums

NAICS 524126 - Fire and Casualty (Licensed in SC) 2% of Gross Premiums

NAICS 524127 - Title Insurance 2% of Gross Premiums

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each

year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

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

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

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

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

208 Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] Minimum on first \$2,000\$50.00
PLUS
 Per \$1,000 or fraction over \$2,000.....\$1.20

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]

26 **NAICS 713290 - Bingo halls, parlors -**
Minimum on first \$2,000.....\$50.00
PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

23 **NAICS 711190 - Carnivals and Circuses -**
Minimum on first \$2,000\$200.00
PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.60

15 **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\$1.60
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.

22 **NAICS 713990 - Billiard or Pool Rooms, all types\$5.00**
stamp/table PLUS
Minimum on first \$2,000\$50.00
PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.20

17 **NAICS 45421 - Vending Machines and all other coin-operated Automatic Merchandising Machines [Non-resident rates apply - #197]**
(Not included in Business Gross Income):
First \$2,000.....\$50.00
Over \$2,000.....\$1.20

NAICS 48531 - Taxicabs - Public Service Commission certificates A and B are exempt from business license. License required for holders of certificate E and F if the business is located within city limits. Holders of certificate C are required to obtain a license once the application, inspection and insurance is approved by the Walterboro Public Safety Police Chief

Business License Class Schedule, by NAICS Code and by Rate Class

These schedules shall be updated annually based on the latest available IRS statistics as published by MASC.

2012 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
110000	Agriculture, forestry, hunting and fishing	2
210000	Mining	6
221100	Electric Power Generation, Transmission and	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	3
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	3
321000	Wood products	1
322000	Paper products	3
323000	Printing and related support activities	2
324000	Petroleum and coal products	3
325000	Chemical manufacturing	5
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	3
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	1
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	2
444000	Building material and garden equipment and	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2

NAICS Code	Industry Sector	Class
451000	Sporting goods, hobby, book, and music stores	1
452000	General merchandise stores	2
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	2
454390	Other Direct Selling Establishments (Peddlers)	8.6
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	1
493000	Warehousing and storage facilities	3
510000	Information	4
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	2
515000	Broadcasting (except internet) and	3
517000	Telecommunications	4
517100	Wired Telecommunications Carriers	8.3
517110	Cable, DSL, VoIP, etc.	8.4
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
518000	Internet service providers, web search portals, and	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.4
523000	Securities, commodity contracts, and other	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance	8.7
530000	Real estate and rental and leasing	3
531000	Real estate	3
531100	Lessors of real estate (including miniwarehouses and self storage)	5
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	6
541600-541900	Other professional, scientific, and technical	7
550000	Management of companies	6
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	3
610000	Educational services	5

NAICS Code	Industry Sector	Class
620000	Health care and social assistance	5
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and	8.9
712000	Museums, Historical Sites and similar institutions	1
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.1
721000	Accommodation	1
722000	Food services and drinking places	2
722410	Drinking Places (Alcoholic Beverages)	8.9
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	3
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	6

Note: Class Schedule is based on 2009 IRS data.

2012 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
220000	Utilities	1
313000	Textile and textile product mills	1
321000	Wood products	1
331000	Primary metal industries	1
336000	Transportation equipment	1
420000	Wholesale trade	1
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
445000	Food and beverage stores	1
447000	Gasoline stations	1
451000	Sporting goods, hobby, book, and music stores	1
486000	Pipeline transportation	1
623000	Nursing and Residential Care Facility	1
712000	Museums, Historical Sites and similar institutions	1
721000	Accommodation	1
110000	Agriculture, forestry, hunting and fishing	2
311000	Food manufacturing	2
315000	Apparel	2
323000	Printing and related support activities	2
327000	Nonmetallic mineral products	2
332000	Fabricated metal products	2
335000	Electrical equipment, appliances, and components	2
337000	Furniture and related products	2
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	2
444000	Building material and garden equipment and supplies dealers	2
446000	Health and personal care stores	2
448000	Clothing and accessories stores	2
452000	General merchandise stores	2
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	2
48-49	Transportation and warehousing	2
512000	Motion picture and sound recording	2
524000	Insurance agents, brokers, and related activities	2
532000	Rental and leasing services	2
722000	Food services and drinking places	2

NAICS Code	Industry Sector	Class
811000	Repair and maintenance	2
31-33	Manufacturing	3
316000	Leather and allied products	3
322000	Paper products	3
324000	Petroleum and coal products	3
333000	Machinery	3
339000	Other miscellaneous manufacturing	3
493000	Warehousing and storage facilities	3
515000	Broadcasting (except internet) and	3
517000	Telecommunications	4
530000	Real estate and rental and leasing	3
531000	Real estate	3
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	3
710000	Arts, entertainment, and recreation	3
811100	Auto repair and maintenance	3
334000	Computer and electronic products	4
510000	Information	4
511000	Publishing industries (except internet)	4
518000	Internet service providers, web search portals, and	4
810000	Other services	4
325000	Chemical manufacturing	5
519000	Other Information Services	5
522000	Credit intermediation and related activities	5
531100	Lessors of real estate (including miniwarehouses and self storage)	5
540000	Professional, scientific, and technical services	6
610000	Educational services	5
620000	Health care and social assistance	5
812000	Personal and laundry services	5
210000	Mining	6
550000	Management of companies	6
813000	Religious, grantmaking, civic, professional, and similar organizations	6
520000	Finance and insurance	7
523000	Securities, commodity contracts, and other financial investments	7

NAICS Code	Industry Sector	Class
541600-541900	Other professional, scientific, and technical	7
221100	Electric Power Generation, Transmission and	8.0
221200	Natural Gas Distribution	8.0
230000	Construction	8.1
482000	Rail Transportation	8.2
517100	Wired Telecommunications Carriers	8.3
517200	Wireless Telecommunications Carriers (except	8.3
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
517110	Cable, DSL, VoIP, etc.	8.4
522298	Pawnshops	8.4
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
454390	Other Direct Selling Establishments (Peddlers)	8.6
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance	8.7
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
711190	Other Performing Arts Companies (Carnivals and	8.9
713290	Bingo Halls	8.9
722410	Drinking Places (Alcoholic Beverages)	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.10

Note: Class Schedule is based on 2009 IRS data."

DONE, this day of _____, 2012.

William T. Young, Jr.

Mayor

ATTEST:

Betty J. Hudson

City Clerk

First Reading: ____

Public Hearing:

Second Reading: