

ORDINANCE NO. 12-11
"AN ORDINANCE TO AMEND THE BUSINESS
LICENSE ORDINANCE FOR THE TOWN OF
PENDLETON, SOUTH CAROLINA"



AN ORDINANCE for the purpose of helping to defray the general operating expenses for the Town of Pendleton BE IT ORDAINED by the Mayor and Council of the Town of Pendleton, South Carolina, in Council assembled and by the authority of the same that from and after the passage of this Ordinance, a business license tax for the purpose of raising funds to help defray the current expenses of said Town of Pendleton shall be due and payable annually from all persons, firms or corporations doing business within the corporate limits of the said Town of Pendleton as follows:

In accordance with the Town business License Ordinance printed below, your business license tax for the year is payable at the Town Hall and due no later than April 30th. See SECTION 3 for penalties.

SECTION 1

All persons, firms, and corporations, whether individuals, mercantile, manufacturing or otherwise, owning, operating or conducting any type of business, for the purpose of profit or gain, shall pay into the treasury of said Town of Pendleton, South Carolina, a business license tax. Said tax shall be due for each business operated with a separate and distinct federal identification number and/or for each business which collects and reports separate and distinct federal and/or state tax returns, and/or for each business which collects and reports separate and distinct S.C. Sales Tax collections (even though such business may be owned and/or operated by the same person, firm, or corporation in the same building or location with another business). Every business shall be classified in accordance with the United States North American Industry Classification System (NAICS) codes.

The License Official shall determine the proper class for a business according to the NAICS codes.

Any person intending to open or re-open a business in the Town of Pendleton must submit an application for business license to Town Council for consideration prior to opening or re-opening said business. Granting of said request is entirely at the discretion of Pendleton Town Council. Council reserves the right to withdraw any business license issued.

If a business operating under town license changes hands during the year, a tax of \$15.00 will be charged to the new owner. However, before such license for exchange of ownership is issued, all taxes, fees, etc., due the town for the business, must be paid.

All "in town" businesses must pay an annual Solid Waste Tipping Fee, due and payable when obtaining a business license. This fee is ESTABLISHED AND MANDATED BY ANDERSON COUNTY to help defray the cost of solid waste. (see SECTION 3 for penalties).

*Apartment complexes and home occupations are exempt from this section.

Said business license tax shall be assessed according to the following schedule.

A. AMUSEMENTS:

Pin ball machines, music machines, pool tables and other similar devise, except vending machines, when operated as separate and distinct business shall be taxed at \$12.50 per machine. Revenues from amusement machines should not be included in gross receipts when applying for a normal business license as described in SECTION 1 B below.

B. BUSINESS OPERATIONS AND PROFESSIONAL SERVICES:

All business operations and professional services will pay a tax based on gross receipts in the Town of Pendleton. All in town businesses must provide a copy of their Federal Tax Return or other documentation of proof of gross receipts attached with Business License Application to the Treasurer. Businesses located outside of town limits which are conducting business inside town limits must submit documentation of gross receipts for work performed in town attached with Business License Application to Treasurer. All gross receipts of business conducted outside the Town of Pendleton may be deducted if reported to another municipality. Receipts from these deductions must be provided with Business License Application.

All professions required to have a State License for type of work, business or profession, must submit a copy of

current State Card or License with Business License Application.

For nonresident contractors, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended application shall be filed for each new job and the appropriate additional license tax shall be paid prior to commencement of the new work. (A nonresident contractor is one who has no permanent place of business in the Town. A trailer at the construction site, or structure in which the contractor temporarily resides, is not a permanent place of business under this Ordinance.)

When sub-contractors are hired to perform any work, applicant must complete the Business License Subcontractors List and submit with the Town of Pendleton Business License.

