

**TO ADOPT A REVISED BUSINESS LICENSE ORDINANCE IN ACCORDANCE WITH
THE BUSINESS LICENSE STANDARDIZATION ACT (2020 ACT NO. 176)**

WHEREAS, in September 2020 the South Carolina General Assembly adopted the South Carolina Business License Tax Standardization Act (2020 Act No. 176), now codified at the South Carolina Code Sections 6-1-400 to 6-1-420 (the "Act"); and

WHEREAS, the Act requires all municipalities and counties that impose a business license tax to adopt a standard business license year of May 1 through April 30; and

WHEREAS, the Act requires all municipalities and counties that impose a business license tax to utilize the Act's standardized business licensing requirements and class schedule; and

WHEREAS, the Act requires all municipalities and counties to update their business license class schedules by December 31 of every odd year based on the latest available Internal Revenue Service (IRS) statistics, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina, and adopted by the Director of the Revenue and Fiscal Affairs Office; and

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-21 on November 8, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the City Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act;

WHEREAS, the City Council of the Municipality (the "Council") now wishes to repeal and replace the Current Business License Ordinance in its entirety with the 2026 Business License Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF EASLEY, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, THAT**

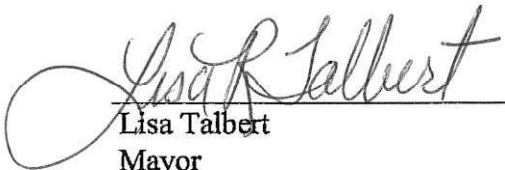
1. Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," are hereby amended and restated as set forth on the attached Appendix B.
2. ~~The attached 2026 Business License Ordinance is hereby adopted and shall become effective beginning with the business license period commencing on May 1, 2026.~~
3. All prior ordinances of the Municipality related to business licensing which are in effect at the time of this enactment are hereby repealed and replaced in they entirety with the 2026 Business License Ordinance; provided that any prior ordinances of the Municipality related to collections programs administered by the Municipal Association of South Carolina, including without limitation the Insurance Tax Collection Program (ITCP), the Brokers Tax Collection Program (BTCP), the

Telecommunications Tax Collection Program (TTCP), and Setoff Debt Collection Program, shall remain in full force and effect in accordance with their terms except to the extent to the extent specifically amended by the 2026 Business License Ordinance.

DONE AND RATIFIED in Council assembled on this 8 day of September, 2025.

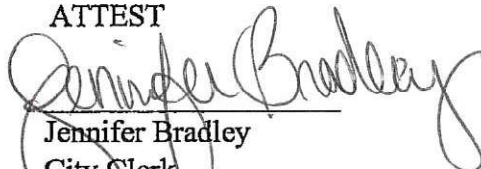
First Reading: August 11, 2025

Second Reading: September 8, 2025



Lisa Talbert
Mayor

ATTEST



Jennifer Bradley
City Clerk

Form, substance, and
number approved by
City Attorney



Daniel R. Hughes
City Attorney

Section 1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Easley, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

"Business" means any business, 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 that 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 NAICS codes 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.

"Council" means the City Council of the City of Easley.

"Domicile" means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

"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 Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee's gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. 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 receipts or gross revenues for business license purposes shall be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other

government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

"License Official" means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

"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 Easley, South Carolina.

"NAICS" means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

"Person" means any individual, firm, partnership, limited liability partnership, limited liability company, 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.

Section 3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2026, shall commence on May 1st, 2026 and shall run for a 12month period. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the

completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. Business License Tax, Refund

- A. The required business 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 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 business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. It is the responsibility of the licensee to report and pay on gross receipts up to and including the day of closing for businesses that are closing. It is the responsibility of the licensee to pay on gross receipts up to and including the day of closing for businesses that are selling.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, 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 the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.
- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and

the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants shall be required to submit copies of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies 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 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. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or licensee from existing business license or business license tax obligations.

