

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Tara S. Almond
Phil Carter
Eva Corley

City Manager
Brian Watkins



**City of Cayce
Regular Council Meeting
Tuesday, October 2, 2018
6:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
September 4, 2018 Regular Meeting
September 19, 2018 Special Meeting

II. Public Comment Regarding Items on the Agenda

III. Presentations

- A. Presentation by Mr. Hubert Smoak re Speeding on N. Eden Drive

IV. Ordinances

- A. Discussion and Approval of Ordinance 2018-11 Amending Article II (“Licenses”) of Chapter 12 (“Businesses”) of the City Code (The Business License Ordinance) – Second Reading

V. Other

- A. Discussion and Approval of Contract for Engineering Services Related to a FEMA Grant Project for a New Generator

VI. City Manager’s Report

VII. Committee Matters

- A. Appointments and Reappointments
Accommodations Tax Committee – One (1) Position
Consolidated Board of Appeals – One (1) Position
- B. Approval to enter the following Committee approved Minutes into the City’s Record
Zoning Board of Appeals – January 22, 2018

VIII. Council Comments

IX. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
- C. Discussion of employment of employee regulated by a public body

X. Reconvene

XI. Possible Actions by Council in follow up to Executive Session

XII. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

Mayor
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CITY OF CAYCE
Regular Council Meeting
September 4, 2018

The September Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Council Members Tara Almond, Phil Carter, Eva Corley and James Jenkins. City Manager Brian Watkins, Assistant to the City Manager Rachelle Moody, Municipal Clerk Mendy Corder, Municipal Treasurer Garry Huddle, Planning and Development Director Carroll Williamson, Utilities Director Blake Bridwell and Director of Public Safety Byron Snellgrove were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order. Council Member Jenkins gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Council Member Almond made a motion to approve the August 14, 2018 Regular Council Meeting minutes and the August 29, 2018 Special Council Meeting minutes as written. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

No one signed up for Public Comment.

Proclamations

A. Approval of Proclamation – September as National Suicide Prevention Month

Council Member Almond made a motion to approve the Proclamation proclaiming September as National Suicide Prevention Awareness Month. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Ordinances and Resolutions

A. Discussion and Approval of Ordinance 2018-08 Amending Zoning Map and Rezoning Properties Located at 1803 State Street (Tax Map Number 004655-04-020) from C-3 to RG-2 – Second Reading

Council Member Carter made a motion to approve Ordinance 2018-08 on second reading. The motion died due to a lack of a second.

Other

A. Discussion of Service Line Warranty Program Options

Mr. Watkins stated that at the April 18, 2018 Council meeting, Mayor and Council received a presentation from Mr. Dennis Lyon regarding the National League of Cities (NLC) Service Line Warranty Program. An overview of the program was provided, as well as information about how the City of Cayce residents could opt in to a service line warranty through a company called Utility Service Partners. There is no charge to the City and the program is administered by an outside vendor.

Mr. Watkins stated that since the presentation, at the request of Council, staff has performed additional research regarding the program. Staff provided Council a sample marketing letter and statements from administrators in other South Carolina cities who currently participate in the NLC Service Line Warranty Program. Mr. Watkins stated that the program requires that the City provide Utility Services Partners with the City's official letterhead with its logo and either the City Manager or the Mayor must sign the letter.

Mr. Watkins stated that at the August 14, 2018 Council meeting Council asked staff to research all options available for residents regarding service line warranty programs. Staff discovered that there are numerous companies that provide service line warranties. The City's residents can enroll with any of these companies by contacting the company directly or going to their individual website.

Mr. Watkins stated that staff recommends providing the names and contact information to new residents of the various companies that provide service line warranties. The information can be included in the Newcomer's Guide that is given to each new water and/or sewer customer. An insert can also be placed in all customer's utility bill informing them of the service line warranty options available to them. Mayor Partin suggested having an article in the next resident's newsletter that educates homeowners about the external water lines on their property being their responsibility and the options for service line warranty programs.

City Manager's Report

Mr. Watkins stated he recently attend the Greater Cayce West Columbia Chamber of Commerce breakfast. He stated that October 1 is Public Safety's National Night Out and October 13 is the City's fall Plant Exchange as well as the Museum's Congaree Heritage Day event.

Committee Matters

- A. Appointments and Reappointments
 - Consolidated Board of Appeals – One (1) Position
 - Municipal Election Commission – One (1) Position

Council Member Jenkins made a motion to reappoint Mr. Lawrence Gardner to the Consolidated Board of Appeals. Council Member Almond seconded the motion which was unanimously approved by roll call vote. Council Member Corley made a motion to reappoint Mr. Will Chavis to the Municipal Election Commission. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote.

- B. Approval to enter the following Committee approved Minutes into the City's Record
 - Events Committee – July 12, 2018
 - Cayce Housing Authority – July 19, 2018

Council Member Almond made a motion to enter the approved Events Committee and Cayce Housing Authority meeting minutes into the record. Council Member Corley seconded the motion which was unanimously approved by roll call vote.

Council Comments

No comments were made by Council.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

Mayor Partin stated that there were not any items to be discussed in Executive Session.

Adjourn

There being no further business, Council Member Almond made a motion to adjourn the meeting. Council Member Jenkins seconded the motion which was unanimously approved by roll call vote. The meeting adjourned at 6:10 p.m.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, CMC, Municipal Clerk

IF YOU WOULD LIKE TO SPEAK ON A MATTER APPEARING ON THE MEETING AGENDA, PLEASE COMPLETE THE INFORMATION BELOW PRIOR TO THE START OF THE MEETING.* *THANK YOU.*

COUNCIL MEETING SPEAKERS' LIST

Date of Meeting September 4, 2018

Name	Address	Agenda Item

***Appearance of citizens at Council meetings - City of Cayce Code of Ordinances, Sec. 2-71.** Any citizen of the municipality may speak at a regular meeting of the council on a matter pertaining to municipal services and operation, with the exception of personnel matters, by notifying the office of the city manager at least five working days prior to the meeting and stating the subject and purpose for speaking. Additionally, during the **public comment period** as specified on the agenda of a regular meeting of the council, a member of the public may speak on a matter appearing on the meeting agenda, with the exception of personnel matters by signing a speakers list maintained by the city clerk prior to the start of the public comment period. At the discretion of the mayor or presiding officer, the length of time for any speaker's presentation may be limited and the number speakers also may be limited.

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Tara S. Almond
Phil Carter
Eva Corley

City Manager
Brian Watkins



**City of Cayce
Special Council Meeting
September 19, 2018**

A Special Council Meeting was held this afternoon at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin and Council Members Tara Almond and Phil Carter. Council Member Eva Corley was out of the state and Council Member James Jenkins had a work emergency. City Manager Brian Watkins, Assistant to the City Manager Rachelle Moody, Municipal Clerk Mendy Corder, City Treasurer Garry Huddle, Planning and Development Director Carroll Williamson, Director of Public Safety Byron Snellgrove and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order and Council Member Carter gave the invocation. Mayor Partin led the assembly in reciting the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

Ms. Corder stated no one had signed up for public comment.

Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2018-10 Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act – Second Reading

Council Member Almond made a motion to approve Ordinance 2018-10 on second reading. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

- B. Discussion and Approval of Ordinance 2018-11 Amending Article II (“Licenses”) of Chapter 12 (“Businesses”) of the City Code (The Business License Ordinance) – First Reading

Council Member Almond made a motion to approve Ordinance 2018-11 on first reading. Council Member Carter seconded the motion. Mr. Watkins stated that the Municipal Association of South Carolina (MASC) has recommended changes to their Model Business License Ordinance, which the City of Cayce has previously adopted as Article II in Chapter 12 of the City Code. He stated that the major change is the change of due date from April 15th each year to April 30th, and the change in the term for the license from January 1st - December 31st to May 1st - April 30th each year. This will allow

the City of Cayce to participate in MASC's online portal for businesses to pay their business license fee online, starting in 2019. He stated that the City Attorney suggested making one additional change to the Ordinance. Mr. Crowe suggested giving pool halls an 8 number rather than a 9 number. Staff will make the suggested change for the second reading of the Ordinance.

