

STATE OF SOUTH CAROLINA)
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 COUNTY OF HORRY)
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**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
 TO AMEND CHAPTER 4, ARTICLE I SECS 4.3 AND 4.4,
 OF THE CODE OF ORDINANCES FOR THE TOWN
 OF SURFSIDE BEACH, SOUTH CAROLINA
 CHANGING BUSINESS LICENSE ISSUE DATE AND DUE
 DATE**

WHEREAS, pursuant to its authority, the Town Council of the Town of Surfside Beach, in council duly assembled, is authorized to amend the Surfside Beach Code; and

WHEREAS, The Town Council desires to amend certain sections of the Surfside Beach Code relating to business licenses, to be consistent with the South Carolina Business License Tax Standardization Act, §6-1-400 *et. seq.*, S.C. Code, signed into law October 20, 2020; and

WHEREAS, The Town of Surfside Beach anticipates consideration of an amended business license ordinance upon release of a model ordinance from the Municipal Association of South Carolina, which has not yet been released; and

WHEREAS, pursuant to the new legislation, the business license application needs to reflect new validity dates for twelve months, May 1st to April 30th, and that license applications and fees will be due April 30 rather than May 31st, meaning the Town needs to mail applications by April 10, 2021; and

WHEREAS, the Town of Surfside Beach will be bringing the 2021 model Ordinance forward for Town Council approval upon its release, but in the meantime, the Town needs to bring the date sections into compliance for the 2021 business cycle;

NOW, THEREFORE, Town Council hereby directs that Chapter 4, Article I, Sec 4.3 and 4.4 of the Town Code of Ordinances of the Town of Surfside Beach, South Carolina are hereby amended to read as follows, set out in full in redlined changes in **Exhibit A**, attached and incorporated herein, to be codified in clean form, as amended.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECTIVE DATE. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly this ___ day of _____ 2021.

Surfside Beach Town Council

Bob Hellyer, Mayor

Debbie Scoles, Pro Tempore

Bruce H. Dietrich, Town Council

Michael Drake, Town Council

Paul Holder, Town Council

Cindy Keating, Town Council

David Pellegrino, Town Council

Attest:

Sheri Medina, Town Clerk

Chapter 4 Business License, Permits and Regulations

ARTICLE I. - IN GENERAL

Sec. 4-1. - License required.

Every person engaged or intending to engage in any calling, business, occupation, or profession listed in the rate classification index portion of this article, in whole or in part, within the limits of the Town of Surfside Beach, South Carolina, is required to pay an annual license tax and obtain a business license as herein provided. Any business collecting monies or providing services that is conducted from a house or other structure within the town limits requires a business license. The insuring of any risk located within the town through any procedures constitutes doing business; therefore, a business license is required.

Sec. 4-2. - Definitions.

The following words, terms, and phrases, when used in this article, 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, for which a separate classification (as defined below) exists.

Charitable purpose means 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. A charitable organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to charitable purposes. Compensation in any form to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

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 town council.

Gross income means the total revenue of a business, received or accrued, for one (1) calendar year collected or to be collected from business done within the town, excepting there from income from business done wholly outside of the town on which a license tax is paid to some other municipality or a county and fully reported to the town. 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 that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other governmental agency.

License official means any person designated to administer this article.

Person means any individual, firm, partnership, LLP, LLC, cooperative nonprofit 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.

Place of business means a location identified by a unique and separate tax map number by the county assessor for Horry County, South Carolina.

Town means the Town of Surfside Beach, South Carolina.

Town council means the town council of the Town of Surfside Beach, South Carolina.

Sec. 4-3. - Purpose and duration.

The business license levied by this ordinance article is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for ~~twelve-month period of May 1 to April 30, one (1) year and shall expire on May 31.~~ **twelve-month period of May 1 to April 30.** The provisions of this ordinance article and the rates herein shall remain in effect from year to year as amended by town council.

Sec. 4-4. - 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 ~~due date of the 30th day of April~~ **due date of the 30th day of April** first day of June 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 or from that place of business. Where more than one (1) calling, business, occupation or profession is conducted at or from a place of business, a separate business license is required for each such calling, business, occupation or profession. If gross income cannot be separated for classifications at one (1) 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 (1) 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 discontinues operation or changes ownership prior to expiration of a license year.