Section 6. 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 by the business to some other municipality or 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. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. 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 affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.
- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable

organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to 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 business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure 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 business 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.

Section 11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may 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 business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose 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, starting on May 1. Penalties shall not be waived. If any business 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.

Section 13. Notices. The license official may, but shall not be required to, mail written notices that business 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.

Section 14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, 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;
- D. The applicant, licensee, 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;

- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. 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.
- H. The location compromises the safety, health and/or the welfare of public; or
- I. The applicant has failed to purchase any or all applicable state licenses; or
- J. The applicant failed to meet all building, zoning and fire codes.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. 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;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the Municipality of any tax or fee.
- G. A licensee has reported false records regarding gross receipts in the business license application; or
- H. A licensee has violated a law regarding fire, building, and/or zoning codes; or
- I. A licensee has failed to pay Hospitality Tax within 30 days of the due date; or
- J. A fraudulent check with insufficient funds is returned uncollected to the City and is not redeemed within ten (10) days after notice of the applicant.
- K. A licensee has failed to renew any applicable state license or has allowed an applicable state license to lapse.
- L. A licensee, or an employee of the licensee, has been convicted or forfeited bond for the

violation of a law or ordinance of the City, State or the United States pertaining to the following:

1. Sale, possession, storage or transportation of intoxicating liquors, wine or beer
 2. Drugs or narcotics
 3. Gambling
 4. Obscenity or pornography
 5. Prostitution
 6. Weapons violation
 7. Violent crimes, including but not limited to murder, assault and criminal sexual conduct
 8. Occupancy or use as a business of a structure which is substandard or unsafe.
- M. When any of the offenses listed in subsection (15) (L) of this section are committed on the premises of the business, or adjacent thereto, in connection with the operation by the owner, manager or any employee, and when due to the nature or frequency of such offenses the continued operation of the business would constitute a nuisance detrimental to the health, safety and welfare of the public, the license shall be revoked after notice set forth in this article.
- N. When any licensee shall operate or permit the operation of a business where there repeatedly occurs upon the premises, with the owner's or manager's actual or constructive knowledge:
1. Acts resulting in conviction for violations of City Ordinances or State or Federal law by a person;
 2. Occurrences of "found" illegal drugs or weapons during police operations or calls to the premises.
 3. Occurrences of felonies or any crime involving serious bodily harm;
 4. The unauthorized carrying of a deadly weapon;
 5. Excessive police responses to the premises for any of the grounds mentioned in this subsection; and the nature or frequency of such occurrences would constitute a nuisance detrimental to the health, safety, and/or welfare of the public.
- O. The applicant or manager of the business has a prior record of criminal convictions such as those listed in subsection (15) (L) of this section which render such applicant or manager unfit to engage in such licensed activities.
- P. A licensee or applicant has demonstrated inability or unwillingness to maintain a safe, crime-free and drug-free business environment. Examples shall include, but not be limited to, the failure to comply with State laws regarding private clubs and sale of alcohol, and lack of cooperation with law enforcement agencies.

The license official may 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 single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. 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 or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.
- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 et seq., the standardization act shall control.

Section 21. Classification and Rates.

- A. The business 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 ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$35.00	\$1.15
2	\$40.00	\$1.25
3	\$45.00	\$1.35
4	\$50.00	\$1.45
5	\$55.00	\$1.55
6	\$60.00	\$1.65
7	\$65.00	\$1.75
8.1	\$45.00	\$1.25 Inside Municipality
	\$90.00	\$2.50 Outside Municipality
8.2	Railroads set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$5.00 -OR- \$12.50 per table	
9.1	\$70.00	\$1.50
9.2	\$110.00	\$1.90
9.3	\$35.00	\$0.75
9.5	\$70.00	\$1.50
9.6	\$50.00	\$1.30
9.7	\$110.00	\$1.90

NON-RESIDENT RATES

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

CLASS 8 RATES

Each NAICS number designates a separate subclassification. 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, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