Mr. Williamson stated that staff added a fee for special events to the Ordinance since it was not very clear previously. He stated that it would go into effect once an amendment to the budget on the fee schedule is made in January. Council Member Carter asked if any changes made to legislation on business licenses would affect the Ordinance. Mayor Partin stated that it could affect the Ordinance. She stated that the City has been using the MASC model Ordinance for quite some time. Mayor Partin called the question which was unanimously approved by roll call vote.

C. Consideration and Approval of Resolution Supporting a Grant Application from the City of Cayce to the Municipal Association of South Carolina

Mr. Watkins stated that City staff plans to submit a grant application to the Municipal Association of South Carolina (MASC) for the Hometown Economic Development Grant opportunity to be used to work on establishing a State recognized Arts District in the State Street area. As part of the grant application, the City is required to include a resolution of Council in support of the application. He stated that MASC has a grant opportunity for cities and towns in South Carolina to implement economic development projects that will make a positive impact on the quality of life in their communities. The City of Cayce plans to apply for a grant and request \$25,000 in funding. Establishment of an arts district will benefit both the city and stores/artists.

Council Member Carter made a motion to approve the Resolution supporting the grant. Council Member Almond seconded the motion. Mayor Partin stated that she would like to review the grant before it is submitted since it is an outcropping of her time with the Mayor's Institute for City Design and she would like to tell the story of how the information she learned at the Institute is working. Mayor Partin called the question which was unanimously approved by roll call vote.

Other

A. Consideration and Approval of Second Amendment to Agreement for Completion of a Subdivision and for Providing of a Surety Bond or Letter of Credit (Congaree Bluff)

Mr. Watkins stated that the developer of the Congaree Bluff neighborhood is requesting City Council approve an amendment to the current subdivision agreement to cover the cost for the completion of the required infrastructure in the subdivision. City of Cayce Land Development Regulations require all developers to provide a surety bond or letter of credit to the City for the cost of construction for any infrastructure in new

subdivisions. This requirement protects the City by ensuring money is available to complete critical infrastructure if the developer pulls out of the project or in any way fails to satisfy the terms of the agreement. Specifically, Congaree Bluff LLC is requesting a one year extension to September 30, 2019. All other aspects of the agreement, including the amount of the surety bond, will remain unchanged.

Council Member Almond made a motion to approve the agreement. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

B. Consideration and Approval of Statewide Mutual Aid Agreement for Emergency Disaster/Response Recovery

Mr. Watkins stated that in June 2006, the City of Cayce and the other municipalities, counties and special districts in the State of South Carolina signed the South Carolina Statewide Mutual Aid Agreement. This agreement assists local governments and special districts in receiving aid following a disaster from the South Carolina Emergency Management Division (SCEMD) and the Federal Emergency Management Agency (FEMA). The agreement has recently been updated and all prior signatories have been requested to sign.

Mr. Watkins stated that the Statewide Mutual Aid Agreement is the framework for providing and receiving aid from state, county and municipal entities during a disaster. The agreement addresses how the process works among signatories. It is critical to the County of Lexington's ability to request reimbursement from FEMA as the agreement must be in place prior to an emergency. The County of Lexington has reviewed and signed the agreement, and is requesting that all county municipalities sign as well.

Mr. Watkins stated that all requests for shared services and support go through SCEMD, not the individual entities. This agreement allows the City of Cayce to both send and receive assets and support to and from other state, county and municipal entities. It also allows the City to bill for services rendered if it chooses to do so. This agreement does not supersede or nullify any of the City's other mutual aid agreements.

Council Member Carter made a motion to approve the statewide mutual aid agreement. Council Member Almond seconded the motion which was unanimously approved by roll call vote.

C. Consideration and Approval of Agreement Concerning Electric Service Rights Between Mid-Carolina Electric Cooperative Inc. and South Carolina Electric and Gas Company

Mr. Watkins stated that the City has Ordinances establishing the right of the City to charge franchise fees to electricity providers within the City to use the right of ways in the City to deliver service. The two service providers for the City of Cayce are SCE&G and Mid-Carolina Electric Cooperative (MCEC).

SCE&G and MCEC have reached an agreement that assigns electric service territory rights down to the parcel level; each parcel has been assigned to SCE&G or MCEC based on a number of factors. They believe the agreement will aid future planning for electric utilities, and will reduce uncertainty for property owners and developers. The agreement will also help to minimize duplication of facilities in the future. They are asking the City to adopt the municipal electric service territory map for Cayce through official action by Council.

Mr. Watkins stated that the electric service providers have established a two-step process that has already been successfully implemented in a number of municipalities (both large and small). The first step will be the adoption of an Electric Service Rights Agreement (ESRA). SCE&G, MCEC and the municipality will all be parties to the ESRA. The ESRA will adopt the new municipal electric service territory map and provide a timeline for the adoption of new franchise agreements with SCE&G and MCEC. The second step will be the adoption of new franchise agreements between SCE&G, MCEC and Cayce. Each new franchise agreement will include the municipal electric service territory map as an exhibit.

Mayor Partin asked if new franchise fee agreements were an automatic next step or was it requested by the service providers. Mr. Watkins stated that it was requested and staff will closely review the proposed new franchise fees before proceeding. Council Member Almond made a motion to approve the agreement. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Mr. Watkins stated that Public Safety's National Night Out is October 1 at the Public Safety complex. The City's fall Plant Exchange is Saturday, October 13 as well as the Museum's Congaree Heritage Day. The 12,000 Year History Park fall Tours and Events schedule has been released. The 12,000 Year History Park working group is working with the University of South Carolina's College of Information and Communication School of Journalism and Mass Communication on a fall Create-a-thon. The students will provide suggestions for a park logo design, story marketing materials, social media accounts and signs and banners. Mr. Watkins stated that City staff is working on a letter that will be sent to all residents that live near or in a floodplain. The City participates in the Community Rating System and this letter is a requirement to ensure that Cayce citizens can get a reduction in their insurance premium. Mayor Partin asked if the wording of the letter was provided. Mr. Watkins stated that it was.

Council Comments

No comments were made.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of employment of employee regulated by a public body

Mr. Crowe stated that he did not have any items to discuss with Council and staff under Item VII. A. in Executive Session. Mayor Partin stated that Item VII. B. was going to be postponed until all of Council was able to attend the meeting. Council Member Almond made a motion to postpone Item VII.B. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Adjourn

Council Member Almond made a motion to adjourn the meeting. Council Member Carter seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 5:14 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

Memorandum

To: Mayor and Council

From: Brian Watkins, City Manager
Carroll Williamson, Planning & Development Director

Date: September 28, 2018

Subject: Approval of Ordinance 2018-11 Amending Article II (“Licenses”) of Chapter 12 (“Businesses”) of the City Code (the Business License Ordinance) – Second Reading

Issue

The Municipal Association of South Carolina (MASC) has recommended changes to their Model Business License Ordinance, which the City of Cayce has previously adopted as Article II in Chapter 12 of the City Code.

Discussion

In 2014, Cayce adopted the current MASC Model Business License Ordinance, which helped to standardize business license processes across the state. MASC has now made additional changes to the Model Business License Ordinance to further simplify the process for business owners who operate in multiple municipalities. The biggest change is the change of due date from April 15th each year to April 30th, and the change in the term for the license from January 1st - December 31st to May 1st - April 30th each year. This will allow the City of Cayce to participate in MASC’s online portal for businesses to pay their business license fee online, starting in 2019.

Additionally, the MASC Model Ordinance better defines the meaning of gross income as gross receipts or gross revenue. This term had been interpreted in different ways previously, but this change clarifies the meaning of gross income.

While making this change, staff also recognized some gaps in the classification of businesses listed in the Ordinance in Appendices A and B. A special events classification and fee has been added, as well as a specific classification for mobile food services.

Since the First Reading of the Ordinance, the classification numbering has been simplified to reduce the number of classes from 9 to 8.

Recommendation

Staff recommends Council adopt the revised Business License Article.

Sec. 12-36. - 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 Cayce, South Carolina ("the City"), is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 12-37. – 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 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 City, excepting there from income earned outside of the City on which a license tax is paid to some other city or a county and fully reported to the City. 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 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 Insurance Commission, or other government agencies.