Any person owning or having any financial interest in two (2) or more units of residential or one (1) or more units of commercial property, which units of property are for rent or lease, regardless of whether said units are at the same location within the Town Limits of Pendleton, shall be considered in the rental business and shall pay a business license tax based on the rates shown immediately below in this SECTION 1 B.

Business operation and professional services will pay a tax based on gross receipts as follows:

Receipts \$0 to \$2,000.....	\$25.00
Receipts \$2,001 to \$7,500.....	\$35.00
Receipts \$7,501 to \$10,000.....	\$60.00
Receipts \$10,001 to \$15,000.....	\$75.00
Receipts \$15,001 to \$20,000.....	\$90.00
Receipts \$20,001 to \$25,000.....	\$115.00
Receipts \$25,001 to \$30,000.....	\$120.00
Over \$30,001.....	\$120.00 Plus the following tax for receipts of \$30,001: \$1.00 for each additional \$1,000 or major portion thereof up to \$500,000; plus \$.50 per additional \$1,000 for all over \$500,000.

C. 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.

Life, Health and Accident 0.75% of Gross Premiums
Fire and Casualty 2% of Gross Premiums
Title Insurance 2% of Gross Premiums

1. Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.
2. Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.
3. Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form

attached hereto is approved, and the Mayor is authorized to execute it.

D. TELECOMMUNICATION:

1. For the first \$25,000 of recurring local service revenues from customers within the limits of the Town.....\$250.00
2. For the next \$175,000 such local service revenues \$5.00 per \$1,000 or fraction thereof.
3. For all such local service revenues in excess of \$200,000.....Add \$1.00 per \$1,000 or fraction thereof.

E. FIREWORKS (Retail)

In accordance with State Law.....\$50.00
This license expires July 15

F. PEDDLERS:

Defined as one who offers merchandise for sale along the street or from door to door.
\$50.00 plus \$1.00 per \$1,000 gross Sales or major portion thereof.

G. JUNIOR BUSINESS LICENSE.....\$15.00

Any person under the age of eighteen (18) may purchase a Junior Business License. A business operating under a Junior Business License may not employ any person over seventeen (17) years of age.

H. Eileenosynary organizations may be excluded from paying a license tax.

SECTION 2

The said license tax shall be due not later than April 30th, and upon payment to the Treasurer of said Town of Pendleton, the Treasurer shall issue to the person or persons, firm or corporation so paying the same, a license certificate signed by Treasurer of the town and said certificate shall operate as a receipt for the sum or sums paid.
Said license certificate shall be displayed prominently at place of business.

SECTION 3

Any person firm or corporation failing to pay the license tax as provided in this ordinance by April 30th shall be liable to a penalty. Beginning the first day of May and the first day of each month thereafter, a 5% penalty, shall be added until the balance is paid. These penalties shall not be waived. After June 30th, the account will be subject to legal action as set forth in SECTION 4.

SECTION 4

Any person, firm, or corporation failing to obtain a business license, as provided in this ordinance, shall be subject to prosecution in the Town Court and upon conviction thereof, may be required to pay a fine not to exceed \$500.00 and/or serve a sentence of not more than thirty (30) days for each and every offense. In addition to prosecution the Town may bring civil proceedings to require the business closed until the business license is obtained.

SECTION 5

License taxes based on business volume will be accepted by a firm's statement of business, subject to confirmation by report of South Carolina's Tax Commission. In case of doubt concerning accuracy, the Town will request an audit at the expense of the taxpayer. Existing businesses shall pay license taxes based on prior year's volume. New businesses shall pay license taxes based on estimate of first year's volume, subject to adjustment at end of year.

All Ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED in Council duly assembled the 5th day of November, 2012.

ENACTED AND ORDAINED into an Ordinance at Second and Final Reading the 3rd day of December, 2012.

MAYOR: Frank Crenshaw
 COUNCIL: Ward 1-Bruce Kalley
 MEMBERS: Ward 2-Sandra Ganti
 Ward 3-M. Denise Jackson
 Ward 4 - Scott Ward