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

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000. \$ 45.00 PLUS

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

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

Non-resident rates, for contractors who do not have a permanent place of business within the Municipality

Minimum on first \$2,000. \$90.00 PLUS

Each additional \$1,000..... \$2.50

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

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

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

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

For licenses issued on a per-job basis, 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 report shall be filed for each new job

and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

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

For the first 1000 inhabitants of the City of Easley = \$25.00

For each additional 1,000 inhabitants according to the last US census = \$35.00 per 1,000

Cannot be over \$2,000

8.3 NAICS 517311, 517312 - Telephone Companies.

With respect to "retail telecommunications services" as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the "Telecommunications Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

- A. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services" as defined in S.C. Code Section 58-9-2200, shall be at the maximum rate authorized by S.C. Codes Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.
- B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

- D. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.
- F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.
- G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.
- H. As authorized by S.C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code Section 58-9-2200 shall continue in effect.

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

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

NAICS 51711 - Television: Cable or Pay.....See Franchise Services
Using public streets

8.4 NAICS 5241 – Insurance Companies.

Independent agents, brokers, and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the "Insurers and Brokers Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 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].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine..... \$12.50 PLUS

Business license \$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12 21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 - Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue

pursuant to S.C. Code §12-21-2720(A)(3) [Type III].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine. \$180.00 PLUS

Business license \$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 - Billiard or Pool Rooms, all types. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code §12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that.

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

Minimum on first \$2,000..... \$70.00

Per \$1,000, or fraction, over \$2,000.\$1.50

9.2 NAICS 522298 - Pawn Brokers — All Types

Minimum on first \$2,000..... \$110.00

Per \$1,000, or fraction, over \$2,000.\$1.90

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

(except auto supply stores — see 4413)

Minimum on first \$2,000. \$35.00

Per \$1,000, or fraction, over \$2,000.\$0.75

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 ownership.

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

9.50 NAICS 713290 — Bingo Halls, parlors

Minimum on first \$2,000..... \$70.00

Per \$1,000, or fraction, over \$2,000.....\$1.50

9.60 NAICS 711190 - Other Performing Arts Companies (Carnivals and Circuses)

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

Per \$1,000, or fraction, over \$2,000. \$1.30

9.70 NAICS 722410 — Drinking Places (Alcoholic Beverages)

Minimum on first \$2,000..... \$110.00

Per \$1,000, or fraction, over \$2,000. \$1.90

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.

APPENDIX B
2025 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	3
22	Utilities	1
31-33	Manufacturing	3
42	Wholesale trade	1
44-45	Retail trade	1
48-49	Transportation and warehousing	2
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	6
54	Professional, scientific, and technical services	4
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	3
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	3
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Non-Payout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6
Class 9	Subclasses	
423930	Recyclable Material Merchant Wholesalers (Junk)	9.1
522298	Pawnshops	9.2
4411	Automobile Dealers	9.3
4412	Other Motor Vehicle Dealers	9.3
713290	Bingo Halls	9.5
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.6
722410	Drinking Places (Alcoholic Beverages)	9.7
<i>2025 Class Schedule is based on a three-year average (2019-2021) of IRS statistical data.</i>		

Special Events

Shows: For purposes of this ordinance, a show (exhibit) is a group participation event in which exhibitors display in individual booths, stalls or any other specific division of an exhibit area, for the purpose of presenting to an audience, goods, wares, merchandise or services offered for sale, rent, promotional purposes, or for the general goodwill of the exhibitors. Shows generally are of two (2) types: trade shows and public shows.

(1) **Trade Show:** For purposes of this ordinance, the term "trade show" means an exhibition or show:

- i. To which the public generally is not invited;
- ii. Where those participating as exhibitors or observers generally have a common business or other interest;
- iii. Where registration of exhibitors and observers is structured and admission is restricted; and
- iv. Where on-floor sales are not the primary purpose.