“License Official” means a person designated to administer this article or, with regard to initiation of denial or suspension or revocation procedures, such person or the director of the City's department of public safety or his designee.

“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 of Cayce, 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. 12-38. - Purpose and Duration

The business license levied by this article 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 2019-2020 license will run for a sixteen month period beginning January 1, 2019 and ending April 30, 2020. Each subsequent yearly license shall be issued for the twelve month period of May 1 to April 30. The provisions of this article and the rates herein shall remain in effect from year to year as amended by the Council.

Sec. 12-39. - 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 thirtieth day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

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. 12-40. - Registration Required

A. The owner, agent or legal representative of every business subject to this article, 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, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. 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 article 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 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. 12-41. - 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 article 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 article

by reason of the payment of any other tax or fee, 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 article.

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 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 article, 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 article. 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. 12-42. - False Application Unlawful

It shall be unlawful for any person subject to the provisions of this article 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 article.

Sec. 12-43. - 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 nonresident 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. 12-44. - 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 article, and perform such other duties as may be duly assigned.

Sec. 12-45. - Inspection and Audits

A. For the purpose of enforcing the provisions of this article, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this article 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 have the authority to make inspections and conduct audits of businesses within the Municipality to insure compliance with the article. 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 article, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Sec. 12-46. - Assessments, Payment under Protest, Appeal

A. If a person fails to obtain a business license or to furnish the information required by this article 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 article relating to appeals to Council.

Sec. 12-47. - Delinquent License Taxes, Partial Payment.

A. For nonpayment 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. 12-48. - 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. 12-49. - Denial of License.

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

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

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

(3) The applicant, Licensee or 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; or

(4) 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

(5) 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

(6) 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. 12-50. - Suspension or Revocation of License

When the License Official determines:

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

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

(3) 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

(4) 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; or

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

(6) 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 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 article.

Sec. 12-51. - 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 therefor, filed with the License Official within ten (10) days after service by mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on revocation or denial 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. 12-52. - Permission to use streets required.

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.

Sec. 12-53. - Consent, franchise or business license fee required

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. 12-54. - 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 article. 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 business license article.

Sec. 12-55. - Violations.

Any person violating any provision of this article 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. 12-56. – Severability.

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

Sec. 12-57. - Classification and Rates.

A. The classifications of businesses included in each rate class are listed with United States North American Industry Classification System (NAICS) codes, by sector, sub-sector, group, or industry. Appendix B is a tool for classification and not a limitation on businesses subject to a license tax. The

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business classification, pursuant to the most recent version of the Business License Class Schedule by NAICS adopted by the Council, most specifically identifying the subject business, shall be applied to the business. The License Official shall have the authority to make the determination of the business classification most specifically applicable to a subject business.

B. The 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 article, which may be amended from time to time by the Council. A copy of the Class Schedule and Rate Schedule shall be filed in the office of the municipal clerk.

Appendix A

Classification and Rates.

RATE SCHEDULE

RATE CLASS	INCOME: 0 - \$2,000 MINIMUM TAX	INCOME OVER \$2,000 Rate per Thousand or fraction thereof
1	\$20.00	\$1.15
2	\$25.00	\$1.20
3	\$30.00	\$1.25
4	\$35.00	\$1.30
5	\$40.00	\$1.35
6	\$45.00	\$1.40
7	\$50.00	\$1.45
8	See individual business	In Class 8

NONRESIDENT 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 \$5,000,000.00	
Gross Income in \$ Millions	Percent of Class Rate for each additional \$1,000.00
0 - 5	100%
<u>5</u> - 7	95%
<u>7</u> - <u>9</u>	90%
<u>9</u> - 110	85%
Over 110	45%

CLASS 8 RATES

Business Type	Class	INCOME: 0 - \$2,000 MINIMUM TAX	INCOME OVER \$2,000 Rate per Thousand or fraction thereof	
Power company	8	\$60	\$1.45	
Contractor	8.1	\$30	\$1.25	Non-resident Rates Apply
8B railroad	8.2	\$410		
Taxi	8.21	\$30	\$1.25	Non-resident Rates Apply
Telephone	8.3	\$30	\$1.25	
Cable	8.4	\$50	\$1.45	
Junk/scrap	8.41	\$60	\$2.45	Non-resident Rates Apply
Pawn	8.42	\$400	\$1.70	
Auto/motor	8.5	\$20	\$0.95	
Peddlers	8.6	\$135	\$3.05	Non-resident Rates Apply
Peddlers seasonal	8.61	\$20	\$3.05	Non-resident Rates Apply
Insurance	8.7			
Coin operated per machine	8.8	\$12.50		
Coin machine gross receipts	8.81	\$35	\$1.30	Non-resident Rates Apply
Amusement per machine	8.82	\$12.50		
Amusement gross receipts	8.83	\$35	\$1.30	Non-resident Rates Apply
Bingo	8.9	\$300	\$3.05	
Carnivals / circus	8.91	\$200	\$5.05	
Drinking place	8.92	\$265	\$5.55	
Special events	8.93	\$200		
Pool hall	8.94	\$25	\$1.80	

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.

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8 **NAICS 22112 - Electric Power Distribution**.....See consent or franchise

NAICS 22121 - Natural Gas Distribution..... See consent or franchise

8.1 **NAICS 230000 - Contractors. Construction. All Types**

A. Having permanent place of business within the municipality

Minimum on first \$2,000.00\$30.00 PLUS

Each additional \$1,000.....\$1.25

B. Non-resident (no permanent place of business in the municipality)

Minimum on first \$2,000.00\$60.00 PLUS

Each additional \$1,000.00.....\$ 2.50 (additional non-resident double rates do not apply)

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

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 \$1,000.00 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 subcontractors furnishing labor or materials for each project.

8.2 **NAICS 482 - Railroad Companies** - (See Code § 12-23-210)\$410.00

8.3 NAICS 5171, 5172 - Telephone Companies:

A. Notwithstanding any other provisions of the business license article, 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 its 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 (5%) percent of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license article 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 article 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 article.

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.

8.4 NAICS 517110 – Television: Cable or Pay

Services using public streets.....See Franchise

Cable television services not using public

streets: Minimum on first \$2,000.....\$50.00

PLUS Per \$1,000, or fraction, over

\$2,000.....\$1.45

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

Minimum on first \$2,000.....\$60.00 PLUS

Per \$1,000, or fraction, over \$2,000\$2.45

8.42 NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000.....\$400.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$1.70

8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery, or Retail

(except auto supply stores - see 4413)

Minimum on first \$2,000.....\$20.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$0.95

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

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

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

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

8.6 Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000.....\$135.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$3.05

8.61 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.....\$20.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$3.05

Applicant for a license to sell on private property must provide written authorization from the property

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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(Licensed in SC).....2% of Gross Premiums

NAICS 524127 – Title Insurance.....2% of Gross Premiums

Notwithstanding any other provisions of this article, 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 article for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for

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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 shall remain in effect.

[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]**

- 1. **8.8** Operator of machine.....\$12.50/machine PLUS
.....\$12.50 business license for
operation of all machines (not on gross income). [§ 12-21-2746]

- 2. **8.81** Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12- 21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.00\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

NAICS 713200 - 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]**

- 1. **8.82** Operator of machine (owner of business)\$12.50 business
license for operation of all machines (not on gross income). **[§12-21-2720(B)]**

- 2. **8.83** Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12- 21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.....\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

8.9 NAICS 713290 - Bingo halls, parlors -

Minimum on first \$2,000.....\$300.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$3.05

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8.91 NAICS 711190 - Carnivals and Circuses -

Minimum on first \$2,000.....\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.05

8.92 NAICS 722410 - Drinking Places, bars, lounges, cabarets

(Alcoholic beverages consumed on premises)

Minimum on first \$2,000.00.....\$265.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.55

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.

