

State of South Carolina }
County of Pickens }
City of Liberty }

Ordinance 2019-15
Amend Appendix A—Rate Schedule of the
Business License Ordinance

THAT THE CODE OF ORDINANCES OF THE CITY OF LIBERTY, SOUTH CAROLINA, IS HEREBY AMENDED BY AMENDING APPENDIX A “RATE SCHEDULE” OF SECTION 11-51 “CLASSIFICATION AND RATES” OF THE BUSINESS LICENSE ORDINANCE

Whereas, the City is duly empowered to enact ordinances, not inconsistent with the laws or Constitution of the State of South Carolina, 1895, as amended, exercising its powers related to the expenditure of public funds for public purposes and those other powers incident to, and necessary for the accomplishment of, the City's express authorization to levy certain taxes and fees and the implementation of programs for public purposes; and

Whereas, for small contractor jobs (\$2,000 or less), contractors generally pay an inordinate amount of a business license fee due to most jobs being done on a per job basis as a result of the City not having a large number of contractors within the City who have an annual license; and,

Whereas, the Mayor and Council recognizes this has an adverse effect on the residents and businesses in the City who hire the per job contractors for small jobs.

Now Therefore, it is the intention of the council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Liberty, South Carolina, and the sections of this ordinance may be renumbered to accomplish that intention.

Section 1—Amend Appendix A “Rate Schedule” of Section 11-51 “Classification and Rates”

Appendix A “Rate Schedule” of Section 11-51 “Classification and Rates” is rescinded and replaced with the following:

APPENDIX A
RATE SCHEDULE

<u>RATE CLASS</u>	<u>INCOME: \$0 - \$2,000 BASE RATE</u>	<u>INCOME OVER \$2,000 Rate per Thousand or fraction thereof</u>
1	\$ 30.00	\$0.90
2	\$ 35.00	\$0.95
3	\$ 40.00	\$1.00
4	\$ 45.00	\$1.05
5	\$ 50.00	\$1.10
6	\$ 55.00	\$1.15
7	\$ 60.00	\$1.20
8.1	\$ 40.00 (see detail)	\$1.00
8.2	\$ set by State statute	
8.3	MASC Telecommunications	
8.4	\$ 150.00	\$3.00
8.41	\$ 125.00	\$5.00
8.42	\$ 125.00	\$2.00
8.5	\$ 55.00	\$0.60
8.61	\$ 55.00	\$1.15
8.62	\$ 25.00	\$1.00
8.63	\$ 10.00 per special event	
8.7	MASC Insurance	
8.81	\$12.50 + \$12.50 per machine	
8.82	\$ 55.00	\$1.15
8.83	\$12.50 + \$12.50 per machine	
8.91	\$ 125.00	\$2.00
8.92	\$ 125.00	\$2.00
8.93	\$ 125.00	\$2.00
8.10	\$ 55.00 + \$5.00 per table	\$1.15

NON-RESIDENT RATES

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

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
OVER 4	60%

CLASS 8 RATES

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

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

Having permanent place of business within the municipality

Minimum on first \$2,000.....\$ 40.00* PLUS

Each additional 1,000.....\$ 1.00

* for small jobs (\$2,000 or less), the per job rate is \$25.00 regardless of whether contractor is inside or outside the City. If the per job gross income is more than \$2,000, normal rates apply. After a contractor receives the small job rate and has additional work within the same license year, regardless of gross income, the contractor pays the difference in the normal base rate and small job rate.

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 license year.

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

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

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

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

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

8.3 NAICS 517311, 517312 - 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.

8.41 NAICS 423930 - Junk or Scrap Dealers [Non-resident rates apply]

Minimum on first \$2,000	\$125.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$5.00

8.42 NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000	\$125.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$2.00

- 8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail**
(except auto supply stores - see 4413)
Minimum on first \$2,000\$55.00 PLUS
Per \$1,000, or fraction, over \$2,000\$0.60

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

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

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

- 8.61** Regular activities [more than two sale periods of more than three days each per year]
Minimum on first \$2,000\$55.00 PLUS
Per \$1,000, or fraction, over \$2,000\$1.15
- 8.62** Seasonal activities [not more than two sale periods of not more than three days each year,
separate license required for each sale period]
Minimum on first \$2,000\$25.00 PLUS
Per \$1,000, or fraction, over \$2,000\$1.00
- 8.63** Special event license (per event (up to 3 days), collected & remitted by event
organizer)\$ 10.00

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

8.7 NAICS 5241 - Insurance Companies:

Except as to fire insurance, “gross premiums” means 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..... 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.

[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, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) – **[Type I and Type II]**

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

8.82 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 \$55.00 PLUS
Per \$1,000 or fraction over \$2,000\$1.15

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

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

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

8.82 - 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..... \$55.00 PLUS
Per \$1,000, or fraction, over \$2,000\$1.15

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

Minimum on first \$2,000\$125.00 PLUS
Per \$1,000, or fraction, over \$2,000\$2.00

8.92 **NAICS 711190 - Carnivals and Circuses -**

Minimum on first \$2,000\$125.00 PLUS
Per \$1,000, or fraction, over \$2,000\$2.00

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

Minimum on first \$2,000\$125.00 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.

8.10 **NAICS 713990 - Billiard or Pool Rooms, all types** \$5.00 per table PLUS

Minimum on first \$2,000\$55.00 PLUS
Per \$1,000, or fraction, over 2000.....\$1.15

NAICS 22112 - Electric Power Distribution..... See Consent or Franchise

NAICS 22121 – Natural Gas DistributionSee Consent or Franchise

NAICS 517110 – Television: Cable or Pay

Services using public streets.....See Franchise
Satellite television providers (NAICA 517919).....Rate Class 3

Section 2--Severability

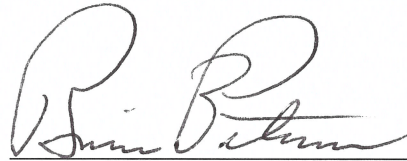
A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Section 3—Effective Date

This Ordinance shall take effect immediately upon its enactment by the Council.

APPROVED, this 10th day of December, 2019.

1st reading: November 11, 2019
2nd reading December 10, 2019



Brian Petersen, Mayor

ATTEST:



Bruce Evilsizor, City Administrator