(2) **Public Show:** For purposes of this ordinance, the term "public show" means any type of consumer-oriented show or exhibition:

- i. To which the public is invited and admitted, with or without charge; and
- ii. To which exhibitors present goods, ware, merchandise or services for sale, rent, or promotional purposes.

- A. The producer, promoter or sponsor of a trade show shall acquire a city business license prior to the opening of the show. The license shall be for a period not to exceed seven (7) consecutive days. The fee for the license shall be fixed from time to time by the city council and is set forth below.
- B. To obtain a license for a public or trade show, the producer, promoter or sponsor shall make application to the business license office at least ten (10) days prior to the scheduled event, naming the producer, promoter or sponsor, specifying the dates and location of the event, specifying the purpose of the event, and listing the exhibitors or participants, and shall pay the required fee. Not later than five (5) days after the close of the show, the producer, promoter or sponsor shall adjust the payment based on estimates to cover a license based on actual revenue received or number of exhibitors, whichever requires the greater payment. The Business License Official may inspect and audit the records of the producer, promoter or sponsor prior to, during or after the event. If he/she determines that any additional fee is due pursuant to this ordinance, the producer, promoter or sponsor shall pay the additional fee within ten (10) days of the Business License Official issuing notification to him/her of the additional fee.
- C. The exhibitors in any such public or trade show shall not be required to acquire a city business license if the producer, promoter or sponsor has obtained a license for the show. In case the producer, promoter or sponsor does not acquire a city business license for the show before the opening of the show, each exhibitor in the show shall acquire a Vendors

city business license for the show.

- (3) **Entertainment Events:** For the purposes of this ordinance, an entertainment event includes any performance or performances by an individual actor or performer or a cast or group of performers on a certain day, or within any seven (7) consecutive calendar days:
- i. To which the public is invited and admitted upon payment of a charge of admission; and
 - ii. To which is designed and produced for the entertainment and enlightenment of those attending.

Examples of entertainment events include but are not limited to an athletic game or match, a concert, a dance, a lecture, a play, a rodeo, a carnival and a circus.

- A. The producer, promoter or sponsor of an entertainment event shall acquire a city business license for the event. The license shall be for a period not to exceed seven (7) consecutive days. The fee for the license shall be fixed from time to time by the city council and is set forth in the fee schedule below.
- B. To obtain such a license for such an entertainment event, the producer, promoter or sponsor shall make application to the business license office at least ten (10) days prior to the scheduled event, naming the producer, promoter or sponsor, specifying the dates and location of the event, specifying the purpose of the event, and listing principal actors, conductors or performers, and shall pay the required fee. No later than five (5) days after the close of the event, the producer, promoter or sponsor shall adjust the payment based on estimates to cover a license based on actual revenue produced by the event. The Business License Official may inspect and audit the records of the producer, promoter or sponsor prior to, during or after the event. If he/she determines that any additional fee is due pursuant to this ordinance, the producer, promoter or sponsor shall pay the additional fee within ten (10) days of the Business License Official issuing notification to him of the additional fee.

(4) **City of Easley Sponsored Events:**

- i. City is exempt and not required to pay a business license fee.
- ii. Exhibitors, Vendors, and Peddlers would require an individual business license as specified in the City of Easley Business License Ordinance under their natural class.

Examples of City sponsored events include, but are not limited to, July 4th, Farmers Market, Spring Fling, Christmas Festivals and the Little League/Big League World Series.

(5) **Charitable, Educational and Religious and other Eleemosynary Organizations:**

- 5 i. That are exempt from Federal Income taxes under Internal Revenue Code section
1 501 C are exempt from the requirement that a city business license be obtained

for any entertainment or public event produced, promoted or sponsored by such organization.

- ii. Exhibitors, Vendors, and Peddlers not associated with the exempt organization would require an individual business license as specified in the City of Easley Business License Ordinance under their natural class.