8.93 NAICS 711310, 711320 Special Events

Minimum on first \$2,000.....\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.05

8.94 NAICS 713990 - Billiard or Pool Rooms, all types.....\$5.00 stamp/table

PLUS Minimum on first \$2,000.....\$25.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.80

APPENDIX B
2013 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 Distribution	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	2
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	2
321000	Wood products	1
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
325000	Chemical manufacturing	3
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	2
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.41
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	1
444000	Building material and garden equipment and supplies dealers	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2
451000	Sporting goods, hobby, book, and music stores	1

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
452000	General merchandise stores	1
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	1
454390	Other Direct Selling Establishments (Peddlers)	8.6
454390	Other Direct Selling Establishments (Peddlers Seasonal)	8.61
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
510000	Information	3
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
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 data processing	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.42
523000	Securities, commodity contracts, and other financial investments	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
525000	Funds, trusts and other financial vehicles	7
530000	Real estate and rental and leasing	5
531000	Real estate	6
531100	Lessors of real estate (including miniwarehouses and self storage)	7
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	5
541600-541900	Other professional, scientific, and technical services	7
550000	Management of companies	5
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	2
610000	Educational services	5
620000	Health care and social assistance	4

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.91
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities	8.93
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	8.93
712000	Museums, Historical Sites and similar institutions	3
713100	Amusement Parks and Arcades	8.8
713120	Amusement Arcades (distributor selling or leasing machines)	8.83
713200	Nonpayout Amusement Machines	8.82
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.94
721000	Accommodation	1
722000	Food services and drinking places	2
722330	Mobile Food Services	2
722410	Drinking Places (Alcoholic Beverages)	8.92
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5

Note: Class Schedule is based on 2010 IRS data.

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Sec. 12-36. - 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 Cayce, South Carolina (“the City”), is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 12-37. – 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 gross receipts or gross revenue ~~total income~~ of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the eCity, excepting there from income earned—outside of the eCity on which a license tax is paid to some other city or a county and fully reported to—the eCity. 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 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 Insurance Commission, or other government agencies.

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“*License Official*” means a person designated to administer this article or, with regard to initiation of denial or suspension or revocation procedures, such person or the director of the eCity’s department of public safety or his designee.

“*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 of Cayce, South Carolina.

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

Sec. 12-38. - Purpose and Duration

The business license levied by this article 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 2019-2020 license will run for a sixteen month period beginning January 1, 2019 and ending April 30, 2020. Each subsequent yearly license shall be issued for the twelve month period of May 1 to April 30. Each license shall be issued for one year and shall expire on December 31.~~ The provisions of this article and the rates herein shall remain in effect from year to year ~~as amended~~as amended by the Council.

Sec. 12-39. - 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 ~~fifteenth~~thirtieth 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 ~~12~~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

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| prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

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Sec. 12-40. - Registration Required

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A. The owner, agent or legal representative of every business subject to this ordinance article, 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 ~~m~~Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. 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 article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross ~~income~~ 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 ~~m~~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. 12-41. - 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 article by reason of the lack of an established place of business within the ~~m~~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

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published by the Office of Management and Budget. No person shall be exempt from this

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by reason of the payment of any other tax or fee, 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 ordinancearticle.

C. A eCharitable eOrganization 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 eCharitable eOrganization 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 tax on the part of its gross income from such for-profit activities or unrelated business income.

A eCharitable eOrganization 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 ordinancearticle, 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 ordinancearticle. 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. 12-42. - False Application Unlawful

It shall be unlawful for any person subject to the provisions of this ordinancearticle 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 ordinancearticle.

Sec. 12-43. - 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 nonresident 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

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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. 12-44. - 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. 12-45. - 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 article 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 have the authority to make systematic inspections and conduct 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. 12-46. - 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.

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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 [article](#) relating to appeals to Council.

Sec. 12-47. - Delinquent License Taxes, Partial Payment.

A. For nonpayment 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. 12-48. - 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. 12-49. - Denial of License.

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

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

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

(3) The applicant, Licensee or 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; or

(4) 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

(5) 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

(6) 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. 12-50. - Suspension or Revocation of License

When the License Official determines:

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

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

(3) 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

(4) 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; or

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

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

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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~~article.

Sec. 12-51. - 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 revocation or denial 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. 12-52. - Permission to use streets required.

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 ~~m~~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.

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Sec. 12-53. - Consent, franchise or business license fee required

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. 12-54. - 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 article. 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 business license ordinance article.

Sec. 12-55. - Violations.

Any person violating any provision of this ordinance article 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. 12-56. – Severability.

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

Sec. 12-57. - Classification and Rates.

~~A. The classifications of businesses included in each rate class are listed with United States North American Industry Classification System (NAICS) codes, by sector, sub-sector, group, or industry.~~

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~~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~~

B.A.

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~~B. current copies shall be filed in the office of the municipal clerk. Appendices Appendix B and C are a tools for classification and not a limitation on businesses subject to a license tax. The business classification, pursuant to the most recent version of the Business License Class Schedule by NAICS adopted by the Council, most specifically identifying the subject business, shall be applied to the business. The License Official shall determine the proper class for a business according to the applicable NAICS code. have the authority to make the determination of the business classification most specifically applicable to a subject business.~~

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

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Appendix A

Classification and Rates.

RATE SCHEDULE

RATE CLASS	INCOME: 0 - \$2,000 MINIMUM TAX	INCOME OVER \$2,000 Rate per Thousand or fraction thereof
1	\$20.00	\$1.15
2	\$25.00	\$1.20
3	\$30.00	\$1.25
4	\$35.00	\$1.30
5	\$40.00	\$1.35
6	\$45.00	\$1.40
7	\$50.00	\$1.45
8	See individual business	In Class 8
9	\$25.00	\$1.80

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NONRESIDENT 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.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$5,000,000.00	
Gross Income in \$ Millions	Percent of Class Rate for each additional \$1,000.00
0 - 5	100%
5 - 7	95%
7 - 9	90%
9 - 110	85%
Over 110	45%

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CLASS 8 RATES

<u>Business Type</u>	<u>Class</u>	<u>Minimum on first \$2000</u>	<u>Each additional \$1000</u>	
Power company	8	\$60	\$1.45	
Contractor	8.1	\$30	\$1.25	Non-resident Rates Apply
8B railroad	8.2	\$410		
taxi	8.21	\$30	\$1.25	Non-resident Rates Apply
telephone	8.3	\$30	\$1.25	
cable	8.4	\$50	\$1.45	
junk/scrap	8.41	\$60	\$2.45	Non-resident Rates Apply
pawn	8.42	\$400	\$1.70	
auto/motor	8.5	\$20	\$0.95	
peddlers	8.6	\$135	\$3.05	Non-resident Rates Apply
peddlers seasonal	8.61	\$20	\$3.05	Non-resident Rates Apply
insurance	8.7			
coin operated per machine	8.8	\$12.50		
coin machine gross receipts	8.81	\$35	\$1.30	Non-resident Rates Apply
amusement per machine	8.82	\$12.50		
amusement gross receipts	8.83	\$35	\$1.30	Non-resident Rates Apply
bingo	8.9	\$300	\$3.05	
carnivals / circus	8.91	\$200	\$5.05	
drinking place	8.92	\$265	\$5.55	
Special events	8.93	\$200	\$5.05	
pool hall	98.94	\$25	\$1.80	

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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

- A. Having permanent place of business within the municipality
- Minimum on first \$2,000.00\$30.00 PLUS
- Each additional \$1,000.....\$1.25

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B. Non-resident (no permanent place of business in the municipality)

Minimum on first \$2,000.00\$60.00 PLUS

Each additional \$1,000.00.....\$ 2.50 (additional non-resident double rates do not apply)

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

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 \$1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a calendar 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.

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

8.2 NAICS 482 - Railroad Companies - (See Code § 12-23-210)\$410.00

8.3 NAICS 5171, 5172 - Telephone Companies:

A. Notwithstanding any other provisions of the ~~B~~business ~~L~~license ~~Ordinance~~article, 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 its 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 ~~m~~Municipality and which are charged to a service address within the ~~m~~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 ~~m~~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 (5%) percent of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ~~ordinance~~article 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 article 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.

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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 [article](#).