Special Event Fee Schedule

The license shall be for a period not to exceed seven (7) consecutive days and the fee of the license shall be:

Trade/Public Shows

<u>Gross Receipts</u>	<u>Vendors</u>	<u>Base Fee</u>	<u>Additional Fee</u>	<u>Total Fee</u>
\$10,000.00	25	\$150.00	-	\$150.00
\$20,000.00	50	\$150.00	\$40.00	\$190.00
\$30,000.00	75	\$150.00	\$80.00	\$230.00
\$40,000.00	100	\$150.00	\$120.00	\$270.00
\$50,000.00	125	\$150.00	\$160.00	\$310.00
\$60,000.00	150	\$150.00	\$200.00	\$350.00
\$70,000.00	175	\$150.00	\$240.00	\$390.00
\$80,000.00	200	\$150.00	\$280.00	\$430.00
\$90,000.00	225	\$150.00	\$320.00	\$470.00
\$100,000.00	250	\$150.00	\$360.00	\$510.00
\$110,000.00	275	\$150.00	\$400.00	\$550.00
\$120,000.00	300	\$150.00	\$440.00	\$590.00
\$130,000.00	325	\$150.00	\$480.00	\$630.00
\$140,000.00	350	\$150.00	\$520.00	\$670.00
\$150,000.00	375	\$150.00	\$560.00	\$710.00
\$160,000.00	400	\$150.00	\$600.00	\$750.00
\$170,000.00	425	\$150.00	\$640.00	\$790.00
\$180,000.00	450	\$150.00	\$680.00	\$830.00
\$190,000.00	475	\$150.00	\$720.00	\$870.00
\$200,000.00	500	\$150.00	\$760.00	\$910.00

Entertainment Events

<u>Gross Receipts</u>	<u>Base Fee</u>	<u>Additional Fee</u>	<u>Total Fee</u>
\$10,000.00	\$150.00		\$150.00
\$20,000.00	\$150.00	\$100.00	\$250.00
\$30,000.00	\$150.00	\$200.00	\$350.00
\$40,000.00	\$150.00	\$300.00	\$450.00
\$50,000.00	\$150.00	\$400.00	\$550.00
\$60,000.00	\$150.00	\$500.00	\$650.00
\$70,000.00	\$150.00	\$600.00	\$750.00
\$80,000.00	\$150.00	\$700.00	\$850.00
\$90,000.00	\$150.00	\$800.00	\$950.00
\$100,000.00	\$150.00	\$900.00	\$1,050.00
\$110,000.00	\$150.00	\$1,000.00	\$1,150.00
\$120,000.00	\$150.00	\$1,100.00	\$1,250.00
\$130,000.00	\$150.00	\$1,200.00	\$1,350.00
\$140,000.00	\$150.00	\$1,300.00	\$1,450.00
\$150,000.00	\$150.00	\$1,400.00	\$1,550.00
\$160,000.00	\$150.00	\$1,500.00	\$1,650.00
\$170,000.00	\$150.00	\$1,600.00	\$1,750.00
\$180,000.00	\$150.00	\$1,700.00	\$1,850.00
\$190,000.00	\$150.00	\$1,800.00	\$1,950.00
\$200,000.00	\$150.00	\$1,900.00	\$2,050.00

THE EVENT FEES REFERENCED IN THIS SECTION OF THE BUSINESS LICENSE ORDINANCE ARE IN LIEU OF THE REQUIRED CITY OF EASLEY BUSINESS LICENSE TAX PAYABLE FOR EVENT PRODUCER, PROMOTER, SPONSOR OR VENDORS.

IT DOES NOT INCLUDE COSTS ASSOCIATED WITH CITY SERVICES SUCH AS, BUT NOT LIMITED TO, POLICE, FIRE, AND/OR PUBLIC WORKS.

IT IS THE RESPONSIBILITY OF THE PRODUCER, PROMOTER OR SPONSOR TO CONTACT THE APPROPRIATE CITY DEPARTMENTS TO MAKE ARRANGEMENTS FOR THEIR RESPECTIVE SERVICES.