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

NAICS 22121 - Natural Gas Distribution.....See Consent or Franchise

8.4 NAICS 517110 – Television: Cable or Pay

Services using public streets.....See Franchise

Cable television services not using public streets:

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

Per \$1,000, or fraction, over \$2,000.....\$1.45

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

Minimum on first \$2,000.....\$60.00 PLUS

Per \$1,000, or fraction, over \$2,000\$2.45

8.42 NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000.....\$400.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$1.70

8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery, or Retail

(except auto supply stores - see 4413)

Minimum on first \$2,000.....\$20.00 PLUS

Per \$1,000, or fraction, over \$2,000.....\$0.95

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

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

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

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

- 1. 8.6 Regular activities [more than two sale periods of more than three days each per year] Minimum on first \$2,000.....\$135.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$3.05

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- 2. 2. 8.61 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.....\$20.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$3.05

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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 mMunicipality. 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 mMunicipality, (2) the insurance company's employee conducting business within the mMunicipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the mMunicipality, 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 mMunicipality, regardless of whether or not an office is maintained in the mMunicipality.

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

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 ordinancearticle, 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 ordinancearticle 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 mMunicipality, 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 shall remain in effect.

[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.]

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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]

1. ~~4.8.~~ Operator of machine.....\$12.50/machine PLUS
.....\$12.50 business license for
operation of all machines (not on gross income). [§ 12-21-2746]

2. ~~2.8.81~~ Distributor selling or leasing machines (not licensed by the State as an operator
pursuant to §12- 21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.00\$35.00
PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.30

NAICS ~~713290~~ 713200 - 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]

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1. 8.82 Operator of machine (owner of business)\$12.50 business license for operation of all machines (not on gross income). [**\$12-21-2720(B)**]

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2. 8.83 Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12- 21-2728) - [Nonresident rates apply.] - Minimum on first \$2,000.....\$35.00 PLUS Per \$1,000, or fraction, over \$2,000.....\$1.30

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8.9 NAICS 713290 - Bingo halls, parlors -

Minimum on first \$2,000.....\$300.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$3.05

8.91 NAICS 711190 - Carnivals and Circuses -

Minimum on first \$2,000.....\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.05

8.92 NAICS 722410 - Drinking Places, bars, lounges, cabarets

(Alcoholic beverages consumed on premises)

Minimum on first \$2,000.....\$265.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.55

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.

8.93 NAICS 711310, 711320 Special Events

Minimum on first \$2,000.....\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.05

NAICS 711190 - Carnivals and Circuses -

Minimum on first \$2,000.....\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.05

NAICS 722410 - Drinking Places, bars, lounges, cabarets

(Alcoholic beverages consumed on premises)

Minimum on first \$2,000.....\$265.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$5.55

~~2014~~2018

~~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.~~

8.94 NAICS 713990 - Billiard or Pool Rooms, all types\$5.00 stamp/table
PLUS Minimum on first \$2,000.....\$25.00 PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.80

APPENDIX B
2013 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 Distribution	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	2
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	2
321000	Wood products	1
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
325000	Chemical manufacturing	3
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	2
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.41
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	1
444000	Building material and garden equipment and supplies dealers	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2
451000	Sporting goods, hobby, book, and music stores	1

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
452000	General merchandise stores	1
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	1
454390	Other Direct Selling Establishments (Peddlers)	8.6
<u>454390</u>	<u>Other Direct Selling Establishments (Peddlers Seasonal)</u>	<u>8.61</u>
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
510000	Information	3
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
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 data processing	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.42
523000	Securities, commodity contracts, and other financial investments	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance Carriers	8.7
525000	Funds, trusts and other financial vehicles	7
530000	Real estate and rental and leasing	5
531000	Real estate	6
531100	Lessors of real estate (including miniwarehouses and self storage)	7
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	5
541600-541900	Other professional, scientific, and technical services	7
550000	Management of companies	5
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	2
610000	Educational services	5
620000	Health care and social assistance	4

APPENDIX B
2013 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and Circuses)	8.91
<u>711310</u>	<u>Promoters of Performing Arts, Sports, and Similar Events with Facilities</u>	8.93
<u>711320</u>	<u>Promoters of Performing Arts, Sports, and Similar Events without Facilities</u>	8.93
712000	Museums, Historical Sites and similar institutions	3
713100	Amusement Parks and Arcades	8.8
<u>713120</u>	<u>Amusement Arcades (distributor selling or leasing machines)</u>	8.83
713200	Nonpayout Amusement Machines	8.82
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.10 98.94
721000	Accommodation	1
722000	Food services and drinking places	2
<u>722330</u>	<u>Mobile Food Services</u>	2
722410	Drinking Places (Alcoholic Beverages)	8.92
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5

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Note: Class Schedule is based on 2010 IRS data.

APPENDIX C
2013 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
420000	Wholesale trade	1
441000	Motor vehicle and parts dealers	1
443000	Electronic and appliance stores	1
445000	Food and beverage stores	1
447000	Gasoline stations	1
451000	Sporting goods, hobby, book, and music stores	1
452000	General merchandise stores	1
454000	Nonstore retailers	1
623000	Nursing and Residential Care Facility	1
721000	Accommodation	1
44-45	Retail trade	1
110000	Agriculture, forestry, hunting and fishing	2
311000	Food manufacturing	2
315000	Apparel	2
316000	Leather and allied products	2
322000	Paper products	2
323000	Printing and related support activities	2
324000	Petroleum and coal products	2
327000	Nonmetallic mineral products	2
332000	Fabricated metal products	2
333000	Machinery	2
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	2
337000	Furniture and related products	2
442000	Furniture and home furnishing 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
453000	Miscellaneous store retailers	2
486000	Pipeline transportation	2
493000	Warehousing and storage facilities	2
524000	Insurance agents, brokers, and related activities	2

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
532000	Rental and leasing services	2
562000	Waste management and remediation services	2
722000	Food services and drinking places	2
811000	Repair and maintenance	2
811100	Auto repair and maintenance	2
31-33	Manufacturing	2
48-49	Transportation and warehousing	2
325000	Chemical manufacturing	3
339000	Other miscellaneous manufacturing	3
510000	Information	3
512000	Motion picture and sound recording	3
515000	Broadcasting (except internet) and telecommunications	3
517000	Telecommunications	3
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
710000	Arts, entertainment, and recreation	3
712000	Museums, Historical Sites and similar institutions	3
334000	Computer and electronic products	4
511000	Publishing industries (except internet)	4
518000	Internet service providers, web search portals, and data processing	4
620000	Health care and social assistance	4
810000	Other services	4
519000	Other Information Services	5
522000	Credit intermediation and related activities	5
530000	Real estate and rental and leasing	5
540000	Professional, scientific, and technical services	5
550000	Management of companies	5
610000	Educational services	5
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	5
210000	Mining	6
531000	Real estate	6
520000	Finance and insurance	7
523000	Securities, commodity contracts, and other financial investments	7
525000	Funds, trusts and other financial vehicles	7

APPENDIX C
2013 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
531100	Lessors of real estate (including miniwarehouses and self storage)	7
541600-541900	Other professional, scientific, and technical services	7
221100	Electric Power Generation, Transmission and Distribution	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 Satellite)	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 Carriers	8.7
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
711190	Other Performing Arts Companies (Carnivals and Circuses)	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 2010 IRS data.

SUMMARY OF CHANGES- Business License Ordinance

1. Page 1
Section 12-37.- Definitions
 - From MASC model ordinance: “Gross Income”- clarified that gross income is defined as gross receipts or gross revenue
2. Page 2
Section 12-38 Purpose and Duration
 - From MASC model ordinance: changed period of duration from calendar year to May1- April 30 and accounted for 2019-20.Section 12-39 License Tax
 - From MASC model ordinance: Changed due date from April 15th to April 30th.
3. Page 4
Section 12-40 Registration Required
 - A. From MASC model ordinance: Added language to specify that businesses annexed into the City must obtain a business license 30 days after annexation.
 - B. From MASC model ordinance: Replaced “income” with receipts and gross revenue for clarification.
4. Page 7
Section 12-45 Inspections and Audits
 - From MASC model ordinance: Added language to specify that license officials shall have the authority to conduct audits of businesses
5. Page 8
Section 12-49 Denial of License
 - From MASC model ordinance: (3)Added language to narrow the influence of a licensee’s criminal history by only denying the license if the conviction occurred within previous ten years and was related to a business
6. Page 9
Section 12-50 Suspension or Revocation of License
 - From MASC model ordinance: (4) See Section 12-49 (3) above
7. Page 10
Section 12-50 Suspension or Revocation of License
 - From MASC model ordinance: deleted “certified” describing the type of mail required
8. Page 10-11
Section 12-57 Classification and Rates
 - From MASC model ordinance: Deleted Appendix C and cleaned up language explaining classification and rates.
9. Page 12
Appendix A-Classification and Rates- Rate Schedule
 - Non Resident Rates

- From MASC model ordinance: Deleted “minimum”
10. Page 13
Appendix A Class 8 Rates
- Added column headings
 - Added Special Events row with a new fee to match existing Carnivals/Circus fee
 - Changed rate class for pool hall to 8.94
11. Page 14
Appendix A Class 8 Rates NAICS 230000- Contractors, Construction, All Types
- From MASC model ordinance: Deleted “calendar”, added “License”
12. Page 20
Appendix A Class 8 Rates
- Deleted “713290” Added “713200”
13. Page 20
Appendix A Class 8 Rates
- **Added “NAICS 711310. 711320 Special Events**
- | | |
|--|----------|
| Minimum on first \$2,000..... | \$200.00 |
| PLUS Per \$1,000, or fraction, over \$2,000..... | \$5.05” |
- Reordered the classes on this page; no additional changes (cleanup)
14. Page 21
- Added 8.94 classification to Billiard or Pool Room, all types
15. Pages 22-24
Appendix B
- Cleaned up classes to accurately match Appendix A
 - Added Classes for Special Events and Mobile Food Services
16. From MASC model ordinance: Deleted Appendix C

Memorandum

To: Mayor and Council

From: Rachele Moody, Assistant to the City Manager

Date: October 2, 2018

Subject: Approval of an engineering services agreement related to a FEMA grant project for a new generator.

Issue

The City of Cayce received a grant from FEMA to undertake the Critical Infrastructure Generator Project to purchase a new generator and automatic transfer switch for the Raw Water Intake Facility. As part of this grant project, engineering services are required for design, permitting, construction management and observation associated with project implementation.

Discussion

The City of Cayce Utilities Department is undertaking a \$585,000 project to replace the existing 500 kW generator with an 800 kW at the Raw Water Intake Facility and install an automatic transfer switch on the generator. This project is funded as follows:

\$438,750 – FEMA grant (75% of project total)
\$146,250 – Cayce Utility Fund (25% of project total, budgeted in FY19)
\$585,000

The Critical Infrastructure Generator project for Cayce's Raw Water Intake Facility will ensure backup power is readily available during natural hazard events. The Raw Water Intake Facility is crucial to providing sanitary drinking water to all residential and commercial customers on the Cayce Water System. The project is consistent with the goals and actions in the City's hazard mitigation plan and supports the local plan's broad efforts to provide emergency services and structural projects for hazard mitigation. The project will prevent the total loss of power at the Raw Water Intake Facility from all natural hazards that impact the City of Cayce. It will also provide an automatic transfer from grid to generator power, something the facility does not currently have.

As part of this grant project, engineering services are required for design, permitting, construction management and observation associated with project implementation. Staff seeks to contract with American Engineering to perform the

design and construction management services. Compensation for these engineering services is as follows:

\$50,200 – Design Phase Services
\$24,000 – Construction Phase Services
\$74,200 – Total

Per the City’s Procurement Policy, City Council may waive the formal bidding process “for professional services where the person employed is customarily employed on a fee basis rather than by competitive bidding. Examples would include, appraiser, architect-engineer, auditor, legal services, physician, etc.”

American Engineering is intimately familiar with the engineering needs of the City’s Raw Water Intake Facility because they designed the facility, including the location of the current generator. Staff work on a regular basis with American Engineering for assistance with maintenance questions regarding this facility and generator. Engineering design work for the new generator and transfer switch will commence upon the approval of this contract. Advertisements for construction services are anticipated by February 2019. The required project completion date is April 2020, but staff anticipates completion by the end of 2019.

Recommendation

Staff recommends that City Council approve the engineering services agreement and authorize the City Manager to execute the contract.

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

This Agreement is hereby made this _____ day of _____ 2018 between American Engineering Consultants, Inc. (hereinafter referred to as the ENGINEER) and the City of Cayce, SC (hereinafter referred to as the OWNER). The ENGINEER hereby agrees to serve as the OWNER'S professional engineering representative in connection with the following project: **RAW WATER INTAKE FACILITY BACKUP ELECTRICAL GENERATOR REPLACEMENT** (hereinafter known as the PROJECT as outlined in the Project Description below). The ENGINEER proposes to assist and advise the OWNER and nothing contained herein shall confer any rights or create any duties on the part of the ENGINEER toward any person or persons not a party to this Agreement.

PROJECT DESCRIPTION:

The PROJECT consists of preliminary design, surveying, final design, permitting, bidding, contract administration, construction observation services, and erosion control inspections (if required) associated with the Raw Water Intake Facility Backup Electrical Generator Replacement. The project design will include replacement of an existing 500 KW backup generator and manual transfer switch with a new approximately 800 KW backup generator and automatic transfer switch to power critical equipment at the facility and will include all other necessary appurtenances for a complete project as directed by the OWNER and authorized permitting agencies for this project.

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A - ENGINEERING SERVICES

The ENGINEER shall furnish engineering services as follows:

1. The ENGINEER will conduct preliminary investigations, perform the necessary design surveys for the PROJECT and prepare a preliminary itemized list of probable construction costs.
2. The ENGINEER will attend conferences with the OWNER, or other interested parties as may be reasonably necessary.
3. The ENGINEER will develop the detailed design of the project, prepare construction drawings, specifications and contract documents, and prepare a final opinion of probable costs based on the final design for the PROJECT. Services will include site visits to review existing conditions and collect data; development of load calculations for the proposed generator; development of a construction sequence to keep the existing facility operational during construction; development of drawings and specifications detailing demolition work, new equipment locations and schedules, electrical wiring and grounding upgrades, and control system upgrades necessary to restrict which equipment will operate on generator power.
4. It is understood that if subsurface explorations (such as borings, soil tests, rock soundings and the like) are required, the ENGINEER will furnish coordination of said explorations for an additional cost as outlined in SECTION C of this contract.

5. Prior to the advertisement for bids, the ENGINEER will provide detailed drawings, specifications, and contract documents for use by the OWNER and appropriate Federal, State, and local agencies from whom approval of the project must be obtained. The printing cost for such drawings, specifications, and contract documents shall be paid for by the OWNER as an additional cost as set forth in the ENGINEER'S attached Rate Schedule.
6. The ENGINEER will furnish additional copies of the drawings, specifications and contract documents as required by perspective bidders, material suppliers, and other interested parties, and will charge them for the cost associated with providing them these copies.
7. Upon award of the contract, the ENGINEER will furnish to the OWNER, three (3) copies of the drawings, specifications, and contract documents for execution. The ENGINEER will furnish the CONTRACTOR, up to seven (7) copies of the drawings, specifications, and contract documents for their use in constructing the PROJECT. The printing cost for these drawings, specifications, and contract documents shall be paid for by the OWNER as an additional cost as set forth in the ENGINEER'S attached Rate Schedule.
8. Original documents, survey notes, tracings, and the like, except those furnished by the OWNER to the ENGINEER, are and shall remain the sole property of the ENGINEER as instruments of service and cannot be used by the OWNER for any reason other than to bid and construct the above named PROJECT. Construction documents may be used by the OWNER for planning purposes only of future connections and extensions and for determining the location of lines and equipment during the course of system operation.
9. The drawings prepared by the ENGINEER under the provisions of SECTION A - 3 above shall be in sufficient detail to permit the actual location of the proposed improvements on the ground. The ENGINEER shall prepare and furnish to the OWNER without any additional compensation, three copies of a map(s) showing the general location of needed construction easements and permanent easements and the land to be acquired. Property surveys, property plats, property descriptions, abstracting and negotiations for land rights shall be accomplished by the OWNER. In the event the ENGINEER is requested to provide these services, the ENGINEER shall be additionally compensated as set out in SECTION C of this contract.
10. The ENGINEER will attend the bid opening and tabulate the bid proposals, make an analysis of the bids, and make recommendations for awarding contracts for construction.
11. The ENGINEER will review and approve, for conformance with the design concept, any necessary shop and working drawings furnished by the CONTRACTOR.
12. The ENGINEER will interpret the intent of the drawings and specifications to protect the OWNER against defects and deficiencies in construction on the part of the CONTRACTOR. The ENGINEER will not, however, guarantee the performance by any CONTRACTOR.
13. The ENGINEER will establish baselines for locating the work together with a suitable number of benchmarks adjacent to the work as shown in the contract documents.
14. The ENGINEER will provide general engineering review of the work of the CONTRACTOR, as construction progresses to ascertain that the CONTRACTOR is conforming with the design concept.

15. The ENGINEER will provide construction observation services. The ENGINEER'S undertaking hereunder shall not relieve the CONTRACTOR of his obligation to perform the work in conformity with the drawings and specifications and in a workmanlike manner. It also shall not make the ENGINEER an insurer of the CONTRACTOR'S performance, and shall not impose upon the ENGINEER any obligation to see that the work is performed in a safe manner.
16. The ENGINEER will review the CONTRACTOR'S applications for progress and final payment and, when approved, submit same to the OWNER for payment.
17. The ENGINEER will prepare necessary contract change orders for approval of the OWNER.
18. The ENGINEER will make a final review prior to the issuance of the statement of substantial completion of all construction and submit a written report to the OWNER. Prior to submitting the final pay estimate, the ENGINEER shall submit a statement of completion to the OWNER.
19. The ENGINEER will provide the OWNER with digital and paper copies (three sets) of the Record Drawings. Such drawings will be approved by the project engineer, based upon construction records provided by the CONTRACTOR and the ENGINEER'S onsite representative for the project. The printing and reproduction cost for these drawings shall be paid for by the OWNER as an additional cost as set forth in the ENGINEER'S attached Rate Schedule.

SECTION B - COMPENSATION FOR ENGINEERING SERVICES

1. The OWNER shall compensate the ENGINEER for the services as described above for the following LUMP SUM FEES:

Design Phase Services:	\$50,200.00
Construction Phase Services:	\$24,000.00
2. The OWNER will compensate the ENGINEER on a monthly basis for all design phase services.
3. The OWNER shall pay the ENGINEER on a monthly basis for construction observation and other construction phase services for the duration of the original Contract Times established in the PROJECT Contract Documents. The ENGINEER shall be compensated for any services rendered beyond the original Contract Times as established in the project Contract Documents on an hourly basis based on the ENGINEER'S attached Rate Schedule.

SECTION C - ADDITIONAL ENGINEERING SERVICES

In addition to the foregoing being performed, the following services may be provided **UPON PRIOR AUTHORIZATION OF THE OWNER.**

1. Land acquisition, easement, or other similar special surveys as may be required.

2. Laboratory tests, well tests, borings, specialized geological, soils, hydraulic, wetland identification or other studies recommended by the ENGINEER.
3. Property surveys, detailed description of sites, maps, drawings, or estimates related thereto; preparation of easement plats, assistance in negotiating for land and easement rights.
4. Necessary data and filing maps for water rights, water adjudication, and litigation.
5. Redesigns ordered by the OWNER after the ENGINEER received approval of preliminary construction drawings by the OWNER.
6. Services performed during re-advertisement for construction bids.
7. Appearances before courts or boards on matters of litigation or hearings related to the project.
8. Preparation of environmental impact assessments or environmental impact statements.
9. Performance of detailed staking necessary for construction of the project in excess of the control staking set forth in Section A-12.
10. The ENGINEER further agrees to provide the Operation and Maintenance Manuals for facilities when required for a price to be negotiated when a more detailed scope of work can be identified.
11. The OWNER shall reimburse the ENGINEER for all direct expenses and printing costs associated with this project based on the ENGINEER'S attached Rate Schedule.

Payment for the services specified in this Section C shall be as agreed upon by the OWNER prior to commencement of the work. The ENGINEER shall render to the OWNER for such services an itemized bill, separate from any other billing, once each month, for compensation for services performed hereunder during such period.

SECTION D - INTEREST ON UNPAID SUMS

If the OWNER fails to make any payment due the ENGINEER within 30 days for services and expenses, then the ENGINEER shall be entitled to interest at the rate of 1 1/2 % per month (18 % per annum).

SECTION E - GENERAL CONDITIONS

1. Ownership of Documents: All documents, including original drawings, estimates, specifications, field notes, and data are and remain the property of the ENGINEER as instruments of service. Drawings and Record Drawing information provided by the ENGINEER may be used for planning purposes for future projects and for determining the location of lines and equipment during the course of system operation.
2. Termination: This agreement may be terminated by either party for cause upon seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this agreement through no fault of the other. In the event of

termination, the ENGINEER will be paid compensation for services performed and reimbursables incurred up to the time of termination.

3. Deleted
4. Deleted
5. Hazardous Waste: The ENGINEER assumes no responsibility for any hazardous material that may be encountered on this site during the course of this project and will be indemnified and held harmless for all liability associated with the removal, encapsulation, or containment thereof. Any hazardous material required to be removed, encapsulated, or otherwise contained during the course of this project will result in compensation of the ENGINEER by the OWNER at rates as shown on the ENGINEER'S attached Rate Schedule for any drawings, specifications, or construction observation services as required.
6. Deleted
7. Deleted
8. Modifications to this Agreement: The OWNER may, from time to time, request changes in the scope of services of the ENGINEER to be performed thereunder. Such changes, any increase or decrease in the amount of the ENGINEER'S compensation or any other changes, modifications, additions to, or deletions from this Agreement shall only be effective upon the mutual agreement of both the OWNER and ENGINEER in writing.
9. Successors and Assigns: This Agreement shall be binding upon the parties hereto, their respective successors, heirs, executors, administrators, and assigns with the stipulation that this Agreement and any rights or responsibilities arising therefrom cannot be assigned without the prior written approval of the parties, and in the event of such assignment, this Agreement may be terminated by the non-assigning party for cause or convenience, as appropriate.
10. Notice: Any notice by the OWNER to the ENGINEER, or any notice by the ENGINEER to the OWNER, may be given and shall be deemed to have been duly served if either delivered personally or mailed in any general or branch post office enclosed in a certified or registered postpaid envelope addressed as follows:

As to the OWNER:

The City of Cayce
P. O. Box 2004
Cayce, South Carolina 29171

As to the ENGINEER:

American Engineering Consultants, Inc.
P.O. Box 2299
Cayce, South Carolina 29171

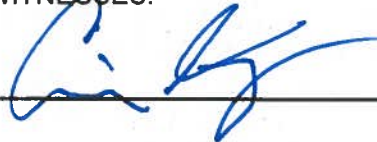
11. Period of Service: The ENGINEER'S period of service will begin upon notice from the OWNER to proceed and shall expire 30 days after the CONTRACTOR has completed the

final punch list, and after final approval has been obtained from SCDHEC for the PROJECT. Compensation for these services shall be as outlined in Section B. If the OWNER requests significant modifications or changes in the scope of the PROJECT, the time of performance shall be appropriately adjusted.

12. Applicable Law: Both the ENGINEER and OWNER agree that they will comply with all applicable Federal, State, and Local laws, ordinances, and codes in the performance of this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.
13. Entire Agreement:
- a. If any provision in this Agreement shall be held to be invalid or unenforceable, the remaining portions shall remain in effect. In the event such invalid or unenforceable provision is considered an essential part of this Agreement, the parties shall promptly negotiate a replacement provision.
 - b. The failure of either party to insist upon the strict performance of any terms, conditions, and covenants herein set forth shall not be deemed a waiver of any rights or remedies that such party may have and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions, and covenants herein contained.
 - c. This document contains the entire Agreement between the parties and no statement or representation not contained herein shall be valid.

By authority of the execution and witness below, the parties hereto have made and executed this Agreement this _____ day of _____ 2018

WITNESSES:



American Engineering Consultants, Inc.

BY: 

William H. Bingham, Jr., P.E.
President

City of Cayce, SC

BY: _____
Brian Watkins
City Manager

AMERICAN ENGINEERING CONSULTANTS, INC.
RATE SCHEDULE
2018

PRINCIPAL ENGINEER	\$170.00	PER HOUR
PROJECT MANAGER	\$145.00	PER HOUR
PROJECT ENGINEER	\$125.00	PER HOUR
REGISTERED LAND SURVEYOR	\$115.00	PER HOUR
DESIGN ENGINEER	\$110.00	PER HOUR
SURVEY MANAGER	\$85.00	PER HOUR
DESIGN TECHNICIAN	\$80.00	PER HOUR
SENIOR CAD TECHNICIAN	\$75.00	PER HOUR
CAD TECHNICIAN	\$65.00	PER HOUR
SENIOR FIELD TECHNICIAN	\$75.00	PER HOUR
FIELD TECHNICIAN	\$65.00	PER HOUR
CLERICAL	\$50.00	PER HOUR
SURVEY CREW – 2 MAN	\$150.00	PER HOUR
SURVEY CREW – 3 MAN	\$225.00	PER HOUR
COPIES (24" x 36")	\$1.25	PER EACH
COPIES (30" x 42")	\$1.75	PER EACH
COPIES (8 ½ x 11)	\$0.30	PER EACH
COPIES (8 ½ x 14 or 11 x 17)	\$0.50	PER EACH
COLOR PLOTS (24" x 36")	\$15.00	PER EACH
COLOR PLOTS (30" x 42")	\$20.00	PER EACH
MYLAR PLOTS (24" x 36")	\$20.00	PER EACH
MYLAR PLOTS (30" x 42")	\$30.00	PER EACH
MILEAGE	\$0.58	PER MILE
DIRECT EXPENSES	COST PLUS 15 %	

SPECIAL SERVICES: The above Hourly Rates shall be increased by a factor of 1.5 for courtroom appearances (including preparation) and for overtime hours.

CONDITIONS: The above Rate Schedule shall be in effect through December 31, 2018. Rates are subject to change upon notification. Any revision shall be included in Documents of which this schedule is a part.

All open positions will be advertised on the City's website and Facebook page.

COUNCIL ACTION REQUIRED

ACCOMMODATIONS TAX COMMITTEE – ONE (1) POSITION

Mr. John Hert resigned in March 2018. He filled an at large position. The City has received a potential member application from Ms. Marie Pound. Her potential member application is attached for Council's review.

CONSOLIDATED BOARD OF APPEALS – ONE (1) POSITION

Mr. Craig Kirby's term expired in August. He has served on the Board since 2015. His reappointment application is attached for Council's review.

NO COUNCIL ACTION REQUIRED

The following positions have been postponed by Council until receipt of potential member applications.

ACCOMMODATIONS TAX COMMITTEE – TWO (2) POSITIONS

Dr. Pete Cassidy was the Chairperson of the Accommodations Tax Committee, he passed away in August 2018. The other open position must be filled by someone from the motel industry in Cayce.

CONSOLIDATED BOARD OF APPEALS – ONE (1) POSITION

Members who serve on this Board must be either an Engineer, Contractor, Architect or Design Professional. There are no recommendations at this time.

EVENTS COMMITTEE – ONE (1) POSITION

Mr. Vi'Dual Futch no longer lives in the City. There is currently one open position on the Events Committee. The Committee has no recommendations at this time.

PUBLIC SAFETY FOUNDATION – FOUR (4) POSITIONS

The Foundation has no recommendations at this time.

**CITY OF CAYCE
POTENTIAL COMMITTEE MEMBER APPLICATION**



Name: Marie B. Pound

Home Address: Rosemary Dr. Cayce, SC 29113

Telephone: 803358 E-Mail Address: pondmarieb@gmail.com

Resident of Cayce: Yes No Number of Years: 18

Please indicate the Committee(s) for which you are applying:

- Accommodations Tax Committee
- Beautification Board
- Event Committee
- Cayce Housing Authority
- Museum Commission
- Planning Commission
- Housing/Constr Board of Appeals
- Board of Zoning Appeals

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? Yes No If yes, specify below.

Work Address (N/A)

Company: _____ Position: _____

Address: _____

City, State, Zip: _____ Telephone: _____

Fax: _____ E-Mail: _____

Work Experience: Retired: SC Criminal Justice Academy 2016

June 1999 - 2016 (Program Coordinator - Certification, Compliance, Misconduct)

Educational Background: graduated Brookwood Manor H.S. in '72; took several

misc. courses @ Midlands Tech. i.e.; accounting, payroll, excel, etc.

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Volunteer Work: Church - Holiness Queen Baptist

Hobbies: Gardening, DIY crafts, camping, bowling

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 • Fax: 803-796-9072



CITY OF CAYCE
COMMITTEE MEMBER REAPPOINTMENT APPLICATION

Name: Craig Kirby

Home Address: Bartwick Rdg. E-Mail Address _____ City, State, Zip Columbia, SC 29229
Telephone: _____

Resident of Cayce: { Yes No } Number of Years _____

Please check the Committee for which you are applying for reappointment:

- { Accommodations Tax Committee
- { Beautification Board
- { Event Committee
- { Cayce Housing Authority
- { Museum Commission
- { Planning Commission
- Consolidated Board of Appeals
- { Board of Zoning Appeals

Work Address

Company: American Engineering Consultants, Inc. Position Project Manager

Address: P.O. Box 2299 (1300 12th Street)

City, State, Zip Cayce, SC 29171 (PO Box) Telephone: 803-791-1400

Fax: 803-791-8110 E-Mail ckirby@aec-sc.com

Work Experience: American Engineering Consultants, Inc. - 20 Years

Educational Background: B.S. Civil Engineering - Univ of S.C. - 1995

Master of Engineering - Univ. of S.C. - 1997

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Water Env. Assn of S.C.; Amer. Society of Civil Engineers

Volunteer Work: Northeast Presbyterian Church - Usher Team

Hobbies: Jogging, Fishing, Outdoor Activities

Return to:

Mendy Corder, Municipal Clerk

City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004

Telephone: 803-550-9557 • Fax: 803-796-9072

mcorder@cityofcayce-sc.gov



**APPROVED MINUTES
ZONING BOARD OF APPEALS
CAYCE CITY HALL
1800 12TH STREET, CAYCE SC
Monday, JANUARY 22, 2018
6:00 PM**

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Chair Mr. Robert McLeod. Members present were Mr. Russ Vickery, Mr. Bob McArver and Mr. Jason Simpson. Ms. Robin DePietro was absent excused. Staff present were Mr. Carroll Williamson and Ms. Monique Ocean.

II. APPROVAL OF MINUTES

Mr. McArver made a motion to approve the minutes of the July 12, 2017, meeting. Mr. Vickery seconded the motion. All were in favor.

III. STATEMENT OF NOTIFICATION

Ms. Ocean confirmed that the public and media were notified of the meeting.

IV. OTHER BUSINESS

a. Nomination and election of Officers for 2018

Mr. McArver made a motion to nominate Mr. McLeod as Chair of the Zoning Board for 2018 and to nominate Mr. Simpson as the Vice-Chair. Mr. Vickery seconded the motion. All were in favor.

b. Nomination and election of Monique Ocean as Secretary for 2018

Mr. Simpson made a motion to nominate Monique Ocean as Secretary for 2018. Mr. Vickery seconded the motion. All were in favor.

c. Approval of meeting schedule for 2018

Mr. Vickery made a motion to approve the 2018 meeting schedule. Mr. Simpson seconded the motion. All were in favor.

V. NEW BUSINESS

Mr. Williamson informed the Zoning Board of amendments made to the Zoning Ordinance regarding carports and accessory structures. Mr. Williamson stated a definition was added for carports and the special exemption option for accessory structures was removed. Mr. Williamson also discussed amendments made to regulations for campers, boats and recreational vehicles. Mr. Williamson stated that the locations where these vehicles could be parked or stored were clarified and the special exception option was also removed.

VI. ADJOURNMENT

Mr. Vickery made a motion to adjourn. Mr. Simpson seconded the motion. All were in favor.

**A quorum of Council may be present.
No discussion or action on the part of Council will be taken.**